Basic information

2015/2129(INI) INI - Own-initiative procedure	Procedure completed
Implementation of Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography See also Directive 2011/93/EU 2010/0064(COD) **Subject** 3.30.25 International information networks and society, internet 4.10.03 Child protection, children's rights 7.30.30.02 Action to combat violence, trafficking in human beings and migrant smuggling 7.40.04 Judicial cooperation in criminal matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	CORAZZA BILDT Anna Maria (PPE)	25/06/2015
	Shadow rapporteur DALLI Miriam (S&D) ŠKRIPEK Branislav (ECR) GRIESBECK Nathalie (ALDE) CHRYSOGONOS Kostas (GUE/NGL) LAMBERT Jean (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
CULT Culture and Education	VERHEYEN Sabine (PPE)	16/07/2015
FEMM Women's Rights and Gender Equality	MOODY Clare (S&D)	16/06/2015

European Commission

Commission DG	Commissioner
Justice and Consumers	JOUROVÁ Věra

Key events

Date	Event	Reference	Summary
11/06/2015	Committee referral announced in Parliament		
13/11/2017	Vote in committee		
27/11/2017	Committee report tabled for plenary	A8-0368/2017	Summary
13/12/2017	Debate in Parliament		
14/12/2017	Decision by Parliament	T8-0501/2017	Summary
14/12/2017	Results of vote in Parliament		
14/12/2017	End of procedure in Parliament		

Technical information

Procedure reference	2015/2129(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
Amendments and repeals	See also Directive 2011/93/EU 2010/0064(COD)
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/03645

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE607.796	26/06/2017	
Committee opinion	CULT	PE602.746	04/07/2017	
Committee opinion	FEMM	PE603.005	04/07/2017	
Amendments tabled in committee		PE609.372	01/08/2017	
Committee report tabled for plenary, single reading		A8-0368/2017	27/11/2017	Summary
Text adopted by Parliament, single reading		T8-0501/2017	14/12/2017	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2018)101	11/04/2018	

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.

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

2015/2129(INI) - 27/11/2017 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Anna Maria CORAZZA BILDT (EPP, SE) 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.

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: the committee 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.

It asked that Member States authorities find ways of addressing these.

Investigation and prosecution: the report 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;
- intensify efforts to combat child sex tourism and prosecute perpetrators and accomplices.

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**, and dedicated education programmes for the authorities, parents, teachers, 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: the report 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.

Removal and blocking: Members found it regrettable that the Commission has failed to collect or publish data on: (i) the **types of blocking** that have been used; (ii) the number of websites on blocking lists in each country; (iii) an assessment of the use of security methods, such as **encryption**, to ensure that blocking lists are not leaked.

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.