DRAFT OPINION

of the Committee on Culture and Education

for the Committee on Civil Liberties, Justice and Home Affairs


Rapporteur for opinion: Niyazi Kizilyürek
SHORT JUSTIFICATION

On 11 May 2022, the European Commission published its legislative proposal for a Regulation on laying down rules to prevent and combat child sexual abuse, which aims to introduce uniform rules to address the misuse of relevant information society services for online child sexual abuse in the internal market (Article 1 of the proposal).

The Rapporteur would like to highlight the importance of combating online child sexual abuse and suggests a series of amendments in order to reinforce the prevention measures among children through education and with a focus on digital skills and competences including media literacy. In addition, the Rapporteur emphasises the need to support the victims and their families.

Regarding the governance structures, the Rapporteur believes that the EU Centre and the national Coordinating Authorities can serve as important research and awareness raising hubs in order to prevent and combat online child sexual abuse.

Finally, the Rapporteur believes that this Regulation, together with the new European strategy for a better internet for kids (BIK+), could create safe digital experiences for children and promote their empowerment and active participation in the digital environment.

AMENDMENTS

The Committee on Culture and Education calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation
Recital 35

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation.</td>
<td>(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims should therefore be timely informed by the Coordinating Authorities designated by the Member State where they reside of the existence of known child sexual abuse material depicting them that is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation. In such a case, victims should also have the right to obtain relevant information, upon</td>
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Amendment 2

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

Amendment

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to receive adequate support and to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

Amendment 3

Proposal for a regulation
Recital 60
In the interest of legal certainty and effectiveness, the tasks of the EU Centre should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of the detection, reporting and blocking obligations imposed on providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services. However, for that same reason, the EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of or disabling of access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as the generation and sharing of knowledge and expertise related to online child sexual abuse.

Amendment 4
Proposal for a regulation
Recital 67

Given its central position resulting from the performance of its primary tasks under this Regulation and the information and expertise it can gather in connection thereto, the EU Centre should also contribute to the achievement of the objectives of this Regulation by serving as a hub for knowledge, expertise and
research on matters related to the prevention and combating of online child sexual abuse. In this connection, the EU Centre should cooperate with relevant stakeholders from both within and outside the Union and allow Member States to benefit from the knowledge and expertise gathered, including best practices and lessons learned.

Amendment 5

Proposal for a regulation
Recital 70

*Text proposed by the Commission*

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they work together effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines’ expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

*Amendment*

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. This role played by hotlines should be reinforced and hotlines should continue to facilitate this fight, while being able to maintain their current design. The EU Centre should leverage the network of hotlines and encourage that they work together effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines’ expertise and experience is an invaluable source of information on the early identification of
common threats and solutions, as well as on regional and national differences across the Union. Anonymous public reporting is crucial to countering child sexual abuse. The promotion of hotlines by the EU Centre and the Coordinating Authorities through the educational systems of Member States in order to educate youth and reach potential victims is of great importance.

Amendment 6
Proposal for a regulation
Article 2 – paragraph 1 – point p

Text proposed by the Commission

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material and the solicitation of children;

Amendment

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material or the solicitation of children;

Amendment 7
Proposal for a regulation
Article 20 – paragraph -1 (new)

Text proposed by the Commission

-1. Where an instance of dissemination of known child sexual abuse material is reported to the EU Centre pursuant to Article 12, the Coordinating Authority designated by the Member State of residence shall, in a timely manner, inform the persons residing in the Union depicted therein of the existence of that material.

Amendment

Or. en
Amendment 8

Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

*Amendment*

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them. The information shall be provided to the persons requesting it in a confidential, easily understandable and accessible manner.

Or. en

Amendment 9

Proposal for a regulation
Article 21 – paragraph 1

*Text proposed by the Commission*

1. Providers of hosting services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

*Amendment*

1. Providers of hosting services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider. The removal or disabling of access shall be completed in the most efficient and timely manner.

Or. en

Amendment 10

Proposal for a regulation
Article 21 – paragraph 2 – subparagraph 1
Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

The information shall be provided to the persons requesting it in a confidential, easily understandable and accessible way.

Amendment 11

Proposal for a regulation
Article 25 – paragraph 5

Text proposed by the Commission

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority’s office to handle requests for clarification, feedback and other communications in relation to all matters related to the application and enforcement of this Regulation in that Member State. Member States shall make the information on the contact point publicly available and communicate it to the EU Centre. They shall keep that information updated.

Amendment

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority’s office to handle requests for clarification, feedback and other communications in relation to all matters related to the application and enforcement of this Regulation in that Member State. Member States shall make the information on the contact point publicly available,

shall promote its dissemination and visibility in order to raise awareness, especially in public places frequented by children, and shall communicate it to the EU Centre. They shall keep that information updated.

Or. en
Amendment 12
Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

1. Users shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established.

Amendment

1. Users shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established. Users shall also have the right to lodge such a complaint through the national hotlines of the Member State where the user resides or is established. Those hotlines shall transmit such complaints to the relevant Coordinating Authority.

Or. en

Amendment 13
Proposal for a regulation
Article 34 – paragraph 3 a (new)

Text proposed by the Commission

3a. The user making a complaint shall be informed about the outcome of the investigation.

Amendment

3a. The user making a complaint shall be informed about the outcome of the investigation.

Or. en

Amendment 14
Proposal for a regulation
Article 43 – paragraph 1 – point 6 – point b a (new)

Text proposed by the Commission

(ba) providing technical expertise and promoting the exchange of best practices among Member States on raising awareness for the prevention of child sexual abuse and on promoting digital skills and competences, including media

Amendment

(ba) providing technical expertise and promoting the exchange of best practices among Member States on raising awareness for the prevention of child sexual abuse and on promoting digital skills and competences, including media
literacy, in formal, non-formal and informal education;

Amendment 15
Proposal for a regulation
Article 43 – paragraph 1 – point 6 – point c a (new)

Text proposed by the Commission

(ca) exchanging best practices among Coordinating Authorities regarding the available tools to reduce the risk of children becoming victims of sexual abuse and to provide personalised assistance to victims, taking into account their individual characteristics, such as their age, ethnic and cultural background or sexual orientation.

Amendment 16
Proposal for a regulation
Article 50 – paragraph 2 – introductory part

Text proposed by the Commission

2. The EU Centre shall collect, record, analyse and make available relevant, objective, reliable and comparable information on matters related to the prevention and combating of child sexual abuse, in particular:

Amendment

2. The EU Centre shall collect, record, analyse and make available to the Commission, Member States, civil society organisations and the public relevant, objective, reliable and comparable information on matters related to the prevention and combating of child sexual abuse, in particular:

Amendment 17
Proposal for a regulation
Article 50 – paragraph 3
3. Where necessary for the performance of its tasks under this Regulation, the EU Centre shall carry out, participate in or encourage research, surveys and studies, either on its own initiative or, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission.

The EU Centre shall support Member States and the Coordinating Authorities in conducting research, taking into account national specificities.

Amendment 18
Proposal for a regulation
Article 50 – paragraph 5

Text proposed by the Commission

5. The EU Centre shall develop a communication strategy and promote dialogue with civil society organisations and providers of hosting or interpersonal communication services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse.

Amendment

5. The EU Centre shall develop a communication strategy and promote dialogue with civil society organisations and providers of hosting or interpersonal communication services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse. Communication campaigns shall be easily understandable and accessible to children, their families and educators in order to be available for use in formal, non-formal and informal education in the Union.

Amendment 19
Proposal for a regulation
Article 54 – paragraph 1
1. Where necessary for the performance of its tasks under this Regulation, the EU Centre may cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.

Amendment

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre shall cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations. The EU Centre shall also gather and share information and expertise and facilitate cooperation with such organisations and networks.

Or. en

Amendment 20

Proposal for a regulation
Article 56 – paragraph 3

Text proposed by the Commission

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his/her absence.

Amendment

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in the member’s absence.

Or. en

Amendment 21

Proposal for a regulation
Article 58 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Deputy Chairperson shall automatically replace the Chairperson if he/she is prevented from attending to his/her duties.

Amendment

The Deputy Chairperson shall automatically replace the Chairperson when necessary.

Or. en
Amendment 22
Proposal for a regulation
Article 60 – paragraph 2

Text proposed by the Commission

2. Each member shall have one vote. In the absence of a member, his/her alternate shall be entitled to exercise his/her right to vote.

Amendment

2. Each member shall have one vote. In the absence of a member, the alternate member shall be entitled to exercise the right to vote.

Or. en

Amendment 23
Proposal for a regulation
Article 62 – paragraph 2 – point j

Text proposed by the Commission

(j) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her duties;

Amendment

(j) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of the Officer's duties;

Or. en

Amendment 24
Proposal for a regulation
Article 64 – paragraph 2

Text proposed by the Commission

2. The Executive Director shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties.

Amendment

2. The Executive Director shall report to the European Parliament on the performance of the Executive Director's duties when invited to do so. The Council may invite the Executive Director to report on the performance of the Executive Director's duties.

Or. en
Amendment 25

Proposal for a regulation
Article 84 – paragraph 2

Text proposed by the Commission

2. Each Coordinating Authority shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(2). It shall, by 31 March of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Commission and the EU Centre.

Amendment

2. Each Coordinating Authority shall draw up an annual report on its activities under this Regulation taking into account national specificities. That report shall compile the information referred to in Article 83(2). It shall, by 31 March of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Commission and the EU Centre.

Or. en