



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2010/0064(COD)

19.1.2011

AMENDMENTS

38 - 342

Draft report
Roberta Angelilli
(PE452.564v01-00)

on the proposal for a directive of the European Parliament and of the Council
on combating the sexual abuse, sexual exploitation of children and child
pornography, repealing Framework Decision 2004/68/JHA

Proposal for a directive
(COM(2010)0094 – C7-0088/2010 – 2010/0064(COD))

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PE456.647v02-00

EN

United in diversity

EN

Amendment 38

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Draft legislative resolution

Citation 2

Draft legislative resolution

– having regard to Article 294(2), and **Article 82(2)** and **Article 83(1)** of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0088/2010),

Amendment

– having regard to Article 294(2), and **Articles 16**, 82(2) and 83(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0088/2010),

Or. en

Amendment 39

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Draft legislative resolution

Citation 2 a (new)

Draft legislative resolution

Amendment

– **having regard to Articles 7, 8, 11 and 24 of the Charter of Fundamental Rights of the European Union,**

Or. en

Amendment 40

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Draft legislative resolution

Citation 2 b (new)

Draft legislative resolution

Amendment

– **having regard to Articles 8 and 10 of the European Convention on Human Rights,**

Amendment 41

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Draft legislative resolution

Citation 2 c (new)

Draft legislative resolution

Amendment

– having regard to the 1989 United Nations Convention on the Rights of the Child, particularly Articles 19 and 34 thereof,

Or. en

Amendment 42

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Draft legislative resolution

Citation 2 d (new)

Draft legislative resolution

Amendment

– having regard to the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse,

Or. en

Amendment 43

Birgit Sippel

Draft legislative resolution

Paragraph 3

Draft legislative resolution

Amendment

3. Instructs its President to forward its position to the Council, the Commission *and* the national parliaments.

3. Instructs its President to forward its position to the Council, the Commission, the national parliaments *and the European Data Protection Supervisor.*

Amendment 44
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Sexual abuse and sexual exploitation of children, including child pornography constitute serious violations of fundamental rights, in particular the rights of the child to protection and care as is necessary for his or her well-being as stipulated by the UN Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union.

Amendment

(1) Sexual abuse and sexual exploitation of children, including child pornography constitute serious violations of ***the law and of*** fundamental rights, in particular the rights of the child to protection and care as is necessary for his or her well-being as stipulated by the UN Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union.

Amendment 45
Sophia in 't Veld, Cecilia Wikström

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Sexual abuse of children takes place most frequently in the direct environment of children, during a longer period, by figures of authority, such as parents, relatives, teachers, child minders, or religious leaders. The relationship of dependence between the victim and the perpetrator, strict social or moral conventions with the community, feelings of guilt and fear of retribution or exclusion by the community, make it extremely difficult for young victims to speak out, and sometimes they remain silent far into adulthood. This is an

important obstacle to effective prosecution of child abuse. Child abuse therefore often goes unreported or unpunished.

Or. en

Justification

A recent study (to be published in February 2011) shows that in about 30% of all cases parents were the abuser, 10% aunts and uncles, 10% grandparents and in about 8% of the cases their own brothers and sisters. Additionally 19% of the boys and about 10% of the girls have been abused by their own friends. In 10 to 20% of the cases children are being abused in institutions like school, sports clubs and the church.

Amendment 46
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Sexual abuse mainly occurs by a person familiar to the child and can occur within the home, school, community, youth or religious groups or state care for children.

Or. en

Amendment 47
Kinga Gál

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) In view of the increase in internet use, it is very important to draw attention to technical opportunities for prevention. There is a need to disseminate information material among parents and

those working in education concerning the use of suitable supervisory tools for the filtering of web content. Support should also be given to programmes and products which are suitable for filtering web content available via mobile phones and games consoles. Furthermore, there is a need for concrete measures to inform children and draw their attention to the dangers of the unauthorised accessing of information and pictures on public websites and the associated risk of abuse.

Or. hu

Amendment 48
Sophia in 't Veld

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Calls upon those signatories to the Convention on the Rights of the Child (Convention) that have not met the reporting obligations of Article 44 of the Convention, most notably Belgium, Cyprus, Greece, the Holy Seat, and Portugal, to submit to the Committee on the Rights of the Child, reports on the measures they have adopted to give effect to the rights recognized in the Convention and on the progress made on the enjoyment of those rights.

Or. en

Amendment 49
Anna Hedh

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Member States are encouraged to create mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection in line with the Council of Europe Convention CETS No. 201 on the Protection of Children against Sexual Exploitation and Sexual Abuse. In order to be able to properly evaluate the results of actions to combat sexual abuse, sexual exploitation and child pornography, the Union should continue to develop its work on methodologies and data collection methods to produce comparable statistics.

Or. en

Justification

There is a lack of reliable data on and knowledge of the magnitude of the crime and the effectiveness of policy measures to fight child sexual abuse and exploitation.

Amendment 50

Lena Ek

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The procedural position of children should be enhanced in accordance with their rights under the UN Convention on the Rights of the Child.

Or. sv

Amendment 51
Lena Ek

Proposal for a directive
Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) The authorities have a duty to acquire a good understanding of children and how they behave when faced with traumatic experiences, so as to ensure a high quality of evidence-taking and to reduce the stress placed on children when carrying out the necessary measures. This requires increased international cooperation and needs the authorities to ensure that sufficient resources are made available for investigations involving children.

Or. sv

Amendment 52
Mariya Nedelcheva

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Member States should ensure that children are protected against any form of sexual abuse and sexual exploitation. For that purpose, school should be the preferred institution for preventing this type of crime, through the introduction of information and awareness-raising programmes. This means that school staff should be suitably trained to inform children about their rights, teach them to recognise and avoid high-risk situations and encourage them to speak out if they have been victims of such crimes.

Or. fr

Amendment 53
Cecilia Wikström

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) This Directive does not govern Member States' policies with regard to consensual sexual activities in which children may be involved and which can be regarded as the normal discovery of sexuality in the course of human development, taking account of the different cultural and legal traditions and of new forms of establishing and maintaining relations among children and adolescents, including through information and communication technologies.

Amendment

(7) This Directive does not govern Member States' policies with regard to consensual sexual activities in which children may be involved and which can be regarded as the normal discovery of sexuality in the course of human development, taking account of the different cultural and legal traditions and of new forms of establishing and maintaining relations among children and adolescents, including through information and communication technologies. ***These issues fall outside of the scope of this Directive. It is up to Member States to define, with regard to these issues, what should and what should not be criminalised.***

Or. en

Amendment 54
Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) ***This*** Directive does not govern Member States' policies with regard to consensual sexual activities in which children may be involved and which can be regarded as the normal discovery of sexuality in the course of human development, taking account of the different cultural and legal traditions and of new forms of establishing and maintaining relations among children and adolescents, including through information and communication technologies.

Amendment

(7) ***Unless there is an element of abuse, coercion or exploitation, this*** Directive does not govern Member States' policies with regard to consensual sexual activities in which children may be involved and which can be regarded as the normal discovery of sexuality in the course of human development, taking account of the different cultural and legal traditions and of new forms of establishing and maintaining relations among children and adolescents, including through information and

communication technologies.

Or. en

Amendment 55
Iliana Malinova Iotova

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Member States should be encouraged to provide the necessary training during the education of future and current teachers and educational staff on the causes of behavioural changes in children and the possible changes in behaviour to look for.

Or. en

Amendment 56
Anna Hedh

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) When combating sexual abuse, sexual exploitation of children and child pornography full use should be made of existing instruments on seizure and confiscation of the proceeds of crime, such as the UN Convention against Transnational Organized Crime and its Protocols, the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime¹ and Council Framework Decision

2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property². The use of seized and confiscated instrumentalities and proceeds from the offences referred to in this Directive to support victims' assistance and protection, including compensation of victims, should be encouraged.

¹ *OJ L 182, 5.7.2001, p. 1.*

² *OJ L 68, 15.3.2005, p. 49.*

Or. en

Amendment 57

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive, effective investigation tools should be made available to those responsible for the investigation and prosecutions of such offences. These tools may include covert operations, *interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations.*

Amendment

(8) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive, effective investigation tools should be made available to those responsible for the investigation and prosecutions of such offences. These tools may include covert operations *or surveillance as long as the protection of privacy is respected in accordance with national and EU standards.*

Or. en

Amendment 58
Sophia in 't Veld

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive, effective investigation tools should be made available to those responsible for the investigation and prosecutions of such offences. These tools may include covert operations, interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations.

Amendment

(8) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive, effective investigation tools should be made available to those responsible for the investigation and prosecutions of such offences. These tools may include covert operations, interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations, ***but will only be used when full compliance with the principles of necessity and proportionality and judicial overview is ensured.***

Or. en

Amendment 59
Georgios Papanikolaou

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive,

Amendment

(8) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive,

effective investigation tools should be made available to those responsible for the investigation and prosecutions of such offences. These tools may include covert operations, interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations.

effective investigation tools should be made available to those responsible for the investigation and prosecutions of such offences. These tools may include covert operations, interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations. ***Cross-border cooperation is also considered essential, and Europol may assist in efforts to break up child pornography networks.***

Or. el

Amendment 60
Michèle Striffler

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) As preventive measures, Member States should ensure that information and awareness-raising campaign are accessible to everyone, taking particular care to ensure that they can be understood by children who are not yet able to read. To this end, notices which are sufficiently easy to understand and tailored to each age group should be displayed in all educational establishments (nursery, primary and secondary schools), and more generally in all places frequented by children.

Or. fr

Amendment 61
Tiziano Motti

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

Effective investigation tools and full cross-border cooperation to ensure rapid and efficient access to criminal records and international child abuse databases should be made available to those responsible for the investigation and prosecution of such offences, since children are entitled, as confirmed by the European Court of Human Rights, to State protection, in the form of effective deterrence, from such grave types of interference with essential aspects of their private lives. Such tools may include rapid detection of data traceable to internet users, in particular in the online spaces where grooming is most likely to take place and which guarantee users public anonymity, interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or transfers or other financial investigations, taking into account the principle of proportionality and subject to judicial review.

Or. it

Amendment 62
Sophia in 't Veld, Cecilia Wikström

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Member States should foster open dialogue and communication with countries outside the EU in order to be able to prosecute perpetrators, under the relevant national legislation, who travel outside EU borders for the purposes of sex tourism.

Amendment 63**Edit Bauer, Carlos Coelho, Simon Busuttil****Proposal for a directive****Recital 10***Text proposed by the Commission*

(10) Measures to protect child victims should be adopted in their best interest, taking into account an assessment of their needs. Child victims should have easy access to legal remedies, including free legal counselling and representation and measures to address conflicts of interest where abuse occurs in the family. Moreover, child victims should be protected from sanctions, for example under national legislation on immigration or prostitution, if they bring their case to the attention of competent authorities. Furthermore, participation in criminal proceedings by child victims should not cause additional trauma as a result of interviews or visual contact with offenders.

Amendment

(10) Measures to protect child victims ***and measures to adapt the justice system dealing with them*** should be adopted in their best interest, taking into account an assessment of their needs ***and of their right to be protected against the risk of repeated victimisation, especially through violation of their privacy, and giving their opinions and views due weight, as envisaged, for example, in the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime and in the Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice.*** Child victims should have easy access to legal remedies, including free legal counselling and representation and measures to address conflicts of interest where abuse occurs in the family. ***In that regard, child victims, and their parents if not implicated in the alleged abuse, should be fully informed about their rights, the services at their disposal, the progress and outcome of the proceedings, and legal counselling and representation should also be provided for claiming compensation. Furthermore, provisions should be made for non-implicated parents or guardians to receive adequate help and training in order to assist their child throughout the proceedings and the recovery period.*** Moreover, child victims should be protected from sanctions, for example under national legislation on immigration or prostitution, if they bring their case to the attention of competent authorities. Furthermore, participation in

criminal proceedings by child victims should not cause additional trauma as a result of interviews or visual contact with offenders.

Or. en

Amendment 64

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Measures to protect child victims should be adopted in their best interest, taking into account an assessment of their needs. Child victims should have easy access to legal remedies, including free legal counselling and representation and measures to address conflicts of interest where abuse occurs in the family. Moreover, child victims should be protected from sanctions, for example under national legislation on immigration or prostitution, if they bring their case to the attention of competent authorities. Furthermore, participation in criminal proceedings by child victims should not cause additional trauma as a result of interviews or visual contact with offenders.

Amendment

(10) Measures to protect child victims should be adopted in their best interest, taking into account an assessment of their needs, ***including the protection of their identity at all times. Such measures should also include the prevention of such abuse through the organisation of awareness-raising campaigns addressed to all parties concerned, including children, parents and education practitioners, in order for them to learn to recognise the signs of sexual abuse, both online and offline.*** Child victims should have easy access to legal remedies, including free legal counselling and representation and measures to address conflicts of interest where abuse occurs in the family. Moreover, child victims should be protected from sanctions, for example under national legislation on immigration or prostitution, if they bring their case to the attention of competent authorities. Furthermore, participation in criminal proceedings by child victims should not cause additional trauma as a result of interviews or visual contact with offenders.

Or. en

Amendment 65
Mariya Nedelcheva

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Given the serious nature of the psychological damage that sexual abuse can cause and the fact that child victims find it difficult - and are sometimes afraid - to talk, Member States should ensure that limitation periods take account of the exceptional nature of the offences. This period should be sufficiently long to ensure that, after coming of age, adults who lodge a complaint regarding offences committed against them in their childhood will not have their complaints rejected owing to the amount of time that has elapsed since the offences were committed. Similarly, adults who have been victims of sexual abuse in their childhood should be provided with suitable psychological support and legal assistance throughout - and if necessary after - the criminal proceedings.

Or. fr

Amendment 66
Iliana Malinova Iotova

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Child victims should be protected from sanctions and should receive the adequate legal support and counselling even where no criminal proceedings started.

Or. en

Amendment 67
Iliana Malinova Iotova

Proposal for a directive
Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) Child victims should not be confronted with visual contact with the offender during criminal proceedings.

Or. en

Amendment 68
Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive
Recital 11

Text proposed by the Commission

Amendment

(11) To prevent and minimise recidivism, offenders should ***be subject to an assessment of the danger posed by the offenders and the possible risks of repetition of sexual offences against children, and should*** have access to ***effective intervention*** programmes or ***measures*** on a voluntary basis.

(11) To prevent and minimise recidivism, offenders should have access to ***support*** programmes, ***treatment*** or ***care*** on a voluntary basis.

Or. en

Amendment 69
Anna Hedh

Proposal for a directive
Recital 11

Text proposed by the Commission

Amendment

(11) To prevent and minimise recidivism, offenders should be subject to an assessment of the danger posed by the offenders and the possible risks of repetition of sexual offences against

(11) To prevent and minimise recidivism, offenders should be subject to an assessment of the danger posed by the offenders and the possible risks of repetition of sexual offences against

children, and should have access to effective intervention programmes or measures on a voluntary basis.

children, and should have access to effective intervention programmes or measures on a voluntary basis. ***In order to ensure the effectiveness of the intervention measures, Member States are encouraged to regularly conduct assessments of methods and practises that give the best results, as well as to fund studies at EU-level that allow for comparisons and the exchange of best practises.***

Or. en

Justification

Better knowledge about the efficiency of prevention efforts is needed, since it is necessary to know that actions taken to prevent abuse are really working. At the same time it can be difficult for an individual Member State to independently conduct studies that are broad enough to provide reliable answers. Research at EU-level would therefore be useful.

Amendment 70

Birgit Sippel, Emine Bozkurt

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising activities ***involving regular contacts with*** children, where appropriate. Implementation of such prohibitions throughout the EU should be facilitated.

Amendment

(12) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising ***professional and volunteer activities related to the supervision of*** children, where appropriate. Implementation of such prohibitions throughout the EU should be facilitated.

Or. en

Amendment 71
Mariya Nedelcheva

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising activities involving regular contacts with children, where appropriate. Implementation of such prohibitions throughout the EU should be facilitated.

Amendment

(12) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising **any kind of** activities involving regular contacts with children, where appropriate. Implementation of such prohibitions throughout the EU should be facilitated.

Or. fr

Amendment 72
Cecilia Wikström

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising activities involving regular contacts with children, where appropriate. Implementation of such prohibitions throughout the EU should be facilitated.

Amendment

(12) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising **professional** activities involving regular contacts with children, where appropriate. Implementation of such prohibitions throughout the EU should be facilitated.

Or. en

Amendment 73

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) *Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising activities involving regular contacts with children, where appropriate.* Implementation of such prohibitions throughout the EU should be facilitated.

Amendment

(12) *In cases of recidivism, or attempts thereof, measures can be adopted by a judiciary authority in order to temporarily or permanently prevent any regular professional contacts between the offenders and children.* Implementation of such prohibitions throughout the EU should be facilitated.

Or. en

Amendment 74

Iliana Malinova Iotova

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

(12a) Convicted offenders should be prevented from any professional activities that directly involves care for children.

Amendment

Or. en

Amendment 75

Edit Bauer, Carlos Coelho

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Child *pornography*, which constitutes sex abuse images, is a specific type of content which cannot be construed as the

Amendment

(13) Child *sexual abuse material*, which constitutes sex abuse images, is a specific type of content which cannot be construed

expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source **and apprehend** those **guilty** of making distributing or downloading child abuse **images**. The EU, in particular through increased cooperation with third countries and **international organisations**, should seek to facilitate the effective removal by third country authorities of **websites containing child pornography, which are hosted** in their territory. **However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography.** For that purpose, **different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work.** Any such **developments must take account of** the rights of the end users, **adhere to existing legal and** judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. **The Safer Internet Programme has set up a network of hotlines whose goal is to collect**

as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child **sexual** abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web **by avoiding inefficient technical measures which not only leave the illegal material online but also lead to the re-victimisation of abused children.** Action is therefore necessary to remove the content at source **as quickly as possible, as well as to take action against those who are under strong suspicion** of making, distributing or downloading child **sexual** abuse **material**. The EU, in particular through increased cooperation with third countries and **with the help of bilateral or multilateral agreements**, should seek to facilitate the effective removal **and concurrent criminal prosecution** by third country authorities of **persons** in their territory **who placed child sexual abuse material on websites or caused its distribution over the Internet.** For that purpose **it is necessary to use the results of Safer Internet Programme, support and stimulate the Internet Service provider, as well as cooperate with the relevant NGOs and associations, like the Association of Internet Hotlines.** **Cooperation between the initiatives, public authorities and the Internet Service Providers industry** should be established and strengthened **to coordinate and expedite communication of notices, take-down efforts and evidence gathering for prosecution.** Any such **measures must respect** the rights of the end users, **be introduced by law, comply with** judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union.

information and to ensure coverage and exchange of reports on the major types of illegal content online.

Or. en

Amendment 76
Petra Kammerevert

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) *Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of*

Amendment

(13) *The depiction of sexual acts involving persons below the age of 18 years constitutes a type of content whose production, possession, dissemination, duplication or purchase is not safeguarded with reference to fundamental rights. The use of the term 'depiction of sexual acts' is intended to widen the concept of abuse to cover all sexual acts involving persons below the age of 18 years, even in cases where the latter are forced to perform the acts on themselves. Action is therefore necessary to remove the content at source as quickly as possible and apprehend and subject to the due process of law those guilty of making distributing or downloading such content. The EU, in particular through increased cooperation with third countries and international organisations and on the basis of bilateral or multilateral agreements, should seek to facilitate the effective removal by third country authorities of websites containing depictions of sexual acts involving persons below the age of 18 years, which are hosted in their territory. Cooperation with the International Association of Internet Hotlines (INHOPE) should be stepped up. In order to avoid duplication of work, cooperation between public authorities should be established and strengthened. Any such developments must*

conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, ***particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work***. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

Or. de

Amendment 77

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material ***by making it more difficult for offenders to upload such content onto the publicly accessible Web***. Action is therefore necessary to remove the content at source and apprehend those guilty of making distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective

Amendment

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material. Action is therefore necessary to remove the content at source and apprehend those guilty of making distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are

removal by third country authorities of websites containing child pornography, which are hosted in their territory. *However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.*

hosted in their territory. *For that purpose, mechanisms should be put in place to strengthen international cooperation between states, judicial and police authorities, and reporting points for child pornography in order to ensure the safe and fast removal such websites.*

Or. en

Amendment 78
Cecilia Wikström

Proposal for a directive
Recital 13

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and ***apprehend*** those ***guilty*** of making distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and ***international organisations***, should seek to facilitate the effective removal by third country authorities of ***websites containing child pornography, which are hosted*** in their territory. However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, ***mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography***. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for ***blocking*** access to such Internet pages. ***Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened***, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such ***developments*** must ***take account of*** the rights of the end users, adhere to existing

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source ***as quickly as possible as well as to apprehend and take action against*** those ***who are under strong suspicion*** of making, distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and ***with the help of bilateral or multilateral agreements***, should seek to facilitate the effective removal of ***Internet pages containing or disseminating child abuse material as well as facilitate the criminal prosecution*** by third country authorities of ***persons*** in their territory ***who placed child abuse material on websites or caused its distribution over the Internet***. However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, ***Member States may implement additional measures to restrict access by Internet users in their territory to Internet pages containing or disseminating child abuse material***. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order ***additional measures***, such as blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for ***restricting*** access to such Internet pages. ***All technical measures to eliminate or restrict access to Internet pages containing or disseminating child abuse material should be subject to a***

legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

strengthened cooperation between public authorities, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such **measures** must **respect** the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

Or. en

Justification

Stringent procedures should be set up through international agreements to ensure that immediate action is taken to remove illegal content at source while making sure that evidence is preserved for police investigation. It shall be up to the Member States to implement additional measures, such as blocking, to restrict access to an Internet page containing child abuse material.

Amendment 79 **Sabine Verheyen**

Proposal for a directive **Recital 13**

Text proposed by the Commission

(13) ***Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web.*** Action is therefore necessary to remove the content at source and apprehend those guilty of making distributing or

Amendment

(13) ***The depiction of sexual acts involving persons below the age of 18 years constitutes a type of content whose production, possession, dissemination, duplication or purchase is not safeguarded with reference to fundamental rights. The use of the term 'depiction of sexual acts' is intended to widen the concept of abuse to cover all sexual acts involving persons below the age of 18 years, even in cases where the***

downloading *child abuse images*. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing *child pornography*, which are hosted in their territory. ***However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work.*** Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

latter are forced to perform the acts on themselves. Action is therefore necessary to remove the content at source ***as quickly as possible*** and apprehend ***and subject to the due process of law*** those guilty of making distributing or downloading ***such content***. The EU, in particular through increased cooperation with third countries and international organisations ***and on the basis of bilateral or multilateral agreements***, should seek to facilitate the effective removal by third country authorities of websites containing ***depictions of sexual acts involving persons below the age of 18 years***, which are hosted in their territory. ***Cooperation with the International Association of Internet Hotlines (INHOPE) should be stepped up.*** In order to avoid duplication of work, cooperation between public authorities should be established and strengthened. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

Or. de

Amendment 80

Jean Lambert, Jan Philipp Albrecht, Françoise Castex

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making, distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory.

However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites

Amendment

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web ***and to ensure that investigation and prosecution of such crimes is prioritized.*** Action is therefore necessary to remove the content at source and apprehend those guilty of making, distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal ***and prosecution*** by third country authorities of websites containing child pornography, which are hosted in their territory. ***Cooperation*** between public authorities should be established and strengthened, particularly in the interest of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. ***Only in the case of difficulties in cooperation with third countries on removal and prosecution, member states may take up legal measures for restricting access to internet pages containing or disseminating child abuse images.*** The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of

containing child pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

illegal content online.

Or. en

Amendment 81
Lena Ek

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making, distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. ***However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in***

Amendment

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making, distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. ***With*** a view to the removal of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child

place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

Or. en

Amendment 82

Alexander Alvaro, Nadja Hirsch, Sophia in 't Veld

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult

Amendment

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult

for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making, distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory.

However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of

for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making, distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. ***With a view to the removal of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.***

illegal content online.

Or. en

Amendment 83

Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner, Anna Maria Corazza Bildt

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making, distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. However as, despite such efforts, the removal of child pornography content at its source *proves to be difficult* where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse

Amendment

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making, distributing or downloading child **sex** abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. However as, despite such efforts, the removal of child pornography content at its source *is often not possible* where the original materials are not located within the EU, *either because the State where the servers are hosted is not willing to cooperate or because obtaining removal of the material from the State concerned proves to be particularly long. Therefore*, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or *via non legislative measures* supporting and stimulating

content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

Or. en

Amendment 84
Michèle Striffler

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations,

Amendment

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations,

should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, *or supporting and stimulating* Internet Service Providers *on a voluntary basis* to develop codes of conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, *obliging* Internet Service Providers to develop codes of conduct and guidelines for blocking access to such Internet pages, *in order to increase their responsibilities*. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

Or. fr

Amendment 85
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making, distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such

Amendment

(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making, distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. ***Any webpage containing sexual abuse images of children originating from an EU Member State should be removed.*** However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interest of ensuring that national lists of websites

developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

containing child pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

Or. en

Amendment 86
Sophia in 't Veld

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Any possible personal data processed when implementing this Directive should be protected in accordance with all EU privacy and data protection rules.

Or. en

Amendment 87
Alexander Alvaro, Nadja Hirsch

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Any possible personal data processed when implementing this Directive should be protected in accordance with Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data

processed in the framework of police and judicial cooperation in criminal matters¹ as well as in accordance with Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector² (e-Privacy Directive) and in accordance with the principles laid down in the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, which all Member States have ratified.

¹ OJ L 350, 30.12.2008, p. 60.

² OJ L 201, 31.7.2002, p. 37.

Or. en

Amendment 88

Lena Ek

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The Commission should investigate the risks and possible downsides associated with blocking of websites. The investigation should assess the risk for erosion of the democratic rights of European citizens and take into account the prevalent use of blocking of websites in totalitarian societies to limit freedom of expression.

Or. en

Amendment 89

Sophia in 't Veld

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably human dignity, the prohibition of torture and inhuman or degrading treatment or punishment, the rights of the child, the right to liberty and security, freedom of expression and information, protection of personal data, the right to an effective remedy and to a fair trial and the principles of legality and proportionality of criminal offences and penalties. In particular, this Directive seeks to ensure full respect for those rights and has to be implemented accordingly.

Amendment

(15) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably human dignity, the prohibition of torture and inhuman or degrading treatment or punishment, the rights of the child, the right to liberty and security, freedom of expression and information, protection of *privacy and* personal data, the right to an effective remedy and to a fair trial and the principles of legality and proportionality of criminal offences and penalties. In particular, this Directive seeks to ensure full respect for those rights and has to be implemented accordingly.

Or. en

Amendment 90

Iliana Malinova Iotova

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

This Directive aims to establish minimum rules concerning the definition of criminal offences and sanctions in the area of sexual exploitation of children. It also aims to introduce common provisions to strengthen the prevention of the crime and the protection of its victims.

Amendment

This Directive aims to establish minimum rules concerning the definition of criminal offences and sanctions in the area of sexual *abuse and sexual* exploitation of children, *as well as the presentation of child sexual abuse material*. It also aims to introduce common provisions to strengthen the prevention of the crime and the protection of its victims.

Or. en

Amendment 91

Antigoni Papadopoulou

Proposal for a directive

Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) "child" shall mean any *person below* the age of **18 years**;

(a) "child" shall mean any *minor/person who has not reached* the age of *legal sexual consent under national law*;

Or. en

Amendment 92

Jean Lambert on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – point b – introductory part

Text proposed by the Commission

Amendment

(b) "child *pornography*" shall mean

(b) 'child *abuse material*' shall mean
(*This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.*)

Or. en

Amendment 93

Ernst Strasser

Proposal for a directive

Article 2 – paragraph 1 – point b – introductory part

Text proposed by the Commission

Amendment

(b) "child pornography" shall mean

(b) "child pornography" *or "child sex abuse material"* shall mean

Or. en

Amendment 94

Sonia Alfano

Proposal for a directive

Article 2 – paragraph 1 – point b – introductory part

Text proposed by the Commission

Amendment

(b) "child *pornography*" shall mean

(b) "child *abuse images*" shall mean

Justification

Child pornography and/or performances always involve sexual abuse of a child, and, therefore constitute evidence of a crime committed against a child. Recital 3 of the proposal recognises the link between the definition of “child pornography” and child sexual abuse. The use of the term “child pornography” in the proposal fails to acknowledge this link and weakens the proposals as it associates child abuse with conduct which, while pornographic, may be legal in an adult environment. Additionally, the word ‘pornography’ implies an element of consent on the part of the child and allows offenders and potential offenders to minimise the seriousness of what they are doing when they look at images.

Amendment 95**Edit Bauer, Carlos Coelho****Proposal for a directive****Article 2 – paragraph 1 – point b – introductory part***Text proposed by the Commission**Amendment*

(b) "child pornography" shall mean

(b) "child pornography" *or "child sexual abuse material"* shall mean

Or. en

Amendment 96**Petra Kammerevert****Proposal for a directive****Article 2 – paragraph 1 – point b – subpoint iii***Text proposed by the Commission**Amendment*

(iii) any material that visually depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of any person appearing to be a child, for primarily sexual purposes; or

deleted

Or. de

Amendment 97**Véronique Mathieu, Michèle Striffler, Jean-Marie Cavada****Proposal for a directive****Article 2 – paragraph 1 – point b – subpoint iii**

Text proposed by the Commission

(iii) any material ***that visually depicts any person appearing to be*** a child engaged in real or simulated sexually explicit conduct or ***any depiction of*** the sexual organs of ***any person appearing to be*** a child, for primarily sexual purposes; or

Amendment

(iii) any material ***showing*** a child ***or a virtual image of a child*** engaged in real or simulated sexually explicit conduct or ***showing*** the sexual organs of a child, ***or a virtual image thereof***, for primarily sexual purposes; or

Or. fr

Amendment 98
Cecilia Wikström

Proposal for a directive
Article 2 – paragraph 1 – point b – subpoint iv

Text proposed by the Commission

(iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a ***child, regardless of the actual existence of such*** child, for primarily sexual purposes.;

Amendment

(iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes;

Or. en

Amendment 99
Véronique Mathieu, Michèle Striffler, Jean-Marie Cavada

Proposal for a directive
Article 2 – paragraph 1 – point b – subpoint iv

Text proposed by the Commission

(iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, ***regardless of the actual existence of such child***, for primarily sexual purposes.;

Amendment

(iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child ***or of a virtual image thereof*** for primarily sexual purposes.;

Or. fr

Amendment 100
Iliana Malinova Iotova

Proposal for a directive
Article 2 – paragraph 1 – point b – subpoint iv

Text proposed by the Commission

(iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, regardless of the actual existence of such child, for primarily sexual purposes.;

Amendment

(iv) realistic images of a child engaged ***or depicted as being engaged*** in sexually explicit conduct or realistic images of the sexual organs of a child, regardless of the actual existence of such child, for primarily sexual purposes;

Or. en

Amendment 101
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 2 – paragraph 1 – point b – subpoint iv a (new)

Text proposed by the Commission

Amendment

(iva) child pornography does constitute a form of child abuse;

Or. en

Amendment 102
Jean Lambert on behalf of the Verts/ALE Group

Proposal for a directive
Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) 'child sexual exploitation in travel and tourism' shall mean the sexual exploitation of children by a person or persons who travel from their usual environment to a destination where they have sexual contact with children;

Or. en

Justification

UNWTO definition of tourist, 1997.

Amendment 103

Anna Hedh

Proposal for a directive

Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) 'child sexual exploitation in travel and tourism' shall mean the sexual exploitation of children by a person or persons who travel from their usual environment to a destination where they have sexual contact with children.

Or. en

Justification

Serious forms of child sexual abuse and exploitation currently not covered by EU legislation that would be criminalized by the proposed Directive encompass child sexual exploitation in travel and tourism. Whilst this is clearly recognized in the explanatory memorandum, the proposal fails to provide a definition of child sexual exploitation in travel and tourism. To address this problem, it is important that Member States agree on a common definition and harmonise their legislation accordingly. We therefore propose that child sexual exploitation in travel and tourism is explicitly defined as “the sexual exploitation of children by a person or persons who travel from their usual environment to a destination where they have sexual contact with children”. This would allow Member States to punish child sexual exploitation by any individual who does not normally live in the location where the abuse takes place, including domestic and international travellers.

Amendment 104

Sonia Alfano

Proposal for a directive

Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) 'child sexual exploitation in travel and tourism' shall mean the sexual exploitation of children by a person or persons who travel from their usual

environment to a destination where they have sexual contact with children.

Or. enJustification

Serious forms of child sexual abuse and exploitation currently not covered by EU legislation that would be criminalized by the proposed Directive encompass child sexual exploitation in travel and tourism. Whilst this is clearly recognized in the explanatory memorandum, the proposal fails to provide a definition of child sexual exploitation in travel and tourism. To address this problem, it is important that Member States agree on a common definition and harmonise their legislation accordingly. We therefore propose that child sexual exploitation in travel and tourism is explicitly defined as “the sexual exploitation of children by a person or persons who travel from their usual environment to a destination where they have sexual contact with children”. This would allow Member States to punish child sexual exploitation by any individual who does not normally live in the location where the abuse takes place, including domestic and international travellers.

Amendment 105
Sabine Verheyen, Alexander Alvaro

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that the intentional conduct ***referred to in paragraphs 2 to 5 is punishable.***

Amendment

1. ***Since criminal law systems are an integral aspect of the legal order of each individual Member State,*** Member States shall take the necessary measures to ensure that the ***forms of intentional conduct described below are laid down in law as criminal offences and, in accordance with their systems of criminal penalties, are punished by means of the imposition of sentences which reflect their seriousness.***

Or. de

Amendment 106
Sabine Verheyen

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

2. Causing, for sexual purposes, a ***child***

Amendment

2. Causing, for sexual purposes, a ***person***

who has not reached the age of sexual consent under national law to witness sexual abuse or sexual activities, even without having to participate, shall **be punishable by a maximum term of imprisonment of at least two years.**

who has not reached the age of sexual consent under national law to witness sexual abuse or sexual activities, even without having to participate, shall **constitute conduct as referred to in paragraph 1.**

Or. de

Amendment 107

Edit Bauer, Carlos Coelho, Simon Busuttil

Proposal for a directive Article 3 – paragraph 2

Text proposed by the Commission

2. Causing, **for sexual purposes**, a child who has not reached the age of sexual consent under national law to witness sexual abuse or sexual activities, even without having to participate, shall be punishable by a maximum term of imprisonment of at least **two** years.

Amendment

2. Causing a child who has not reached the age of sexual consent under national law to witness sexual abuse or sexual activities, even without having to participate, shall be punishable by a maximum term of imprisonment of at least **three** years.

Or. en

Amendment 108

Tiziano Motti

Proposal for a directive Article 3 – paragraph 2

Text proposed by the Commission

2. Causing, for sexual purposes, a child who has not reached the age of sexual consent under national law to witness sexual abuse or sexual activities, even without having to participate, shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

2. Causing, for sexual purposes, a child who has not reached the age of sexual consent under national law to witness sexual abuse or sexual activities, even without having to participate, shall be punishable by a maximum term of imprisonment of at least two years **and a ban on engaging in occupations involving any form of contact with children.**

Or. it

Amendment 109
Sabine Verheyen

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. Engaging in sexual activities with a **child** who has not reached the age of sexual consent under national law shall **be punishable by a maximum term of imprisonment of at least five years.**

Amendment

3. Engaging in sexual activities with a **person** who has not reached the age of sexual consent under national law shall **constitute conduct as referred to in paragraph 1.**

Or. de

Amendment 110
Tiziano Motti

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. Engaging in sexual activities with a child who has not reached the age of sexual consent under national law shall be punishable by a maximum term of imprisonment of at least five years.

Amendment

3. Engaging in sexual activities with a child who has not reached the age of sexual consent under national law shall be punishable by a maximum term of imprisonment of at least five years **and a ban on engaging in occupations involving any form of contact with children.**

Or. it

Amendment 111
Sabine Verheyen

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. Engaging in sexual activities with a **child**, where:
(i) abuse is made of a recognised position of trust, authority or influence over the **child shall be punishable by a maximum term of imprisonment of at least eight**

Amendment

4. Engaging in sexual activities with a **person below the age of 18**, where:
(i) abuse is made of a recognised position of trust, authority or influence over the **person**; or

years; or

(ii) abuse is made of a particularly vulnerable situation of the **child**, notably because of a mental or physical disability or a situation of dependence ***shall be punishable by a maximum term of imprisonment of at least eight years***; or

(iii) use is made of coercion, force or threats ***shall be punishable by a maximum term of imprisonment of at least ten years***.

(ii) abuse is made of a particularly vulnerable situation of the **person**, notably because of a mental or physical disability or a situation of dependence; or

(iii) use is made of coercion, force or threats,

shall constitute conduct as referred to in paragraph 1.

Or. de

Amendment 112
Tiziano Motti

Proposal for a directive
Article 3 – paragraph 4 – point iii

Text proposed by the Commission

(iii) use is made of coercion, force or threats shall be punishable by a maximum term of imprisonment of at least ten years.

Amendment

(iii) use is made of coercion, force or threats shall be punishable by a maximum term of imprisonment of at least ten years ***and a ban on engaging in occupations involving any form of contact with children.***

Or. it

Amendment 113
Sabine Verheyen

Proposal for a directive
Article 3 – paragraph 5

Text proposed by the Commission

5. Coercing a **child** into sexual activities with a third party shall ***be punishable by a maximum term of imprisonment of at least ten years***.

Amendment

5. Coercing a **person under the age of 18 years** into sexual activities with a third party shall ***constitute conduct as referred to in paragraph 1.***

Or. de

Amendment 114
Tiziano Motti

Proposal for a directive
Article 3 – paragraph 5

Text proposed by the Commission

5. Coercing a child into sexual activities with a third party shall be punishable by a maximum term of imprisonment of at least ten years.

Amendment

5. Coercing a child into sexual activities with a third party shall be punishable by a maximum term of imprisonment of at least ten years **and a ban on engaging in occupations involving any form of contact with children.**

Or. it

Amendment 115
Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive
Article 3 – paragraph 5

Text proposed by the Commission

5. Coercing a child into sexual activities with a third party shall be punishable by a maximum term of imprisonment of at least ten years.

Amendment

5. Coercing, **forcing or threatening** a child into sexual activities with a third party shall be punishable by a maximum term of imprisonment of at least ten years.

Or. en

Amendment 116
Iliana Malinova Iotova

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that the **intentional** conduct referred to in paragraphs 2 to 11 is punishable.

Amendment

1. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 2 to 11 is punishable.

Or. en

Amendment 117
Sabine Verheyen, Alexander Alvaro

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that the intentional conduct *referred to in paragraphs 2 to 11 is punishable*.

Amendment

1. *Since criminal law systems are an integral aspect of the legal order of each individual Member State*, Member States shall take the necessary measures to ensure that the *forms of intentional conduct described below are laid down in law as criminal offences and, in accordance with their systems of criminal penalties, are punished by means of the imposition of sentences which reflect their seriousness*.

Or. de

Amendment 118
Emine Bozkurt

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that *the intentional conduct* referred to in paragraphs 2 to 11 *is punishable*.

Amendment

1. Member States shall take the necessary measures to ensure that *actions with the aim to manipulate a child into crimes* referred to in paragraphs 2 to 11 *are punishable*.

Or. en

Amendment 119
Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. Causing a child to participate in pornographic performances shall be punishable by a maximum term of

Amendment

2. Causing *or recruiting* a child to participate in pornographic performances, *or profiting from or otherwise exploiting a*

imprisonment of at least two years.

child for such purposes, shall be punishable by a maximum term of imprisonment of at least **five years if the child has not reached the age of sexual consent, or of at least two years if the child is over that age.**

Or. en

Amendment 120
Sabine Verheyen

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. Causing a **child** to participate in pornographic performances shall **be punishable by a maximum term of imprisonment of at least two years.**

Amendment

2. Causing a **person below the age of 18** to participate in pornographic performances **shall constitute conduct as referred to in paragraph 1.**

Or. de

Amendment 121
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. Causing a child to participate in pornographic performances **shall be** punishable by a **maximum** term of imprisonment **of at least two years.**

Amendment

2. Causing a child to participate in pornographic performances **is child abuse and therefore** punishable by a term of imprisonment **as laid down by the Member State.**

Or. en

Amendment 122
Tiziano Motti

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. Causing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

2. Causing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years ***and a ban on engaging in occupations involving any form of contact with children.***

Or. it

Justification

Exploitation of child abuse must be punishable with stricter penalties and a ban on working in contact with children.

Amendment 123

Jan Mulder

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

2. Causing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

2. Causing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years ***and an appropriate fine.***

Or. en

Amendment 124

Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. Profiting from or otherwise exploiting a child participating in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

deleted

Amendment 125
Sabine Verheyen

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. Profiting from or otherwise exploiting a **child** participating in pornographic performances shall ***be punishable by a maximum term of imprisonment of at least two years.***

Amendment

3. Profiting from or otherwise exploiting a ***person under the age of 18 years*** participating in pornographic performances shall ***constitute conduct as referred to in paragraph 1.***

Or. de

Amendment 126
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. Profiting from or otherwise exploiting a child participating in pornographic performances ***shall be*** punishable by a ***maximum*** term of imprisonment ***of at least two years.***

Amendment

3. Profiting from or otherwise exploiting a child participating in pornographic performances ***is child abuse and therefore*** punishable by a term of imprisonment ***as laid down by the Member State.***

Or. en

Amendment 127
Tiziano Motti

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. Profiting from or otherwise exploiting a child participating in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

3. Profiting from or otherwise exploiting a child participating in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years ***and a ban on engaging in***

occupations involving any form of contact with children.

Or. it

Justification

Exploitation of child abuse must be punishable with stricter penalties and a ban on working in contact with children.

Amendment 128

Jan Mulder

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. Profiting from or otherwise exploiting a child participating in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

3. Profiting from or otherwise exploiting a child participating in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years ***and an appropriate fine.***

Or. en

Amendment 129

Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. ***Knowingly attending*** pornographic performances involving the participation of children ***shall be*** punishable by a ***maximum*** term of imprisonment ***of at least two years.***

Amendment

4. ***Attending*** pornographic performances involving the participation of children ***is child abuse and therefore*** punishable by a term of imprisonment ***as laid down by the Member State.***

Or. en

Amendment 130
Sabine Verheyen

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Knowingly attending pornographic performances involving the participation of **children** shall **be punishable by a maximum term of imprisonment of at least two years.**

Amendment

4. Knowingly attending pornographic performances involving the participation of **persons under the age of 18 years** shall **constitute conduct as referred to in paragraph 1.**

Or. de

Amendment 131
Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Knowingly attending pornographic performances involving the participation of **children** shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

4. Knowingly attending pornographic performances involving the participation of **a child** shall be punishable by a maximum term of imprisonment of at least two years **if the child has not reached the age of sexual consent or of at least one year if the child is over that age.**

Or. en

Amendment 132
Tiziano Motti

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Knowingly attending pornographic performances involving the participation of children shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

4. Causing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years **and a ban on engaging in occupations involving any form of contact with children.**

Justification

Exploitation of child abuse must be punishable with stricter penalties and a ban on working in contact with children.

Amendment 133

Jan Mulder

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. Knowingly attending pornographic performances involving the participation of children shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

4. Knowingly attending pornographic performances involving the participation of children shall be punishable by a maximum term of imprisonment of at least two years *and an appropriate fine.*

Or. en

Amendment 134

Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner

Proposal for a directive

Article 4 – paragraph 5

Text proposed by the Commission

5. Recruiting a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least five years.

Amendment

deleted

Or. en

Amendment 135

Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive

Article 4 – paragraph 5

Text proposed by the Commission

5. Recruiting a child to participate in

Amendment

5. Recruiting a child to participate in

pornographic performances *shall be* punishable by a *maximum* term of imprisonment *of at least five years*.

pornographic performances *is child abuse and therefore* punishable by a term of imprisonment *as laid down by the Member State*.

Or. en

Amendment 136
Sabine Verheyen

Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission

5. Recruiting a *child* to participate in pornographic performances shall *be punishable by a maximum term of imprisonment of at least five years*.

Amendment

5. Recruiting a *person below the age of 18* to participate in pornographic performances shall *constitute conduct as referred to in paragraph 1*.

Or. de

Amendment 137
Tiziano Motti

Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission

5. Recruiting a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least five years.

Amendment

5. Recruiting a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least five years *and a ban on engaging in occupations involving any form of contact with children*.

Or. it

Amendment 138
Jan Mulder

Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission

5. Recruiting a child to participate in

Amendment

5. Recruiting a child to participate in

pornographic performances shall be punishable by a maximum term of imprisonment of at least five years.

pornographic performances shall be punishable by a maximum term of imprisonment of at least five years **and an appropriate fine**.

Or. en

Amendment 139
Sabine Verheyen

Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission

6. Causing a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least five years.

Amendment

6. Any individual who causes a person below the age of 18 years to become involved in sexual activities or who exploits that involvement where money or other forms of remuneration or consideration are given or promised in exchange, regardless of whether this payment, promise or consideration is made to the person below the age of 18 years or to a third party, shall be guilty of intentional conduct within the meaning of paragraph 1.

Or. de

Amendment 140
Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner

Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission

6. Causing a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least five years.

Amendment

6. Causing **or recruiting** a child to participate in child prostitution, **or profiting from or otherwise exploiting a child for such purposes**, shall be punishable by a maximum term of imprisonment of at least **eight years if the child has not reached the age of sexual consent and of at least five years of imprisonment if the child is over that age**.

Amendment 141
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission

6. Causing a child to participate in child prostitution *shall be* punishable by a *maximum* term of imprisonment *of at least five years*.

Amendment

6. Causing a child to participate in child prostitution *is child abuse and therefore* punishable by a term of imprisonment *as laid down by the Member State*.

Amendment 142
Tiziano Motti

Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission

6. Causing a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least five years.

Amendment

6. Causing a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least five years *and a ban on engaging in occupations involving any form of contact with children*.

Justification

Exploitation of child abuse must be punishable with stricter penalties and a ban on working in contact with children.

Amendment 143
Jan Mulder

Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission

Amendment

6. Causing a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least five years.

6. Causing a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least five years *and an appropriate fine*.

Or. en

Amendment 144

Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner

**Proposal for a directive
Article 4 – paragraph 7**

Text proposed by the Commission

Amendment

7. Profiting from or otherwise exploiting a child participating in child prostitution shall be punishable by a maximum term of imprisonment of at least five years

deleted

Or. en

Amendment 145

Sabine Verheyen

**Proposal for a directive
Article 4 – paragraph 7**

Text proposed by the Commission

Amendment

7. Profiting from or otherwise exploiting a child participating in child prostitution shall be punishable by a maximum term of imprisonment of at least five years

deleted

Or. de

Amendment 146

Timothy Kirkhope on behalf of the ECR Group

**Proposal for a directive
Article 4 – paragraph 7**

Text proposed by the Commission

7. Profiting from or otherwise exploiting a child participating in child prostitution **shall be** punishable by a **maximum** term of imprisonment **of at least five years**

Amendment

7. Profiting from or otherwise exploiting a child participating in child prostitution **is child abuse and therefore** punishable by a term of imprisonment **as laid down by the Member State.**

Or. en

Amendment 147
Tiziano Motti

Proposal for a directive
Article 4 – paragraph 7

Text proposed by the Commission

7. Profiting from or otherwise exploiting a child participating in child prostitution shall be punishable by a maximum term of imprisonment of at least five years

Amendment

7. Profiting from or otherwise exploiting a child participating in child prostitution shall be punishable by a maximum term of imprisonment of at least five years **and a ban on engaging in occupations involving any form of contact with children.**

Or. it

Justification

Exploitation of child abuse must be punishable with stricter penalties and a ban on working in contact with children.

Amendment 148
Jan Mulder

Proposal for a directive
Article 4 – paragraph 7

Text proposed by the Commission

7. Profiting from or otherwise exploiting a child participating in child prostitution shall be punishable by a maximum term of imprisonment of at least five years

Amendment

7. Profiting from or otherwise exploiting a child participating in child prostitution shall be punishable by a maximum term of imprisonment of at least five years **and an appropriate fine.**

Amendment 149
Sabine Verheyen

Proposal for a directive
Article 4 – paragraph 8

Text proposed by the Commission

8. **Engaging** in sexual activities with a **child, where recourse is made to child prostitution** shall be **punishable by a maximum term of imprisonment of at least five years.**

Amendment

8. **Any individual who engages** in sexual activities with a **person below the age of 18 years and in exchange offers or promises money or other forms of remuneration or consideration, regardless of whether this payment, promise or consideration is made to the person below the age of 18 years or to a third party,** shall be **guilty of intentional conduct within the meaning of paragraph 1.**

Amendment 150
Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner

Proposal for a directive
Article 4 – paragraph 8

Text proposed by the Commission

8. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least five years.

Amendment

8. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least five years **if the child has not reached the age of sexual consent and of at least two years of imprisonment if the child is over that age.**

Amendment 151
Jan Mulder

Proposal for a directive
Article 4 – paragraph 8

Text proposed by the Commission

8. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least five years.

Amendment

8. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least five years ***and an appropriate fine.***

Or. en

Amendment 152
Tiziano Motti

Proposal for a directive
Article 4 – paragraph 8

Text proposed by the Commission

8. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least five years.

Amendment

8. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least five years ***and a ban on engaging in occupations involving any form of contact with children.***

Or. it

Justification

Exploitation of child abuse must be punishable with stricter penalties and a ban on working in contact with children.

Amendment 153
Iliana Malinova Iotova

Proposal for a directive
Article 4 – paragraph 8

Text proposed by the Commission

8. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least ***five*** years.

Amendment

8. Engaging in sexual activities ***or agreeing to engage*** with a child, ***irrespective of whether or not the sexual act is committed,*** where recourse is made to child prostitution shall be punishable by

a maximum term of imprisonment of at least **six** years.

Or. en

Amendment 154
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 4 – paragraph 8

Text proposed by the Commission

8. Engaging in sexual activities with a child, where recourse is made to child prostitution **shall be** punishable by a **maximum** term of imprisonment **of at least five years**.

Amendment

8. Engaging in sexual activities with a child, where recourse is made to child prostitution **is child abuse and therefore** punishable by a term of imprisonment **as laid down by the Member State**.

Or. en

Amendment 155
Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner

Proposal for a directive
Article 4 – paragraph 9

Text proposed by the Commission

9. Coercing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least eight years.

Amendment

9. Coercing **or forcing** a child to participate in pornographic performances, **or threatening a child for such purposes** shall be punishable by a maximum term of imprisonment of at least eight years **if the child has not reached the age of sexual consent, or of at least five years if the child is over that age**.

Or. en

Amendment 156
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 4 – paragraph 9

Text proposed by the Commission

9. Coercing a child to participate in pornographic performances ***shall be*** punishable by a ***maximum*** term of imprisonment ***of at least eight years***.

Amendment

9. Coercing a child to participate in pornographic performances ***is child abuse and therefore*** punishable by a term of imprisonment ***as laid down by the Member State***.

Or. en

Amendment 157
Sabine Verheyen

Proposal for a directive
Article 4 – paragraph 9

Text proposed by the Commission

9. Coercing a ***child*** to participate in pornographic performances shall ***be punishable by a maximum term of imprisonment of at least eight years***.

Amendment

9. Coercing a ***person below the age of 18*** to participate in pornographic performances shall ***constitute an activity as described in paragraph 1***.

Or. de

Amendment 158
Jan Mulder

Proposal for a directive
Article 4 – paragraph 9

Text proposed by the Commission

9. Coercing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least eight years.

Amendment

9. Coercing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least eight years ***and an appropriate fine***.

Or. en

Amendment 159
Tiziano Motti

Proposal for a directive
Article 4 – paragraph 9

Text proposed by the Commission

9. Coercing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least eight years.

Amendment

9. Coercing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least eight years ***and a ban on engaging in occupations involving any form of contact with children.***

Or. it

Amendment 160

Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner

Proposal for a directive

Article 4 – paragraph 10

Text proposed by the Commission

10. Recruiting a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least eight years.

Amendment

deleted

Or. en

Amendment 161

Sabine Verheyen

Proposal for a directive

Article 4 – paragraph 10

Text proposed by the Commission

10. Recruiting a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least eight years.

Amendment

10. Any individual who recruits or forces a person below the age of 18 years to become involved in sexual activities where money or other forms of remuneration or consideration are given or promised in exchange, regardless of whether this payment, promise or consideration is made to the person below the age of 18 years or to a third party, shall be guilty of intentional conduct within the meaning of paragraph 1.

Or. de

Amendment 162
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 4 – paragraph 10

Text proposed by the Commission

10. Recruiting a child to participate in child prostitution *shall be* punishable by a *maximum* term of imprisonment *of at least eight years*.

Amendment

10. Recruiting a child to participate in child prostitution *is child abuse and therefore* punishable by a term of imprisonment *as laid down by the Member State*.

Or. en

Amendment 163
Tiziano Motti

Proposal for a directive
Article 4 – paragraph 10

Text proposed by the Commission

10. Recruiting a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least eight years.

Amendment

10. Recruiting a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least eight years *and a ban on engaging in occupations involving any form of contact with children*.

Or. it

Amendment 164
Jan Mulder

Proposal for a directive
Article 4 – paragraph 10

Text proposed by the Commission

10. Recruiting a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least eight years.

Amendment

10. Recruiting a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least eight years *and an appropriate fine*.

Or. en

Amendment 165
Sabine Verheyen

Proposal for a directive
Article 4 – paragraph 11

Text proposed by the Commission

Amendment

11. Coercing a child into child prostitution shall be punishable by a maximum term of imprisonment of at least ten years.

deleted

Or. de

Amendment 166
Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner

Proposal for a directive
Article 4 – paragraph 11

Text proposed by the Commission

Amendment

11. Coercing a child into child prostitution shall be punishable by a maximum term of imprisonment of at least ten years.

11. Coercing ***or forcing*** a child into child prostitution, ***or threatening a child for such purposes***, shall be punishable by a maximum term of imprisonment of at least ten years ***if the child has not reached the age of sexual consent and of at least five years of imprisonment if the child is over that age.***

Or. en

Amendment 167
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 4 – paragraph 11

Text proposed by the Commission

Amendment

11. Coercing a child into child prostitution ***shall be*** punishable by a ***maximum*** term of imprisonment ***of at least ten years.***

11. Coercing a child into child prostitution ***is child abuse and therefore*** punishable by a term of imprisonment ***as laid down by the Member State.***

Amendment 168
Tiziano Motti

Proposal for a directive
Article 4 – paragraph 11

Text proposed by the Commission

11. Coercing a child into child prostitution shall be punishable by a maximum term of imprisonment of at least ten years.

Amendment

11. Coercing a child into child prostitution shall be punishable by a maximum term of imprisonment of at least ten years **and a ban on engaging in occupations involving any form of contact with children.**

Or. it

Amendment 169
Jan Mulder

Proposal for a directive
Article 4 – paragraph 11

Text proposed by the Commission

11. Coercing a child into child prostitution shall be punishable by a maximum term of imprisonment of at least ten years.

Amendment

11. Coercing a child into child prostitution shall be punishable by a maximum term of imprisonment of at least ten years **and an appropriate fine.**

Or. en

Amendment 170
Sabine Verheyen

Proposal for a directive
Article 5 – title

Text proposed by the Commission

Offences concerning **child pornography**

Amendment

Offences concerning **the depiction of sexual acts involving persons below the age of 18 years**

Or. de

Amendment 171
Sabine Verheyen, Alexander Alvaro

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that the intentional conduct *referred to in paragraphs 2 to 6 is punishable.*

Amendment

1. *Since criminal law systems are an integral aspect of the legal order of each individual Member State, Member States shall take the necessary measures to ensure that the forms of intentional conduct described below are laid down in law as criminal offences and, in accordance with their systems of criminal penalties, are punished by means of the imposition of sentences which reflect their seriousness.*

Or. de

Amendment 172
Sabine Verheyen

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. Acquisition or possession of *child pornography* shall *be punishable by a maximum term of imprisonment of at least one year.*

Amendment

2. Acquisition or possession of *material containing depictions of sexual acts involving persons below the age of 18* shall *constitute an activity as described in paragraph 1.*

Or. de

Amendment 173
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. Acquisition or possession of child pornography shall be punishable by a

Amendment

2. Acquisition or possession of child pornography shall be punishable by a term

maximum term of imprisonment *of at least one year*.

of imprisonment *as laid down by the Member State*.

Or. en

Amendment 174
Jan Mulder

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. Acquisition or possession of child pornography shall be punishable by a maximum term of imprisonment of at least one year.

Amendment

2. Acquisition or possession of child pornography shall be punishable by a maximum term of imprisonment of at least one year *and an appropriate fine*.

Or. en

Amendment 175
Sophia in 't Veld

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. Knowingly obtaining access, *by means of information and communication technology*, to child pornography shall be punishable by a maximum term of imprisonment of at least one year.

Amendment

3. Knowingly obtaining access to child pornography shall be punishable by a maximum term of imprisonment of at least one year.

Or. en

Amendment 176
Sabine Verheyen

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. Knowingly obtaining access, by means of information and communication technology, to *child pornography* shall *be punishable by a maximum term of*

Amendment

3. Knowingly obtaining access, by means of information and communication technology, to *depictions of sexual acts involving persons below the age of 18*

imprisonment of at least one year.

shall *constitute conduct as defined in paragraph 1.*

Or. de

Amendment 177

Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

3. Knowingly obtaining access, by means of information and communication technology, to child pornography shall be punishable by a *maximum* term of imprisonment *of at least one year.*

Amendment

3. Knowingly obtaining access, by means of information and communication technology, to child pornography shall be punishable by a term of imprisonment *as laid down by the Member State.*

Or. en

Amendment 178

Jan Mulder

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

3. Knowingly obtaining access, by means of information and communication technology, to child pornography shall be punishable by a maximum term of imprisonment of at least one year.

Amendment

3. Knowingly obtaining access, by means of information and communication technology, to child pornography shall be punishable by a maximum term of imprisonment of at least one year *and an appropriate fine.*

Or. en

Amendment 179

Vilija Blinkevičiūtė

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

3. Knowingly obtaining access, by means

Amendment

3. Knowingly obtaining access, by means

of information and communication technology, to child pornography shall be punishable by a maximum term of imprisonment of at least one year.

of information and communication technology, to child pornography shall be punishable by a maximum term of imprisonment of at least one year. ***Any deliberate act of consumption of child pornography shall be regarded as illegal, whether the material watched was saved on the offender's computer or not. If the offender deliberately watches child pornography, irrespective of whether the images have been saved on his or her computer or not, he or she shall be guilty of the repeat victimisation of the child depicted in the material. In addition, there is a risk that the offender's sexual interest in children may increase.***

Or. It

Amendment 180
Sabine Verheyen

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. Distribution, dissemination or transmission of ***child pornography*** shall ***be punishable by a maximum term of imprisonment of at least two years.***

Amendment

4. Distribution, dissemination or transmission of ***the depiction of sexual acts involving persons under the age of 18 years*** shall ***constitute conduct as referred to in paragraph 1.***

Or. de

Amendment 181
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. Distribution, dissemination or transmission of child pornography shall be punishable by a ***maximum*** term of imprisonment ***of at least two years.***

Amendment

4. Distribution, dissemination or transmission of child pornography shall be punishable by a term of imprisonment ***as laid down by the Member State.***

Amendment 182
Jan Mulder

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. Distribution, dissemination or transmission of child pornography shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

4. Distribution, dissemination or transmission of child pornography shall be punishable by a maximum term of imprisonment of at least two years **and an appropriate fine.**

Amendment 183
Sabine Verheyen

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

5. Offering, supplying or making available **child pornography** shall **be punishable by a maximum term of imprisonment of at least two years.**

Amendment

5. Offering, supplying or making available **depictions of sexual acts involving persons below the age of 18** shall **constitute conduct as defined in paragraph 1.**

Amendment 184
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

5. Offering, supplying or making available child pornography shall be punishable by a **maximum** term of imprisonment **of at least two years.**

Amendment

5. Offering, supplying or making available child pornography shall be punishable by a term of imprisonment **as laid down by the Member State.**

Amendment 185
Jan Mulder

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

5. Offering, supplying or making available child pornography shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

5. Offering, supplying or making available child pornography shall be punishable by a maximum term of imprisonment of at least two years ***and an appropriate fine.***

Or. en

Amendment 186
Sabine Verheyen

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. Production of ***child pornography*** shall ***be punishable by a maximum term of imprisonment of at least five years.***

Amendment

6. Production of ***depictions of sexual acts involving persons below the age of 18*** shall ***constitute conduct as defined in paragraph 1.***

Or. de

Amendment 187
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. Production of child pornography shall be punishable by a ***maximum*** term of imprisonment ***of at least five years.***

Amendment

6. Production of child pornography shall be punishable by a term of imprisonment ***as laid down by the Member State.***

Or. en

Amendment 188
Jan Mulder

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. Production of child pornography shall be punishable by a maximum term of imprisonment of at least five years.

Amendment

6. Production of child pornography shall be punishable by a maximum term of imprisonment of at least five years **and an appropriate fine**.

Or. en

Amendment 189
Cecilia Wikström

Proposal for a directive
Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. It shall be within the discretion of the Member States to decide whether this Article applies to cases involving child pornography, as referred to in Article 2(b)(iii), where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.

Or. en

Amendment 190
Petra Kammerevert

Proposal for a directive
Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Solicitation of children for sexual purposes

Member States shall take the necessary measures to ensure that the following intentional conduct is punishable:

The proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3(3) and Article 5(6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least two years.

Or. de

Amendment 191
Sabine Verheyen

Proposal for a directive
Article 6 – introductory part

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the following intentional conduct is punishable:

Amendment

Member States shall take the necessary measures to ensure that the following intentional conduct is punishable **and that, in accordance with their system of criminal penalties, the crime is punished by means of the imposition of a sentence which reflects its seriousness:**

Or. de

Amendment 192
Emine Bozkurt

Proposal for a directive
Article 6 – introductory part

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the following **intentional** conduct **is** punishable:

Amendment

Member States shall take the necessary measures to ensure that **actions with the aim to manipulate a child for the following conduct are** punishable:

Or. en

Amendment 193

Cornelia Ernst, Rui Tavares, Kyriacos Triantaphyllides

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

The proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

To influence, as an adult, a child who has not reached the age of sexual consent under national law, by means of written or spoken word or by the showing of pornographic material, in order to commit any of the offences referred to in Article 3 (3), Article 4 (2), and Article 5 (6), shall be punishable by a maximum term of imprisonment of at least two years.

Or. en

Amendment 194

Birgit Sippel

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

The proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

Where an adult attracts a child who has not reached the age of sexual consent under national law, including by means of information and communication technology, to commit any of the offences referred to in Articles 3 (3) and Article 5 (6), this shall be punishable by a maximum term of imprisonment of at least two years.

Or. en

Amendment 195
Sabine Verheyen

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

The proposal, by means of information and communication technology, by an adult to meet a **child** who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3(3) and Article 5(6), where this proposal has been followed by material acts leading to such a meeting, **shall be punishable by a maximum term of imprisonment of at least two years.**

Amendment

A proposal, by means of information and communication technology, by an adult to meet a **person** who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3(3) and 5(6), where this proposal has been followed by material acts leading to such a meeting.

Or. de

Amendment 196
Jean Lambert on behalf of the Verts/ALE Group

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

The proposal, by means *of* information and communication technology, by an adult to meet a child **who has not reached the age of sexual consent under national law**, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

The proposal, by **any** means **including** information and communication technology, by an adult to meet **or otherwise solicit** a child for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting **or contact**, shall be punishable by a maximum term of imprisonment of at least two years.

Or. en

Amendment 197
Sophia in 't Veld

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

The proposal, *by means of information and communication technology*, by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

The proposal by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least two years.

Or. en

Amendment 198
Vilija Blinkevičiūtė

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

The proposal, *by means of information and communication technology*, by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

The proposal by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least two years.

Or. lt

Justification

Since the soliciting of children is an activity not confined to the internet, the words 'by means of information and communication technology' should be deleted.

Amendment 199
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

The proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a **maximum** term of imprisonment **of at least two years**.

Amendment

The proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a term of imprisonment **as laid down by the Member State**.

Or. en

Amendment 200
Jan Mulder

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

The proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least two years.

Amendment

The proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least two years **and an appropriate fine**.

Or. en

Amendment 201
Vilija Blinkevičiūtė

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Criminalisation of the soliciting of children for sexual purposes is necessary so that the police can prevent an imminent meeting between a child and an offender, rather than having to wait until actual acts of violence take place.

Or. lt

Amendment 202
Sabine Verheyen

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that the instigation of, aiding and abetting to commit any of the offences referred to in Articles 3 to 6 ***is punishable.***

1. Member States shall take the necessary measures to ensure that the instigation of, aiding and abetting to commit any of the offences referred to in Articles 3 to 6 ***are laid down in law as criminal offences and, in accordance with their systems of criminal penalties, are punished by means of the imposition of sentences which reflect their seriousness.***

Or. de

Amendment 203
Sabine Verheyen

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall take the necessary measures to ensure that attempts to commit any of the offences referred to in Article 3

2. Member States shall take the necessary measures to ensure that attempts to commit any of the offences referred to in Article 3

(3) to (5), and (2) with regard to witnessing sexual abuse; Article 4 (2) to (3) and (5) to (11); and Article 5 (2) and (4) to (6) **is punishable.**

(3) to (5), and (2) with regard to witnessing sexual abuse; Article 4 (2) to (3) and (5) to (11); and Article 5 (2) and (4) to (6) **are laid down in law as criminal offences and, in accordance with their systems of criminal penalties, are punished by means of the imposition of sentences which reflect their seriousness.**

Or. de

Amendment 204

Sabine Verheyen

Proposal for a directive

Article 7 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall take the necessary measures to **ensure that** the following intentional conduct **is punishable**:

Amendment

3. Member States shall take the necessary measures to **prevent or prohibit** the following forms of intentional conduct **and lay them down in law as criminal offences and, in accordance with their systems of criminal penalties, punish them by means of the imposition of sentences which reflect their seriousness**:

Or. de

Amendment 205

Jean Lambert on behalf of the Verts/ALE Group

Proposal for a directive

Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) the organisation of travel arrangements with the purpose of committing any of the offences referred to in Articles 3 to 6.

Amendment

(b) the organisation of travel **and/or other** arrangements with the purpose of committing any of the offences referred to in Articles 3 to 6.

Or. en

Justification

In relation to the organisation of child sex tourism, it must be recalled that actors facilitating sexual abuse and exploitation of a child include not only those who arrange travels (such as tour operators and travel agencies) but also a number of intermediaries which provide other services (such as hotels, hostels, tour guides, translation services etc.).

Amendment 206

Anna Hedh

Proposal for a directive

Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) the organisation of travel arrangements with the purpose of committing any of the offences referred to in Articles 3 to 6.

Amendment

(b) the organisation of travel arrangements **and/or other arrangements** with the purpose of committing any of the offences referred to in Articles 3 to 6.

Or. en

Justification

In relation to the organisation of child sex tourism, it must be recalled that actors facilitating sexual abuse and exploitation of a child includes not only those who arrange travels (such as tour operators and travel agencies) but also a number of intermediaries which provide other services (such as hotels, hostels, tour guides, translation services etc.).

Amendment 207

Sonia Alfano

Proposal for a directive

Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) the organisation of travel arrangements with the purpose of committing any of the offences referred to in Articles 3 to 6.

Amendment

(b) the organisation of travel **and/or other** arrangements with the purpose of committing any of the offences referred to in Articles 3 to 6.

Or. en

Justification

In relation to the organisation of child sex tourism, it must be recalled that actors facilitating

sexual abuse and exploitation of a child includes not only those who arrange travels (such as tour operators and travel agencies) but also a number of intermediaries which provide other services (such as hotels, hostels, tour guides, translation services etc.).

Amendment 208

Sonia Alfano

Proposal for a directive

Article 7 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) material acts in connection with travel for the purpose of having sexual intercourse with a child leading to a meeting, regardless of the actual sexual abuse and exploitation of the child.

Or. en

Justification

Punishing the intent to commit offences related to child sexual exploitation in travel and tourism serves to strengthen preventive measures and stop travelling offenders before they act upon their malevolent intents.

Amendment 209

Anna Hedh

Proposal for a directive

Article 7 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) material acts in connection with travel for the purpose of having sexual intercourse with a child leading to a meeting, regardless of the actual sexual abuse and exploitation of the child.

Or. en

Amendment 210

Edit Bauer, Carlos Coelho, Simon Busuttil

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

The provisions of Article 3 (2), with regard to witnessing sexual activities, and (3); Article 4 (2) and (4) and Article 5 **do not govern** consensual sexual activities between children or involving persons who are close in age and degree of psychological and physical development or maturity, insofar as the acts did not involve any abuse.

Amendment

At the discretion of the courts on a case by case basis and in accordance with national provisions for the implementation of the law concerning the age of sexual consent, the provisions of Article 3 (2), with regard to witnessing sexual activities, and (3), Article 4 (2) and (4) and Article 5 **may be waived for** consensual sexual activities between children or involving persons who are close in age and degree of psychological and physical development or maturity, insofar as the acts did not involve any abuse, **including that defined in Article 3(4) and (5).**

Or. en

Amendment 211

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

The provisions of Article 3 (2), with regard to witnessing sexual activities, and (3); Article 4 (2) and (4) and Article 5 do not govern consensual sexual activities between children or involving persons who are close in age and degree of psychological and physical development or maturity, insofar as the acts did not involve any abuse.

Amendment

The provisions of Article 3 (2), with regard to witnessing sexual activities, and (3), Article 4 (2) and (4) and Article 5 do not govern consensual sexual activities between children or involving persons who are close in age and degree of psychological and physical development or maturity, insofar as the acts did not involve any abuse, **exploitation, coercion, force or threats.**

Or. en

Amendment 212

Birgit Sippel

Proposal for a directive

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that where the offences referred to in Articles 3 to 5 are committed by a child, they shall be subject to appropriate alternative measures adapted to specific re-educational needs under national law, having due regard to the age of the offender, the need to avoid criminalisation and the objective of social reintegration of the child.

Or. en

Amendment 213

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the child has not reached the age of sexual consent under national law;

(a) the child has not reached the age of sexual consent under national law, ***or exhibits signs of slower physical and psychological development;***

Or. en

Amendment 214

Salvatore Iacolino, Clemente Mastella

Proposal for a directive

Article 9 – paragraph 1 – point b

Text proposed by the Commission

Amendment

b) the offence was committed against a child in a particularly vulnerable situation, notably because of a mental or physical disability or a situation of dependence;

b) the offence was committed against a child in a particularly vulnerable situation, notably because of a mental or physical disability or a situation of dependence ***or of a temporary alteration in psychophysical perception connected with taking drugs, drinking alcohol, or any other recognised type of dependence;***

Or. it

Amendment 215
Mariya Nedelcheva

Proposal for a directive
Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) the offence was committed by a member of the family, a person cohabiting with the child or a person having abused their authority;

Amendment

(c) the offence was committed by a member of the family, a person cohabiting with the child or a person having abused their ***recognised position of trust, authority or influence over the child***;

Or. fr

Amendment 216
Alexander Alvaro, Nadja Hirsch

Proposal for a directive
Article 9 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the offence was committed in the context of travel abroad, where such travel was organised or undertaken for committing any of the offences referred to in Articles 3 to 6;

Or. en

Amendment 217
Iliana Malinova Iotova

Proposal for a directive
Article 9 – paragraph 1 – point h

Text proposed by the Commission

(h) the offence involved serious violence or caused serious harm to the child.

Amendment

(h) the offence involved serious violence or ***threat or*** caused ***or was likely to cause*** serious harm to the child.

Or. en

Amendment 218
Birgit Sippel, Emine Bozkurt

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 may be temporarily or permanently prevented from exercising activities *involving regular contacts with* children.

Amendment

1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 may be temporarily or permanently prevented from exercising *professional and volunteer* activities *related to the supervision of* children.

Or. en

Amendment 219
Sophia in 't Veld

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 may be temporarily or permanently prevented from exercising activities involving *regular* contacts with children.

Amendment

1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 may be temporarily or permanently prevented from exercising activities involving contacts with children *who are being placed in their care*.

Or. en

Amendment 220
Ioan Enciu

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 **may** be temporarily or permanently prevented from exercising activities involving regular contacts with children.

Amendment

1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 **should** be temporarily or permanently prevented from exercising activities involving regular contacts with children.

Or. en *Justification*

Member States should have an obligation to ensure that the persons convicted of any of the offences referred to in the Directive will be prevented from exercising activities involving regular contacts with children.

Amendment 221
Mariya Nedelcheva

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 may be temporarily or permanently prevented from exercising activities involving regular contacts with children.

Amendment

1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 may be temporarily or permanently prevented from exercising **any kind of** activities involving regular contacts with children.

Or. fr

Amendment 222
Jean Lambert on behalf of the Verts/ALE Group

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that the **measure** referred to in **paragraph 1** is entered in the criminal record of the **convicting** Member State.

Amendment

2. Member States shall take the necessary measures to ensure that **employers, when recruiting a candidate for professions working with children and/or a person for activities involving regular contacts with children, are obliged to inform themselves, in accordance with national law, by any appropriate way, such as direct access, access upon request or via the person concerned, of the existence of possible convictions for an offence** referred to in **Articles 3 to 7** entered in the criminal record, **or of any disqualifications to exercise activities involving regular contacts with children arising from a conviction for an offence referred to in Articles 3 to 7. Where applicable, the criminal record of any Member State in which the candidate was resident for more than two years should be checked.**

Or. en

Amendment 223
Jan Mulder

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that the **measure** referred to in **paragraph 1** is **entered in the criminal record** of the **convicting Member State**.

Amendment

2. Member States **authorities** shall **insure by any appropriate means and in accordance with national law that such information may also be obtained from the criminal records held in other Member States. Member States shall** take the necessary measures to ensure that **when recruiting personnel for activities which involve contacts with children, employers shall be entitled to obtain information from competent authorities in any Member State concerning the existence of convictions for an offence** referred to in **Articles 3 to 7 or of any additional**

measure related to those convictions. If serious suspicion should arise during working relations, employers may, in accordance with national law, request such information even after the recruitment procedure.

Or. en

Amendment 224

Ernst Strasser, Axel Voss, Manfred Weber, Hella Ranner

Proposal for a directive Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that the *measure* referred to in *paragraph 1* is entered in the *criminal record of the convicting Member State*.

Amendment

2. Member States shall take the necessary measures to ensure that *employers, when recruiting a person for professional activities involving regular contacts with children, are entitled to be informed, in accordance with national law, by any appropriate way, such as direct access, access upon request or via the person concerned, of the existence of convictions for an offence referred to in Articles 3 to 7 entered in the criminal record, or of any disqualification to exercise activities involving regular contacts with children arising from a conviction for an offence referred to in Article 3 to 7. If serious suspicion should arise during working relations, employers may, in accordance with national law, request such information even after the recruitment procedure. Member States authorities shall ensure, by any appropriate means and in accordance with national law, that such information may also be obtained from the criminal records held in other Member States.*

Or. en

Amendment 225
Alexander Alvaro, Nadja Hirsch

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that ***the measure*** referred to in ***paragraph 1 is entered in the criminal record of the convicting Member State.***

Amendment

2. Member States shall take the necessary measures to ensure that ***when recruiting for professional activities which involve contacts with children, employers shall be entitled to obtain information from competent authorities concerning the existence of convictions for an offence referred to in Articles 3 to 7 or of any additional measure related to those convictions which prevents them from exercising activities involving contacts with children. Member States authorities shall ensure, by any appropriate means and in accordance with national law, that such information may also be obtained from the criminal records held in other Member States.***

Or. en

Amendment 226
Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that the measure referred to in paragraph 1 is entered in the criminal record of the convicting Member State.

Amendment

2. Member States shall take the necessary measures to ensure that the measure referred to in paragraph 1 is entered in the criminal record of the convicting Member State. ***Member States shall take the necessary measures to ensure that when recruiting for any activity which involves close proximity with children, employers shall be entitled to obtain information from competent authorities concerning the existence of convictions for an offence***

referred to in Articles 3 to 7 or of any additional measure related to those convictions which prevents them from exercising activities involving contacts with children. If serious suspicion should arise during working relations, employers may, in accordance with national law, request such information even after the recruitment procedure. Member States authorities shall ensure, by any appropriate means and in accordance with national law, that such information may also be obtained from the criminal records held in other Member States.

Or. en

Amendment 227
Emine Bozkurt

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that the measure referred to in paragraph 1 is entered in the criminal record of the convicting Member State.

Amendment

2. Member States shall take the necessary measures to ensure that the measure referred to in paragraph 1 is entered in the criminal record of the convicting Member State *and in the European Criminal Records Information System (ECRIS) when operational. Member States shall work together to establish a European certificate of good conduct.*

Or. en

Amendment 228
Birgit Sippel, Emine Bozkurt

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. By way of derogation from Articles 7 (2) and 9 (2) of the Council Framework Decision 2009/315/JHA on the

Amendment

3. By way of derogation from Articles 7 (2) and 9 (2) of the Council Framework Decision 2009/315/JHA on the

organisation and content of the exchange of information extracted from criminal records between Member States, Member States shall take the necessary measures to ensure that, for the purpose of effectively implementing the measure consisting in temporarily or permanently preventing the person from exercising activities *involving regular contacts with* children, in particular insofar as the requesting Member State subjects access to certain activities to conditions to ensure that candidates have not been convicted of any of the offences referred to in Articles 3 to 7 of this Directive, information concerning the disqualification arising from conviction of any of the offences referred to in Articles 3 to 7 of this Directive is transmitted when requested under Article 6 of that Framework Decision from the central authority of the Member State of the person's nationality, and that personal data concerning such disqualification provided under Article 7(2) and (4) of that Framework Decision may in all cases be used for such purpose.

organisation and content of the exchange of information extracted from criminal records between Member States, Member States shall take the necessary measures to ensure that, for the purpose of effectively implementing the measure consisting in temporarily or permanently preventing the person from exercising *professional and volunteer* activities *related to the supervision of* children, in particular insofar as the requesting Member State subjects access to certain activities to conditions to ensure that candidates have not been convicted of any of the offences referred to in Articles 3 to 7 of this Directive, information concerning the disqualification arising from conviction of any of the offences referred to in Articles 3 to 7 of this Directive is transmitted when requested under Article 6 of that Framework Decision from the central authority of the Member State of the person's nationality, and that personal data concerning such disqualification provided under Article 7(2) and (4) of that Framework Decision may in all cases be used for such purpose.

Or. en

Amendment 229
Mariya Nedelcheva

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. By way of derogation from Articles 7 (2) and 9 (2) of the Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from criminal records between Member States, Member States shall take the necessary measures to ensure that, for the purpose of effectively implementing the measure consisting in temporarily or permanently preventing the

Amendment

3. By way of derogation from Articles 7 (2) and 9 (2) of the Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from criminal records between Member States, Member States shall take the necessary measures to ensure that, for the purpose of effectively implementing the measure consisting in temporarily or permanently preventing the

person from exercising activities involving regular contacts with children, in particular insofar as the requesting Member State subjects access to certain activities to conditions to ensure that candidates have not been convicted of any of the offences referred to in Articles 3 to 7 of this Directive, information concerning the disqualification arising from conviction of any of the offences referred to in Articles 3 to 7 of this Directive is transmitted when requested under Article 6 of that Framework Decision from the central authority of the Member State of the person's nationality, and that personal data concerning such disqualification provided under Article 7(2) and (4) of that Framework Decision may in all cases be used for such purpose.

person from exercising **any kind of** activities involving regular contacts with children, in particular insofar as the requesting Member State subjects access to certain activities to conditions to ensure that candidates have not been convicted of any of the offences referred to in Articles 3 to 7 of this Directive, information concerning the disqualification arising from conviction of any of the offences referred to in Articles 3 to 7 of this Directive is transmitted when requested under Article 6 of that Framework Decision from the central authority of the Member State of the person's nationality, and that personal data concerning such disqualification provided under Article 7(2) and (4) of that Framework Decision may in all cases be used for such purpose.

Or. fr

Amendment 230
Anna Hedh

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. By way of derogation from Articles 7 (2) and 9 (2) of the Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from criminal records between Member States, Member States shall take the necessary measures to ensure that, for the purpose of effectively implementing the measure consisting in temporarily or permanently preventing the person from exercising activities involving regular contacts with children, in particular insofar as the requesting Member State subjects access to certain activities to conditions to ensure that candidates have not been convicted of any of the offences referred to in Articles 3 to 7 of this Directive, information concerning the

Amendment

3. Member States shall require authorities to ensure that candidates for professions working with children and/or persons involved in regular activities with children do not hold a criminal record including offences in relation to the offences governed by Articles 3 to 8 of this Directive. Where applicable, the criminal record of any Member State in which the candidate was resident for more than two years should be checked. By way of derogation from Articles 7 (2) and 9 (2) of the Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from criminal records between Member States, Member States shall take the necessary measures to ensure that, for

disqualification arising from conviction of any of the offences referred to in Articles 3 to 7 of this Directive is transmitted when requested under Article 6 of that Framework Decision from the central authority of the Member State of the person's nationality, and that personal data concerning such disqualification provided under Article 7(2) and (4) of that Framework Decision may in all cases be used for such purpose.

the purpose of effectively implementing the measure consisting in temporarily or permanently preventing the person from exercising activities involving regular contacts with children, in particular insofar as the requesting Member State subjects access to certain activities to conditions to ensure that candidates have not been convicted of any of the offences referred to in Articles 3 to 7 of this Directive, information concerning the disqualification arising from conviction of any of the offences referred to in Articles 3 to 7 of this Directive is transmitted when requested under Article 6 of that Framework Decision from the central authority of the Member State of the person's nationality, and that personal data concerning such disqualification provided under Article 7(2) and (4) of that Framework Decision may in all cases be used for such purpose.

Or. en *Justification*

It is imperative that Member States require that the criminal record of candidates for a position or activities involving children are checked prior to the offer of employment, through pre-employment checks. Otherwise, the requirement only relates to the publication of a criminal list without any requirement that the list is actually checked.

Amendment 231

Sonia Alfano

Proposal for a directive Article 10 – paragraph 3

Text proposed by the Commission

3. By way of derogation from Articles 7 (2) and 9 (2) of the Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from criminal records between Member States, Member States shall take the necessary measures to ensure that, for the purpose of effectively implementing the measure consisting in

Amendment

3. Member States shall require authorities to ensure that candidates for professions working with children and/or persons involved in regular activities with children do not hold a criminal record including offences in relation to the offences governed by Articles 3 to 8 of this Directive. Where applicable, the criminal record of any Member State in which the

temporarily or permanently preventing the person from exercising activities involving regular contacts with children, in particular insofar as the requesting Member State subjects access to certain activities to conditions to ensure that candidates have not been convicted of any of the offences referred to in Articles 3 to 7 of this Directive, information concerning the disqualification arising from conviction of any of the offences referred to in Articles 3 to 7 of this Directive is transmitted when requested under Article 6 of that Framework Decision from the central authority of the Member State of the person's nationality, and that personal data concerning such disqualification provided under Article 7(2) and (4) of that Framework Decision may in all cases be used for such purpose.

candidate was resident for more than two years should be checked. By way of derogation from Articles 7 (2) and 9 (2) of the Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from criminal records between Member States, Member States shall take the necessary measures to ensure that, for the purpose of effectively implementing the measure consisting in temporarily or permanently preventing the person from exercising activities involving regular contacts with children, in particular insofar as the requesting Member State subjects access to certain activities to conditions to ensure that candidates have not been convicted of any of the offences referred to in Articles 3 to 7 of this Directive, information concerning the disqualification arising from conviction of any of the offences referred to in Articles 3 to 7 of this Directive is transmitted when requested under Article 6 of that Framework Decision from the central authority of the Member State of the person's nationality, and that personal data concerning such disqualification provided under Article 7(2) and (4) of that Framework Decision may in all cases be used for such purpose.

Or. en*Justification*

It is imperative that Member States require that the criminal record of candidates for a position or activities involving children are checked prior to the offer of employment, through pre-employment checks. Otherwise, the requirement only relates to the publication of a criminal list without any requirement that the list is actually checked.

Amendment 232

Emine Bozkurt

Proposal for a directive

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall take the necessary measures to ensure that when recruiting for professional and volunteer activities related to the supervision of children, employers shall be entitled to obtain from competent authorities, which shall take into account the necessary safeguards, a national or when appropriate a European certificate of good conduct concerning the absence of convictions for an offence referred to in Articles 3 to 7 or of any additional measure related to those convictions which prevents them from exercising professional and volunteer activities related to the supervision of children. If serious suspicion should arise during working relations, employers may, in accordance with national law, request such a certificate even after the recruitment procedure.

Or. en

Amendment 233
Sonia Alfano

Proposal for a directive
Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may consider adopting other measures in relation to perpetrators, such as the registration of persons convicted for offences referred to in Articles 3 to 7 in sex offenders registers. These registers should only be accessible to the judiciary and/or law enforcement agencies.

Or. enJustification

Sex offenders registers should also be put in place with limitations on high risk convicted offenders from leaving their countries. This would allow more rapid apprehension of re-

offenders while preventing the crime by deterring existing and future offenders.

Amendment 234

Anna Hedh

Proposal for a directive

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Seizure and Confiscation

Member States shall take the necessary measures to ensure that their competent authorities are entitled to seize and confiscate instrumentalities and proceeds from the offences referred to in this Directive.

Or. en

Amendment 235

Salvatore Iacolino, Clemente Mastella

Proposal for a directive

Article 12, paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Member States shall undertake to use the economic revenue arising from confiscation in respect of established crimes for the purpose of prevention, rehabilitation and support for victims and their families.

Or. it

Amendment 236

Ioan Enciu

Proposal for a directive

Article 12 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) temporary or permanent disqualification from the practice of any activity in relation to regular contact with children.

Or. en

Justification

Similar to the treatment of natural persons, the legal persons should be disqualified from the practice of activities involving regular contacts with children.

Amendment 237

Ioan Enciu

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ***provide for the possibility of not prosecuting or imposing penalties on*** child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being subjected to those offences.

Member States shall ***ensure that*** child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) ***will not be prosecuted and will not have penalties imposed on them*** for their involvement in unlawful activities as a direct consequence of being subjected to those offences.

Or. en

Justification

In order to provide the abused children with the best protection, Member States should ensure and not only provide for the possibility that children who are involved in unlawful activities as a consequence of being subjected to these offences are not prosecuted and do not have penalties imposed on them.

Amendment 238

Edit Bauer, Carlos Coelho

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Member States shall ***provide for the possibility of not prosecuting or imposing*** penalties on child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being subjected to those offences.

Amendment

Member States shall, ***in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose*** penalties on child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being subjected to those offences.

Or. en

Amendment 239

Iliana Malinova Iotova

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

Member States shall ***provide for the possibility of not*** prosecuting or imposing penalties on child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being subjected to those offences.

Amendment

Member States shall ***ensure no*** prosecuting or imposing penalties on child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being subjected to those offences.

Or. en

Amendment 240

Anna Hedh

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

Member States shall ***provide for the possibility of not prosecuting or imposing*** penalties on child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being

Amendment

Member States shall not ***prosecute or impose*** penalties on child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being subjected to those offences.

subjected to those offences.

Or. en

Justification

A child victim should not be considered as capable of consenting to prostitution or participation in child abuse images. Criminal liability rests solely with the perpetrator regardless of any purported “consent” from the victim.

Amendment 241

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Member States shall ***provide for the possibility of not prosecuting or imposing*** penalties on child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being subjected to those offences.

Amendment

Member States shall not ***prosecute or impose*** penalties on child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being subjected to those offences.

Or. en

Amendment 242

Sonia Alfano

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Member States shall ***provide for the possibility of not prosecuting or imposing*** penalties on child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being subjected to those offences.

Amendment

Member States shall not ***prosecute child victims or impose*** penalties on child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being subjected to those offences.

Or. en

Justification

A child victim should not be considered as capable of consenting to prostitution or participation in child abuse images. Criminal liability rests solely with the perpetrator regardless of any purported “consent” from the victim.

Amendment 243
Anna Hedh

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that investigations into or the prosecution of the offences referred to in Articles 3 to 7 are not dependent on a report or accusation being made by the victim, and that the criminal proceedings may continue even if the victim has withdrawn their statements.

Amendment

1. Member States shall take the necessary measures to ensure that investigations ***should be carried out bearing in mind the best interests and the rights of the child at all times and that investigation*** into or the prosecution of the offences referred to in Articles 3 to 7 are not dependent on a report or accusation being made by the victim, and that the criminal proceedings may continue even if the victim has withdrawn their statements.

Or. en

Justification

Article 3 of the UN Convention on the Rights of the Child states that the “best interest of the child” must be the central principle in all legal instruments protecting children’s rights, including the legislation to combat child sexual abuse and exploitation and child abuse images.

Amendment 244
Cecilia Wikström

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that investigations into or the prosecution of the offences referred to in Articles 3 to 7 are not dependent on a

Amendment

1. Member States shall take the necessary measures to ensure that investigations into or the prosecution of the offences referred to in Articles 3 to 7 are not dependent on a

report or accusation being made by the victim, and that the criminal proceedings may continue even if the victim has withdrawn their statements.

report or accusation being made by the victim *or by its representative*, and that the criminal proceedings may continue even if the victim has withdrawn their statements.

Or. en

Amendment 245
Sonia Alfano

Proposal for a directive
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take the necessary measures to ensure that investigations should be carried out bearing in mind the best interests and the rights of the child at all times and that investigations into or the prosecution of the offences referred to in Articles 3 to 7 are not dependent on a report or accusation being made by the victim, and that the criminal proceedings may continue even if the victim has withdrawn their statements.

Or. en

Justification

Article 3 of the UN Convention on the Rights of the Child states that the “best interest of the child” must be the central principle in all legal instruments protecting children’s rights, including the legislation to combat child sexual abuse and exploitation and child abuse images.

Amendment 246
Birgit Sippel, Emine Bozkurt

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall take the necessary measures to enable the prosecution of any

2. Member States shall take the necessary measures to enable the prosecution of any

of the offences referred to in Articles 3, Article 4 (2) to (3) and (5) to (11), and Article 5 (6) for a sufficient period of time after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.

of the offences referred to in Articles 3, Article 4 (2) to (3) and (5) to (11), and Article 5 (6) for a sufficient period of time ***of minimum 15 years*** after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.

Or. en

Amendment 247
Iliana Malinova Iotova

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to enable the prosecution of any of the offences referred to in Articles 3, Article 4 (2) to (3) and (5) to (11), and Article 5 (6) for ***a sufficient period of time*** after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.

Amendment

2. Member States shall take the necessary measures to enable the prosecution of any of the offences referred to in Articles 3, Article 4 (2) to (3) and (5) to (11), and Article 5 (6) for ***at least 20 years*** after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned. ***In that regard the Commission shall promote harmonisation of the national statutes of limitation in order avoid confusion or mistakes when law enforcement agencies undertake cross-border investigations.***

Or. en

Amendment 248
Sophia in 't Veld

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

3. Member States shall take the necessary measures to ensure that effective investigative tools are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to 7, ***allowing the***

Amendment

3. Member States shall take the necessary measures to ensure that effective investigative tools are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to 7.

possibility of covert operations at least in those cases where the use of information and communication technology is involved.

Or. en

Amendment 249
Sophia in 't Veld

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7, *in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.*

Amendment

4. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7.

Or. en

Amendment 250
Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.

Amendment

4. Member States shall take the necessary measures to enable investigative units or services, *in accordance with national and EU data protection legislation*, to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.

Amendment 251
Anna Hedh

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.

Amendment

4. Member States shall take the necessary measures to enable **and support** investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.

Or. en

Justification

It is important that Member States provide the necessary financial and human resources to ensure that the units, once established, become fully operational and effective.

Amendment 252
Sonia Alfano

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.

Amendment

4. Member States shall take the necessary measures to enable **and support** investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.

It is important that Member States provide the necessary financial and human resources to ensure that the units, once established, become fully operational and effective.

Amendment 253
Vilija Blinkevičiūtė

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.

Amendment

4. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology. ***In addition, it is essential to ensure that the investigation into child pornography includes the identification of the victims. During the investigation, cooperation between the police, NGOs and social services is important if the child victims are to receive appropriate assistance and support. It is essential that properly trained professionals (teachers, psychologists, social workers, lawyers) should be involved in this work, in particular in the areas of prevention and protection of victims.***

Or. It

Amendment 254
Kyriacos Triantaphyllides, Rui Tavares, Cornelia Ernst

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary

Amendment

4. Member States shall take the necessary

measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.

measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology. ***For that purpose, mechanisms shall be put in place to ensure the efficient cooperation and knowledge transfer between law enforcement authorities, judicial authorities, social welfare authorities, the Information and Communication Technology (ICT) industry and civil society organisations. Police forces and social services should work together on these cases so that children receive an adequate response and treatment when they are identified.***

Or. en

Amendment 255
Emine Bozkurt, Birgit Sippel

Proposal for a directive
Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that for the offences referred to in Articles 3 to 7, authorities responsible for persecution and investigation of such offences under criminal law are not circumvented by internal investigations by other institutions without the same authority under criminal law. Such investigations may be of informatory nature but are in no means equalling or substituting of investigation by authorities under criminal law.

Or. en

Amendment 256
Michèle Striffler

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, offences referred to in Articles 3 to 7 to report these facts to the competent services.

Amendment

2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, offences referred to in Articles 3 to 7 to report these facts to the competent services.
Member States shall ensure that such persons can be held criminally liable for failure to assist a person in danger.

Or. fr

Amendment 257
Iliana Malinova Iotova

Proposal for a directive
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall create information campaigns advertising the hotline 116, to ensure that children are aware of the existence of the hotline.

Or. en

Amendment 258
Jean Lambert on behalf of the Verts/ALE Group

Proposal for a directive
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 3 to 7 where:

1. Member States shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 3 to 7 ***and 21***, where:

Amendment 259

Axel Voss

Proposal for a directive

Article 16 – paragraph 1 – point b

Text proposed by the Commission

(b) the offender is one of its nationals *or has a habitual residence in its territory*; or

Amendment

(b) the offender is one of its nationals; or

Or. de

Amendment 260

Axel Voss

Proposal for a directive

Article 16 – paragraph 1 – point c

Text proposed by the Commission

(c) the offence is committed against one of its nationals *or a person who has a habitual residence in its territory*; or

Amendment

(c) the offence is committed against one of its nationals; or

Or. de

Amendment 261

Edit Bauer, Carlos Coelho, Simon Busuttil

Proposal for a directive

Article 17 – paragraph 1

Text proposed by the Commission

1. Victims of the offences referred to in Articles 3 to 7 shall be provided assistance, support and protection, taking into account the best interests of the child.

Amendment

1. Victims of the offences referred to in Articles 3 to 7 shall be provided assistance, support and protection, taking into account the best interests of the child. *Assistance and training should be extended to the parents or guardians of the child, in case they are not implicated as suspects in relation to the offence concerned, in order to help them assist their child throughout the proceedings and the recovery period.*

Amendment 262
Sonia Alfano

Proposal for a directive
Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that the rights of victims are fully realised through:

a) informing child victims of their rights and the services at their disposal and, unless they do not wish to receive such information, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein as well as the outcome of their cases;

b) ensuring, at least in cases where the victims and their families might be in danger, that they may be informed, if necessary, when the person prosecuted or convicted is released temporarily or definitively;

c) protecting the privacy of child victims, their identity and their image and by taking measures in accordance with internal law to prevent the public dissemination of any information that could lead to their identification;

d) providing for their safety, as well as that of their families and witnesses on their behalf, from intimidation, retaliation and repeat victimisation;

e) ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided, unless the competent authorities establish otherwise in the best interests of the child or when the investigations or proceedings require such contact.

Justification

In order to ensure that the rights of victims are fully ensured, that element needs to be set out in Article 30 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007).

Amendment 263

Sophia in 't Veld, Cecilia Wikström

Proposal for a directive

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure in cases of sexual abuse and sexual exploitation within the context of the family, circle of relatives or friends, school sports, church or other parts of the regular day-to-day environment of the child the necessary measures are undertaken to protect and provide assistance to the child victim, as well as to other family members who where not involved in the offence.

Or. en

Amendment 264

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. As soon as the competent authorities have an indication that the child might be subjected to an offence referred to in Articles 3 to 7 of this Directive, an individual assessment of the special circumstances of the child victim, taking due account of the child's views, needs and concerns, shall be carried out. Social welfare authorities shall be present during this assessment, which will aim to:

a) determine the level of maturity of the victim;

b) establish the parameters of the consent of the victim;

c) verify the age of the victim;

d) determine possible psychological or physical damage, and whether coercion was involved;

e) verify whether there was a conflict of interest from a family member or someone in close contact with the victim.

On the basis of this assessment, Member States shall take the necessary measures to ensure that specific actions are taken to assist and support victims in the short and long-term, in their physical, psychological and social recovery, including appropriate and safe accommodation, material assistance, medical treatment, including psychological assistance and counselling as well as access to education. Victims with special needs must also be attended appropriately.

Or. en

Amendment 265

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 17 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall take the necessary measures to ensure that assistance and support to the victim are not made conditional on the victim's willingness to cooperate in the criminal investigation and/or proceedings.

Or. en

Amendment 266

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 17 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Member States shall ensure that the identity of the child will be protected before, during and after the criminal proceedings, regardless of their willingness to cooperate in the criminal investigation and/or proceedings.

Or. en

Amendment 267

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 17 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. Member States' social welfare authorities will establish links with local civil society organisations or local support networks engaged in the protection of and assistance to victims of sexual abuse or exploitation to ensure victims have any necessary protection and assistance and to ensure victims continue to receive adequate support and protection for an appropriate period of time after they reach eighteen years of age.

Or. en

Amendment 268

Anna Hedh

Proposal for a directive

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that the rights of victims are fully realised through:

a) informing child victims of their rights and the services at their disposal and, unless they do not wish to receive such

information, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein as well as the outcome of their cases;

b) ensuring, at least in cases where the victims and their families might be in danger, that they may be informed, if necessary, when the person prosecuted or convicted is released temporarily or definitively;

c) protecting the privacy of child victims, their identity and their image and by taking measures in accordance with internal law to prevent the public dissemination of any information that could lead to their identification;

d) providing for their safety, as well as that of their families and witnesses on their behalf, from intimidation, retaliation and repeat victimisation;

e) ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided, unless the competent authorities establish otherwise in the best interests of the child or when the investigations or proceedings require such contact.

Or. enJustification

In order to ensure that the rights of victims are fully ensured, we recommend that elements set out in Article 30 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007).

Amendment 269

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 18

Text proposed by the Commission

Amendment

Assistance and support to victims

deleted

1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings, and in this Directive.

2. Member States shall take the necessary measures to ensure that the specific actions to assist and support victims in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns.

3. Victims of any of the offences referred to in Articles 3 to 7 shall be considered as particularly vulnerable victims pursuant to Article 2 (2), Article 8 (4) and Article 14 (1) of Framework Decision 2001/220/JHA.

4. Member States shall take measures, where appropriate and possible, to provide assistance and support to the victim's family. In particular, Member States shall, where appropriate and possible, apply Article 4 of Council Framework Decision 2001/220/JHA to the family.

Or. en

**Amendment 270
Anna Hedh**

**Proposal for a directive
Article 18 – paragraph 1**

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after ***deleted***

criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings, and in this Directive.

Or. enJustification

Moved to article 19

Amendment 271
Georgios Papanikolaou

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA¹² on the standing of victims in criminal proceedings, and in this Directive.

Amendment

1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings, and in this Directive. ***Member States shall in particular take the necessary steps to ensure protection for children who report cases of abuse taking place within their familiar environment of friends or family.***

Or. el

Amendment 272
Sonia Alfano

Proposal for a directive
Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take the necessary measures to ensure that a child is provided with assistance and support as

soon as the competent authorities have an indication that the child might have been subject to an offence referred to in Articles 3 to 7.

Or. en

Justification

Solid national child protection and child friendly judicial systems constitute the very foundation of protecting children against the crimes governed by the Directive Proposal. That Directive Proposal should be amended to ensure that child protection systems and multi-disciplinary systems are put in place in each Member State.

Amendment 273

Sonia Alfano

Proposal for a directive

Article 18 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall take the necessary measures to ensure that a child has access to information about its rights, in particular in relation to assistance and support, as soon as competent authorities have an indication that the child might have been subject to an offence referred to in Articles 3 to 7.

Or. en *Justification*

Solid national child protection and child friendly judicial systems constitute the very foundation of protecting children against the crimes governed by the Directive Proposal. That Directive Proposal should be amended to ensure that child protection systems and multi-disciplinary systems are put in place in each Member State.

Amendment 274

Birgit Sippel

Proposal for a directive

Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take the necessary measures to ensure that assistance and support for a child victim are not made conditional on the child victim's willingness to cooperate in the criminal investigation, prosecution and trial.

Or. en

Amendment 275

Anna Hedh

Proposal for a directive

Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take the necessary measures to ensure that a child is provided with assistance and support as soon as the competent authorities have an indication that the child might have been subject to an offence referred to in Articles 3 to 7.

Or. en

Amendment 276

Anna Hedh

Proposal for a directive

Article 18 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall take the necessary measures to ensure that a child has access to information about its rights, in particular in relation to assistance and support, as soon as competent authorities have an indication that the child might have been subject to an offence referred to in Articles 3 to 7.

Amendment 277
Salvatore Iacolino, Clemente Mastella

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that the specific actions to assist and support victims in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, **taking** due account of the child's views, needs and concerns.

Amendment

2. Member States shall take the necessary measures to ensure that the specific actions to assist and support victims, in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, **and shall to that end devise individual rehabilitation programmes that take** due account of the child's views, needs and concerns.

Or. it

Amendment 278
Sonia Alfano

Proposal for a directive
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall take the necessary measures to establish effective child protection systems and multidisciplinary structures to ensure the necessary assistance and support to victims in the short and long term, whether through the provision of specially trained personnel within its public services or through recognition and funding of victim support organisations, including non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

Or. en *Justification*

Solid national child protection and child friendly judicial systems constitute the very foundation of protecting children against the crimes governed by the Directive Proposal. That Directive Proposal should be amended to ensure that child protection systems and multi-disciplinary systems are put in place in each Member State.

Amendment 279

Anna Hedh

Proposal for a directive

Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall take the necessary measures to establish effective child protection systems and multidisciplinary structures to ensure the necessary assistance and support to victims in the short and long term, whether through the provision of specially trained personnel within its public services or through recognition and funding of victim support organisations, including non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

Or. en

Amendment 280

Sonia Alfano

Proposal for a directive

Article 18 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall take measures, where appropriate and possible, to provide assistance and support to the victim's family. In particular, Member States shall, where appropriate ***and possible***, apply Article 4 of Council Framework Decision 2001/220/JHA to the family.

4. Member States shall take measures, where appropriate and possible, to provide assistance and support to the victim's family. In particular, Member States shall, where appropriate, apply Article 4 of Council Framework Decision 2001/220/JHA to the family, ***regardless of whether a criminal investigation or proceedings have been instituted.***

Solid national child protection and child friendly judicial systems constitute the very foundation of protecting children against the crimes governed by the Directive Proposal. That Directive Proposal should be amended to ensure that child protection systems and multi-disciplinary systems are put in place in each Member State.

Amendment 281
Mariya Nedelcheva

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall take measures, where appropriate *and possible*, to provide assistance and support to the victim's family. In particular, Member States shall, where appropriate *and possible*, apply Article 4 of Council Framework Decision 2001/220/JHA to the family.

Amendment

4. Member States shall take measures, where appropriate, to provide assistance and support to the victim's family. In particular, Member States shall, where appropriate, apply Article 4 of Council Framework Decision 2001/220/JHA to the family.

Or. fr

Amendment 282
Anna Hedh

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall take measures, where appropriate and possible, to provide assistance and support to the victim's family. In particular, Member States shall, where appropriate *and possible*, apply Article 4 of Council Framework Decision 2001/220/JHA to the family.

Amendment

4. Member States shall take measures, where appropriate and possible, to provide assistance and support to the victim's family. In particular, Member States shall, where appropriate, apply Article 4 of Council Framework Decision 2001/220/JHA to the family.

Or. en

Amendment 283
Anna Hedh

Proposal for a directive
Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall take the necessary legislative or other measures to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advise to callers, even confidentially or with due regard for their anonymity.

Or. en

Amendment 284
Sonia Alfano

Proposal for a directive
Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall take the necessary legislative or other measures to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity.

Or. en

Justification

Solid national child protection and child friendly judicial systems constitute the very foundation of protecting children against the crimes governed by the Directive Proposal. That Directive Proposal should be amended to ensure that child protection systems and multi-disciplinary systems are put in place in each Member State.

Amendment 285

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 19 – title

Text proposed by the Commission

Protection of child victims in criminal investigations and proceedings

Amendment

Assistance, support and protection of child victims in criminal investigations and proceedings

Or. en

Amendment 286

Sonia Alfano

Proposal for a directive

Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take the necessary measures to inform victims of their rights and the services at their disposal and, unless they do not wish to receive such information, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein as well as the outcome of their cases.

Or. en

Justification

Based on extensive experience of NGOs working with child victims, a number of important appropriate measures to protect victims in criminal investigations and proceedings are missing from article 19.

Amendment 287

Sonia Alfano

Proposal for a directive

Article 19 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings and in this Directive.

Or. en

Justification

Based on extensive experience of NGOs working with child victims, a number of important appropriate measures to protect victims in criminal investigations and proceedings are missing from article 19.

Amendment 288
Sonia Alfano

Proposal for a directive
Article 19 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Member States shall take the necessary measures to ensure that criminal investigations and proceedings are carried out in the best interest of the child.

Or. en

Justification

Based on extensive experience of NGOs working with child victims, a number of important appropriate measures to protect victims in criminal investigations and proceedings are missing from article 19.

Amendment 289
Sonia Alfano

Proposal for a directive
Article 19 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Member States shall take the necessary measures to ensure that investigations are conducted promptly and without unjustified delay.

Or. en

Justification

Based on extensive experience of NGOs working with child victims, a number of important appropriate measures to protect victims in criminal investigations and proceedings are missing from article 19.

Amendment 290
Sonia Alfano

Proposal for a directive
Article 19 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. Member States shall take the necessary measures to ensure that investigations and criminal proceedings do not aggravate the trauma experienced by the child.

Or. en

Justification

Based on extensive experience of NGOs working with child victims, a number of important appropriate measures to protect victims in criminal investigations and proceedings are missing from article 19.

Amendment 291
Sonia Alfano

Proposal for a directive
Article 19 – paragraph 1 f (new)

Text proposed by the Commission

Amendment

If. Each Member State shall, in the context of investigations and proceedings, apply Articles 13(1) and 13(2) of Framework Decision 2001/220/JHA.

Or. en

Justification

Based on extensive experience of NGOs working with child victims, a number of important appropriate measures to protect victims in criminal investigations and proceedings are missing from Article 19.

Amendment 292
Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive
Article 19 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, judicial authorities appoint a special representative for the child victim where, by national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from the family.

1. Member States shall take the necessary measures to ensure ***the child victim is given an appropriate time period to decide if he or she will cooperate with the competent authorities in the criminal proceedings.***

Or. en

Amendment 293

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Victims of any of the offences referred to in Articles 3 to 7 shall be considered as particularly vulnerable victims pursuant to Article 2 (2), Article 8 (4) and Article 14(1) of Framework Decision 2001/220/JHA.

Or. en

Amendment 294

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 19 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall take measures, where appropriate and possible, to provide assistance and support to the victim's family. In particular, Member States shall, where appropriate and possible, apply Article 4 of Council Framework Decision 2001/220/JHA to the family.

Or. en

Amendment 295

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 19 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, judicial authorities appoint a special representative for the child victim where,

by national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from the family.

Or. en

Amendment 296
Anna Hedh

Proposal for a directive
Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take the necessary measures to inform victims of their rights and the services at their disposal and, unless they do not wish to receive such information, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein as well as the outcome of their cases.

Or. en

Amendment 297
Anna Hedh

Proposal for a directive
Article 19 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings and in this Directive.

Amendment 298
Anna Hedh

Proposal for a directive
Article 19 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Member States shall take the necessary measures to ensure that criminal investigations and proceedings are carried out in the best interest of the child.

Amendment 299
Anna Hedh

Proposal for a directive
Article 19 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Member States shall take the necessary measures to ensure that investigations are conducted promptly and without unjustified delay.

Amendment 300
Anna Hedh

Proposal for a directive
Article 19 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. Member States shall take the necessary measures to ensure that investigations and criminal proceedings do not aggravate the trauma experienced by the child.

Amendment 301
Anna Hedh

Proposal for a directive
Article 19 – paragraph 1 f (new)

Text proposed by the Commission

Amendment

If. Each Member State shall, in the context of investigations and proceedings, apply Articles 13(1) and 13(2) of Framework Decision 2001/220/JHA.

Or. en

Amendment 302
Manfred Weber

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that child victims have immediate access to **free** legal counselling and to **free** legal representation, including for the purpose of claiming compensation

2. Member States shall ensure that child victims have immediate access to legal counselling and, ***in accordance with the role of victims in the relevant justice system***, to legal representation, including for the purpose of claiming compensation. ***Legal counselling and legal representation shall be free of charge when the victim does not have sufficient financial resources.***

Or. de

Justification

The role of victims in criminal proceedings differs substantially in the various Member States. It may first be necessary to establish beyond doubt that the person concerned is indeed a victim. A reference to the national justice system is therefore needed.

Amendment 303
Axel Voss

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that child victims have immediate access to free legal counselling and to free legal representation, including for the purpose of claiming compensation.

Amendment

2. Member States shall ensure that child victims have immediate access to free legal counselling and to free legal representation, including for the purpose of claiming compensation. ***Legal counselling and legal representation shall be free of charge when the victim does not have sufficient financial resources.***

Or. de

Amendment 304
Ernst Strasser

Proposal for a directive
Article 19 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) interviews with the child victim shall take place, as far as possible, not in presence of the offender;

Or. en

Amendment 305
Iliana Malinova Iotova

Proposal for a directive
Article 19 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

ba) interviews with child victim shall take place in the absence of the offender;

Or. en

Amendment 306
Manfred Weber

Proposal for a directive
Article 19 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 7 **all** interviews with the child victim or, where appropriate, with a child witness, may be videotaped and that these videotaped interviews may be used as evidence in criminal court proceedings, according to the rules under its national law.

Amendment

4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 7 interviews with the child victim or, where appropriate, with a child witness – ***if examination of the individual case shows this to be necessary*** – may be videotaped and that these videotaped interviews may be used as evidence in criminal court proceedings, according to the rules under its national law.

Or. deJustification

The directive should not prescribe videotaping of all interviews as a general rule, including therefore interviews by the police or public prosecutor. Moreover, it is not automatically in the child's interests that an interview should be videotaped.

Amendment 307
Cecilia Wikström

Proposal for a directive
Article 19 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall take the necessary measures, where in the interest of the child victims and taking into account other overriding interests, to protect their privacy, their identity and their image and to prevent the public dissemination of any information that could lead to their identification.

Or. en

Amendment 308
Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive
Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Prevention Measures

1. Member States shall take appropriate actions such as information and awareness raising campaigns, research and education programmes, where appropriate in cooperation with civil society organisations and local support networks, aimed at raising awareness and reducing the risk of children becoming victims of sexual abuse, sexual exploitation or sexual abuse images. These measures must be addressed to all parties concerned, including children, parents and education practitioners, in order for them to learn how to recognise the signs of sexual abuse, both online and offline.

2. Help-lines shall be set up create a safe and anonymous communication channel between children that are or may be victims and members of relevant civil society organisations or local support networks.

Or. en

Amendment 309
Manfred Weber

Proposal for a directive
Article 20 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that effective intervention programmes or measures are made available with a view to preventing and minimising the risks of repeated offences of a sexual nature against children. ***These programmes or measures shall be accessible at any time during the criminal proceedings, inside and outside***

Amendment

Member States shall take the necessary measures to ensure that effective intervention programmes or measures are made available with a view to preventing and minimising the risks of repeated offences of a sexual nature against children.

prison, according to the conditions laid down in national law.

Or. de

Justification

Therapeutic measures during pre-trial detention are problematic. They need to continue for a certain length of time, and there is little likelihood that they can be organised meaningfully in view of the uncertain duration of pre-trial detention. Moreover, when the judgment becomes irrevocable, this will as a rule result in a move, so that there would be no guarantee of continuity of therapy. In addition, this might conflict with the presumption of innocence and the rights of offenders in criminal proceedings (e.g. the right to remain silent).

Amendment 310

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 20 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall take the necessary measures to ensure ***that persons convicted*** of offences referred to in Articles 3 to 7, ***where appropriate considering the assessment referred to in paragraph 1:***

Amendment

3. Member States shall take the necessary measures to ensure, ***in criminal court proceedings relating to any of the offences*** referred to in Articles 3 to 7, ***that in order as far as possible to prevent any secondary victimisation it may be ordered that:***

Or. en

Amendment 311

Kyriacos Triantaphyllides, Cornelia Ernst, Rui Tavares

Proposal for a directive

Article 20 – paragraph 3 – point c

Text proposed by the Commission

(c) ***are fully informed of the reasons for the proposal to have access to the specific programmes or measures;***

Amendment

(c) ***visual contact between the victim(s) and the offender(s), including during the giving of evidence such as interviews and cross-examination, shall be avoided if necessary as far as possible notably through the use of appropriate communication technologies.***

Or. en

Amendment 312
Alexander Alvaro, Nadja Hirsch, Sophia in 't Veld

Proposal for a directive
Article 21 – title

Text proposed by the Commission

Amendment

Blocking access to websites containing
child pornography

Removal of websites containing child
pornography

Or. en

Amendment 313
Cecilia Wikström

Proposal for a directive
Article 21 – title

Text proposed by the Commission

Amendment

Blocking access to websites containing
child ***pornography***

Technical measures to eliminate web
pages containing child ***abuse material***

Or. en

Amendment 314
Jan Philipp Albrecht, Alexander Alvaro, Françoise Castex, Cornelia Ernst, Nadja Hirsch, Franziska Keller, Jean Lambert, Stavros Lambrinidis, Birgit Sippel, Rui Tavares, Kyriacos Triantaphyllides, Sophia in 't Veld, Cecilia Wikström

Proposal for a directive
Article 21 – title

Text proposed by the Commission

Amendment

Blocking access to websites containing
child ***pornography***

Measures addressing websites containing
child ***abuse images***

Or. en

Amendment 315
Edit Bauer, Carlos Coelho

Proposal for a directive
Article 21 – title

Text proposed by the Commission

Amendment

Blocking access to websites containing child pornography

Technical measures to eliminate web pages containing child sexual abuse material

Or. en

Amendment 316

Lena Ek

**Proposal for a directive
Article 21 – title**

Text proposed by the Commission

Amendment

Blocking access to websites containing child pornography

Technical measures to delete online child pornography

Or. en

Amendment 317

Sonia Alfano

**Proposal for a directive
Article 21 – paragraph 1**

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to **obtain the blocking of access by Internet users in their territory to Internet pages** containing or disseminating **child pornography. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.**

1. Member States shall take the necessary measures to **ensure the removal of webpages** containing or disseminating **child abuse images.**

Or. en

Justification

Child abuse images are visual representations of a child being abused. On top of the

devastating impact of sexual abuse itself, research indicates there it creates additional distress for the child to have to live with the knowledge that once an image has been uploaded to the internet it may be replicated and downloaded an unlimited number of times. Child abuse images on the internet have massively increased in prevalence over the last few years and the internet has enabled a shift from small-scale, 'amateur', non-profit production of images, to the distribution of images by members of organised crime in order to benefit financially. Images of child abuse on websites should be deleted at source. The speed at which these images are taken down must be substantially improved. Moreover, where images are housed outside a country's national jurisdiction, we support the Directive's measures to oblige internet service providers to block access to them.

Amendment 318

Alexander Alvaro, Nadja Hirsch, Sophia in 't Veld

Proposal for a directive

Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to obtain the blocking of access by Internet users in their territory to Internet pages containing or disseminating child pornography. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it. *deleted*

Or. en

Amendment 319

Lena Ek

Proposal for a directive

Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to obtain the blocking of access by Internet users in their territory to Internet pages containing or *deleted*

disseminating child pornography. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.

Or. en

Amendment 320

Jan Philipp Albrecht, Alexander Alvaro, Françoise Castex, Cornelia Ernst, Nadja Hirsch, Franziska Keller, Jean Lambert, Stavros Lambrinidis, Birgit Sippel, Rui Tavares, Kyriacos Triantaphyllides, Sophia in 't Veld, Cecilia Wikström

Proposal for a directive Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to obtain the **blocking of access by Internet users in their territory to Internet** pages containing or disseminating child **pornography. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.**

Amendment

1. Member States shall take the necessary **legal** measures to obtain the **removal at source of internet** pages containing or disseminating child **abuse images.**

Or. en

Amendment 321

Anna Hedh

Proposal for a directive Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to **obtain the blocking of access by Internet users in their territory to**

Amendment

1. Member States shall take the necessary measures to **ensure the removal of webpages** containing or disseminating

Internet pages containing or disseminating child pornography. **The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.**

child pornography.

Or. en

Amendment 322
Anna Maria Corazza Bildt

Proposal for a directive
Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to obtain the **blocking of access by Internet users in their territory to Internet pages** containing or disseminating child pornography. **The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.**

Amendment

1. Member States shall take the necessary measures to obtain the **removal of the web pages** containing or disseminating child pornography **in accordance with national procedures.**

Or. en

Amendment 323
Edit Bauer, Carlos Coelho

Proposal for a directive
Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures **to obtain the blocking of access by Internet users in their territory to Internet pages containing or disseminating child pornography.** The

Amendment

1. Member States shall take the necessary **legal measures for the rapid removal at source of child sexual abuse material stored or disseminated on Internet pages whether hosted in the EU or abroad.** The

blocking of access shall be subject to *adequate* safeguards, in particular to ensure that the *blocking* is *limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.*

removal at source shall be subject to *clear legal and judicial* safeguards, in particular to ensure that the *evidence* is *preserved* for *criminal investigations.*

Or. en

Amendment 324
Sabine Verheyen

Proposal for a directive
Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to obtain the *blocking of access by Internet users in their territory to Internet pages containing or disseminating child pornography. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.*

Amendment

1. 1. Member States shall take the necessary measures to obtain the *immediate removal of depictions of sexual acts involving persons under the age of 18 years in information and communication services. The removal of such content shall be undertaken in accordance with national procedures and with adequate safeguards to ensure that it is confined to what is strictly necessary. In addition, the European Union shall conduct negotiations with third countries with the aim of securing the prompt removal of such content from servers on their territory. Furthermore, the Member States and institutions of the Union and Europol shall step up cooperation with international hotlines, such as INHOPE, with the aim of securing the prompt removal of such content.*

Or. de

Amendment 325
Tiziano Motti

Proposal for a directive
Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ***obtain the blocking of access by Internet users in their territory to Internet*** pages containing or disseminating child pornography. The blocking of access ***shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.***

Amendment

1. Member States shall take the necessary measures to ***ensure the secure and timely taking down of web*** pages containing or disseminating child pornography. ***Pending that taking-down, Member States shall take steps to ensure that access to the web pages containing or disseminating child pornography is blocked to users on their territory.*** The blocking of access ***must satisfy the relevant technical characteristics and be limited to where necessary. The Commission and Member States shall coordinate rapid intervention (European Early Warning System) by the public authorities of the Member States in cases where the host website server or search engine is located on the territory of a Member State other than the one in which the case was reported.***

Or. it

Amendment 326
Petra Kammerevert

Proposal for a directive
Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to obtain the ***blocking of access by Internet users in their territory to Internet pages containing or disseminating child pornography.*** The ***blocking of access*** shall be ***subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.***

Amendment

1. ***I.*** Member States shall take the necessary measures to obtain the ***immediate removal of depictions of sexual acts involving persons under the age of 18 years in information and communication services.*** The ***removal of such content*** shall be ***undertaken in accordance with national procedures and with adequate safeguards to ensure that it is confined to what is strictly necessary. In addition, the European Union shall conduct negotiations with third countries with the aim of securing the prompt removal of such content from servers on their territory. Furthermore, the Member States***

and institutions of the Union and Europol shall step up cooperation with international hotlines, such as INHOPE, with the aim of securing the prompt removal of such content.

Or. de

Amendment 327

Ernst Strasser, Axel Voss, Manfred Weber, Hella Ranner

Proposal for a directive

Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to obtain the ***blocking of access by Internet users in their territory to Internet pages containing or disseminating child pornography***. The ***blocking of access*** shall be ***subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.***

Amendment

1. Member States shall take the necessary measures to obtain the ***immediate removal of depictions of sexual acts involving persons under the age of 18 years in information and communication services***. The ***removal of such content*** shall be ***undertaken in accordance with national procedures and with adequate safeguards to ensure that it is confined to what is strictly necessary. In addition, the European Union shall conduct negotiations with third countries with the aim of securing the prompt removal of such content from servers on their territory. Furthermore, the Member States and institutions of the Union and Europol shall step up cooperation with international hotlines, such as INHOPE, with the aim of securing the prompt removal of such content.***

Or. en

Amendment 328

Sarah Ludford

Proposal for a directive

Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary

Amendment

1. Where the removal of webpages

measures to **obtain** the blocking of access **by Internet users in their territory** to **Internet pages** containing or disseminating child pornography. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.

containing or disseminating child pornography is not possible, Member States shall take the necessary measures, **whether legislative or non-legislative**, to **ensure that** the blocking of access to **webpages** containing or disseminating child pornography **is possible towards the Internet users in their territory**. The blocking of access shall be subject to adequate **fundamental rights and other** safeguards, in particular to ensure that the blocking, **taking into account technical characteristics**, is limited to what is necessary **and proportionate**, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it **including ultimately through judicial review**.

Or. enJustification

This amendment allows for the possibility of industry voluntary agreements or self-regulation.

Amendment 329

Timothy Kirkhope on behalf of the ECR Group

Proposal for a directive Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to obtain the **blocking** of access by Internet users in their territory to Internet pages containing or disseminating child pornography. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.

Amendment

1. Member States shall take the necessary measures to obtain the **removal at source of the web page containing or disseminating child pornography. Any webpage containing sexual abuse images of children originating from an EU member State should be removed. In addition, in order to protect the best interest of the child, Member States may set up procedures to block** access by Internet users in their territory to Internet pages containing or disseminating child pornography **in accordance with national**

law. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.

Or. en

Amendment 330

Lena Ek

Proposal for a directive

Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission should investigate the risks and possible downsides associated with blocking of websites. The investigation should assess the risk for erosion of the democratic rights.

Or. en

Amendment 331

Petra Kammerevert

Proposal for a directive

Article 21 – paragraph 2

Text proposed by the Commission

Amendment

2. Without prejudice to the above, Member States shall take the necessary measures to obtain the removal of internet pages containing or disseminating child pornography.

2. Other measures to prevent such content from becoming available, such as Internet blocking mechanisms, shall be a matter for the Member States. They may be taken only once all measures to secure the removal of content have been exhausted and it is clear, on that basis, that removal is impossible. In addition, the measures must be confined to what is strictly necessary, shall be subject to review by a judge, and the persons affected by such a measure shall be informed of the reasons for the decision. Persons affected shall

have the right to seek legal remedy.

Or. de

Amendment 332
Sabine Verheyen

Proposal for a directive
Article 21 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the above, Member States shall take the necessary measures to obtain the removal of internet pages containing or disseminating child pornography.

Amendment

2. Other measures to prevent such content from becoming available, such as Internet blocking mechanisms, shall be a matter for the Member States. They may be taken only once all measures to secure the removal of content have been exhausted and it is clear, on that basis, that removal is impossible. In addition, the measures must be confined to what is strictly necessary, shall be subject to review by a judge, and the persons affected by such a measure shall be informed of the reasons for the decision. Persons affected shall have the right to seek legal remedy.

Or. de

Amendment 333
Ernst Strasser, Manfred Weber, Axel Voss, Hella Ranner, Anna Maria Corazza Bildt

Proposal for a directive
Article 21 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the above, Member States shall take the necessary measures to obtain the removal of internet pages containing or disseminating child pornography.

Amendment

2. Where the removal of webpages containing or disseminating child pornography is not possible, Member States shall take the necessary measures, whether legislative or non-legislative, to ensure that the blocking of access to webpages containing or disseminating child pornography is possible towards the Internet users in their territory. The blocking of access shall be subject to adequate safeguards, in particular to

ensure that the blocking, taking into account technical characteristics, is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.

Or. en

Amendment 334
Sonia Alfano

Proposal for a directive
Article 21 – paragraph 2

Text proposed by the Commission

2. ***Without prejudice to the above,*** Member States shall take the ***necessary*** measures to obtain the removal of internet pages containing or disseminating ***child pornography***.

Amendment

2. ***Pending the removal,*** Member States shall take the ***complementary*** measures to ***ensure that access to webpages*** containing or disseminating ***child abuse images are blocked towards the Internet users in their territory. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking, taking into account technical characteristics, is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.***

Or. en *Justification*

Child abuse images are visual representations of a child being abused. On top of the devastating impact of sexual abuse itself, research indicates there it creates additional distress for the child to have to live with the knowledge that once an image has been uploaded to the internet it may be replicated and downloaded an unlimited number of times. Child abuse images on the internet have massively increased in prevalence over the last few years and the internet has enabled a shift from small-scale, ‘amateur’, non-profit production of images, to the distribution of images by members of organised crime in order to benefit financially. Images of child abuse on websites should be deleted at source. The speed at which these images are taken down must be substantially improved. Moreover, where images are housed outside a country’s national jurisdiction, we support the Directive’s measures to oblige internet service providers to block access to them.

Amendment 335
Anna Hedh

Proposal for a directive
Article 21 – paragraph 2

Text proposed by the Commission

2. ***Without prejudice to the above***, Member States shall take the necessary measures to ***obtain the removal of internet pages*** containing or disseminating child pornography.

Amendment

2. ***Pending the removal***, Member States shall take the necessary ***complementary*** measures to ***ensure that access to webpages*** containing or disseminating child pornography ***are blocked without delay towards the Internet users in their territory. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking, taking into account technical characteristics, is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.***

Or. enJustification

Child abuse images are visual representations of a child being abused. On top of the devastating impact of sexual abuse itself, research indicates there it creates additional distress for the child to have to live with the knowledge that once an image has been uploaded to the internet it may be replicated and downloaded an unlimited number of times. Child abuse images on the internet have increased in prevalence over the last few years and the internet has enabled a shift from small-scale, 'amateur', non-profit production of images, to the distribution of images by members of organised crime in order to benefit financially. The images of child abuse on websites should be deleted at source. The speed at which these images are taken down must be substantially improved. Moreover, where images are housed outside a country's national jurisdiction, we support the Directive's measures to oblige internet service providers to block access to them.

Amendment 336
Edit Bauer, Carlos Coelho

Proposal for a directive
Article 21 – paragraph 2

Text proposed by the Commission

2. ***Without prejudice to the above***,

Amendment

2. ***Where*** Member States ***implement***

Member States *shall take the necessary* measures to *obtain the removal of internet* pages containing or *disseminating child pornography*.

additional measures to *restrict access by Internet users in their territory to Internet* pages containing or *dissemination child sexual abuse material, these must be necessary, transparent, proportionate, prescribed by law and subject to the control of a judge, in accordance with legal systems of Member States*.

Or. en

Amendment 337

Jan Philipp Albrecht, Alexander Alvaro, Françoise Castex, Cornelia Ernst, Nadja Hirsch, Franziska Keller, Jean Lambert, Stavros Lambrinidis, Birgit Sippel, Rui Tavares, Kyriacos Triantaphyllides, Sophia in 't Veld, Cecilia Wikström

Proposal for a directive Article 21 – paragraph 2

Text proposed by the Commission

2. *Without prejudice to the above*, Member States *shall take the necessary measures to obtain the removal of internet* pages containing or disseminating child *pornography*.

Amendment

2. *In addition, when removal of content at source has proven impossible to achieve*, Member States *may, where prescribed by law and necessary, set up proportionate and transparent procedures to restrict access by Internet users in their territory to Internet* pages containing or disseminating child *abuse images*.

Or. en

Amendment 338

Sarah Ludford

Proposal for a directive Article 21 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the above, Member States shall take the necessary measures to *obtain* the removal of *internet pages* containing or disseminating child pornography.

Amendment

2. Without prejudice to the above, Member States shall take the necessary measures *within the appropriate legal, regulatory and self-regulatory framework to ensure* the removal of *webpages* containing or disseminating child pornography *hosted in their territory and to endeavour to obtain the removal of such pages hosted outside*

of their territory.

Or. en *Justification*

This amendment allows for the possibility for Member States to remove webpages and also recognises that extra territorial action may be more difficult.

Amendment 339

Alexander Alvaro, Sophia in 't Veld

Proposal for a directive

Article 21 – paragraph 2

Text proposed by the Commission

2. *Without prejudice to the above*, Member States shall take the necessary measures to obtain the removal of internet pages containing or disseminating child pornography.

Amendment

2. Member States shall take the necessary measures to obtain the removal **at source** of internet pages containing or disseminating child pornography.

Or. en

Amendment 340

Lena Ek

Proposal for a directive

Article 21 – paragraph 2

Text proposed by the Commission

Without prejudice to the above, Member States shall take the necessary measures to obtain the removal of internet pages containing or disseminating child pornography.

Amendment

Member States shall take the necessary measures to obtain the removal **at source** of internet pages containing or disseminating child pornography.

Or. en

Amendment 341

Jan Philipp Albrecht, Alexander Alvaro, Françoise Castex, Cornelia Ernst, Nadja Hirsch, Franziska Keller, Jean Lambert, Stavros Lambrinidis, Birgit Sippel, Rui Tavares, Kyriacos Triantaphyllides, Sophia in 't Veld, Cecilia Wikström

Proposal for a directive

Article 21 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Any measure under paragraphs 1 and 2 shall respect the fundamental rights and freedoms of natural persons, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and general principles of Union law. It shall provide for a prior ruling including the right to an effective and timely judicial review.

Or. en

Amendment 342
Edit Bauer, Carlos Coelho

Proposal for a directive
Article 21 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The European Commission shall submit to the European Parliament an annual report on the activities undertaken by Member States to remove child sexual abuse material from Internet pages.

Or. en