



2024/0035(COD)

16.4.2024

*****I**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
on combating the sexual abuse and sexual exploitation of children and child
sexual abuse material and replacing Council Framework Decision
2004/68/JHA (recast)
(COM(2024)0060 – C9-0028/2024 – 2024/0035(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Jeroen Lenaers

(Recast – Rule 110 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast) (COM(2024)0060 – C9-0028/2024 – 2024/0035(COD))

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2024)0060),
 - having regard to Article 294(2) and Article 82(2) and Article 83(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0028/2024),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis¹,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts²,
 - having regard to the letter of [...] sent by the Committee on Legal Affairs to the Committee on Civil Liberties, Justice and Home Affairs in accordance with Rule 110(3) of its Rules of Procedure,
 - having regard to the letter of [...] sent to its President by the Committee on Legal Affairs in accordance with Rule 110(4) of its Rules of Procedure,
 - having regard to the letter of [...] by which the President of the Commission states that it is not withdrawing its proposal,
 - having regard to Rules 110, 59 and 40 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0000/2024),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward

¹ To be received

² OJ C 77, 28.3.2002, p. 1.

codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Child sexual abuse material frequently includes images recording the sexual abuse of children by adults. It may also include images of children involved in sexually explicit conduct, or of their sexual organs, where such images are produced or used for primarily sexual purposes and exploited with or without the child's knowledge. Furthermore, the concept of child sexual abuse material also covers realistic images of a child, where a child is engaged or depicted as being engaged in sexually explicit conduct for primarily sexual purposes, as well as *so-called 'paedophile manuals'*.

Amendment

(10) Child sexual abuse material frequently includes images recording the sexual abuse of children by adults. It may also include images of children involved in sexually explicit conduct, or of their sexual organs, where such images are produced or used for primarily sexual purposes and exploited with or without the child's knowledge. Furthermore, the concept of child sexual abuse material also covers realistic images of a child, where a child is engaged or depicted as being engaged in sexually explicit conduct for primarily sexual purposes, as well as *instruction manuals intended to provide advice, guidance or instructions on how to commit child sexual abuse, child sexual exploitation or child solicitation. To enhance the efficient implementation of this Directive, Member States should harmonise and modernise the language used in their national law to align it with the language used in this Directive. As a crucial initial measure, that involves replacing the term 'child pornography' with 'child sexual abuse material'*.

Or. en

Amendment 2

Proposal for a directive Recital 11

Text proposed by the Commission

(11) Research has shown that limiting the dissemination of child sexual abuse material is not only crucial to avoid the re-victimisation linked to the circulation of images and videos of the abuse but is also essential as a form of offender-side prevention, as accessing child sexual abuse material is often the first step towards hands-on abuse, regardless of whether it depicts real or simply realistic abuse and exploitation. The ongoing development of artificial intelligence applications capable of creating realistic images that are indistinguishable from real images, the number of so-called ‘deep-fake’ images and videos depicting child sexual abuse is expected to grow exponentially in the coming years. In addition, the development of augmented, extended and virtual reality settings making use of avatars including sensory feedback, e.g. through devices providing a perception of touch are not fully covered by the existing definition. The inclusion of an explicit reference to ‘reproductions and representations’ should ensure that the definition of child sexual abuse material covers these and future technological developments in a sufficiently technology-neutral and hence future-proof way.

Amendment

(11) Research has shown that limiting the dissemination of child sexual abuse material is not only crucial to avoid the re-victimisation linked to the circulation of images and videos of the abuse but is also essential as a form of offender-side prevention, as accessing child sexual abuse material is often the first step towards hands-on abuse, regardless of whether it depicts real or simply realistic abuse and exploitation. The ongoing development of artificial intelligence applications capable of creating realistic images that are indistinguishable from real images, the number of so-called ‘deep-fake’ images and videos ***generated by artificial intelligence*** depicting child sexual abuse is expected to grow exponentially in the coming years. In addition, the development of augmented, extended and virtual reality settings making use of avatars including sensory feedback, e.g. through devices providing a perception of touch are not fully covered by the existing definition. The inclusion of an explicit reference to ‘reproductions and representations’ should ensure that the definition of child sexual abuse material covers these and future technological developments in a sufficiently technology-neutral and hence future-proof way.

Or. en

Amendment 3

Proposal for a directive Recital 12

Text proposed by the Commission

(12) To prevent offences involving the sexual abuse of children, the definition of child sexual abuse material should include ***so-called ‘paedophile manuals’***. ***Paedophile*** manuals provide advice on how to find, groom and abuse children and avoid being identified and prosecuted. By lowering barriers and providing the necessary know-how, they contribute to inciting offenders and support the commission of sexual abuse. Their online dissemination has already led certain Member States to amend their criminal law and explicitly criminalise possession and distribution of such manuals. The lack of harmonisation creates an uneven level of protection across the EU.

Amendment

(12) To prevent offences involving the sexual abuse of children, the definition of child sexual abuse material should include ***instruction*** manuals ***on how to sexually abuse children***. ***Such instruction*** manuals provide advice on how to find, groom and abuse children and avoid being identified and prosecuted. By lowering barriers and providing the necessary know-how, they contribute to inciting offenders and support the commission of sexual abuse. Their online dissemination has already led certain Member States to amend their criminal law and explicitly criminalise possession and distribution of such manuals. The lack of harmonisation creates an uneven level of protection across the EU.

Or. en

Amendment 4

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) Solicitation of children for sexual purposes is a threat with specific characteristics in the context of the Internet, as the latter provides unprecedented anonymity to users because they are able to conceal their real identity and personal characteristics, such as their age. In the last decade, the use of information and communication technologies has provided offenders with increasingly easy access to children, where the contact often starts with the offender luring the child, for example by pretending to be a peer or with other deceitful or flattering conduct, into compromising situations. This increased access to

Amendment

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children has led to the rapid growth of phenomena such as *'sextortion'* (i.e. the conduct of threatening to share intimate material depicting the victim to obtain money, child sexual abuse material or any other benefit), affecting children both below and above the age of sexual consent. There has been a surge in recent years of financially motivated *sextortion* by organised crime groups that target in particular teenage boys, which have led to multiple cases of those children taking their lives. It is therefore essential that all these phenomena are appropriately covered in Member States' law. At the same time, Member States acknowledge the importance of also combating the solicitation of a child outside the context of the Internet, in particular where such solicitation is not carried out by using information and communication technology. Member States are encouraged to criminalise the conduct where the solicitation of a child to meet the offender for sexual purposes takes place in the presence or proximity of the child, for instance in the form of a particular preparatory offence, attempt to commit the offences referred to in this Directive or as a particular form of sexual abuse. Whichever legal solution is chosen to criminalise 'off-line grooming', Member States should ensure that they prosecute the perpetrators of such offences.

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Or. en

Amendment 5

Proposal for a directive Recital 24

Text proposed by the Commission

(24) This Directive does not govern Member States' policies with regard to consensual sexual activities in which

Amendment

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children may be involved and which can be regarded as the normal discovery of sexuality in the course of human development, taking account of the different cultural and legal traditions and of new forms of establishing and maintaining relations among children and adolescents, including through information and communication technologies. Member States which avail themselves of the possibilities referred to in this Directive do so in the exercise of their competences. More particularly, Member States should be able to exempt from criminalisation consensual sexual activities involving exclusively children above the age of sexual consent, as well as consensual sexual activities involving peers. The amendments to that Article are intended to clarify the scope of the derogation, in light of the fact that some Member States appear to have interpreted its original wording too broadly (e.g. by exempting from criminalisation consensual activities between minors above the age of consent and adults of any age, considered to be ‘peers’ despite a significant age difference).

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Or. en

Amendment 6

Proposal for a directive Recital 25

Text proposed by the Commission

(25) Member States should provide for aggravating circumstances in their national law in accordance with the applicable rules

Amendment

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established by their legal systems on aggravating circumstances. They should ensure that those aggravating circumstances are available for judges to consider when sentencing offenders, although there is no obligation on judges to apply those aggravating circumstances. The aggravating circumstances should not be provided for in Member States' law when irrelevant taking into account the nature of the specific offence. The relevance of the various aggravating circumstances provided for in this Directive should be evaluated at national level for each of the offences referred to in this Directive.

established by their legal systems on aggravating circumstances. ***The age of the victim should be taken into account as an aggravating circumstance.*** They should ensure that those aggravating circumstances are available for judges to consider when sentencing offenders, although there is no obligation on judges to apply those aggravating circumstances. The aggravating circumstances should not be provided for in Member States' law when irrelevant taking into account the nature of the specific offence. The relevance of the various aggravating circumstances provided for in this Directive should be evaluated at national level for each of the offences referred to in this Directive.

Or. en

Amendment 7

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) Measures to protect child victims in a comprehensive manner should be adopted in their best interest, taking into account an assessment of their needs. Effective child protection requires a whole of society approach. With the child at the centre, all relevant authorities and services should work together to protect and support the child, in their best interests. The “Barnahus” model of providing a child-friendly environment staffed with specialists from all relevant disciplines is currently the most advanced example of a child-friendly approach to justice and to avoiding revictimisation. The relevant provisions of this Directive are built on the principles of that model. That model aims to ensure that all children involved in child abuse or child sexual exploitation

Amendment

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investigations benefit from a high-quality assessment in child-friendly settings, appropriate psychosocial support and child protective services. This Directive attempts to ensure that all Member States uphold these principles, although it does not require the Member States to *follow* the Barnahus model as such. Where medical examinations of the child are necessary for the purposes of the criminal investigations, for example to gather evidence of abuse, these should be limited to the strictly necessary in order to limit retraumatisation. This obligation should not prevent other medical examinations necessary for the well-being of the child. Child victims should have easy access to child friendly justice, legal remedies and measures to address conflicts of interest where sexual abuse or sexual exploitation of a child occurs within the family. When a special representative should be appointed for a child during a criminal investigation or proceeding, this role may be also carried out by a legal person, an institution or an authority. Moreover, child victims should be protected from penalties, for example under national legislation on prostitution, if they bring their case to the attention of competent authorities. Furthermore, participation in criminal proceedings by child victims should not cause additional trauma to the extent possible, as a result of interviews or visual contact with offenders. All authorities involved in the proceedings should be trained in child friendly justice. A good understanding of children and how they behave when faced with traumatic experiences will help to ensure a high quality of evidence-taking and also reduce the stress placed on children when carrying out the necessary measures. Where child victims participate in criminal proceedings, the court should take full account of their age and maturity in conducting the proceedings and should ensure that the proceedings are accessible and understandable to the child.

investigations benefit from a high-quality assessment in child-friendly settings, appropriate psychosocial support and child protective services. This Directive attempts to ensure that all Member States uphold these *victim-oriented* principles, although it does not require the Member States to *implement* the Barnahus model as such. Where medical examinations of the child are necessary for the purposes of the criminal investigations, for example to gather evidence of abuse, these should be limited to the strictly necessary in order to limit retraumatisation. This obligation should not prevent other medical examinations necessary for the well-being of the child. Child victims should have easy access to child friendly justice, legal remedies and measures to address conflicts of interest where sexual abuse or sexual exploitation of a child occurs within the family. When a special representative should be appointed for a child during a criminal investigation or proceeding, this role may be also carried out by a legal person, an institution or an authority. Moreover, child victims should be protected from penalties, for example under national legislation on prostitution, if they bring their case to the attention of competent authorities. Furthermore, participation in criminal proceedings by child victims should not cause additional trauma to the extent possible, as a result of interviews or visual contact with offenders. All authorities involved in the proceedings should be trained in child friendly justice. A good understanding of children and how they behave when faced with traumatic experiences will help to ensure a high quality of evidence-taking and also reduce the stress placed on children when carrying out the necessary measures. Where child victims participate in criminal proceedings, the court should take full account of their age and maturity in conducting the proceedings and should ensure that the proceedings are accessible and

understandable to the child.

Or. en

Amendment 8

Proposal for a directive Recital 40

Text proposed by the Commission

(40) The EU Centre **to prevent and combat child sexual abuse** ('EU Centre'), established by Regulation [.../.../EU laying down rules to prevent and combat child sexual abuse]¹⁶, should support Member States' prevention and assistance to victims' efforts and obligations under this Directive. It should facilitate the exchange of best practices in the Union and beyond. The EU Centre should encourage dialogue between all relevant stakeholders to help the development of state-of-the-art prevention programmes. Moreover, by cooperating with Member States and contributing to the standardisation of data collection concerning child sexual abuse and sexual exploitation throughout the Union, the EU Centre should be an asset in supporting evidence-based policy on both prevention and assistance to victims. Member States should establish national authorities or equivalent entities as they consider most appropriate according to their internal organisation, taking into account the need for a minimal structure with identified tasks, capable of carrying out assessments of trends in child sexual abuse, of gathering statistics, of measuring the results of actions to prevent and combat child sexual abuse, and of regularly reporting on such trends, statistics and results. Such national authorities should serve as a national contact point and should take an integrative multistakeholder approach in their work. In addition, Member States should establish the

Amendment

(40) The EU Centre **for Child Protection** ('EU Centre'), established by Regulation [.../.../EU laying down rules to prevent and combat child sexual abuse]¹⁶, should support Member States' prevention and assistance to victims' efforts and obligations under this Directive. **Laying down those rules and establishing the EU Centre without undue delay is of paramount importance in order to streamline and enhance the multiple efforts to prevent and combat child sexual abuse across the Union.** It should facilitate the exchange of best practices in the Union and beyond. The EU Centre should encourage dialogue between all relevant stakeholders to help the development of state-of-the-art prevention programmes. Moreover, by cooperating with Member States and contributing to the standardisation of data collection concerning child sexual abuse and sexual exploitation throughout the Union, the EU Centre should be an asset in supporting evidence-based policy on both prevention and assistance to victims. Member States should establish national authorities or equivalent entities as they consider most appropriate according to their internal organisation, taking into account the need for a minimal structure with identified tasks, capable of carrying out assessments of trends in child sexual abuse, of gathering statistics, of measuring the results of actions to prevent and combat child sexual abuse, and of regularly

necessary mechanisms at national level to ensure effective coordination and cooperation in the development and implementation of measures to prevent and combat child sexual abuse and child sexual exploitation, both online and offline, among all relevant public and private actors, as well as facilitate cooperation with the EU Centre and the Commission.

reporting on such trends, statistics and results. Such national authorities should serve as a national contact point and should take an integrative multistakeholder approach in their work. In addition, Member States should establish the necessary mechanisms at national level to ensure effective coordination and cooperation in the development and implementation of measures to prevent and combat child sexual abuse and child sexual exploitation, both online and offline, among all relevant public and private actors, as well as facilitate cooperation with the EU Centre and the Commission.

¹⁶ COM (2022) 209 of 11.5.2022.

¹⁶ COM (2022) 209 of 11.5.2022.

Or. en

Amendment 9

Proposal for a directive Recital 40 a (new)

Text proposed by the Commission

Amendment

(40 a) It is essential that Member States build up multidisciplinary structures to integrate expertise from law enforcement, child protection agencies, healthcare professionals, educators and mental health specialists. Those structures should be tailored to addressing the complexities of online exploitation and should encompass swift and coordinated responses to identify, investigate and prosecute offenders while safeguarding the well-being of victims. Those structures, which should be based on the Barnahus model, should be supported by the extensive training, education and professional development of staff and should facilitate the establishment of physical support centres. They should enable victims to receive treatment and

participate in criminal proceedings under the same roof without the risk of repeated re-traumatisation. Those structures are the most efficient approach for supporting child victims of abuse due to their holistic, child-centred, and multidisciplinary nature. Promoting the standards of the Barnahus model is essential for ensuring the well-being and rights of child victims. To ensure better reporting, Member States should be encouraged to diversify reporting mechanisms, taking into account the diverse and evolving manifestations of the crimes and the child's needs and specific vulnerabilities.

Or. en

Amendment 10

Proposal for a directive Recital 43 a (new)

Text proposed by the Commission

Amendment

(43 a) Member States should ensure that law enforcement authorities investigate without undue delay attempts to solicit children for sexual purposes and that child victims of such solicitation attempts are effectively referred to relevant support services for assistance and protection.

Or. en

Amendment 11

Proposal for a directive Article 3 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at

least 8 years where the child is above the age of sexual consent and:

*(a) does not consent to the act with a peer;
or;*

(b) is caused to engage in sexual activities with a person who is not a peer.

Or. en

Amendment 12

Proposal for a directive Article 3 – paragraph 8

Text proposed by the Commission

8. Where the child is above the age of sexual consent and does not consent to the act, the conduct referred to in paragraph 7 shall be punishable by a maximum term of imprisonment of at least **10** years.

Amendment

8. Where the child is above the age of sexual consent and does not consent to the act, the conduct referred to in paragraph 7 shall be punishable by a maximum term of imprisonment of at least **12** years.

Or. en

Amendment 13

Proposal for a directive Article 3 – paragraph 9 – introductory part

Text proposed by the Commission

9. For the purpose of **paragraph 8**, Member States shall ensure that:

Amendment

9. For the purpose of **paragraphs 4 and 8**, Member States shall ensure that:

Or. en

Amendment 14

Proposal for a directive Article 5 – paragraph 8 – introductory part

Text proposed by the Commission

8. Member States shall ***ensure that authorisations for an organisation*** acting in the public interest against child sexual abuse referred to in paragraph 7 allow ***some or*** all of the following activities to:

Amendment

8. Member States shall ***provide a legal framework for organisations*** acting in the public interest against child sexual abuse referred to in paragraph 7 ***to harmonise their role and competences and to ensure that authorisations for such organisations*** allow all of the following activities to:

Or. en

Amendment 15

**Proposal for a directive
Article 5 – paragraph 8 – point d a (new)**

Text proposed by the Commission

Amendment

d a. cooperate directly with national service providers in notice and take-down procedures, with consent from the responsible national law enforcement authority.

Or. en

Amendment 16

**Proposal for a directive
Article 6 – paragraph 1 – point a**

Text proposed by the Commission

Amendment

(a) proposing , by means of information and communication technology, to meet a child either online or in person , for the purpose of committing any of the offences referred to in Article 3(4) , (5), (6) and (7) and Article 5(6), where that proposal was followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least 1 year;

(a) proposing , by means of information and communication technology, to meet a child either online or in person , for the purpose of committing any of the offences referred to in Article 3(4) , (5), (6) and (7), ***Article 4*** and Article 5(6), where that proposal was followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least 1 year;

Amendment 17

Proposal for a directive

Article 6 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that an attempt, by means of information and communication technology, to commit the offences provided for in Article 4(2) and (5) by an adult causing a child to participate in child sexual abuse performances and exploitation ***in prostitution*** is punishable by a maximum term of imprisonment of at least 6 months.

Amendment

Member States shall take the necessary measures to ensure that an attempt, by means of information and communication technology, to commit the offences provided for in Article 4(2) and (5) by an adult causing a child to participate in child sexual abuse performances and ***sexual*** exploitation is punishable by a maximum term of imprisonment of at least 6 months.

Or. en

Amendment 18

Proposal for a directive

Article 7 – title

Text proposed by the Commission

Solicitation ***of*** sexual abuse

Amendment

Solicitation ***to commit*** sexual abuse ***or exploitation***

Or. en

Amendment 19

Proposal for a directive

Article 10 – paragraph 5 – subparagraph 1

Text proposed by the Commission

For the purpose of paragraphs 1 to 4, a child above the age of sexual consent can be considered as having consented to an

Amendment

For the purpose of paragraphs 1 to 4, a child above the age of sexual consent can be considered as having consented to an

activity only where the consent was given voluntarily, as result of the child's free will assessed in the context of the surrounding circumstances.

activity only where the consent was given voluntarily, as result of the child's free will assessed in the context of the surrounding circumstances. ***A child above the age of sexual consent shall not be considered to have consented where the child was unable to form free will due to the presence of the circumstances referred to Article 3(5) or due to other circumstances, including the child's physical or mental condition, such as a state of unconsciousness, intoxication, freezing, illness or bodily injury.***

Or. en

Amendment 20

Proposal for a directive Article 10 – paragraph 6

Text proposed by the Commission

6. Consensual sharing of one's intimate images or videos cannot be interpreted as consent to any further sharing or dissemination of that same image or video.

Amendment

6. Consensual sharing of one's intimate images or videos ***or similar material*** cannot be interpreted as consent to any further sharing or dissemination of that same image or video ***or similar material, including in a manipulated or altered version.***

Or. en

Amendment 21

Proposal for a directive Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) the offence was committed against a child in a particularly vulnerable situation, such as a child with a mental or physical disability, in a situation of dependence or in a state of physical or

Amendment

(a) the offence was committed against a child in a particularly vulnerable situation, such as ***a young child***, a child with a mental or physical disability, in a situation of dependence or in a state of

mental incapacity;

physical or mental incapacity;

Or. en

Amendment 22

Proposal for a directive

Article 11 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(j a) the offence was motivated by one or more of the grounds protected under Article 21 of the Charter of Fundamental Rights of the European Union and resulted in either direct or indirect discrimination contrary to Union law.

Or. en

Amendment 23

Proposal for a directive

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall take the necessary measures to ensure that employers, when recruiting a person for professional or organised voluntary activities involving direct and regular contacts with children, and organisations acting in the public interest against child sexual abuse, when recruiting staff, are required to request information in accordance with national law by way of any appropriate means, such as access upon request or via the person concerned, of the existence of criminal convictions for any of the offences referred to in Articles 3 to 9, entered in the criminal record or of the existence of any disqualification from exercising activities involving direct and regular contacts with children arising from

2. Member States shall take the necessary measures to ensure that employers, when recruiting a person for professional or organised voluntary activities involving direct and regular contacts with children, and organisations acting in the public interest against child sexual abuse, when recruiting staff, ***consultants and volunteers***, are required to request information in accordance with national law by way of any appropriate means, such as access upon request or via the person concerned, of the existence of criminal convictions for any of the offences referred to in Articles 3 to 9, entered in the criminal record or of the existence of any disqualification from exercising activities involving direct and

those criminal convictions.

regular contacts with children arising from those criminal convictions.

Or. en

Amendment 24

Proposal for a directive Article 14 – title

Text proposed by the Commission

Amendment

Sanctions on legal persons

Penalties on legal persons

Or. en

Amendment 25

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

Text proposed by the Commission

Amendment

(f a) where there is a public interest, the publication of all or part of the judicial decision relating to the criminal offence committed and the penalties or measures imposed, without prejudice to rules on privacy and the protection of personal data.

Or. en

Amendment 26

Proposal for a directive Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall take the necessary measures to ensure that, for legal persons held liable pursuant to Article 13,

2. Member States shall take the necessary measures to ensure that, for legal persons held liable pursuant to Article 13,

offences punishable by a maximum term of imprisonment of at least 2 years for natural persons are punishable by fines whose maximum level should be not less than 1 percent of the total worldwide turnover of the legal person in the business year preceding the *fining* decision.

offences punishable by a maximum term of imprisonment of at least 2 years for natural persons are punishable by fines whose maximum level should be not less than 1 percent of the total worldwide turnover of the legal person *either in the business year preceding that in which the offence was committed or* in the business year preceding the decision *to impose the fine, or an amount corresponding to EUR 8 000 000.*

Or. en

Amendment 27

Proposal for a directive Article 14 – paragraph 3

Text proposed by the Commission

3. Member States shall take the necessary measures to ensure that, for legal persons held liable pursuant to Article 13, offences punishable by a maximum term of imprisonment of at least 3 years for natural persons are punishable by fines, whose maximum level should be not less than 5 percent of the total worldwide turnover of the legal person in the business year preceding the *fining* decision.

Amendment

3. Member States shall take the necessary measures to ensure that, for legal persons held liable pursuant to Article 13, offences punishable by a maximum term of imprisonment of at least 3 years for natural persons are punishable by fines, whose maximum level should be not less than 5 percent of the total worldwide turnover of the legal person *either in the business year preceding that in which the offence was committed or* in the business year preceding the decision *to impose the fine, or an amount corresponding to EUR 40 000 000.*

Or. en

Amendment 28

Proposal for a directive Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. *Member States may establish rules for cases in which it is not possible to determine the amount of the fine on the basis of the total worldwide turnover of the legal person in the business year preceding the year in which the offence was committed or in the business year preceding the decision to impose the fine.*

Or. en

Amendment 29

Proposal for a directive

Article 16 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) at least **20** years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 3 years of imprisonment;

(a) at least **30** years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 3 years of imprisonment;

Or. en

Amendment 30

Proposal for a directive

Article 16 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) at least **25** years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 5 years of imprisonment;

(b) at least **35** years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 5 years of imprisonment;

Or. en

Amendment 31

Proposal for a directive

Article 16 – paragraph 2 – subparagraph 2 – point c

Text proposed by the Commission

(c) at least **30** years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 8 years of imprisonment.

Amendment

(c) at least **40** years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 8 years of imprisonment.

Or. en

Amendment 32

Proposal for a directive

Article 16 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that persons, units or services investigating and prosecuting the offences referred to in Articles 3 to **9** have sufficient staff, expertise and **effective investigative** tools to effectively investigate and prosecute such crimes, including those committed through the use of information and communication technology, in accordance with the applicable rules of Union and national law. Where appropriate, these tools shall include special investigative tools, such as those which are used in countering organised crime or other serious crime cases, like the possibility to conduct undercover investigations.

Amendment

4. Member States shall ensure that persons, units or services investigating and prosecuting the offences referred to in Articles 3 to **9** have sufficient staff, expertise and tools to effectively investigate and prosecute such crimes, including those committed through the use of information and communication technology, in accordance with the applicable rules of Union and national law. Where appropriate, these tools shall include special investigative tools, such as those which are used in countering organised crime or other serious crime cases, like the possibility to conduct undercover investigations, **the use of so called ‘honeypots’, the interception of communications, covert surveillance including electronic surveillance and the monitoring of bank accounts or other financial investigations.**

Or. en

Amendment 33

Proposal for a directive Article 17 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that at least professionals working in close contact with children in the child protection, education, childcare and health care sectors are obliged to report to the competent authorities if they have reasonable grounds for believing that an offence punishable under this Directive has been committed or is likely to be committed.

Amendment

3. Member States shall ensure that at least professionals ***and volunteers*** working in close contact with children in the child protection, education, childcare and health care sectors are obliged to report to the competent authorities if they have reasonable grounds for believing that an offence punishable under this Directive has been committed or is likely to be committed.

Or. en

Amendment 34

Proposal for a directive Article 17 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States shall ensure the existence of accessible, visible, clear, user-friendly and gender-sensitive reporting mechanisms in accordance with the Barnahus quality standards. Member States shall ensure that those reporting mechanisms are adequately resourced, including in terms of funding and staffing.

Or. en

Amendment 35

Proposal for a directive Article 18 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the reporting procedures referred to in paragraph 1 are safe, confidential and designed in a child-friendly manner and language, in accordance with their age and maturity. Member States shall ensure reporting is not conditional upon parental consent.

Amendment

2. Member States shall ensure that the reporting procedures referred to in paragraph 1 are safe, confidential and designed in a child-friendly manner and language, in accordance with their age and maturity. Member States shall ensure reporting is not conditional upon parental consent ***and appropriate information about reporting procedures and support services is provided.***

Or. en

Amendment 36

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

Text proposed by the Commission

Amendment

2 a. Member States shall establish age-appropriate multidisciplinary interagency structures to address child sexual abuse, including where such abuse is facilitated by means of information and communication technology.

Member States shall encourage and support, including financially, other reporting mechanisms, in particular:

(a) the development of dedicated helplines and hotlines, including but not limited to the ‘116 000’ number for missing children;

(b) the appointment of well-being officers by online platforms who are specifically trained to receive, assess and report suspicions of child sexual abuse and exploitation.

Member States shall ensure that reporting systems as referred to in the second subparagraph are fully integrated into national child protection systems and that

they are adequately resourced, including in terms of funding and staffing.

Or. en

Amendment 37

Proposal for a directive Article 19 – paragraph 6

Text proposed by the Commission

6. Where a criminal offence referred to in Articles 3 to 9 falls within the jurisdiction of more than one Member State, these Member States shall cooperate to determine which Member State is to conduct criminal proceedings. The matter shall, where appropriate and in accordance with Article 12 of Framework Decision 2009/948/JHA, be referred to Eurojust.

Amendment

6. Where a criminal offence referred to in Articles 3 to 9 falls within the jurisdiction of more than one Member State, these Member States shall cooperate to determine which Member State is to conduct criminal proceedings. The matter shall, where appropriate and in accordance with Article 12 of Framework Decision 2009/948/JHA, be referred to Eurojust ***and all competent national authorities shall be informed accordingly in order to facilitate cross-border cooperation.***

Or. en

Amendment 38

Proposal for a directive Article 19 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Member States shall, where appropriate, ensure efficient cooperation with Eurojust and Europol concerning criminal proceedings related to child sexual abuse offences and concerning the transfer of such proceedings, particularly in cases involving multiple Member States. Such cooperation shall facilitate cross-border information exchange, joint investigations, and assistance in prosecution endeavours.

Amendment 39

Proposal for a directive Article 21 – paragraph 2

Text proposed by the Commission

2. Victims shall be provided with coordinated, age-appropriate medical care, emotional, psychosocial, psychological and educational support, as well as any other appropriate support tailored in particular to situations of sexual abuse.

Amendment

2. Victims shall be provided with **comprehensive, specialised**, coordinated, age-appropriate medical care, **gender-sensitive**, emotional, psychosocial, psychological and educational support, as well as any other appropriate support tailored in particular to situations of sexual abuse.

Or. en

Amendment 40

Proposal for a directive Article 23 – paragraph 3 – point a

Text proposed by the Commission

(a) at least **20** years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 3 years;

Amendment

(a) at least **30** years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 3 years;

Or. en

Amendment 41

Proposal for a directive Article 23 – paragraph 3 – point b

Text proposed by the Commission

(b) at least **25** years from the date the victim has reached the age of majority for

Amendment

(b) at least **35** years from the date the victim has reached the age of majority for

the offences punishable under this Directive by a maximum penalty of at least 5 years;

the offences punishable under this Directive by a maximum penalty of at least 5 years;

Or. en

Amendment 42

Proposal for a directive Article 23 – paragraph 3 – point c

Text proposed by the Commission

(c) at least **30** years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 8 years.

Amendment

(c) at least **40** years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 8 years.

Or. en

Amendment 43

Proposal for a directive Article 28 – paragraph 1

Text proposed by the Commission

1. To discourage and reduce the demand that fosters all forms of sexual exploitation of children, Member States shall take appropriate measures, such as education and training, information and awareness raising campaigns on the lifelong consequences of child sexual abuse and exploitation, its illegal nature, and the possibility for persons who fear that they might commit related offences to have access to dedicated and effective intervention programmes or measures .

Amendment

1. To discourage and reduce the demand that fosters all forms of sexual exploitation of children, Member States shall take appropriate measures, such as education and training, information and awareness raising campaigns on the lifelong consequences of child sexual abuse and exploitation, its illegal nature, and the possibility for persons who fear that they might commit related offences to have access to dedicated and effective intervention programmes or measures.
Member States shall develop a communication strategy and promote dialogue and cooperation with civil society organisations, hotlines, helplines, public authorities, and relevant

Amendment 44

Proposal for a directive Article 28 – paragraph 2

Text proposed by the Commission

2. Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research, education and training programmes or material, where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of children, becoming victims of sexual abuse or sexual exploitation.

Amendment

2. Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research, education and training programmes or material, ***including on sexual education or safe online practices***, where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of children, becoming victims of sexual abuse or sexual exploitation.

Amendment 45

Proposal for a directive Article 28 – paragraph 3

Text proposed by the Commission

3. Member States shall promote regular training, including in child friendly justice for professionals, judges and officials likely to come into contact with child victims of sexual abuse or sexual exploitation, including, but not limited to, child protection professionals, legal professionals, teachers ***and*** educators, family court judges and front-line police officers, aimed at enabling them to identify and deal with child victims and potential child victims of sexual abuse or sexual

Amendment

3. Member States shall promote regular training, including in child friendly justice for professionals, judges and officials likely to come into contact with child victims of sexual abuse or sexual exploitation, including, but not limited to, child protection professionals, legal professionals, teachers, ***staff in child care, healthcare professionals***, educators, family court judges and front-line police officers, aimed at enabling them to identify and deal with child victims and potential

exploitation.

child victims of sexual abuse or sexual exploitation.

Or. en

Amendment 46

Proposal for a directive Article 28 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Member States shall take appropriate measures to **enhance** the prevention of child sexual abuse in community settings, including schools, hospitals, social care services, sports clubs or religious communities.

Amendment

Member States shall take appropriate measures to **ensure** the prevention of child sexual abuse in community settings, including schools, hospitals, social care services, **crèches**, sports clubs or religious communities **in order to equip children and adults, including parents and educators, with adequate skills for detecting potential malicious behaviour online.**

Or. en

Amendment 47

Proposal for a directive Article 28 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

(a) dedicated training and awareness raising activities for staff working in **such settings**;

Amendment

(a) dedicated training and awareness raising activities for staff, **consultants and volunteers** working in **close contact with children, including on how to prevent, identify and provide an age appropriate, gender-sensitive and trauma-informed response to child sexual abuse and exploitation**;

Or. en

Amendment 48

Proposal for a directive

Article 28 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

(b) dedicated guidelines, internal protocols and standards identifying good practices, such as the establishment of mechanisms of supervision and accountability for staff working in close contact with children in such settings;

Amendment

(b) ***mandatory child safeguarding policies***, dedicated guidelines, internal protocols and standards identifying good practices, such as the establishment of mechanisms of supervision and accountability for staff working in close contact with children in such settings;

Or. en

Amendment 49

Proposal for a directive

Article 28 – paragraph 5 – point c

Text proposed by the Commission

(c) facilitating the exchange of best practices among Member States and third countries by keeping a public database of prevention measures and programmes implemented in each Member State as well as in third countries.

Amendment

(c) facilitating the ***generation and exchange of knowledge***, best practices ***and expertise*** among Member States, ***Union institutions, bodies, offices and agencies***, and third countries by keeping a public database of prevention measures and programmes implemented in each Member State as well as in third countries;

Or. en

Amendment 50

Proposal for a directive

Article 28 – paragraph 5 – point c a (new)

Text proposed by the Commission

Amendment

(c a) supporting the development of national awareness-raising and prevention campaigns, educational and

intervention programmes, tools and materials.

Or. en

Amendment 51

Proposal for a directive Article 31 – paragraph 1

Text proposed by the Commission

1. Member States shall have a system in place for the *collection, development, production and dissemination of public statistics on* offences referred to in Articles 3 to 9.

Amendment

1. Member States shall have a system in place for the *recording, production and provision of anonymised statistical data on the reporting, investigative and judicial stages in relation to the criminal* offences referred to in Articles 3 to 9 *in order to monitor the effectiveness of their measures to combat the sexual abuse and sexual exploitation of children.*

Or. en

EXPLANATORY STATEMENT

The dissemination of child sexual abuse material has exponentially grown over the last decade. The increased online presence of children and the latest technological developments have acted as catalysts for this surge. Digital tools and networks such as livestreaming, virtual worlds, and deep-fake images have created new opportunities for offenders to generate and distribute material while hiding their identities and evading investigation and prosecution. These developments are underscored by alarming statistics. The National Center for Missing and Exploited Children (NCMEC), a United States-based non-profit organization, witnessed a surge in worldwide reports of online child sexual exploitation from 1 million in 2010 to over 21.7 million in 2020. The figures skyrocketed to a record high of 29.3 million reports in 2021 during the pandemic, involving nearly 85 million images and videos. In 2022, the number of reports reached over 32 million, with NCMEC identifying 49,000 urgent reports involving a child in imminent danger.

The proposed recast of the directive on preventing and combating child sexual abuse represents a crucial step forward in addressing this heinous crime systematically within the European Union. The expansion and clarification of the definition of child sexual abuse material, to include AI-generated images and instruction manuals on how to sexually abuse children, represents a much-needed step forward. This draft report aims to improve and strengthen this highly welcomed proposal for a Directive. Key aspects necessary for the effective implementation of the directive include the following:

- It is imperative that this directive be closely aligned with the corresponding regulation laying down rules to prevent and combat child sexual abuse. The simultaneous entry into force of both instruments is essential for cohesive and comprehensive action against child sexual abuse. For instance, the new EU Centre, which is to be established by the pending regulation, is also pivotal for the implementation of this directive, underscoring the interdependence of these legislative measures.
- Another focus needs to be on enhancing cross-border cooperation among all relevant stakeholders. Strengthened collaboration between competent national authorities, Eurojust, Europol, and the EU Centre is essential in combating child sexual abuse effectively.
- Moreover, investigations into the solicitation of children need to be strengthened, and the mental and physical conditions of children must be taken into account.
- In addition to this, the limitation periods need to be extended to ensure prosecution of all crimes and give victims time to come forward.
- Furthermore, there is a need to systematically improve cooperation between law enforcement and NGOs working in this field. Providing a legal framework for the work of hotlines and other organizations working in the public interest, and allowing them to initiate notice and takedown procedures directly with service providers, is crucial to limit the dissemination of child sexual abuse material in our digital world in a quicker and more efficient way.
- The Directive aims to ensure that all Member States uphold the principles prescribed by the Barnahus model, involving a comprehensive and child-centred approach to investigations and victim support. A child-centred approach should also encompass easily accessible avenues for victims to report crimes without necessitating a formal criminal complaint, as the latter may deter victims from taking action.

- It is also important to consider the age of the victim as an aggravating circumstance and to ensure that penalties for child rape are not reduced because the victim happened to be over the age of sexual consent.
- Additionally, the terminology needs to be updated in accordance with guidelines set out by the interagency working group in Luxembourg in 2016, ensuring clarity and consistency in legal frameworks.
- Finally, the draft report emphasizes the need to support and enhance reporting mechanisms, facilitating the reporting of child sexual abuse cases and ensuring swift and effective action against perpetrators.

In conclusion, the proposed amendments outlined in this draft report are crucial for bolstering the EU's efforts to prevent and combat child sexual abuse, safeguarding the rights and well-being of children across the Union.