Implementation of Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography

2015/2129(INI) - 14/12/2017 - Text adopted by Parliament, single reading

The European Parliament adopted by 597 votes to 6, with 20 abstentions, a resolution on the implementation of Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography.

Members condemned unequivocally all forms of sexual abuse or exploitation of children and called on the all EU institutions and Member States to take effective action to eradicate such abuse.

Whilst Members took the view that Directive 2011/93/EU constitutes a sound and comprehensive legal framework for combating sexual abuse and sexual exploitation of children, they deplored the fact that Member States have faced **significant challenges implementing the Directive's provisions on prevention, investigation and prosecution as well as protection and assistance to victims.** Member States were urged to ensure that legal transposition is translated into effective implementation.

Substantive criminal law: Parliament was concerned that some Member States have not fully transposed the provisions on offences concerning: (i) sexual exploitation, (ii) sexual abuse when abuse is made of a recognised position of trust, authority or influence, and (iii) the liability of legal persons. It expressed particular concern 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;
- the increase in live streaming of child sexual abuse;
- **new forms of crime online**, such as revenge porn and sexual-extortion, that affect many youngsters, in particular teenage girls.

Investigation and prosecution: Parliament called on all Member States to allocate adequate financial and human resources to law enforcement and judicial authorities, including **specific training** for police and investigators. It wanted to see an increase in the resources earmarked for the identification of victims, and urged the **nine Member States** which have not yet transposed provisions 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.

Members stressed the need to:

- **strengthen cooperation between their law enforcement authorities**, including through the increased use of joint investigation teams;
- strengthen police and judicial cooperation to **combat the trafficking and smuggling of migrant children**, who are particularly vulnerable to abuse;
- **intensify efforts to combat child sex tourism** and prosecute perpetrators and accomplices and develop a specialised international network to combat sex tourism.

Prevention: Member States were asked to:

- put in place **effective preventive and intervention programmes** for all officials, educators and stakeholders who are in contact with children to better assess the risk of committing crimes;
- implement appropriate measures such as public **awareness** raising, **prevention** campaigns, **training** and dedicated education programmes for the authorities, parents, teachers, children and minors;
- share **best practices** on educational materials and training programmes for all the actors involved to raise awareness of grooming and other risks to the safety of children online;
- introduce into their legislation **mandatory criminal background checks** for persons applying for activities or jobs with access to, or authority over children;
- **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.

Assistance and protection to victims: Parliament called 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, especially legal aid and psychological support.

Removal and blocking: Members regretted 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 containing child pornography content. They regretted that the Commission has neither assessed the technologies used for blocking in those countries that have implemented the measures.

Parliament urged 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 to which Internet users can report – even anonymously – child sexual abuse material they find online.

The Commission was required to make 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.

Parliament needed to be **kept regularly informed on the state of play** in relation to compliance with the Directive by the Member States, with disaggregated and comparable data on the Member States' performance in preventing and combating child sexual abuse and exploitation offline and online.