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REPORT

on the implementation of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography (2015/2129(INI))

Committee on Civil Liberties, Justice and Home Affairs

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EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS

Procedure

In compliance with the EP resolution of 11 March 2015 on child sexual abuse online the Committee on Civil Liberties, Justice and Home Affairs requested authorisation to draw up a report on the implementation of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography and the authorisation was given in May 2015.

Pursuant to Article 28 of Directive 2011/93/EU the Commission was obliged to submit by 18 December 2015 to the European Parliament and the Council a report assessing the extent to which the Member States have taken the necessary measures in order to comply with this Directive and a report assessing the implementation of the measures referred to in Article 25.

Due to the delays in the transposition of the Directive by certain Member States, the Commission delayed the publication of those reports by one year and submitted them to the Parliament only on 16 December 2016.

Directive 2011/93/EU - context, scope and transposition

Child sexual abuse online and off line is a growing tragedy that has as victims children as young as the age of two. It is a cross-border crime that requires cross-border cooperation in order to be tackled. Criminal networks of child sexual abuse online are sophisticated and our law enforcement authorities face the challenge of working with legislations that are not always future-proof. Directive 2011/93/EU (the Directive) is a comprehensive legal instrument, which contains provisions on substantive criminal law and criminal procedure, administrative measures and policy measures. It gives Member States clear minimum standards for sanctions and measures to prevent abuse, combat impunity and protect victims.

The most important improvements introduced by the Directive include more detailed definition of child pornography, increased criminal penalties, the criminalisation of possession and acquisition of online child sexual abuse material, the introduction of a new offence 'grooming' and provisions to remove and/or block websites containing child sexual abuse material (CSAM). The Member States had a two-year deadline for transposition of the Directive, which expired on 18 December 2013.

The Commission implementation reports assessed to which extent the Member States have transposed the Directive into their national legislation without however being able at this stage to evaluate the implementation of its provisions in practice. The overall conclusion of the Commission is that, despite the Member States' major efforts to transpose this complex legal instrument and the improvement that this process brought with regard to the protection of children from sexual abuse, there is still considerable scope for the Directive to reach its full potential.

The rapporteur identifies the areas where Member States should do more and clarifies certain provisions in the Directive to facilitate the correct and full implementation by the Member States: investigation and prosecution; prevention; assistance and protection of victims; blocking and removing CSAM online.

The rapporteur also recommends Member States to go beyond the simple obligation to transpose the Directive, and encourages them to build capacity and share best practices. The Rapporteur addresses the situation of migrant children, especially unaccompanied, who are particularly vulnerable to abuse, trafficking and sexual exploitation and calls on the Member States to take concrete actions to protect missing children. In the draft report, she also includes new forms of crimes, such as revenge porn and sex extortion, that are spreading on the internet and affect many youngsters, in particular girls causing them serious harm and sometimes even leading victims to commit suicide.

Investigation and prosecution

Directive 2011/93/EU sets out an obligation for the Member States to provide law enforcement authorities and prosecution with effective tools to investigate child sexual abuse offences and identify the children victims at an early stage. The Directive also provides for an extended jurisdiction for child sexual abuse offences and for abolition of the principle of dual criminality.

Investigation and prosecution of online child sexual abuse offences still pose challenges for law enforcement authorities and the judiciary. The experts who presented evidence before the LIBE Committee identified several factors that reduce the effectiveness of investigative techniques online: encryption of the communications online, the discrepancies in the applicable data retention rules in the Member States, the increasing use of anonymization tools and the use of cloud-storage. In those situations it is often unclear which country has jurisdiction and which legislation will apply to the collection of evidence. In this regard, enhanced international and EU cooperation is essential.

The Rapporteur calls, therefore, on the Member States to increase their police and judicial cooperation as well as to make full use of the existing EU cooperation tools provided by Europol and Eurojust so as to ensure a successful investigation and prosecution of perpetrators. To that end, she stresses that Europol and Eurojust should be given the appropriate resources to fulfil their task in this field.

She also encourages the Member States to share best practices in investigative tools and prosecution methods.

Prevention

The Directive provides specific provisions on preventive measures from information and awareness-raising campaigns, education and training to disqualification arising from convictions and preventive intervention programmes for offenders to tackle recidivism.

Both the Commission's transposition report and the EPRS study highlighted that the provisions on preventive measures are the most challenging for the Member States.

The exchange of information on convictions of child sexual abuse offenders among the Member States has proved to be difficult to implement because the Directive does not provide an obligation for Member States to send information to the other Member State that requested it, and in some Member States additional conditions for sending the information have been envisaged by national law. The Rapporteur believes that further development in this area is needed and calls therefore on the Member States to update their list of offenders and share

information on criminal convictions and disqualification with other Member States so as to prevent offenders from moving unnoticed from one Member State to another for work or for volunteering with children or children's institutions.

Identification of victims

Child sexual abuse is an offence whose disclosure and reporting is particularly difficult. Self-reporting is limited because the children are too young, too traumatized or dependant of the perpetrator which factors make them reluctant to disclose. In this regard, the children helplines play an important role by providing assistance adapted to the children's needs and helping children to report the crime. It is also important that Member States set up effective hotlines to find missing children and increase cooperation for cross-border cases. The identification of children victims of child sexual abuse online heavily depends on the law enforcement authorities' investigative capabilities in term of use of new technologies and trained staff. Member States should invest more in developing and using new forensic tools in order to be more effective and save child victims.

Assistance and protection of victims

Directive 2011/93/EU also requires Member States to introduce in their criminal procedure law measures guaranteeing the protection of child victims throughout the whole criminal proceedings and also to ensure that they receive assistance and support. The Rapporteur considers that Member States should fully implement Directive 2012/29/EU on the rights of victims of crimes and step up specific measures to protect more effectively victims of child sexual abuse, by also improving the role of national helplines and share best practices.

Removal and/or blocking

Article 25 of the Directive is aiming at ensuring prevention of the child sexual abuse and exploitation and decreasing the secondary victimisation by cutting the access to the child abuse material online. It requires from the Member States to remove promptly material on websites hosted within their territory and to endeavour securing their removal if they are hosted elsewhere. The Member States have transposed this provision by measures based on e-commerce Directive (notice and take down procedure) or by criminal law measures for the material hosted on their territory. Member States have transposed the Directive as regards the material hosted outside their territory either by measures involving establishing a hotline authorised to assess the material and to contact the country where it is hosted through INHOPE hotlines network, or through Europol or Interpol.

Article 25 paragraph 2 introduces possibility for the Member States to cut the access to the child sexual abuse material by blocking measures. Only half of the Member States have opted to transpose this provision. Blacklists of websites with child abuse material are commonly used to implement the blocking. Different safeguards ensuring the freedom of speech have been provided for.

The evidence gathered in the preparation of this report demonstrated that blocking in practice is more efficient because it is far quicker than removal. If sufficient safeguards to protect fundamental freedoms are in place, it should be more widely used by the Member States.

The cooperation with the information society service providers is vital for disrupting the

availability of the child sexual abuse material online. Without their active participation, often on voluntary basis, the process of removal and blocking will not be possible. The Rapporteur believes that the industry and internet stakeholders should take their shared responsibility and develop innovative solution in order to be able to combat child sexual abuse online.

Sources:

Apart from the Commission implementation reports, the rapporteur has collected information from the following sources, among others:

- a hearing held in the Committee on Civil Liberties, Justice and Home Affairs on 25 April 2017;
- an Ex-Post Impact Assessment by Parliament's EPRS services, published in April 2017;
- a hearing organised by the EPP political group on combatting sexual abuse of children on the Internet, 29 June 2016;
- a study of the Policy Department C on Citizens' Rights and Constitutional Affairs prepared for the LIBE Committee on combating child sexual abuse online published in October 2015;
- meeting with Mr Benyam Dawit Mezmur, Chair of the UN Committee on the Rights of the Child.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the implementation of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography (2015/2129(INI))

The European Parliament,

- having regard to Articles 3 and 6 of the Treaty on European Union (TEU) and Articles 82(2) and 83(1) of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 7, 8, 24, 47, 48 and 52 of the Charter of Fundamental Rights of the European Union,
- having regard to the UN Convention on the Rights of the Child of 20 November 1989, and the protocols thereto,
- having regard to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007,
- having regard to the Council of Europe Convention on Cybercrime of 23 November 2001,
- having regard to the adoption by the Council of Europe of its Strategy for the Rights of the Child (2016-2021),
- having regard to Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA¹,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA²,
- having regard to its resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child³,
- having regard to its resolution of 11 March 2015 on child sexual abuse online⁴,
- having regard to the Commission Communication of 2 May 2012 on a European Strategy for a Better Internet for Children (COM(2012)0196), and having regard to the report from the Commission of 6 June 2016 entitled ‘Final evaluation of the multi-annual EU programme on protecting children using the Internet and other

¹ OJ L 335, 17.12.2011, p. 1.

² OJ L 315, 14.11.2012, p. 57.

³ OJ C 289, 9.8.2016, p. 57.

⁴ OJ C 316, 30.8.2016, p. 109.

communication technologies (Safer Internet)’ (COM(2016)0364),

- having regard to the report from the Commission of 16 December 2016 assessing the extent to which the Member States have taken the necessary measures to comply with Directive 2011/93/EU (COM(2016)0871), and the report from the Commission of 16 December 2016 assessing the implementation of the measures referred to in Article 25 of Directive 2011/93/EU (COM(2016)0872),
 - having regard to the Europol report of 2016 on the Internet Organised Crime Threat Assessment (iOACTA),
 - having regard to the report from the European Union Agency for Fundamental Rights of 27 February 2017 entitled ‘Child-friendly justice: Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States’,
 - having regard to the Commission Communication of 12 April 2017 entitled ‘The protection of children in migration’ (COM(2017)0211),
 - having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Culture and Education and the Committee on Women’s Rights and Gender Equality (A8-0368/2017),
- A. whereas the sexual abuse and sexual exploitation of children constitute serious violations of fundamental rights, in particular of the right of children to the protection and care necessary for their well-being, as provided for by the 1989 UN Convention on the Rights of the Child and by the Charter of Fundamental Rights of the European Union;
- B. whereas the child’s best interests must be a primary consideration when implementing any measures to combat these offences, in accordance with the Charter of Fundamental Rights of the European Union and the UN Convention on the Rights of the Child;
- C. whereas Directive 2011/93/EU is a comprehensive legal instrument containing provisions on substantive criminal law and on criminal procedures, measures for assistance and protection of victims and for prevention, including administrative measures, and its implementation requires the close involvement of actors from different sectors such as the law-enforcement authorities, the judiciary, parents’ and family associations playing an active role in the protection of minors, non-governmental organisations, internet service providers and others;
- D. whereas the Commission’s implementation report does not provide any statistics on the take-down and blocking of websites containing or disseminating images of child sexual abuse, especially statistics on the speed of removal of content, the frequency with which reports are followed up by law enforcement authorities, the delays in take-downs due to the need to avoid interference with ongoing investigations, or the frequency with which

any such stored data is actually used by judicial or law enforcement authorities;

- E. whereas one of the main challenges in investigating child sexual abuse and prosecuting perpetrators is the lack of reporting by victims; whereas boys are less likely to report abuse;
- F. whereas children, who are victims of sexual abuse or exploitation, suffer from multiple and long-lasting physical and/or psychological traumas that can follow them well into adulthood;
- G. whereas child sexual abuse and exploitation online is an evolving phenomenon and new forms of crime, such as ‘revenge pornography’ and sex-extortion, have come into being on the Internet and need to be addressed with concrete measures by the Member States;
- H. whereas law enforcement authorities face challenges posed by peer-to-peer and private networks exchanging child sexual abuse material; whereas there is a need to raise awareness at an early stage among girls and boys about the risks and the importance of respecting the dignity and privacy of others in the digital era;
- I. whereas migrant children - especially girls, but also a significant percentage of boys¹ - are particularly exposed to child sexual abuse and sexual exploitation at the hands of traffickers, smugglers, drug dealers, prostitution rings, as well as other individuals or rings, who exploit their vulnerability, along the way and once they reach Europe;
- J. whereas the sex tourism industry affects significant numbers of children, especially girls, but also a significant percentage of boys;
- K. whereas, to comply with the Charter of Fundamental Rights of the European Union, measures taken under recital 47 of Directive 2011/93/EU concerning the blocking and removal of websites online must respect the safeguards listed in Article 25 of the Directive;
- L. whereas systematic review and meta-analysis has found that, compared to their non-disabled peers, children with disabilities were around three times more likely to suffer from physical or sexual violence;
- M. whereas the use of the term ‘child pornography’ is not appropriate to define the offences in Articles 5 and 2 (c) of Directive 2011/93/EU and may be detrimental to the child victims;

Main conclusions and recommendations

1. Condemns unequivocally all forms of sexual abuse or exploitation of children, as well as violent and abusive victimisation of children at all levels; welcomes the adoption by the Council of Europe of its Strategy for the Rights of the Child (2016-2021); calls on

¹ Studies demonstrate that boys may feel especially inhibited when it comes to disclosing sexual abuse, including for reasons related to societal assumptions towards males. See, for example, the study by the Ex-Post Impact Assessment Unit of the European Parliamentary Research Service, PE 598.614, p. 16 and Schaefer, G.A., Mundt, I.A., Ahlers, C.J., and Bahls, C, ‘Child sexual abuse and psychological impairment in victims: results of an online study initiated by victims’, *Journal of Child Sex Abuse*, Vol. 21, No 3, 2012, pp. 343-360.

the all EU institutions and Member States to take appropriate measures to prevent all forms of physical and psychological violence, including physical and sexual abuse and sexual exploitation, and to protect children from them; calls on all EU institutions and Member States to take united, effective action to eradicate sexual abuse and exploitation and, more generally, all sexual crimes against children; calls for the EU institutions and Member States to explicitly consider the protection of children as a priority when programming and implementing policies, which may have a negative impact on them;

2. Takes the view that Directive 2011/93/EU constitutes a sound and comprehensive legal framework for combating sexual abuse and sexual exploitation of children; deplores the fact that the Member States have faced significant challenges in transposing and implementing the Directive, in particular as regards the provisions on prevention, investigation and prosecution as well as protection and assistance to victims and that the full potential of the Directive has not yet been exploited; urges the Member States to step up their efforts to transpose it fully and correctly; calls on the Member States to ensure that legal transposition is translated into effective implementation so as to ensure the protection and assistance of child victims and zero tolerance for child sexual abuse;
3. Deplores that the Commission was not able to present its implementation reports within the deadline set out in Article 28 of Directive 2011/93/EU and that the two evaluation reports presented by the Commission merely documented transposition into national law by Member States and did not fully assess their compliance with the Directive; requests the Member States to cooperate and forward to the Commission all of the relevant information on the implementation of the Directive, including statistics;
4. Stresses that the term ‘child sexual abuse material’ is more appropriate than ‘child pornography’ for such crimes against children; calls on the Commission and the Member States to adopt the use of the term ‘child sexual abuse material’ instead of the term ‘child pornography’; stresses, however, that the new terminology shall not in any way restrict the offences listed as ‘child pornography’ in Article 5 of Directive 2011/93/EU in relation to Article 2(c);
5. Considers it regrettable that the Commission’s implementation report fails to mention whether it assessed the efficiency of the INHOPE system when it transfers reports to counterparts in third countries;
6. Considers it regrettable that the Commission has failed to collect data on the types of blocking that have been used; considers it regrettable that data has not been published on the number of websites on blocking lists in each country; considers it regrettable that there is no assessment of the use of security methods, such as encryption, to ensure that blocking lists are not leaked and thereby become seriously counterproductive; welcomes the fact that, having promoted mandatory blocking in 2011, the Commission has explicitly abandoned this position;

Substantive Criminal Law (Articles 3, 4 and 5 of the Directive)

7. Takes note of the fact that the substantive criminal law provisions of Directive 2011/93/EU have been transposed by the Member States; is concerned nevertheless that some Member States have not fully transposed the provisions on offences concerning sexual exploitation (Article 4), offences concerning sexual abuse when abuse is made of

a recognised position of trust, authority or influence (Article 3(5)(i)) or abuse is made of a particularly vulnerable situation of the child (Article 3(5)(ii)), and concerning the liability of legal persons (Article 12);

8. Considers, in particular, that the Member States should make every possible effort to combat the impunity of perpetrators of child sexual abuse, as well as of individuals or legal persons, who are involved in aiding, assisting or abetting any child sexual exploitation and sexual abuse offences; considers it to be of the utmost importance that the Member States ensure the liability of both natural and legal persons, where the lack of monitoring or supervision of a person who is a member of that legal entity, has permitted or facilitated the commission of crimes;
9. Is particularly concerned about the threats and risks which the online dimension poses to children, in particular as regards the online recruitment of children, as well as grooming and other forms of incitement; considers that ways must therefore be found to identify, report and investigate such dangerous practices; stresses the necessity of increasing the level of protection of children online, while at the same time launching awareness-raising and information programmes about the dangers that exist online;
10. Is concerned at the increase in live streaming of child sexual abuse, the perpetrators of which are highly skilled and innovative in the use of advanced technology; considers that all Member States should therefore seek to develop innovative technical applications to detect and block access to such content, while at the same time placing restrictions on payments for services of this nature;
11. Underlines the need to address new forms of crime online, such as revenge porn and sexual-extortion, that affect many youngsters, in particular teenage girls; calls on the Member States' law enforcement authorities and the judiciary to adopt concrete measures to combat this new form of crime and on the internet industry, hotlines, NGOs and all relevant bodies, to take their shared responsibility while seeking to provide solutions to tackle these crimes, including better use of available technologies and developing new technologies to facilitate the identification of persons committing crimes online;
12. Reiterates the right of each individual to decide on the fate of his or her personal data, in particular the exclusive right to control the use and disclosure of personal information, and the right to be forgotten, defined as the possibility to obtain a prompt removal of content that might be prejudicial to his or her own dignity;
13. Emphasises the need for Member States which have not yet done so to criminalise not only online grooming, but also cyberstalking and luring children online; recalls that the term cyberstalking refers to a situation in which adults communicate online with a minor or a person they believe to be a minor for the purpose of subsequently committing a crime against that person;
14. Considers it regrettable that no statistics have been provided on the use of criminal law procedures to seize equipment in relevant cases;

Investigation and prosecution

15. Notes that several Member States have not implemented the requirement to prosecute offences within a sufficient time after the victim has reached the age of majority; encourages, therefore, the Member States to ensure that the statutory limits within which these crimes may be reported and prosecuted are of sufficient length and that, at the very least, they start from the age of majority of the child victim, in order to ensure the possibility of prosecuting the crime;
16. Underlines the importance of implementing Article 17 in order to ensure that the Member States have jurisdiction over offences committed by means of information and communication technology (ICT) accessed from their territory whether or not it is based on their territory; emphasises the need to develop the practical foundation for a common EU approach to the issue of jurisdiction in cyberspace, as pointed out at the informal meeting of justice and home affairs ministers held on 26 January 2016;
17. Deplores that not all offences listed in Directive 2011/92/EU are included in Member States' national legislation when it comes to extraterritorial jurisdiction; considers it regrettable that some Member States guarantee that sexual abuse offences committed abroad will be prosecuted without a complaint by the victim; calls on the Member States to tackle these shortcomings effectively;
18. Calls on all Member States to allocate adequate financial and human resources to law enforcement and judicial authorities to combat child sexual abuse and exploitation, including specific training for police and investigators; calls on the Commission and the Member States to increase the resources earmarked for the identification of victims, and urges the nine Member States which have not yet transposed Article 15 (4) of Directive 2011/93/EU on the identification of victims to do so without delay and implement this provision by setting up special investigative teams equipped with appropriate tools and resources;
19. Considers it regrettable that precise statistics and data on the number of crimes committed in the area of child sexual abuse and exploitation in particular, is still lacking due to the high percentage of unreported cases, the novelty of the offences, and the differences in the definitions and methodologies used in various Member States;
20. Stresses that some of the main challenges faced by the law enforcement and judicial authorities in the investigation and prosecution of child sexual abuse offences online stem, in particular, from the cross-border nature of the investigations and from the dependence on electronic evidence; notes, in particular, the need to upgrade digital investigative techniques in order to keep up with the fast pace of technological development;
21. Calls on the Member States to strengthen cooperation between their law enforcement authorities, including through the increased use of joint investigation teams; urges authorities to recognise that over-reliance on hotlines and the industry can be counterproductive and only outsources the fight against child sexual abuse material;
22. Calls on the Member States to apply the provisions of Directive 2011/93/EU in a future-proof manner; urges the industry and internet service providers to apply up-to-date technology and to invest in innovative solutions to increase the possibilities to identify and prosecute perpetrators, to dismantle criminal networks online, as well as

to protect victims;

23. Expresses concern at the use by internet service providers of carrier-grade network address translation technologies (NAT CGN) which make it possible for several users to share a single IP address at the same time, thereby jeopardising online security and the ability to establish liability; calls on the Member States to encourage internet service providers and network operators to take the steps needed to limit the number of users per IP address, to phase out the use of CGN technologies and to make the investment required to introduce, as a matter of urgency, the next generation of internet protocol addresses (version 6 - IPv6);
24. Calls on the Member States to step up their police and judicial cooperation as well as to make full use of the existing EU cooperation tools provided by Europol – in particular in the context of Analysis Project (AP) Twins and the European Cybercrime Centre – and Eurojust to ensure the successful investigation and prosecution of perpetrators and possible accomplices; stresses that Europol and Eurojust should be given the appropriate resources to fulfil their task in this respect and encourages the Member States to share best practices;
25. Calls on the Member States to step up their police and judicial cooperation to combat the trafficking and smuggling of migrant children, who are particularly vulnerable to abuse, trafficking and sexual exploitation, mainly girls, but also boys; calls for enhanced cooperation and the rapid exchange of information among authorities to trace missing children and for the interoperability of data bases; calls on the Member States to adopt a holistic approach involving all actors concerned and to increase cooperation with law enforcement authorities, social services and civil society; recognises the important role of civil society in identifying vulnerable children, given the lack of trust migrant children have shown in law enforcement authorities;
26. Encourages the Member States to intensify their efforts to combat child sex tourism and prosecute perpetrators and accomplices, taking into account the responsibility of all actors involved;
27. Considers that the Member States should be encouraged to develop a specialised international network to combat sex tourism, accompanied by government-led policies such as the introduction of funding programmes to assist families and children living in danger zones;

Prevention (Articles 22, 23 and 24 of the Directive)

28. Calls on the Member States to put in place effective preventive and intervention programmes, including regular training programmes, for all officials, educators and stakeholders who are in contact with children to better assess the risk of committing crimes;
29. Urges all Member States to implement appropriate measures such as public awareness raising, prevention campaigns, training and dedicated education programmes for the authorities, parents, teachers, children and minors – also in cooperation with parents' associations playing an active role in the protection of children and minors, as well as with relevant civil society organisations – in order to promote the importance of family

values (e.g. mutual responsibility, respect and care), human dignity, self-esteem, non-violence, and, more generally, of children's right to be protected against all forms of sexual abuse and sexual exploitation;

30. Calls for the EU institutions and the Member States to establish a multi-stage system of child protection based on the best interests of the child and the full respect of his or her fundamental rights, in order to send a clear message that all forms of the physical, sexual and emotional abuse of children are unacceptable, and punishable by law;
31. Encourages the Member States to share best practices on educational materials and training programmes for all the actors involved, such as teachers, parents, educators and law enforcement authorities, to raise awareness of grooming and other risks to the safety of children online; encourages the Member States to set up ambitious educational programmes targeted at both parents and youngsters with a view to empowering them, by making them aware of the dangers of the internet and encouraging them to report incidents which they have witnessed or of which they have been the victims, in particular via the hotlines set up specifically for children; considers it very important to give parents guidelines to assess the risks their children might face and to detect the early signs of potential online sexual abuse; calls on the service providers to step up their efforts to raise awareness of the risks inherent in going online, in particular for children, by developing interactive tools and information materials;
32. Urges the Member States to introduce into their legislation mandatory criminal background checks for persons applying or volunteering for activities or jobs with access to, or authority over children, and to systematically exchange information on individuals posing a risk to children;
33. Calls on the Member States to exchange information about child sex offenders in order to prevent them from moving unnoticed from one Member State to another for work or for the purpose of volunteering with children or children's institutions; encourages Member States to step up information sharing on criminal convictions and disqualifications, as well as to ensure systematic and coherent data collection in national registers of perpetrators; urges the Member States to fulfil their obligations under Article 22 of Directive 2011/93/EU and to provide effective academically reviewed intervention programmes and measures for persons who fear that they might commit child sexual abuse offences and other offences referred to in Articles 3 to 7 of the Directive;
34. Notes that some Member States have developed dedicated operational systems and forensic capabilities aimed at investigating child sexual abuse; notes, however, that most Member States neither have specialised investigative services, nor the financial means to acquire forensic materials, such as specific software for enabling online investigations to be carried out; recommends, therefore, that the EU support these services by providing the relevant funds, where needed;
35. Notes that most cases involving the sexual abuse and sexual exploitation of children are not reported to the authorities responsible for law enforcement; calls on the Commission and the Member States to take appropriate steps to improve and enhance children's reporting of abuse and to consider setting up systematic direct reporting mechanisms;

36. Calls on the Member States to develop or reinforce child helplines that provide help and support for children who are victims of sexual abuse or exploitation and that deliver on children's fundamental right to be heard; asks the Member States to ensure the round the clock availability of these helplines, their accessibility via different means of communication, their confidentiality, that they are free of charge for the children, but also for the helplines, their clear position within national child protection systems and for guarantees of structural and long-term funding for these helplines;

Assistance and protection to victims (Articles 18, 19 and 20 of the Directive)

37. Calls on the Member States to fully implement Directive 2012/29/EU on the rights of the victims of crime, to adopt specific measures to protect child victims and to share best practices to ensure that children receive proper assistance and support throughout the entirety of criminal proceedings and thereafter;
38. Welcomes the best practices adopted in some Member States for the protection of children, such as the Barnhuset in Sweden, among others; calls on the Member States to focus on ensuring the provision of legal aid, psychological support and assistance and to avoid the secondary victimisation of children; encourages Member States to launch awareness campaigns both at regional and national level to promote support for child victims and to foster a cultural change in public opinion to avoid any victim-blaming attitudes, which may result in additional trauma for child victims of abuse;

Removal and blocking (Article 25)

39. Welcomes the fact that the Member States have put in place legislation and administrative measures to remove webpages containing child sexual abuse material hosted on their territory; calls on the Member States to fully implement Article 25 of Directive 2011/93/EU and give priority to the swift removal-at-source of child sexual abuse material, and with the relevant safeguards in place; regrets the fact that only half of the Member States have incorporated provisions into their legislation making it possible to block access to such webpages for users within their territory; recalls that in the fight against the dissemination of child sexual abuse material, removal measures are more effective than blocking, since the latter does not delete the content;
40. Regrets and expresses concern that, although the Commission has mentioned that some Member States do not have functional 'notice and take-down' procedures, 16 years after the entry into force of Directive 2000/31/EC (the E-Commerce Directive), it has not indicated that any action will be taken to require those Member States to comply with EU law;
41. Calls on the Commission to take further efforts to gather the information necessary to ascertain what procedures are used in Member States where no functional notice and take-down procedures and no criminal penalties are in place and to launch infringement proceedings against Member States should they be found not to comply with the obligations laid down in Directive 2000/31/EC on this matter;
42. Regrets the fact that the Commission has neither assessed the security of blocking lists, the technologies used for blocking in those countries that have implemented the measures, the implementation of security measures, such as encryption, for the storage

and communication of blocking lists, nor carried out any meaningful analysis of the effectiveness of this measure;

43. Notes that Directive 2011/92/EU does not require mandatory blocking; recognises that blocking is neither a single technology nor a reliable one; recommends the removal of child abuse, child exploitation and child sexual abuse material at source in the context of efficient judicial and law enforcement actions;
44. Urges the Member States to speed up, in cooperation with the Internet industry, the notice and take-down procedures, which are still too long, and to establish partnerships with the online industry, Europol and Eurojust to prevent networks and systems from being hacked and misused to distribute child sexual abuse material;
45. Calls on the Member States, in cases where the content is made available from third countries, to step up their cooperation with the third countries concerned and with Interpol in order to secure the prompt removal of the content in question;
46. Recommends that blacklists of websites containing child sexual abuse material be updated regularly by the relevant authorities and communicated to internet service providers to avoid, for instance, over-blocking and to ensure proportionality; recommends the sharing of such blacklists of websites among the Member States, with Europol and its European Cybercrime Centre, and with Interpol; considers, in this regard, that newly developed hashing technology involving automatic image detection and recognition, could be applied; stresses that any technology implemented should be rigorously tested to eliminate, or at least minimise the possibility of hacking, abuse or counterproductive effects;
47. Encourages the INHOPE Network to work with its members to create a secure anonymous reporting mechanism on Deep Web networks, such as the Dark Net networks found on the TOR network, which provides the same high standard of anonymity as that given by press organisations to whistleblowers in order to create the opportunity for those using such networks to come forward with information or reports about child sexual abuse material;
48. Urges the Member States to make it mandatory for internet service providers (ISP) to report child sexual abuse material detected in their infrastructure proactively to law enforcement authorities, as well as to national hotlines; calls on the Commission to continue its funding under the Connecting Europe Facility (CEF) in order to provide the hotlines with adequate resources to fulfil their mandate to tackle illegal content online;
49. Recognises the active and supportive role in combating child sexual abuse material on the Internet played by civil society organisations, such as the INHOPE Network of Hotlines, including the Internet Watch Foundation in the UK; urges the Commission, in cooperation with INHOPE to identify and implement best practices, particularly with regard to statistical reporting and efficient interaction with law enforcement; urges the Member States which have not yet done so to set up such hotlines and takes the view that they should be allowed to search for child sexual abuse material online proactively;
50. Urges the Member States which have not yet done so to put in place, without delay, safe and child-sensitive reporting and counselling mechanisms, such as telephone or

computer hotlines with email addresses, or tablet or smartphone applications to which Internet users can report – even anonymously – child sexual abuse material they find online and that are capable of assessing this reported content rapidly with a view to implementing prompt notice and take-down procedures and removing content hosted outside their territory; asks for the clear recognition and strengthening of the hotlines and encourages Member States to equip them properly with resources, including appropriate budgets and trained professionals with expertise; takes the view that these hotlines should be allowed to search proactively for child sexual abuse material online alongside receiving reports from the public;

51. Stresses the need to promote and support EU information programmes enabling members of the public to bring to the attention of the authorities online content that is illegal or harmful to children;
52. Calls on the Commission to continue keeping Parliament regularly informed on the state of play in relation to compliance with the Directive by the Member States, by providing disaggregated and comparable data on the Member States' performance in preventing and combating child sexual abuse and exploitation offline and online; calls on the Commission to present a more comprehensive report on the implementation of the Directive, which should include additional information and statistics on take-down and blocking of websites containing child sexual abuse material, statistics on the speed of removal of illegal content beyond a period of 72 hours and on the follow-up by the law enforcement authorities to the reported offences, delays in take-downs as a result of the need to avoid interference with ongoing investigations, information on the use of the stored data by judicial and law enforcement authorities and on the actions undertaken by hotlines after informing the law enforcement authorities to contact the hosting providers; instructs its relevant committee to hold a hearing on the state of play in relation to implementation and possibly consider adopting an additional report on the follow up given to the implementation of the Directive;

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53. Instructs its President to forward this resolution to the Council and the Commission as well as to the parliaments and the governments of the Member States.

4.7.2017

OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Civil Liberties, Justice and Home Affairs

on the implementation of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography
(2015/2129(INI))

Rapporteur: Sabine Verheyen

SUGGESTIONS

The Committee on Culture and Education calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recalls that the fight against the sexual abuse of children and minors and child pornography should be a priority for Member States and, as such, needs a comprehensive, multi-disciplinary and zero tolerance approach; insists, for that reason, that measures such as public awareness raising, preventive campaigns, training and education for the authorities, parents, teachers, children and minors - in cooperation, in particular, with parents' associations active in the protection of children and minors, as well as with relevant civil society organisations - are just as essential in the fight against these crimes as assistance to victims and their families, investigation of crimes, removing child sexual abuse material, and prosecution of offenders;
2. Notes the Commission's reports on the implementation of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography¹, and agrees that, in spite of recent developments, there is still room for improvement until the Directive achieves its full potential across all Member States; repeats that the child's best interests must be the primary consideration in the implementation of the Directive; urges the Commission to assist the Member States in achieving correct and full transposition and implementation of the Directive across the EU so that children can benefit from its full added value;
3. Calls on the Commission and the Member States to give priority to the prevention of the sexual abuse and sexual exploitation of children, and to strengthen their cooperation with

¹ OJ L 335, 17.12.2011, p. 1.

educational and training institutions, sexual abuse helpdesks, international, non-governmental and civil society organisations and private industries in order to establish effective and innovative prevention policies, including developing teaching and training materials concerning this issue;

4. Notes with concern that the main challenges for Member States in implementing Directive 2011/93 are related to the provisions concerning preventive and intervention measures and assistance, and support and protection for child victims; encourages the Commission in its implementation report to provide information on the best practices involving actual measures adopted in different Member States and their impact in the fight against the sexual abuse and sexual exploitation of children and child abuse images;
5. Reports that the sexual abuse and sexual exploitation of children offline and online, including child abuse material, continues to be a major concern and a serious crime as well as a violation of the fundamental rights of the victims; stresses that these crimes cause both short- and long-term physical, psychological and social harm to children, with a continuous risk of re-victimisation and stigmatisation of the victims through the online environment;
6. Urges that a comprehensive policy response against the new forms of child sexual exploitation and abuse on the internet, such as cyber predation, sex-extortion, commercial web streaming, revenge pornography, voyeurism, and grooming is urgently needed, including the bolstering of efforts and resources dedicated to victim identification and victim-centred services; recommends that the Commission, in this regard, should further assess whether the objectives of Directive 2011/93 have been achieved effectively, and whether the Directive provides a relevant response to the new digital and technological challenges and threats;
7. Urges the Member States which still have not fully implemented Articles 22, 23, 24 and Articles 18, 19 and 20 of the Directive to do so without further delay and, in particular, to adopt preventive measures concerning the systematic training of officials likely to come into contact with children and minors;
8. Urges the Member States to implement provisions on assistance, support and protection measures for children and minors who are the victims of sexual offences (Articles 18, 19 and 20), to enhance their efforts in promptly identifying victims and providing them with psychological support; calls on the Member States - taking into account the best interests of the child - to ensure that child victims of sexual offences be considered as particularly vulnerable victims pursuant to the Victims' Rights Directive¹ by adopting special assistance and protection measures, such as the possibility of testifying without being required to give evidence in a public hearing, and the possibility of being assisted only by people who have been specially trained for this purpose;
9. Calls on the Member States, in accordance with Article 23, to provide appropriate training and to build up competences to deal with the new threats in the online environment and the widespread use of, and access to, mobile technologies and the internet, in particular

¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012, p. 57.

among the judiciary and police units, to assist them in properly investigating and prosecuting perpetrators and in offering assistance to the victims;

10. Repeats that sufficient funds, human resources and investigative powers and tools, including the development of high-tech capabilities are needed to prevent illegal content online, to provide better and faster identification of victims and offenders, and to respond to the new phenomena and expanding trends online, including new distribution and transaction models for child abuse material;
11. Calls on the Commission to promote and support the exchange of good practices and experiences in the Member States; stresses that voluntary initiatives on the part of the relevant stakeholders can provide useful support for the fight against such offences, but cannot replace effective legislative provisions;
12. Agrees that awareness-raising materials, channels and campaigns for both children and adults, especially parents and those in contact with children, need to be promoted at grass-roots level with a view to helping them to understand and prevent online risks, provide a safe online environment and promote a positive online experience for children;
13. Underlines that the prevention measures should cover technology related aspects in particular, with a view to ensuring a safer internet and digital literacy; encourages the Member States, therefore, to consider incorporating training and education initiatives into their programmes and educational curricula in an age-appropriate way, in order to promote media literacy and online safety and to teach children and minors sexual abuse prevention, from an early age, including how to identify and protect themselves from the danger that online material may represent, how to spot the signs of inappropriate behaviour and how to report it; calls, furthermore, on the Member States to adopt provisions to apply stringent technical measures, such as age-appropriate privacy settings, encryption and parental control as a default option, to ensure maximum protection for children and minors;
14. Highlights that, given the rapidly changing nature of cybercrime and the pace at which technology evolves, there is a need for a constantly adaptive approach to the research and development of mechanisms and advanced techniques, including software development, which would allow the early detection, blocking and removal of illegal content, such as child sexual abuse content, online; calls, therefore, on the Member States to strengthen their actions and constantly adapt their child sexual abuse prevention plans and policies to combat the sexual abuse and sexual exploitation of children and child pornography online, and calls on the Commission to support their efforts;
15. Calls on the Commission to continue to monitor closely the transposition measures adopted by the Member States, and to initiate an infringement procedure promptly if such measures do not comply with the Directive;
16. Emphasises the role of parents in the prevention of the sexual exploitation of children and minors by setting guidelines, monitoring children's and minors' internet and social media use and informing their children and minors about the dangers of child pornography;
17. Encourages the Commission and the Member States to facilitate access to public funds for NGOs to carry out prevention and educational activities regarding the sexual exploitation

of children and minors online and child pornography, and to give greater public attention to this matter;

18. Recalls that the online sexual exploitation of children and minors is a constantly evolving, frightening phenomenon with long-term recurring consequences for its victims, which parallels developments in technology and that, according to the International Association of Internet Hotlines (INHOPE), the average age of victims of child sexual abuse material is steadily decreasing; underlines that peer-to-peer and Deep Web and Darknet networks provide a high degree of anonymity for offenders and are therefore used for exchanging child sexual abuse material;
19. Encourages the media and advertising sectors to safeguard the dignity and innocence of children and minors in their productions, through co-regulatory mechanisms, codes of conduct and other voluntary action;
20. Recommends that blacklists of websites containing child pornography prepared by the relevant national authorities and communicated through secure channels to Internet service providers with a view to removing illegal contents be based on clear and transparent criteria providing an adequate level of legal certainty and complying with this Directive and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union (CFREU); stresses that, since this is a global issue which goes beyond national borders, it is necessary to share such blacklists of websites among the Member States - through enhanced cooperation with Interpol, Europol, and its European Cybercrime Centre, and with third countries; recommends that such lists should also be targeted and regularly updated;
21. Encourages the Member States, in accordance with Article 24(4), to ensure that convicted offenders are subject to an assessment of the danger and risk of recidivism they represent; supports the regular exchange of such assessment and criminal records information about child sex offenders between law enforcement authorities so as to prevent them from moving unnoticed from one Member State to another, in particular if working or volunteering with children and minors or children's institutions; calls on the Member States to step up information sharing on criminal convictions and disqualifications, and to improve data collection in national registers of perpetrators;
22. Stresses that regularly collecting data and distributing factual information about the current levels and methods of the sexual abuse and sexual exploitation of children, as well as providing children, parents and individuals working with children with the appropriate knowledge and tools, is essential to reducing and preventing this threat;
23. Invites the Commission to take into account the decisions of the Council of Europe, with special reference to the Recommendation of the Parliamentary Assembly (PACE) 2092 (2016) on Fighting the over-sexualisation of children;
24. Urges the Member States, in collaboration with national hotlines, to make it mandatory for Internet service providers (ISP) to report and remove child sexual abuse and child pornography material detected in their infrastructure to law enforcement authorities, as well as to national hotlines, and calls on the ISPs to preserve evidence on the basis of due legal process and in accordance with the CFREU and the UN Convention on the Rights of

the Child; stresses the important role of information and communication technology (ICT) and ISPs in ensuring the fast and efficient removal of illegal content online at the request of the responsible law enforcement authorities;

25. Urges Member States which have not yet done so to put in place, without delay, safe and child-sensitive reporting and counselling mechanisms, such as telephone or computer hotlines with email addresses, or tablet or smartphone applications to which Internet users can report - even anonymously - child sexual abuse material they find online and that are capable of assessing rapidly this reported content with a view to implementing prompt notice and take-down procedures, and removing content hosted outside their territory; takes the view that such hotlines should be allowed to search for child sexual abuse material proactively, as is the case for the Internet Watch Foundation (IWF) in the UK; calls on the Member States to achieve better cooperation between helplines and hotlines to ensure the protection of children and minors who are the victims of sexual exploitation and abuse;
26. Urges Member States to introduce in their legislation mandatory background checks for persons applying or volunteering for activities and jobs relating to children or jobs that directly relate to tackling child sexual abuse material, and to systematically exchange information on individuals posing a risk to children;
27. Welcomes the fact that about half of the Member States have chosen to apply – besides measures aimed at the prompt removal of web pages containing child sexual abuse material in accordance with Article 25 (1) – measures which are optional under Article 25 (2) of the Directive to block access to websites containing or disseminating child pornography; encourages the Member States which have not yet introduced such measures to do so; invites the Commission, in the context of a possible future revision, to consider the introduction of stricter measures in Article 25 (2), and encourages recourse to EU funds, including for research, to identify new, high-potential technological solutions in this domain; notes that the removal of illegal content is a valid way of combating the sexual exploitation of children, minors and child pornography;
28. Notes with concern the results of the IWF's annual report, released at the beginning of April 2017, according to which internet domains based in Europe now host 60 % of the web pages that feature images of child sexual abuse, amounting to a 19 percentage point increase from 2015, and that there has been a sharp increase in sexual abuse URLs in some Member States; calls on the Member States to strengthen their cooperation, exchanges of information and to share good practises in order to reduce the availability of child sexual abuse material online;
29. Stresses that, when the Member States impose measures limiting fundamental rights on the Internet when implementing Article 25, the principles of transparency, necessity and proportionality need to be safeguarded in line with the law of the EU and of the Member States and reasons must be provided by the Member States for the restrictions, as well as the possibility of redress;
30. Stresses the need to raise awareness about the dangers and risks of children's exposure to social media;
31. Stresses that children's personal data must be duly protected, and that children and parents

need to be informed of the risks and consequences of using children's personal data online;

32. Agrees that multi-stakeholder engagement and cooperation between the private and public sectors, including civil society, law enforcement agencies, agencies working with children, the social services, private industry stakeholders, such as the technology industry, are crucial to the effective detection and combating of illegal material and the dissemination of child sexual abuse material online;
33. Highlights, in addition, the need for international cooperation and transnational investigation with the EU's strategic partners and the law enforcement authorities to fight child sexual abuse and exploitation online;
34. Reiterates that precise statistics and data on the number of crimes committed in the area of child sexual abuse in particular, is still lacking due to the high percentage of unreported cases, the novelty of the offences, and the differences in the definitions and methodologies used in various Member States;
35. Calls on the Member States to accelerate, in cooperation with the content and service providers - on the basis of due legal process and in accordance with the CFREU and the UN Convention on the Rights of the Child - the notice and take-down procedures for content involving child sexual abuse and exploitation, including child pornography, with the aim of providing adequate safeguards, in particular to ensure that the interference is limited to what is necessary and proportionate, and to include the possibility of judicial redress; calls on the Commission to facilitate and enhance the exchange of best practices in this field and calls, furthermore, on the Member States to strengthen their cooperation in order to address these issues effectively;
36. Highlights that there is a growing threat to children affected by the refugee crisis, exposing them to an increased risk of sexual exploitation and sexual abuse, in particular for unaccompanied minor children, as many are reported missing after their arrival; urges the Commission and the Member States to address this phenomenon, and to adopt effective measures to improve this situation and to reinforce the protection of children;
37. Urges the Commission and the Member States to raise awareness among citizens of the importance of combating the sexual abuse and sexual exploitation of children and minors and child pornography by promoting and fully participating in initiatives and information campaigns, such as the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse, established by the Council of Europe;
38. Encourages the Member States which have not yet done so to establish assistance services, including online services, to provide support, information and training on how to recognise the signs of sexual abuse and sexual exploitation, and how to respond when troubling behaviour that is not yet abusive is observed;
39. Calls on the Member States to ensure that illegal content is not only taken down quickly, but that it stays down;
40. Supports a rights-based approach to the protection of children, taking into account the international legal order; recalls, in this context, that the 2011 EU Agenda for the Rights

of the Child considers ‘the Treaties, the Charter of Fundamental Rights of the European Union and the UN Convention on the Rights of the Child (UNCRC) as a common basis for all EU action which is relevant to children’.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	29.6.2017
Result of final vote	+: 22 -: 1 0: 0
Members present for the final vote	Isabella Adinolfi, Silvia Costa, Angel Dzhabazki, María Teresa Giménez Barbat, Giorgos Grammatikakis, Petra Kammerevert, Svetoslav Hristov Malinov, Luigi Morgano, Momchil Nekov, Michaela Šojdrová, Helga Trüpel, Sabine Verheyen, Bogdan Brunon Wenta, Bogdan Andrzej Zdrojewski, Milan Zver, Krystyna Łybacka
Substitutes present for the final vote	Santiago Fisas Aixelà, Morten Løkkegaard, Michel Reimon, Remo Sernagiotto
Substitutes under Rule 200(2) present for the final vote	Lefteris Christoforou, Andrejs Mamikins, Jana Žitňanská

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

22	+
ALDE	María Teresa Giménez Barbat, Morten Løkkegaard
ECR	Angel Dzhambazki, Remo Sernagiotto, Jana Žitňanská
EFDD	Isabella Adinolfi
PPE	Lefteris Christoforou, Santiago Fisas Aixelà, Svetoslav Hristov Malinov, Michaela Šojdrová, Sabine Verheyen, Bogdan Brunon Wenta, Bogdan Andrzej Zdrojewski, Milan Zver
S&D	Silvia Costa, Giorgos Grammatikakis, Krystyna Łybacka, Andrejs Mamikins, Luigi Morgano, Momchil Nekov
Verts/ALE	Michel Reimon, Helga Trüpel

1	-
S&D	Petra Kammerevert

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

4.7.2017

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Civil Liberties, Justice and Home Affairs

on the implementation of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography
(2015/2129(INI))

Rapporteur: Clare Moody

SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas research indicates that child sexual abuse affects girls more than boys (prevalence rates are 13.4 % for girls and 5.7 % for boys) and is predominantly perpetrated by men; whereas the gender aspect must be reflected in the prevention of and protection against child sexual abuse;
 - B. whereas exposure to pornography may increase children and young people's vulnerability to sexual abuse and exploitation; whereas statistics show that 12 % of websites are pornographic sites, on which pornographic videos involving children can also sometimes be hidden; whereas anyone, regardless of age, can have free access to these sites and download all the videos they want;
 - C. whereas victims of sexual abuse are confronted with serious physical and psychological risks that can affect their private and social lives;
 - D. whereas girls fleeing conflict and persecution are at a heightened risk of rape, sexual abuse and exploitation and forced marriage, and whereas research indicates that language barriers, cultural taboos, fear of not reaching their final destinations and other factors mean that some child refugee victims do not report cases to the authorities;
1. Is concerned that the non-consensual distribution of erotic or pornographic material, including online and through social media, such as the phenomenon of so-called 'revenge porn' – a rapidly increasing form of abuse and persecution – overwhelmingly affects

women and girls, some of whom are under the legal age of consent; calls on the Member States to monitor the internet in order to curb ‘revenge porn’ promptly and effectively, and to introduce a range of legislative policies to prevent and sanction this new form of crime; calls on the internet industry to take shared responsibility for this phenomenon; emphasises the need for education and awareness-raising for everyone, especially girls and boys, with regard to the possible consequences of recording intimate images, such as photographs and videos of themselves, and making them available to others; highlights the need for awareness-raising and training on the issue for education, youth and community workers and volunteers, as well as for the strengthening of the capacity of law enforcement agencies to tackle these risks in a gender-sensitive manner;

2. Encourages the competent authorities in the Member States to include the education of girls and boys about relationships based on consent, respect and reciprocity in their comprehensive sex and relationship education (SRE) programmes, given that research has shown that rights-based comprehensive SRE is an appropriate and effective way to protect children and young people against the risks of abuse and sexual exploitation;
3. Calls on those Member States that do not have mandatory SRE (Bulgaria, Croatia, Hungary, Italy, Lithuania, Romania, Slovakia and Spain) to introduce it; calls on all Member States to require an emphasis on sexual consent and respect in SRE;
4. Underlines the importance in schools of digital literacy and online safety programmes, which are indispensable for children, but also for parents and those in contact with children; encourages the Member States to launch information campaigns on cyber safety and the principles of ethical behaviour on the internet with regard to personal privacy and the privacy of others; notes that education programmes and content tackling these issues must also focus on men and boys, breaking down gender stereotypes and combating sexism and behaviour leading to online harassment;
5. Calls on the Member States, in cooperation with the judicial and police authorities, to improve parental control systems through the use of new technologies, including smartphone apps, in order to protect children more effectively;
6. Emphasises the need to raise awareness at an early stage among all girls and boys about staying safe online and about the importance of respecting the dignity and privacy of others in the digital era; encourages Member States to share best practices on education material and training programmes on grooming and other forms of threats to the online safety of children, girls in particular, among all actors involved, including teachers, educators and law enforcement authorities; recalls that raising awareness among parents and other relatives is just as important as raising awareness among the children themselves;
7. Considers that removal of content must remain a priority, but acknowledges that this can be a lengthy procedure; believes, therefore, that rapid take-down mechanisms should be put in place and removal procedures sped up;
8. Asks the Member States to take into account the strong gender dimension of disclosure rates, with boys and men reporting abuse less frequently than girls and women, who for their part often delay self-reporting;

9. Recommends that when transposing Article 15 or amending the legislative provisions on the statute of limitations on the self-reporting of sexual crimes committed against minors, any statute of limitations should run from the date of majority instead of the date on which the offence was committed;
10. Urges the nine Member States that have not yet transposed Article 15(4) on victim identification to do so without delay and to implement it by, for example, establishing specialised investigative teams, investing in forensic tools and participating in cross-border investigations;
11. Calls on the Member States to step up cooperation and to exchange data to identify child victims of sexual abuse, including missing children, and especially girls, who are particularly vulnerable to trafficking and sexual exploitation;
12. Invites the Commission to invest in continuous transnational child victim identification programmes by assisting the Member States in their forensic capacities and cooperating in this area, including in the development of specialised human resources and equipment;
13. Calls on the Member States when identifying potential victims to devote closer attention to vulnerable groups of children, such as Roma children, children with mental disabilities and refugee children, especially unaccompanied minors and child asylum seekers in detention who are at risk of sexual abuse and exploitation in institutions, refugee camps or asylum centres; emphasises the importance, therefore, of measures such as performing background checks on staff, social workers and volunteers who are in contact with children, establishing reporting systems and providing assistance to victims; reiterates, in this regard, that support measures for victims are important not only during the investigation of sexual abuse or exploitation, but also at a later stage, in order to help them overcome post-traumatic stress and receive appropriate medical and psychological advice and legal aid; calls on the Member States to improve the communication capability of judges, public prosecutors and police officers when investigating the sexual abuse or exploitation of children, with a focus on communication with children with special needs, and to promote other measures focused on the prevention of secondary victimisation;
14. Calls on the Member States to step up measures to protect victims of child sexual abuse and to improve the role of national helplines, pursuing a gender-sensitive approach;
15. Insists on the importance of the proper transposition of Article 20(3)(a), and urges Member States to interpret the phrase ‘unjustified delay’ conservatively when conducting interviews with child victims; acknowledges the good practice in Sweden of hearing children within two weeks of the crime being reported; asks the Member States, furthermore, to put in place the necessary measures to properly transpose the provision setting out the procedural conditions required to protect children against secondary victimisation;
16. Notes with concern that the human trafficking and sex tourism industry affects significant numbers of underage girls; encourages the Commission and the Member States to intensify their efforts to combat child sex tourism and human trafficking and to focus on travel organisations and authorities with a view to raising awareness of the gravity of these crimes among travellers;

17. Calls on the Member States and the Commission to enact legislation which will enable the conviction of travellers found guilty of going to a third country for sexual purposes involving minors and then returning to the EU;
18. Calls on the Commission and the Member States to enact legislation which will enable the conviction of tour operators found guilty of promoting sex tourism involving minors;
19. Calls on the Member States to increase the provision of resources for educating children about how to seek help and recognise predators, while also educating adults about how to spot abuse and support children in individual services, as well as resources for investigative experts, who should be aware of how gender differences affect the ways in which girls and boys respond to sexual abuse; underlines, furthermore, the need to combat persistent gender stereotypes and the increased sexualisation of children in the media;
20. Underlines the fact that preventative action is weak throughout the EU, and calls on the Member States to implement Article 22 of the Directive by setting up intervention programmes for those who fear that they might commit offences; urges the Commission to establish regular cross-border good practice exchanges on preventive programmes; invites the Member States, in accordance with Article 24(1), to establish compulsory intervention programmes for all convicted offenders in order to prevent recidivism;
21. Encourages the exchange of views between child protection officers, paediatricians, educational institutions and youth and children's organisations in the investigation of cases of child abuse so as to enable them to play an active role in raising awareness of this issue;
22. Recognises the achievements of INHOPE, a collaborative network of 46 hotlines committed to eliminating child sexual abuse from the internet; calls on the Commission to assist Member States in ensuring the existence of such a hotline in each Member State and in harmonising relevant protocols;
23. Encourages the Commission and the Member States to use gender mainstreaming research and statistics on the sexual abuse and exploitation of children to promote the exchange of good practices in policymaking and programme implementation;
24. Notes the lack of research into abuse experienced by young LGBTI people; emphasises the need for further research in this area that takes into account the sexual violence and harassment experienced by LGBTI people and the vulnerability of young homeless people, many of whom are LGBTI people who have run away from home.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	26.6.2017
Result of final vote	+: 18 -: 0 0: 5
Members present for the final vote	Maria Arena, Vilija Blinkevičiūtė, Mary Honeyball, Agnieszka Kozłowska-Rajewicz, Florent Marcellesi, Maria Noichl, Marijana Petir, João Pimenta Lopes, Ernest Urtasun, Jana Žitňanská
Substitutes present for the final vote	Catherine Bearder, Stefan Eck, Eleonora Forenza, Edouard Martin, Clare Moody, Mylène Troszczynski, Julie Ward, Marco Zullo
Substitutes under Rule 200(2) present for the final vote	James Carver, Claudia Schmidt, Molly Scott Cato, Axel Voss, Branislav Škripek

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

18	+
EPP	Agnieszka Kozłowska-Rajewicz, Claudia Schmidt, Axel Voss
S&D	Maria Arena, Vilija Blinkevičiūtė, Mary Honeyball, Edouard Martin, Clare Moody, Maria Noichl, Julie Ward
VERTS/ALE	Florent Marcellesi, Molly Scott Cato, Ernest Urtasun
ALDE	Catherine Bearder
GUE/NGL	Stefan Eck, Eleonora Forenza, João Pimenta Lopes
EFDD	Marco Zullo

0	-

5	0
EPP	Marijana Petir
ECR	Branislav Škripek, Jana Žitňanská
EFDD	James Carver
ENF	Mylène Troszczynski

Key to symbols:

+ : in favour

- : against

0 : abstention

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	13.11.2017
Result of final vote	+: 46 -: 1 0: 1
Members present for the final vote	Asim Ademov, Jan Philipp Albrecht, Monika Beňová, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Laura Ferrara, Lorenzo Fontana, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Jussi Halla-aho, Monika Hohlmeier, Brice Hortefeux, Filiz Hyusmenova, Sophia in 't Veld, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, Soraya Post, Judith Sargentini, Birgit Sippel, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Bodil Valero, Harald Vilimsky, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra
Substitutes present for the final vote	Carlos Coelho, Anna Maria Corazza Bildt, Miriam Dalli, Gérard Deprez, Maria Grapini, Teresa Jiménez-Becerril Barrio, Marek Jurek, Miltiadis Kyrkos, Jeroen Lenaers, Andrejs Mamikins, Emilian Pavel, Róza Gräfin von Thun und Hohenstein
Substitutes under Rule 200(2) present for the final vote	Othmar Karas, Iuliu Winkler

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

46	+
ALDE	Gérard Deprez, Nathalie Griesbeck, Filiz Hyusmenova, Sophia in 't Veld
ECR	Jussi Halla-aho, Marek Jurek, Helga Stevens
EFDD	Laura Ferrara, Kristina Winberg
ENF	Lorenzo Fontana, Harald Vilimsky
PPE	Asim Ahmedov Ademov, Carlos Coelho, Anna Maria Corazza Bildt, Agustín Díaz de Mera García Consuegra, Frank Engel, Kinga Gál, Monika Hohlmeier, Brice Hortefeux, Teresa Jiménez-Becerril Barrio, Othmar Karas, Barbara Kudrycka, Jeroen Lenaers, Roberta Metsola, Róza Gräfin von Thun und Hohenstein, Traian Ungureanu, Iuliu Winkler, Tomáš Zdechovský
S&D	Monika Beňová, Miriam Dalli, Ana Gomes, Maria Grapini, Dietmar Köster, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Emilian Pavel, Soraya Post, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Jan Philipp Albrecht, Judith Sargentini, Bodil Valero

1	-
ENF	Auke Zijlstra

1	0
GUE/NGL	Cornelia Ernst

Key to symbols:

+ : in favour

- : against

0 : abstention