# Combating sexual abuse, sexual exploitation of children and child pornography

2010/0064(COD) - 16/12/2016 - Follow-up document

The Commission presented a report to the European Parliament and the Council assessing the implementation of the measures referred to in Article 25 of Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography.

The report noted that the Internet has brought about a dramatic increase in child sexual abuse in that:

- it facilitates the sharing of child sexual abuse material, by offering a variety of distribution channels such as the web, peer-to-peer networks, social media, bulletin boards, newsgroups, etc;
- it provides technical means and security measures that can facilitate anonymity;
- children continue to be at risk of becoming victims, while anonymity can obstruct the investigation and prosecution of these crimes;
- new child sexual abuse materials have become a currency.

The report recalled that online child sexual abuse is a nefarious crime with long-term consequences for its victims. There are indications that the average age of victims of child sexual abuse material is steadily decreasing (around 70% of the victims in the reports that INHOPE hotlines processed in 2014 appeared to be prepubescent and 3 % of the victims appeared to be two years old or younger and a **third of images showed children being raped or sexually torture**).

In this regard, the aim of this report, which responds to the requirement under Article 28(2) of the Directive, is to provide a concise yet informative overview of the **main transposition measures taken by Member States**.

**Main conclusions of the report**: the report noted that by the transposition deadline, only **12 Member States** had notified the Commission that they had completed transposition of the Directive. The Commission therefore **opened infringement proceedings** for non-communication of national transposition measures against the others: BE, BG, IE, EL, ES, IT, CY, LT, HU, MT, NL, PT, RO, SI and the UK. All these infringement proceedings had been closed by 8 December 2016.

The Commission acknowledges the significant efforts made by the Member States in the transposition of Article 25 of the Directive. There is still room, however, to use its potential to the full by continuing to work on its complete and correct implementation across Member States.

The Commission considered that some key challenges ahead include:

- ensuring that child sexual abuse material in Member States' territory is **removed promptly**;
- providing adequate safeguards where the Member State opts to take measures to block access to Internet users within its territory to web pages containing child sexual abuse material.

The Commission stated that it has **no plans to propose amendments to Article 25 or complementary legislation**. It will instead focus its efforts on ensuring that children benefit from the full added value of the Article, through its complete transposition and implementation by Member States.

However, in its recent Communication on Online Platforms, the Commission highlighted the need to sustain and develop multi-stakeholder engagement processes aimed at **finding common solutions to**

**voluntarily detect and fight illegal material online** and committed to reviewing the need for formal notice and action procedures.

**Continuing transposition**: the Commission concluded that it will continue to provide support to Member States to ensure a satisfactory level of transposition and implementation. This includes monitoring that national measures comply with the corresponding provisions in the Article and facilitating the exchange of best practices. Where necessary, the Commission will make use of its enforcement powers under the Treaties through infringement procedures.