



TEXTS ADOPTED

P10_TA(2025)0116

Combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast)

Amendments adopted by the European Parliament on 17 June 2025 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))¹

(Ordinary legislative procedure - recast)

Amendment 1

Proposal for a directive Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Children are increasingly active online from a young age, and the available evidence indicates that boys and girls appear to be vulnerable in different ways. While girls are disproportionately vulnerable to cyber violence, including online harassment, sexual extortion, sexual harm, and exploitation, boys are more likely to experience financial sexual coercion and are less attuned to online risks

¹ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 60(4), fourth subparagraph (A10-0097/2025).

compared to girls. Studies show that one in 10 women has faced gender-based cyber violence since age 15, and 58 % of girls report online harassment. LGBTIQ+ children face even higher risks. Non-consensual image distribution and the trading of child sexual abuse materials further reinforce harmful gender stereotypes and inequalities. At least two-thirds of child sexual abuse and exploitation victims are girls. Therefore, rather than indiscriminately using the same interventions to target all children, tailored, gender-sensitive interventions should be developed to prevent and combat online child sexual abuse, ensuring digital platforms implement robust protections aligned with fundamental rights and recent legislation on violence against women, including cyber violence.

Amendment 2

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

Amendment

(10) Child sexual abuse material, ***regardless of the method of their creation, including by using artificial intelligence***, 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 ***intimate***

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'.

parts, 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 '**instructions** manuals' **intended to provide advice, guidance or instructions on how to generate, distribute or acquire child sexual abuse material and how to commit child sexual abuse, child sexual exploitation or child solicitation.**

Amendment 3

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

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 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.

‘deep-fake’ images, **pseudophotographs** and videos **as generated by artificial intelligence or created through any other computerised means** 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 **representations generated “by whatever means” and the reference to** ‘reproductions and representations’ **“regardless of the method of their creation or manipulation”** 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 4

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

Amendment

(12) To prevent offences involving the sexual abuse of children, the definition of child sexual abuse material should include **instructions on how to sexually abuse or exploit children, regardless of the form in which such instructions are provided. Those instructions, including in the form of**

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.

manuals, provide advice on how to find, groom and abuse children and avoid being identified and prosecuted **or give guidance on how to generate, distribute or acquire child sexual abuse material. Digital models or prompts enabling the creation of AI-generated child sexual abuse material should also be regarded as instructions on how to sexually abuse or exploit children and therefore fall under the definition of child sexual abuse material.** 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 **instructions**. The lack of harmonisation creates an uneven level of protection across the EU.

Amendment 5

Proposal for a directive Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The absence of consent forms part of the constitutive elements of some of the offences set out in this Directive. Therefore, the introduction of a definition of consent is deemed indispensable for ensuring the proper implementation of this Directive.

Amendment 6

Proposal for a directive Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) The rights set out in this Directive are without prejudice to the rights of the offender. The term ‘offender’ refers to a person who has been convicted of a crime. However, for the purposes of this Directive, it also refers to a suspected or accused person before any acknowledgement of guilt or conviction, and it is without prejudice to the presumption of innocence.

Amendment 7

Proposal for a directive Recital 14

Text proposed by the Commission

Amendment

(14) In adopting legislation on substantive criminal law, the Union should ensure consistency of such legislation in particular with regard to the level of penalties. This Directive, because it contains an exceptionally high number of different offences, requires, in order to reflect the various degrees of seriousness, a differentiation in the level of penalties which goes further than what should usually be provided in Union legal instruments.

(14) In adopting legislation on substantive criminal law, the Union should ensure consistency of such legislation in particular with regard to the level of penalties. This Directive, because it contains an exceptionally high number of different offences, requires, in order to reflect the various degrees of seriousness, a differentiation in the level of penalties which goes further than what should usually be provided in Union legal instruments. **This Directive should ensure that technology-facilitated offences are covered by the same penalties as other offences, as**

the seriousness and trauma resulting from those offences is equivalent.

Amendment 8

Proposal for a directive Recital 15

Text proposed by the Commission

(15) Serious forms of sexual abuse and sexual exploitation of children should be subject to effective, proportionate and dissuasive penalties. This includes, in particular, various forms of sexual abuse and sexual exploitation of children which are facilitated by the use of information and communication technology, such as the online solicitation of children for sexual purposes via social networking websites and chat rooms. The definition of child sexual abuse material should also be clarified and brought closer to that contained in international instruments. More broadly, the terminology used in this Directive should be brought into line with recognised international standards such as the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse adopted by the Interagency Working Group in Luxembourg on 28 January 2016.

Amendment

(15) Serious forms of sexual abuse and sexual exploitation of children should be subject to effective, proportionate and dissuasive penalties. This includes, in particular, various forms of sexual abuse and sexual exploitation of children which are facilitated by the use of information and communication technology, such as the online solicitation of children for sexual purposes via social networking websites and chat rooms. The definition of child sexual abuse material should also be clarified and brought closer to that contained in international instruments. More broadly, the terminology used in this Directive should be brought into line with recognised international standards such as the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse adopted by the Interagency Working Group in Luxembourg on 28 January 2016. ***Furthermore, 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'.

Amendment 9

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In order to achieve greater protection for children online and to reinforce preventive measures, also the intentional conduct of exposing children to pornographic content, for sexual purposes, should be criminalised.

Amendment 10

Proposal for a directive Recital 20

Text proposed by the Commission

Amendment

(20) In the context of child sexual abuse material, the term not be considered to be committed without right' allows Member States to provide a defence in respect of conduct relating to material that could constitute child sexual abuse material having, for example, a medical, scientific or similar purpose. It also allows activities carried out under domestic legal powers, such as the legitimate possession of child sexual abuse material by the authorities in order to conduct criminal proceedings or to prevent, detect or investigate

(20) In the context of child sexual abuse material, the term not be considered to be committed without right' allows Member States to provide a defence in respect of conduct relating to material that could constitute child sexual abuse material having, for example, a medical, scientific or similar purpose. ***Furthermore, the term 'without right' does not exclude legal defences or similar relevant principles that relieve a person of responsibility under specific circumstances.*** It also allows

crime , or activities carried out by organisations acting in the public interest against child sexual abuse, when these organisations have been authorised by the competent authorities of the Member State in which they are established. These activities include, in particular, the reception, analysis and creation of reports of suspected child sexual abuse material, including the determination of the location where the material referred to in the reports is hosted, submitted to them by online users or other organisations acting in the public interest against child sexual abuse, as well as carrying out searches to detect the dissemination of child sexual abuse material . **Furthermore, the term ‘without right’ does not exclude legal defences or similar relevant principles that relieve a person of responsibility under specific circumstances. .**

activities carried out under domestic legal powers, such as the legitimate possession of child sexual abuse material by the authorities in order to conduct criminal proceedings or to prevent, detect or investigate crime , or activities carried out by organisations, **such as hotlines**, acting in the public interest against child sexual abuse, when these organisations have been authorised by the competent authorities of the Member State in which they are established. These activities include, in particular, the reception, analysis and creation of reports of suspected child sexual abuse material, including the determination of the location where the material referred to in the reports is hosted, submitted to them by online users or other organisations acting in the public interest against child sexual abuse, as well as carrying out searches to detect the dissemination of child sexual abuse material.

Amendment 11

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Organisations acting in the public interest on the fight against child sexual abuse, such as the members of the INHOPE network of hotlines, have been active for years in several Member States, cooperating with law enforcement and providers to facilitate the process of

removal and reporting of online child sexual abuse material. That work combats re-victimisation by limiting the spread of illegal material online, and can provide evidence to law enforcement of crimes committed. However, the legal framework in which they operate differs considerably from one Member State to another and is, in many cases, lacking in terms of the identification of the tasks that those organisations can lawfully undertake, as well as of the relevant conditions. Member States should be able to provide a legal framework for those organisations to carry out relevant tasks, and in particular the processing of child sexual abuse material, in which case the processing should not be considered to be “without right”. Such legal framework is necessary as it increases legal certainty, maximise synergies between national authorities and other actors involved in the fight against child sexual abuse, and support victims’ rights by removing child sexual abuse material from the public digital sphere.

Amendment 12

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

Amendment

(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 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's 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

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 ***taking place in both the real and virtual world***. This increased access to children has led to the rapid growth of phenomena such as **sexual extortion. Sexual extortion of children refers to the act of threatening to *distribute* intimate material featuring a child victim in order to obtain money, child sexual abuse material, or other forms of gain, under the threat of sharing this material without the depicted person's consent**, affecting children both below and above the age of sexual consent. There has been a surge in recent years of financially motivated **sexual extortion** 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's 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

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.

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.

Amendment 13

Proposal for a directive Recital 23

Text proposed by the Commission

(23) In light of recent technological developments and, in particular, of the development of augmented, extended and virtual reality settings, the criminalisation of the solicitation of children should not be limited to voice, text or mail conversations, but also include contacts **or** exchanges in augmented, extended or virtual reality settings, as well as large-scale solicitation of children through the use of chat-bots trained for that purpose, as this phenomenon is itself expected to increase in light of the foreseeable evolution of artificial intelligence applications. Therefore "by means of information and communication technology" should be understood

Amendment

(23) In light of recent technological developments and, in particular, of the development **of artificial intelligence, and of** augmented, extended and virtual reality settings, **there is an urgent need to address more effectively the solicitation of children and to carry out periodic evaluations of the legal framework:** the criminalisation of the solicitation of children should not be limited to voice, text or mail conversations, but also include contacts, exchanges **or meetings taking place in real or virtual worlds including** in augmented, extended or virtual reality settings, as well as large-scale solicitation of children through the use of chat-bots trained for

in a sufficiently broad way to cover all those technological developments.

that purpose, as this phenomenon is itself expected to increase in light of the foreseeable evolution of artificial intelligence applications. Therefore “by means of information and communication technology” should be understood in a sufficiently broad way to cover all those technological developments.

Amendment 14

Proposal for a directive Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Artificial Intelligence systems are being used to sexually abuse children in a number of ways, including by using images of real children to create child sexual abuse material, or by using voices of real children in such material. This results in the victimisation of real children, which may include survivors of prior child sexual abuse. The use of technology also enables offenders to disguise their identity and more effectively groom and abuse children online, for example through grooming automation techniques. To tackle those phenomena, the acquisition or possession, distribution, dissemination or transmission, the creation or adaptation of such tools designed or adapted primarily for the purpose of enabling the creation of child sexual abuse material should be criminalised

Amendment 15

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 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).

Amendment

(24) This Directive does not govern Member States' policies with regard to consensual sexual activities in which 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. **Member States should ensure that peers are protected from prosecution for consensual and non-exploitative sexual activity, provided that there is no element of coercion, abuse of trust or dependency between the 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). ***The provisions related to the age of consent should not be interpreted in a way which limits in any manner the criminalisation of child sexual abuse and the exploitation of children who have reached the age of consent as no child can consent to sexual abuse.***

Amendment 16

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 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.

Amendment

(25) Member States should provide for aggravating circumstances in their national law in accordance with the applicable rules established by their legal systems on aggravating circumstances. ***The age of the victim, treatments aimed at changing a person's sexual orientation or gender identity (so-called "conversion therapy") and the fact that 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 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.

Amendment 17

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) Physical or mental incapacity under this Directive should be understood as also including the state of physical or mental incapacity caused by the influence of drugs and alcohol.

Amendment

(26) Physical or mental incapacity under this Directive should be understood as also including the state of physical or mental incapacity caused by the influence of drugs, **medicines and alcohol, or any substance that could compromise one's free will. Individuals in a state of incapacity cannot give informed and voluntary consent, making any sexual act under such circumstances inherently non-consensual.**

Amendment 18

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) Victims of sexual abuse and sexual exploitation of children are often unable to report the crime for several decades after its

Amendment

(31) Victims of sexual abuse and sexual exploitation of children are often unable to report the crime for several decades after its

commission due to the shame, guilt and self-blame, which can be related, among others, to the social and cultural stigma that still surround sexual abuse, the secrecy in which the abuse takes place, threatening or blaming conduct by the perpetrator, and/or trauma. Perpetrators of sexual abuse and sexual exploitation of children, unlike perpetrators of other violent crimes, tend to remain active until old age, continuing to pose a threat to children. In light of this, effective investigation and prosecution of offences involving sexual abuse and sexual exploitation of children, as well as appropriate victims' assistance and support, can only be provided if statutes of limitations **allow victims to report the crime for a significantly extended period of time.**

commission due to the shame, guilt and self-blame, which can be related, among others, to the social and cultural stigma that still surround sexual abuse, the secrecy in which the abuse takes place, threatening or blaming conduct by the perpetrator, and/or trauma. ***Due to children's specific vulnerabilities and developmental limitations, they may not fully grasp that what occurred was abusive, especially if the abuser was a trusted adult. It may take reaching adulthood for survivors to develop the emotional maturity to recognise the abuse for what it was and to understand its long-term effects. Trauma can cause victims to repress or block out the memories as a protective measure for years.*** Perpetrators of sexual abuse and sexual exploitation of children, unlike perpetrators of other violent crimes, tend to remain active until old age, continuing to pose a threat to children. In light of this, effective investigation and prosecution of offences involving sexual abuse and sexual exploitation of children, as well as appropriate victims' assistance and support, can only be provided if statutes of limitations **are abolished.**

Amendment 19

Proposal for a directive Recital 34

Text proposed by the Commission

(34) Member States should

Amendment

(34) Member States should

encourage any person who has knowledge or suspicion of the sexual abuse or sexual exploitation of a child to report to the competent services. In particular, Member States should make available information to children about the possibility to report the abuse, including to helplines. It is the responsibility of each Member State to determine the competent authorities to which such suspicions may be reported. Those competent authorities should not be limited to child protection services or relevant social services. The requirement of suspicion 'in good faith' should be aimed at preventing the provision being invoked to authorise the denunciation of purely imaginary or untrue facts carried out with malicious intent.

encourage any person who has knowledge or suspicion of the sexual abuse or sexual exploitation of a child to report to the competent services. In particular, Member States should make available information to children about the possibility to report the abuse, including to helplines ***and through the communication platforms that young people use most frequently***. It is the responsibility of each Member State to determine the competent authorities to which such suspicions may be reported. Those competent authorities should not be limited to child protection services or relevant social services. The requirement of suspicion 'in good faith' should be aimed at preventing the provision being invoked to authorise the denunciation of purely imaginary or untrue facts carried out with malicious intent.

Amendment 20

Proposal for a directive Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) All professionals, whether staff or contractuals, and volunteers in close contact with children should undergo mandatory training to recognise abuses and the steps to be taken to ensure the safety of a child. That training should focus on what constitutes online and offline child sexual abuse, help recognising indicators of abuse such as physical

injuries, emotional distress, behavioural changes, and help identifying available reporting procedures.

Amendment 21

Proposal for a directive Recital 34 b (new)

Text proposed by the Commission

Amendment

(34b) Member States should ensure that existing and new reporting mechanisms, including through information and communication technologies, are easily accessible, safe, child-appropriate, confidential, and free of charge. Third-party reporting should be offered as an option to victims to facilitate their access to justice, in particular when they fear repercussions in case they reported the crime in person or when they face other barriers to contacting the competent authorities directly. Adequate resources and staff should be made available to ensure correct support and care, and reporting mechanisms should be inserted within specialised interagency structures to combat child sexual abuse.

Amendment 22

Proposal for a directive Recital 35

Text proposed by the Commission

Amendment

(35) Rules on jurisdiction should

(35) Rules on jurisdiction should

be amended to ensure that sexual abusers or sexual exploiters of children from the Union face prosecution even if they commit their crimes outside the Union, in particular via so-called sex tourism. The sexual exploitation of children in travel **and** tourism should be understood as the sexual exploitation of children by a person or persons who travel from their usual environment to a destination abroad where they have sexual contact with children. Where the sexual exploitation of children in travel **and** tourism takes place outside the Union, Member States are encouraged to seek to increase, through the available national and international instruments including bilateral or multilateral treaties on extradition, mutual assistance or a transfer of the proceedings, cooperation with third countries and international organisations with a view to combating **sex tourism**. Member States should foster open dialogue and communication with countries outside the Union in order to be able to prosecute perpetrators, under the relevant national legislation, who travel outside the Union borders for the purposes of the sexual exploitation of children in travel **and** tourism .

be amended to ensure that sexual abusers or sexual exploiters of children from the Union face prosecution even if they commit their crimes outside the Union, in particular via so-called sex tourism. The sexual exploitation of children in travel **or** tourism should be understood as the sexual exploitation of children by a person or persons who travel from their usual environment to a destination abroad where they have sexual contact with children **and partake in offences as described in this Directive**. Where the sexual exploitation of children in travel **or** tourism takes place outside the Union, Member States are encouraged to seek to increase, through the available national and international instruments including bilateral or multilateral treaties on extradition, mutual assistance or a transfer of the proceedings, cooperation with third countries and international organisations with a view to combating **sexual exploitation of children abroad**. Member States should foster open dialogue and communication with countries outside the Union in order to be able to prosecute perpetrators, under the relevant national legislation, who travel outside the Union borders for the purposes of the sexual exploitation of children in travel **or** tourism .

Amendment 23

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 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

Amendment

(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 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 and put in place age-appropriate and multi-disciplinary child-protection systems to provide effective care and legal support to child victims**, although it does not require the Member States to **implement** the Barnahus model as such. Where medical examinations of the child

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.

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 **or child witness** 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. ***The child's right to be heard and to participate meaningfully should be prioritised, ensuring that the child's views are heard and respected throughout the process.***

Amendment 24

Proposal for a directive Recital 36 a (new)

Text proposed by the Commission

Amendment

(36a) It is essential for Member States to establish 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 available in one place 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.

Amendment 25

Proposal for a directive Recital 37

Text proposed by the Commission

(37) Member States should provide tailored and comprehensive short- and long-term assistance to child victims. Any harm caused by the sexual abuse and sexual exploitation of a child is significant and should be addressed as soon as possible after the first contact of the victim with the authorities. Immediate assistance to victims before and during criminal investigations and proceedings is essential to limit the long-term trauma linked to the abuse suffered. To facilitate the swift provision of assistance, including the identification of the relevant support services, Member States should issue guidelines and protocols for healthcare,

Amendment

(37) Member States should provide tailored and comprehensive short- and long-term assistance to child victims ***and survivors irrespective of whether they have filed a formal complaint. Survivors should be understood as a person who has experienced sexual violence as a child, irrespective of their legal status and their recognition as a victim of a crime by a legal system.*** Any harm caused by the sexual abuse and sexual exploitation of a child is significant and should be addressed as soon as possible after the first contact of the victim with the authorities. Immediate assistance to victims

education and social service professionals, including the staff at helplines . Because of the nature of the harm caused by sexual abuse and sexual exploitation, such assistance should continue for as long as necessary for the child's physical and psychological recovery and may last into adulthood if necessary. Assistance and advice should be considered to be extended to parents , carers or guardians of the child victims where they are not involved as suspects in relation to the offence concerned, in order to help them to assist child victims throughout the proceedings.

before and during criminal investigations and proceedings is essential to limit the long-term trauma linked to the abuse suffered. To facilitate the swift provision of assistance, including the identification of the relevant support services, Member States should issue guidelines and protocols for healthcare, education and social service professionals, including the staff at helplines . Because of the nature of the harm caused by sexual abuse and sexual exploitation, such assistance should continue for as long as necessary for the child's physical and psychological recovery and may last into adulthood if necessary. Assistance and advice should be considered to be extended to parents , carers or guardians of the child victims where they are not involved as suspects in relation to the offence concerned, in order to help them to assist child victims throughout the proceedings.

Amendment 26

Proposal for a directive Recital 39

Text proposed by the Commission

(39) Directive 2012/29/EU establishes a set of victims' rights in criminal proceedings, including the right to protection and the right to receive a decision on compensation from the offender . The proposal for the revision of the Victims' Rights Directive provides for targeted amendments to all victims' rights. In addition to the rights established under that Directive,

Amendment

(39) Directive 2012/29/EU establishes a set of victims' rights in criminal proceedings, including the right to protection and the right to receive a decision on compensation from the offender **and any organisation liable for child sexual abuse and exploitation**. The proposal for the revision of the Victims' Rights Directive provides for targeted amendments to all victims' rights.

child victims of sexual abuse, sexual exploitation and child sexual abuse material should be given access to legal counselling and, in accordance with the role of victims in the relevant justice systems, to legal representation, including for the purpose of claiming compensation. Such legal counselling and legal representation could also be provided by the competent authorities for the purpose of claiming compensation from the State. The purpose of legal counselling is to enable victims to be informed and receive advice about the various possibilities open to them. Legal counselling should be provided by a person having received appropriate legal training without necessarily being a lawyer. Legal counselling and, in accordance with the role of victims in the relevant justice systems, legal representation should be provided free of charge, at least when the victim does not have sufficient financial resources, in a manner consistent with the internal procedures of Member States.

In addition to the rights established under that Directive, child victims of sexual abuse, sexual exploitation and child sexual abuse material should be given access to legal counselling and, in accordance with the role of victims in the relevant justice systems, to legal representation, including for the purpose of claiming compensation. Such legal counselling and legal representation could also be provided by the competent authorities for the purpose of claiming compensation from the State. The purpose of legal counselling is to enable victims to be informed and receive advice about the various possibilities open to them. Legal counselling should be provided by a person having received appropriate legal training without necessarily being a lawyer. Legal counselling and, in accordance with the role of victims in the relevant justice systems, legal representation should be provided free of charge, at least when the victim does not have sufficient financial resources, in a manner consistent with the internal procedures of Member States. ***The victims' right to compensation should not be subject to a limitation period.***

Amendment 27

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

Amendment

(40) The EU Centre ***for*** child ***protection*** ('EU Centre'), established by Regulation [...]/.../EU laying down rules to prevent and combat child sexual

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 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

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 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

and private actors, as well as facilitate cooperation with the EU Centre and the Commission.

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.

Since the EU Centre is established by Regulation [...]/EU laying down rules to prevent and combat child sexual abuse], all provisions of this Directive that refer to it should apply from the date of entry into force of that Regulation.

¹⁶ COM (2022) 209 of 11.5.2022.

¹⁶ COM (2022) 209 of 11.5.2022.

Amendment 28

Proposal for a directive Recital 42

Text proposed by the Commission

(42) Member States should undertake action to prevent or prohibit acts related to the promotion of child sexual abuse and the sexual abuse and sexual exploitation of children in travel **and** tourism. Different preventative measures could be considered, such as the drawing up and reinforcement of a code of conduct and self-regulatory mechanisms in the tourism industry, the setting-up of a code of ethics or ‘quality labels’ or establishing an explicit policy for tourist organisations combating the sexual abuse and sexual exploitation of children in travel

Amendment

(42) Member States should undertake action to prevent or prohibit acts related to the promotion of child sexual abuse and the sexual abuse and sexual exploitation of children in travel **or** tourism. Different preventative measures could be considered, such as the drawing up and reinforcement of a code of conduct and self-regulatory mechanisms in the tourism industry, the setting-up of a code of ethics or ‘quality labels’ or establishing an explicit policy for tourist organisations combating the sexual abuse and sexual exploitation of children in travel

and tourism . Member States should leverage the tools at their disposal under EU law, national law, and international agreements, for the purpose of preventing the sexual abuse and sexual exploitation of children in travel **and** tourism through or towards their territory, most notably by taking appropriate action upon reception of relevant information from third countries, including conducting further checks or issuing a refusal of entry in the context of the Regulation (EU) 2018/1861 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks¹⁷ .

¹⁷ Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006, OJ L 312, 7.12.2018, p. 14, ELI: <http://data.europa.eu/eli/reg/2018/1861/oj>.

or tourism . Member States should leverage the tools at their disposal under EU law, national law, and international agreements, for the purpose of preventing the sexual abuse and sexual exploitation of children in travel **or** tourism through or towards their territory, most notably by taking appropriate action upon reception of relevant information from third countries, including conducting further checks or issuing a refusal of entry in the context of the Regulation (EU) 2018/1861 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks¹⁷ .

¹⁷ Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006, OJ L 312, 7.12.2018, p. 14, ELI: <http://data.europa.eu/eli/reg/2018/1861/oj>.

Amendment 29

Proposal for a directive Recital 43

Text proposed by the Commission

(43) Member States should establish or strengthen policies to prevent sexual abuse and sexual exploitation of children, including

Amendment

(43) Member States should establish or strengthen policies to prevent sexual abuse and sexual exploitation of children, including

measures to discourage and reduce the demand that fosters all forms of sexual exploitation of children, and measures to reduce the risk of children becoming victims, by means of, information and awareness-raising campaigns, including for parents **and** carers and society at large, and research and education programmes. In such initiatives, Member States should adopt a child-rights based approach. Care should be taken to ensure that awareness-raising campaigns aimed at children are appropriate and sufficiently easy to understand , and tailored to the specific needs of children of different age groups, including pre-school children. Prevention measures should take a holistic approach to the phenomenon of child sexual abuse and sexual exploitation, by addressing its online and offline dimensions and mobilizing all relevant stakeholders. In particular for the online dimension, measures should include the development of digital literacy skills, including critical engagement with the digital world, to help users identify and address attempts of online child sexual abuse, seek support and prevent its perpetration. Particular attention should be paid to prevention of child sexual abuse and sexual exploitation of children that are cared for in a group facility rather than in the context of family-based care . Where not already in place, the establishment of dedicated help-lines or hotlines should be considered.

measures to discourage and reduce the demand that fosters all forms of sexual exploitation of children, and measures to reduce the risk of children becoming victims, by means of, information and awareness-raising campaigns, including for parents, **volunteers, carers, teachers, educators, child protection professionals, social and foster care professionals, trainers coaches, legal professionals, family court judges, front-line police officers, healthcare professionals, religious community leaders** and society at large, and research and education programmes **including sexual education**. In such initiatives, Member States should adopt a child-rights based approach. Care should be taken to ensure that awareness-raising campaigns aimed at children are appropriate and sufficiently easy to understand , and tailored to the specific needs of children of different age groups, including pre-school children **as well as children who are particularly vulnerable, including children with mental, intellectual, sensory or physical disabilities, children in contexts of migration, both unaccompanied or accompanied, or children who do not conform to conventional norms relating to sexual orientation, gender identity and expression or sex characteristics** . Prevention measures should take a holistic approach to the phenomenon of child sexual abuse and sexual exploitation, by addressing its online and offline dimensions and mobilizing all relevant

stakeholders. In particular for the online dimension, measures should include the development of digital literacy skills, including critical engagement with the digital world, to help users identify and address attempts of online child sexual abuse, seek support and prevent its perpetration. Particular attention should be paid to prevention of child sexual abuse and sexual exploitation of children that are cared for in a group facility rather than in the context of family-based care . Where not already in place, the establishment of dedicated help-lines or hotlines should be considered. ***Children should be able to obtain information and advice regarding the offences referred to in Articles 3 to 8b through those channels.***

Amendment 30

Proposal for a directive Recital 43 a (new)

Text proposed by the Commission

Amendment

(43a) 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.

Amendment 31

Proposal for a directive Recital 45

Text proposed by the Commission

Amendment

(45)Organisations acting in the public interest on the fight against child sexual abuse, such as the members of the INHOPE network of hotlines, have been active for years in several Member States, cooperating with law enforcement and providers to facilitate the process of removal and reporting of online child sexual abuse material. This work combats re-victimisation by limiting the spread of illegal material online, and can provide evidence to law enforcement of crimes committed. However, the legal framework in which they operate differs considerably from one Member State to another and is, in many cases, lacking in terms of the identification of the tasks that these organisations can lawfully undertake, as well as of the relevant conditions. Member States should be able to provide an authorisation for these organisations to carry out relevant tasks, and in particular the processing of child sexual abuse material, in which case the processing should not be considered to be “without right”. Such authorisations are encouraged as they increase legal certainty, maximise synergies between national authorities and other actors involved in

deleted

the fight against child sexual abuse, and support victims' rights by removing child sexual abuse material from the public digital sphere.

Amendment 32

Proposal for a directive Recital 50

Text proposed by the Commission

(50) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising at least professional activities involving direct and regular contacts with children or within organisations that work for children or organisations acting in the public interest on the fight against child sexual abuse . Employers when recruiting for a post involving direct and regular contact with children should request information on existing convictions for sexual offences against children entered in the criminal record, or of existing disqualifications. For the purposes of this Directive, the term 'employers' should also cover persons running an organisation that is active in volunteer work related to the supervision or care of children involving direct and regular contact with children , including community settings such as schools, hospitals, social care services, sports clubs or religious communities . The way such information is delivered, such as for example access via the person concerned, and the precise

Amendment

(50) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising at least professional ***and voluntary*** activities involving direct and regular contacts with children or within organisations that work for children or organisations acting in the public interest on the fight against child sexual abuse . Employers when recruiting for a post involving direct and regular contact with children should request information on existing convictions for sexual offences against children entered in the criminal record, or of existing disqualifications. For the purposes of this Directive, the term 'employers' should also cover persons running an organisation that is active in volunteer work related to the supervision or care of children involving direct and regular contact with children, including community settings such as schools, hospitals, social care services, sports clubs or religious communities . The way such information is delivered, such as for example access via the person

content of the information, the meaning of organised voluntary activities and direct and regular contact with children should be laid down in accordance with national law. However, the information transmitted from one competent authority to another should at least contain all relevant records stored by any Member State in their national criminal records registers, and all relevant records that can be easily obtained from third countries, such as information that can be obtained from the United Kingdom through the channel established in accordance with Title IX of Part Three of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part¹⁹ .

¹⁹ OJ L 149, 30.4.2021, p. 10, ELI: [http://data.europa.eu/eli/agree_internation/2021/689\(1\)/oj](http://data.europa.eu/eli/agree_internation/2021/689(1)/oj)[http://data.europa.eu/eli/agree_internation/2021/689\(1\)/oj](http://data.europa.eu/eli/agree_internation/2021/689(1)/oj).

concerned, and the precise content of the information, the meaning of organised voluntary activities and direct and regular contact with children should be laid down in accordance with national law. However, the information transmitted from one competent authority to another should at least contain all relevant records stored by any Member State in their national criminal records registers, and all relevant records that can be easily obtained from third countries, such as information that can be obtained from the United Kingdom through the channel established in accordance with Title IX of Part Three of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part¹⁹ .

¹⁹ OJ L 149, 30.4.2021, p. 10, ELI: [http://data.europa.eu/eli/agree_internation/2021/689\(1\)/oj](http://data.europa.eu/eli/agree_internation/2021/689(1)/oj)[http://data.europa.eu/eli/agree_internation/2021/689\(1\)/oj](http://data.europa.eu/eli/agree_internation/2021/689(1)/oj).

Amendment 33

Proposal for a directive Recital 52

Text proposed by the Commission

(52) For information not or not yet available in ECRIS, for example information concerning offending third country nationals until the time Regulation (EU) 2019/816 of the European

Amendment

(52) For information not or not yet available in **the European Criminal Records Information System (ECRIS)** ECRIS, for example information concerning offending third country nationals

Parliament and of the Council²⁰ is fully implemented, Member States should make use of other channels to provide all relevant information to employers that recruit for a post involving direct and regular contact with children. The aim of this Directive is not to harmonise rules concerning consent of the person concerned when exchanging information from the criminal registers, i.e. whether or not to require such consent. Whether the consent is required or not under national law, this Directive does not establish any new obligation to change the national law and national procedures in this respect.

²⁰ Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/816/oj>).

until the time Regulation (EU) 2019/816 of the European Parliament and of the Council²⁰ is fully implemented, Member States should make use of other channels to provide all relevant information to employers that recruit for a post involving direct and regular contact with children. The aim of this Directive is not to harmonise rules concerning consent of the person concerned when exchanging information from the criminal registers, i.e. whether or not to require such consent. Whether the consent is required or not under national law, this Directive does not establish any new obligation to change the national law and national procedures in this respect.

²⁰ Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/816/oj>).

Amendment 34

Proposal for a directive Article 1 - paragraph 1

Text proposed by the Commission

This Directive establishes

Amendment

This Directive establishes

minimum rules concerning the definition of criminal offences and sanctions in the area of sexual abuse and sexual exploitation of children, child sexual abuse material and solicitation of children for sexual purposes. It also introduces provisions to strengthen the prevention of those criminal offences and the protection of the victims thereof.

minimum rules concerning the definition of criminal offences and sanctions in the area of sexual abuse and sexual exploitation of children, child sexual abuse material and solicitation of children for sexual purposes, ***including if committed by means of information and communication technology***. It also introduces provisions to strengthen the prevention of those criminal offences and the protection of the victims thereof.

Amendment 35

Proposal for a directive

Article 2 - paragraph 1 - point 2 a (new)

Text proposed by the Commission

Amendment

(2 a) “consent” means any indication of agreement to a sexual activity given voluntarily and clearly, and in an informed and unambiguous manner, by a child above the age of sexual consent, as a result of that child’s free will, assessed in the context of the surrounding circumstances;

Amendment 36

Proposal for a directive

Article 2 - paragraph 1 - point 3 - point a

Text proposed by the Commission

Amendment

(a) any material that ***visually*** depicts a child engaged in real or simulated sexually explicit conduct;

(a) any material that depicts a child engaged in real or simulated sexually explicit conduct;

Amendment 37

Proposal for a directive

Article 2 - paragraph 1 - point 3 - point b

Text proposed by the Commission

(b) **depiction** of the **sexual organs** of a child for primarily sexual purposes;

Amendment

(b) **any representation, by whatever means, of the intimate parts** of a child for primarily sexual purposes;

Amendment 38

Proposal for a directive

Article 2 - paragraph 1 - point 3 - point c

Text proposed by the Commission

(c) any material that **visually** depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the **sexual organs** of any person appearing to be a child, for primarily sexual purposes;

Amendment

(c) any material that depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the **intimate parts** of any person appearing to be a child, for primarily sexual purposes;

Amendment 39

Proposal for a directive

Article 2 - paragraph 1 - point 3 - point d

Text proposed by the Commission

(d) realistic images , reproductions or representations of a child engaged in sexually explicit conduct or of the **sexual organs** of a child, for primarily sexual purposes;

Amendment

(d) **any** realistic images, **pseudophotographs**, reproductions or representations of a child engaged in sexually explicit conduct or of the **intimate parts** of a child, for primarily sexual purposes, **regardless of the method of creation or manipulation, including by using artificial intelligence, deepfake technologies, or augmented, extended, or virtual reality**

settings;

Amendment 40

Proposal for a directive

Article 2 - paragraph 1 - point 3 - point e

Text proposed by the Commission

(e) any material, regardless of its form, intended to provide advice, guidance or instructions on how to commit ***child sexual abuse or sexual exploitation or child solicitation***;

Amendment

(e) any material, regardless of its form, intended to provide advice, guidance or instructions on how to commit ***any of the offences referred to in Articles 3 to 8b, including any instruction for artificial intelligence systems***;

Amendment 41

Proposal for a directive

Article 2 - paragraph 1 - point 4

Text proposed by the Commission

(4) 'child exploitation in prostitution' means the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise or consideration is made to the child or to a third party;

Amendment

(4) 'child exploitation in prostitution' means the use of a child for sexual activities where money or any other form of remuneration, ***gain, advantage, benefit*** or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise, ***gain, advantage, benefit*** or consideration is made to the child or to a third party;

Amendment 42

Proposal for a directive

Article 2 - paragraph 1 - point 5 - introductory part

Text proposed by the Commission

Amendment

(5) ‘ child sexual abuse performance’ means a live exhibition aimed at an audience, including by means of information and communication technology, of:

(5) ‘ child sexual abuse performance’ means a live exhibition aimed at an audience **of one or more**, including by means of information and communication technology, of:

Amendment 43

Proposal for a directive

Article 2 - paragraph 1 - point 5 - point a

Text proposed by the Commission

Amendment

(a) a child engaged in real or simulated sexually explicit conduct; or

(a) a child engaged in real or simulated sexually explicit **acts or** conduct; or

Amendment 44

Proposal for a directive

Article 2 - paragraph 1 - point 5 - point b

Text proposed by the Commission

Amendment

(b) the **sexual organs** of a child for primarily sexual purposes;

(b) the **intimate parts** of a child for primarily sexual purposes;

Amendment 45

Proposal for a directive

Article 2 - paragraph 1 - point 8

Text proposed by the Commission

Amendment

(8) ‘peers’ means persons who are close in age and degree of psychological and physical development **or** maturity.

(8) ‘peers’ means persons who are close in age and degree of psychological and physical development **and** maturity.

Amendment 46

Proposal for a directive Article 3 - title

Text proposed by the Commission

Offences concerning sexual abuse

Amendment

Offences concerning **child** sexual abuse

Amendment 47

Proposal for a directive Article 3 - paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 2 to 8 is punishable.

Amendment

1. Member States shall take the necessary measures to ensure that the **intentional** conduct referred to in paragraphs 2 to 8 is punishable.

Amendment 48

Proposal for a directive Article 3 - paragraph 2

Text proposed by the Commission

2. Causing, for sexual purposes, a child who has not reached the age of sexual consent to witness sexual activities, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 1 year.

Amendment

2. Causing, for sexual purposes, a child who has not reached the age of sexual consent, **or a child who is above the age of sexual consent and does not consent** to witness sexual activities, **including by exposing that child to pornographic content**, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 1 year.

Amendment 186

Proposal for a directive

Article 3 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Disseminating pornographic content online without putting in place robust and effective age verification tools to effectively prevent children from accessing pornographic content online shall be punishable by a maximum term of imprisonment of at least 1 year.

Amendment 49

Proposal for a directive Article 3 - paragraph 3

Text proposed by the Commission

Amendment

3. Causing, for sexual purposes, a child who has not reached the age of sexual consent to witness sexual abuse, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 2 years.

3. Causing, for sexual purposes, a child who has not reached the age of sexual consent, **or a child who is above the age of sexual consent and does not consent**, to witness sexual abuse, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 2 years.

Amendment 50

Proposal for a directive Article 3 - paragraph 4

Text proposed by the Commission

Amendment

4. Engaging in sexual activities with a child who has not reached the age of sexual consent or causing the child to engage in sexual activities with another person shall be punishable by a

4. Engaging in sexual activities with a child who has not reached the age of sexual consent or causing the child to engage in sexual activities with another person **or with themselves** shall

maximum term of imprisonment of at least **8** years.

be punishable by a maximum term of imprisonment of at least **10** years.

The types of conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least 10 years where the child is above the age of sexual consent and does not consent.

Amendment 51

Proposal for a directive Article 3 - paragraph 5 - point a

Text proposed by the Commission

(a) abuse is made of a recognised position of trust, authority or influence over the child, shall be punishable by a maximum term of imprisonment of at least **10** years ***if the child has not reached the age of sexual consent, and of at least 6 years of imprisonment, if the child is over that age;*** or

Amendment

(a) abuse is made of a recognised position of trust, authority or influence over the child, shall be punishable by a maximum term of imprisonment of at least **12** years; or

Amendment 52

Proposal for a directive Article 3 - paragraph 5 - point b

Text proposed by the Commission

(b) abuse is made of a particularly vulnerable situation of the child, in particular because of a mental or physical disability or a situation of dependence, shall be punishable by a maximum term of imprisonment of at least **10** years ***if the child has not reached the age of sexual consent, and of at least***

Amendment

(b) abuse is made of a particularly vulnerable situation of the child, in particular because of a mental, ***intellectual, sensory*** or physical disability or a situation of dependence, shall be punishable by a maximum term of imprisonment of at least **12** years; or

6 years of imprisonment if the child is over that age; or

Amendment 53

Proposal for a directive Article 3 - paragraph 5 - point c

Text proposed by the Commission

(c) use is made of coercion, force **or** threats shall be punishable by a maximum term of imprisonment of at least **12** years ***if the child has not reached the age of sexual consent, and of at least 7 years of imprisonment if the child is over that age.***

Amendment

(c) use is made of coercion, force, ***physical or psychological violence, blackmail or other*** threats shall be punishable by a maximum term of imprisonment of at least **14** years;

Amendment 54

Proposal for a directive Article 3 - paragraph 6

Text proposed by the Commission

6. Coercing, forcing or threatening a child into sexual activities with a third party shall be punishable by a maximum term of imprisonment of at least **12** years ***if the child has not reached the age of sexual consent, and of at least 7 years of imprisonment if the child is over that age.***

Amendment

6. Coercing, forcing or threatening a child into sexual activities with a third party ***or with themselves*** shall be punishable by a maximum term of imprisonment of at least **14** years.

Amendment 55

Proposal for a directive Article 3 - paragraph 7 - introductory part

Text proposed by the Commission

7. The following intentional

Amendment

7. The following intentional

conduct shall be punishable by a maximum term of imprisonment of at least **12** years:

conduct shall be punishable by a maximum term of imprisonment of at least **16** years:

Amendment 56

Proposal for a directive

Article 3 - paragraph 7 - point b a (new)

Text proposed by the Commission

Amendment

(b a) causing a child below the age of sexual consent to engage themselves, in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.

Amendment 57

Proposal for a directive

Article 3 - paragraph 8

Text proposed by the Commission

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 **10** years.

8. The types of conduct referred to in paragraph 7 shall be punishable by a maximum term of imprisonment of at least **16** years **where the child is above the age of sexual consent and does not consent.**

Amendment 58

Proposal for a directive

Article 3 - paragraph 9 - introductory part

Text proposed by the Commission

Amendment

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

9. For the purpose of **paragraphs 2, 3, 4 and 8**, Member States shall ensure that:

Amendment 59

Proposal for a directive Article 3 - paragraph 9 - point a

Text proposed by the Commission

(a) a non-consensual act is understood as an act which is performed without the child's consent ***given voluntarily, as a result of the child's free will assessed in the context of the surrounding circumstances***, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 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;

Amendment

(a) a non-consensual act is understood as an act which is performed without the child's consent, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, or due to other circumstances, including the child's physical or mental condition such as a state of unconsciousness, ***sleep***, intoxication, ***surprise***, freezing, illness or bodily injury;

Amendment 60

Proposal for a directive Article 3 - paragraph 9 - point c

Text proposed by the Commission

(c) the absence of consent cannot be refuted ***exclusively*** by the child's silence, verbal or physical non-resistance or past sexual conduct.

Amendment

(c) the absence of consent cannot be refuted by the child's silence, verbal or physical non-resistance or past ***or present*** sexual conduct ***or by any past or present relationship with an offender***.

Amendment 61

Proposal for a directive Article 4 - title

Text proposed by the Commission

Offences concerning sexual

Amendment

Offences concerning ***child*** sexual

exploitation

exploitation

Amendment 62

Proposal for a directive Article 4 - paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to **7** is punishable.

Amendment

1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to **7a** is punishable.

Amendment 63

Proposal for a directive Article 4 - paragraph 2

Text proposed by the Commission

2. Causing or recruiting a child to participate in child sexual abuse performances, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a maximum term of imprisonment of at least **5** years ***if the child has not reached the age of sexual consent and of at least 2 years of imprisonment if the child is over that age.***

Amendment

2. Causing or recruiting a child to participate in child sexual abuse performances, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a maximum term of imprisonment of at least **6** years.

Amendment 64

Proposal for a directive Article 4 - paragraph 3

Text proposed by the Commission

3. Coercing or forcing a child to participate in child sexual abuse performances, or threatening a child for such purposes shall be

Amendment

3. Coercing or forcing a child to participate in child sexual abuse performances, or threatening a child for such purposes shall be

punishable by a maximum term of imprisonment of at least **8** years ***if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.***

punishable by a maximum term of imprisonment of at least **9** years.

Amendment 65

Proposal for a directive Article 4 - paragraph 4

Text proposed by the Commission

4. Knowingly attending child sexual abuse performances involving the participation of a child shall be punishable by a maximum term of imprisonment of at least **2** years ***if the child has not reached the age of sexual consent, and of at least 1 year of imprisonment if the child is over that age.***

Amendment

4. Knowingly attending child sexual abuse performances involving the participation of a child shall be punishable by a maximum term of imprisonment of at least **3** years.

Amendment 66

Proposal for a directive Article 4 - paragraph 5

Text proposed by the Commission

5. Causing or recruiting a child to participate in exploitation in prostitution, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a maximum term of imprisonment of at least **8** years ***if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.***

Amendment

5. Causing or recruiting a child to participate in exploitation in prostitution, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a maximum term of imprisonment of at least **12** years.

Amendment 67

Proposal for a directive Article 4 - paragraph 6

Text proposed by the Commission

6. Coercing or forcing a child into exploitation in prostitution, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least **10** years ***if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.***

Amendment

6. Coercing or forcing a child into exploitation in prostitution, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least **14** years.

Amendment 68

Proposal for a directive Article 4 - paragraph 7

Text proposed by the Commission

7. Engaging in sexual activities with a child, where recourse is made to exploitation in prostitution shall be punishable by a maximum term of imprisonment of at least **8** years ***if the child has not reached the age of sexual consent, and of at least 4 years of imprisonment if the child is over that age.***

Amendment

7. Engaging in sexual activities with a child, where recourse is made to exploitation in prostitution shall be punishable by a maximum term of imprisonment of at least **12** years.

Amendment 69

Proposal for a directive Article 4 - paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. Coercing or forcing a child to share material representing that child's intimate parts

without that child's consent in order to obtain money, child sexual abuse material or any other benefit shall be punishable by a maximum term of imprisonment of at least 8 years.

Amendment 70

Proposal for a directive Article 5 - paragraph 2

Text proposed by the Commission

2. Acquisition or possession of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 1 year.

Amendment

2. Acquisition or possession ***of child sexual abuse material, including the possession of the material referred to in Article 2, point (3)(d), for private use, shall be punishable by a maximum term of imprisonment of at least 2 years.***

Acquisition or possession of artificial intelligence systems designed or adapted primarily for the purpose of enabling the creation of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 1 year.

Amendment 71

Proposal for a directive Article 5 - paragraph 3

Text proposed by the Commission

3. Knowingly obtaining access, by means of information and communication technology, to child sexual abuse material shall be punishable by a maximum term of imprisonment of at least **1**

Amendment

3. Knowingly obtaining access, by means of information and communication technology, to child sexual abuse material shall be punishable by a maximum term of imprisonment of at least **2**

year.

years.

Amendment 72

Proposal for a directive Article 5 - paragraph 4

Text proposed by the Commission

4. Distribution, dissemination or transmission of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.

Amendment

4. Distribution, dissemination or transmission of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least **4 years**.

Distribution, dissemination or transmission of artificial intelligence systems designed or adapted primarily for the purpose of enabling the creation of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.

Amendment 73

Proposal for a directive Article 5 - paragraph 5

Text proposed by the Commission

5. Offering, supplying or making available child sexual abuse material shall be punishable by a maximum term of imprisonment of at least **2** years.

Amendment

5. Offering, supplying or making available child sexual abuse material shall be punishable by a maximum term of imprisonment of at least **4** years.

Amendment 74

Proposal for a directive Article 5 - paragraph 6

Text proposed by the Commission

6. Production of child sexual

Amendment

6. Production **of child sexual**

abuse material shall be punishable by a maximum term of imprisonment of at least 3 years.

abuse material, including the production of the material referred to in Article 2, point (3)(d), for private use, shall be punishable by a maximum term of imprisonment of at least 8 years.

Creation or adaptation of artificial intelligence systems designed or adapted primarily for the purpose of enabling the creation shall be punishable by a maximum term of imprisonment of at least 3 years.

Amendment 75

Proposal for a directive

Article 5 - paragraph 7 - subparagraph 1

Text proposed by the Commission

For the purposes of paragraph 1, the conducts referred to in paragraph 2, 3 and 4 shall not be considered to be committed without right in particular where carried out by, or on behalf and under the responsibility of, an organisation established in a Member State acting in the public interest against child sexual abuse that has been authorised by competent authorities of that Member State when such actions were carried out in accordance with the conditions set out in such authorisation.

Amendment

For the purposes of paragraph 1, the conducts referred to in paragraph 2, 3 and ***transmission as referred to in paragraph 4*** shall not be considered to be committed without right in particular where carried out by, or on behalf and under the responsibility of an organisation ***such as a hotline*** established in a Member State acting in the public interest against child sexual abuse that has been authorised by competent authorities of that Member State when such actions were carried out in accordance with the conditions set out in such authorisation.

Amendment 76

Proposal for a directive

Article 5 - paragraph 7 - subparagraph 2

Text proposed by the Commission

These conditions **may** include the requirement that the organisations that receive such authorisations have the necessary expertise and independence, that there are appropriate reporting and oversight mechanisms to ensure that the organisations act expeditiously, diligently, and in the public interest, and that the organisations make use of secure channels of communication to carry out the actions covered by the authorisation.

Amendment

These conditions **shall** include the requirement that the organisations that receive such authorisations have the necessary expertise and independence, that there are appropriate reporting and oversight mechanisms to ensure that the organisations act expeditiously, diligently, and in the public interest, and that the organisations make use of secure channels of communication to carry out the actions covered by the authorisation.

Amendment 77

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 the organisations acting** acting in the public interest against child sexual abuse referred to in paragraph 7 **and ensure that the authorisations received by such organisations from the competent authorities of a Member State**, allow all of the following activities:

Amendment 78

Proposal for a directive Article 5 - paragraph 8 - point a

Text proposed by the Commission

a. ***receive and analyse*** reports of suspected child sexual abuse material, submitted to them by victims, online users or other organisations acting in the public interest against child sexual abuse;

Amendment

a. ***receiving and analysing*** reports of suspected child sexual abuse material, submitted to them by victims, online users or other organisations acting in the public interest against child sexual abuse;

Amendment 79

Proposal for a directive Article 5 - paragraph 8 - point b

Text proposed by the Commission

b. promptly ***notify*** the relevant law enforcement authority of the Member State where the material is hosted of reported illegal content;

Amendment

b. promptly ***notifying*** the relevant law enforcement authority of the Member State where the material is hosted of reported illegal content;

Amendment 80

Proposal for a directive Article 5 - paragraph 8 - point c

Text proposed by the Commission

c. ***collaborate*** with organisations acting in the public interest against child sexual abuse and authorized to receive reports of suspected child sexual abuse material in accordance with point (a) in the Member State or third country where the material is hosted

Amendment

c. ***collaborating*** with organisations acting in the public interest against child sexual abuse and authorized to receive reports of suspected child sexual abuse material in accordance with point (a) in the Member State or third country where the material is hosted

Amendment 81

Proposal for a directive

Article 5 - paragraph 8 - point d

Text proposed by the Commission

d. **carry** out searches on publicly accessible material on hosting services to detect the dissemination of child sexual abuse material, using the reports of suspected child sexual abuse material referred to in letter (a) or on a request of a victim.

Amendment

d. **carrying** out searches on publicly accessible material on hosting services to detect the dissemination of child sexual abuse material, using the reports of suspected child sexual abuse material referred to in letter (a) or on a request of a victim.

Amendment 82

Proposal for a directive

Article 5 - paragraph 8 - point d a (new)

Text proposed by the Commission

Amendment

d a. cooperating directly with providers of information society services established in the Member State in which the organisations acting in the public interest against child sexual abuse are established, in notice and action mechanisms, including removal or disabling of access to content and in notifications of suspicions of criminal offences under Regulation (EU) 2022/2065 of the European Parliament and of the Council, with authorisation from the competent national law enforcement authority.

Amendment 83

Proposal for a directive Article 6 - paragraph 1 - point a

Text proposed by the Commission

(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;

Amendment

(a) proposing, **including** 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 **that could lead** to such a meeting, shall be punishable by a maximum term of imprisonment of at least 1 year;

.

Amendment 84

Proposal for a directive Article 6 - paragraph 2 - 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 5(2) and (3) by an adult soliciting a child to provide child sexual abuse material 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, **including** by means of information and communication technology, to commit the offences provided for in Article 5(2) and (3) by an adult soliciting a child to provide child sexual abuse material is punishable by a maximum term of imprisonment of at least **1 year**.

Amendment 85

Proposal for a directive

Article 6 - paragraph 2 - subparagraph 2

Text proposed by the Commission

The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least **1 year** where use is made of coercion, force or threats.

Amendment

The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least **2 years** where use is made of coercion, force or threats.

Amendment 86

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, ***including*** 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 **3 years**.

Amendment 87

Proposal for a directive

Article 6 - paragraph 3 - subparagraph 2

Text proposed by the Commission

The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least **1 year** where use is made of coercion,

Amendment

The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least **6 years** where use is made of coercion,

force or threats.

force or threats.

Amendment 88

Proposal for a directive Article 7 - title

Text proposed by the Commission

Solicitation **of** sexual abuse

Amendment

Solicitation **to commit** sexual abuse **or exploitation, including live streaming**

Amendment 89

Proposal for a directive Article 7 - paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that intentionally promising or giving any person money, or other form of remuneration or consideration, to cause them to commit any of the offences listed in Article 3(4), (5),(6), (7), and (8), Article 4(2) and (3) and Article 5(6) is punishable by a maximum term of imprisonment of at least **3** years.

Amendment

Member States shall take the necessary measures to ensure that intentionally promising or giving any person money, or other form of remuneration or consideration, to cause them to commit any of the offences listed in Article 3(4), (5),(6), (7), and (8), Article 4(2) and (3) and Article 5(6), **including live streaming**, is punishable by a maximum term of imprisonment of at least **5** years.

Amendment 90

Proposal for a directive Article 8 - paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that intentionally operating or administering an information society service which is conceived

Amendment

Member States shall take the necessary measures to ensure that intentionally operating or administering an information society service which is conceived

to facilitate or encourage the commission of any of the offences referred to in Articles 3 to 7 is punishable by a maximum term of imprisonment of at least **1 year**.

to facilitate or encourage the commission of any of the offences referred to in Articles 3 to 7 is punishable by a maximum term of imprisonment of at least **10 years**.

Amendment 91

Proposal for a directive Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Travelling for the purpose of sexual abuse and sexual exploitation of children

Member States shall take the necessary measures to ensure that travelling to a country other than that Member States for the purpose of committing, or contributing to the commission of, any of the offences referred to in Article 3 to 8b is punishable as a criminal act when committed intentionally.

Amendment 92

Proposal for a directive Article 8 b (new)

Text proposed by the Commission

Amendment

Article 8b

Other offences related to sexual abuse and sexual exploitation of children

Member States shall take the necessary measures to ensure that offences related to sexual abuse and sexual exploitation of children include the

following intentional acts: (a) the dissemination of material advertising the opportunity to commit any of the offences referred to in Articles 3 to 8a; (b) extortion with a view to committing one of the offences listed in Articles 3 to 8; and (c) drawing up or using false administrative documents with a view to committing one of the offences referred to in Articles 3 to 8a.

Amendment 93

Proposal for a directive Article 9 - paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that inciting or aiding and abetting to commit any of the offences referred to in Articles 3 to **8** is punishable.

Amendment

1. Member States shall take the necessary measures to ensure that inciting or aiding and abetting to commit any of the offences referred to in Articles 3 to **8b** is punishable.

Amendment 94

Proposal for a directive Article 9 - paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that an attempt to commit any of the offences referred to in Article 3(4), (5), (6), (7) and (8), Article 4(2), (3), (5), (6) and (7), Article 5(4), (5) and (6), Article 7 and Article **8** is punishable.

Amendment

2. Member States shall take the necessary measures to ensure that an attempt to commit any of the offences referred to in Article 3(4), (5), (6), (7) and (8), Article 4(2), (3), (5), (6) and (7), Article 5(4), (5) and (6), Article 7 and Article **8b** is punishable.

Amendment 95

Proposal for a directive Article 10 - paragraph 1

Text proposed by the Commission

1. ***It shall be within the discretion of*** Member States ***to decide whether*** Article 3(2) ***and (4) apply to*** consensual sexual activities between peers, ***in so far as the acts did not involve any*** abuse.

Amendment

1. Member States ***shall ensure that, in the context of*** Article 3(2), ***(4) and (7), an exemption from criminalisation is provided for*** consensual sexual activities between peers, ***provided that there is no*** abuse ***of trust or dependency between the peers.***

Amendment 96

Proposal for a directive Article 10 - paragraph 2

Text proposed by the Commission

2. ***It shall be within the discretion of*** Member States ***to decide whether*** Article 4(4) ***applies to a*** performance that takes place in the context of a consensual relationship where the child has reached the age of sexual consent or between peers , in so far as the acts did not involve any abuse or exploitation and no money or other form of remuneration or consideration is given as payment in exchange for the performance.

Amendment

2. Member States ***shall ensure that, in the context of*** Article 4(4) ***an exemption from criminalisation is provided for*** performance that takes place in the context of a consensual relationship where the child has reached the age of sexual consent or between peers, in so far as the acts did not involve any abuse or exploitation and no money or other form of remuneration or consideration is given as payment in exchange for the performance.

Amendment 97

Proposal for a directive Article 10 - paragraph 3 - subparagraph 1 - introductory part

Text proposed by the Commission

It shall be within the

Amendment

Member States ***shall ensure***

discretion of Member States ***to decide whether*** Article 5(2), (3), (4) and (6) ***apply to*** the production, acquisition or possession of , or access to, material which exclusively involves:

that, in the context of Article 5(2), (3), (4) and (6), ***an exemption from criminalisation is provided for*** the production, acquisition or possession of, or access to, material which exclusively involves:

Amendment 98

Proposal for a directive Article 10 - paragraph 3 - subparagraph 2

Text proposed by the Commission

Amendment

where that material is produced and possessed with the consent of the children involved and only for the private use of the persons involved, ***in so far as the acts did not involve any*** abuse.

where that material is produced and possessed with the consent of the children involved and only for the private use of the persons involved, ***provided that there is no abuse of trust or dependency between the peers.***

Amendment 99

Proposal for a directive Article 10 - paragraph 4

Text proposed by the Commission

Amendment

4. ***It shall be within the discretion of*** Member States ***to decide whether*** Article 6 ***applies*** to proposals, conversations, contacts or exchanges between peers.

4. Member States ***shall ensure that, in the context of*** Article 6 ***an exemption from criminalisation is provided for*** to proposals, conversations, contacts or exchanges between peers, ***provided that there is no abuse of trust or dependency between the peers.***

Amendment 100

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

Amendment

For the purpose of paragraphs 1 to 4 **of this Article**, a child above the age of sexual consent can be considered as having consented to an activity only where the consent was given voluntarily **and clearly and in an informed and unambiguous manner, as the** result of the free will **of the child** assessed in the context of the surrounding circumstances, **as defined in Article 2, point (2a). 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, sleep, intoxication, surprise, freezing, illness or bodily injury.**

Amendment 101

Proposal for a directive

Article 10 - paragraph 5 - subparagraph 3

Text proposed by the Commission

The absence of consent cannot be refuted **exclusively** by the child's silence, verbal or physical non-resistance or past conduct.

Amendment

The absence of consent cannot be refuted by the child's silence, verbal or physical non-resistance or past **sexual** conduct **or by any past or present relationship with an offender.**

Amendment 102

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, videos **or similar material** cannot be interpreted as consent to any further sharing or dissemination of that same image, video **or similar material, including in a manipulated or altered version. Any subsequent sharing or dissemination, whether by the original recipient or any other party, shall require explicit, informed consent from the individual depicted.**

Consent can be withdrawn at any moment.

Amendment 103

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 mental incapacity;

Amendment

(a) the offence was committed against a child in **any** particularly vulnerable situation, such as **against a child of a young age,** a child with a mental, **intellectual, sensory** or physical disability, **deprived of liberty or whose liberty is restricted,** in a situation of dependence or in a state of physical or mental incapacity;

Amendment 104

Proposal for a directive

Article 11 - paragraph 1 - point h a (new)

Text proposed by the Commission

Amendment

(h a) the offender posed as a minor or a peer;

Amendment 105

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.

Amendment 106

Proposal for a directive

Article 12 - paragraph 1

Text proposed by the Commission

Amendment

1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 9 may be temporarily or permanently prevented from exercising at least professional activities involving direct and regular contacts with children.

1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 9 may be temporarily or permanently prevented from exercising at least professional ***and organised voluntary*** activities involving ***or facilitating*** direct and regular contacts with children.

Amendment 107

Proposal for a directive Article 12 - paragraph 2

Text proposed by the Commission

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 those criminal convictions.

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 **or contracting 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 regular contacts with children arising from those criminal convictions.

Amendment 108

Proposal for a directive Article 12 - paragraph 3

Text proposed by the Commission

3. For the application of paragraphs 1 and 2 of this Article, when requested by competent authorities, Member States shall take the necessary measures to ensure, the transmission of information concerning the

Amendment

3. For the application of paragraphs 1 and 2 of this Article, when requested by competent authorities, Member States shall take the necessary measures to ensure, the transmission of information **from the**

existence of criminal convictions for any of the offences referred to in Articles 3 to 9 , or of any disqualification from exercising activities involving direct and regular contacts with children arising from those criminal convictions , and that the transmitted information is as complete as possible, comprising at least information on criminal convictions or disqualifications arising from criminal convictions kept by any Member State. For that purpose, such information shall be transmitted through ECRIS or the mechanism for the exchange of criminal record information established with third countries.

authorities to the requesting party concerning the existence of criminal convictions for any of the offences referred to in Articles 3 to 9 , or of any disqualification from exercising activities involving direct and regular contacts with children arising from those criminal convictions, and that the transmitted information is as complete as possible, comprising at least information on criminal convictions or disqualifications arising from criminal convictions kept by any Member State. For that purpose, such information shall be transmitted through ECRIS or the mechanism for the exchange of criminal record information established with third countries.

Amendment 109

Proposal for a directive Article 14 - title

Text proposed by the Commission

Amendment

Sanctions on legal persons

Penalties for legal persons

Amendment 110

Proposal for a directive Article 14 - paragraph 1 - introductory part

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 13 is punishable by effective, proportionate and dissuasive ***sanctions***, which shall include criminal or non-criminal fines and may include other ***sanctions***,

1. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 13 is punishable by effective, proportionate and dissuasive ***penalties***, which shall include criminal or non-criminal fines and may include other ***penalties***,

such as:

such as:

Amendment 111

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.

Amendment 112

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, 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.

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 **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, whichever is higher.**

Amendment 113

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, whichever is higher.***

Amendment 114

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.

Amendment 115

Proposal for a directive Article 16 - title

Text proposed by the Commission

Amendment

**Investigation and prosecution
and limitation periods**

Investigation and prosecution

Amendment 116

Proposal for a directive Article 16 - paragraph 2 - subparagraph 1

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to enable the prosecution of any of the offences referred to in Article 3, Article 4(2), (3), (5), (6) and (7) , of any serious offences referred to in Article 5(6) when child sexual abuse material as referred to in Article 2 , points (3)(a) and (b) has been used, and of any of the offences referred to in Articles 7 and 8 , for a sufficient period of time after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.

deleted

Amendment 117

Proposal for a directive Article 16 - paragraph 2 - subparagraph 2

Text proposed by the Commission

Amendment

This period of time referred to in the first subparagraph shall be:

deleted

(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;

(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;

(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 118

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; ***deleted***

Amendment 119

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 ***deleted***

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

Amendment 120

Proposal for a directive Article 16 - paragraph 2 - subparagraph 2 - point c

Text proposed by the Commission

Amendment

(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.

deleted

Amendment 121

Proposal for a directive Article 16 - paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to 9 .

3. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to 9. ***Where appropriate, those 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 in accordance with national law.

Amendment 122

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 123

Proposal for a directive Article 16 a (new)

Text proposed by the Commission

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 ***and*** expertise 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.

Amendment

Article 16a

Limitation periods

Member States shall take the necessary measures to ensure that no limitation period applies to the offences referred to in Article 3 to 9.

Amendment 124

Proposal for a directive Article 17 - paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that any of the offences referred to in Articles 3 to 9 have been committed, to report this to the competent services , without ***affecting*** Article 18 of Regulation (EU) 2022/2065 of the European Parliament and of the Council²⁴ and Article 12 of Regulation (EU) .../...²⁵ [laying down rules to prevent and combat child sexual abuse].

²⁴ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2065/oj>).

²⁵ Regulation (EU)

Amendment

2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that any of the offences referred to in Articles 3 to 9 have been committed, to report this to the competent services, without ***prejudice to*** Article 18 of Regulation (EU) 2022/2065 of the European Parliament and of the Council²⁴ and Article 12 of Regulation (EU) .../...²⁵ [laying down rules to prevent and combat child sexual abuse].

²⁴ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2065/oj>).

²⁵ Regulation (EU)

Amendment 125

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 **all** professionals **and volunteers** working in close contact with children, **including** in the child protection, education, **sport**, childcare and health care sectors, **as well as legal professionals, teachers and educators, family court judges and front-line police officers are informed and trained to recognise child sexual abuse.**

The professionals and volunteers referred to in the first subparagraph 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 126

Proposal for a directive Article 17 - paragraph 4

Text proposed by the Commission

4. Member States shall exempt professionals **working in the health care sectors** in the context of programmes dedicated to persons who have been convicted of a criminal offence punishable under this Directive or persons who fear that they might commit any of the offences punishable under this Directive from the reporting obligation provided for in paragraph 3.

Amendment

4. Member States shall exempt professionals **active** in the context of programmes dedicated to persons who have been convicted of a criminal offence punishable under this Directive or persons who fear that they might commit any of the offences punishable under this Directive from the reporting obligation provided for in paragraph 3.

Amendment 127

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. Member States shall ensure that those reporting mechanisms are adequately resourced, including in terms of funding and staffing

Amendment 128

Proposal for a directive Article 18 - paragraph 1

Text proposed by the Commission

Amendment

1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, and Article 5a under Directive (EU) .../... [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crimes], Member States shall ensure that victims can report the offences referred to in Articles 3 to 9 of this Directive to the competent authorities in an easy and accessible manner. This shall include the possibility of reporting those criminal offences, and submitting evidence where feasible, by means of easily accessible and user-friendly information and communication

1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, and Article 5a under Directive (EU) .../... [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crimes], Member States shall ensure that victims can report the offences referred to in Articles 3 to 9 of this Directive to the competent authorities ***free of charge, safely and confidentially***, and accessible manner. This shall include the possibility of reporting those criminal offences, and submitting evidence where feasible, by means of easily accessible and user-friendly information and

technologies.

communication technologies.

Amendment 129

Proposal for a directive Article 18 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take the necessary measures to ensure the possibility of third-party reporting, including by making use of the reporting mechanism referred to in paragraph 1.

Amendment 130

Proposal for a directive Article 18 - paragraph 2

Text proposed by the Commission

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.

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 ***that*** reporting is not conditional upon parental consent ***and that appropriate information about reporting procedures and support services is provided.***

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

Amendment 131

Proposal for a directive Article 18 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall ensure that age-appropriate multidisciplinary interagency structures are established 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;

(b) the appointment of well-being officers 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.

Such structures shall be without prejudice to any

existing systems in Member States.

Amendment 132

Proposal for a directive Article 18 - paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the competent authorities coming in contact with victims reporting child sexual abuse offences or sexual exploitation offences are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, ***at least until completion of the first individual assessment of the victims' protection needs conducted in accordance with Article 22 of Directive 2012/29/EU.***

Amendment

3. Member States shall ensure that the competent authorities coming in contact with victims reporting child sexual abuse offences or sexual exploitation offences are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, ***as well as from using them for the purpose of carrying out return procedures.***

Amendment 133

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.

Amendment 134

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 and investigations 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 135

Proposal for a directive Article 20 - paragraph 1

Text proposed by the Commission

Amendment

1. Child victims of the offences referred to in Articles 3 to 9 ***shall be*** provided assistance, support and protection in accordance with Articles 21 and 22 , taking into account the best interests of the child.

1. ***Member States shall ensure that*** child victims of the offences referred to in Articles 3 to 9 ***are*** provided assistance, support and protection in accordance with Articles 21 and 22 , taking into account the best interests of the child, ***irrespective of whether they have filed a formal complaint.***

Amendment 136

Proposal for a directive Article 20 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall ensure the provision of easily accessible, free of charge and comprehensive healthcare services for child victims of sexual abuse or exploitation, including sexual and reproductive healthcare.

Amendment 137

Proposal for a directive Article 21 - paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that assistance and specialised and appropriate support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Directive 2012/29/EU , Directive (EU) .../... [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crimes] and in this Directive. Member States shall notably ***ensure that*** victims of offences referred to in Articles 3 to 9 ***have access to targeted and integrated support services for children*** in accordance with Article 9a of Directive (EU) .../... [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights,

1. Member States shall take the necessary measures to ensure that assistance and specialised and appropriate support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Directive 2012/29/EU , Directive (EU) .../... [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crimes] and in this Directive. Member States shall notably ***provide*** victims of offences referred to in Articles 3 to 9 ***with easily accessible referral centres, that may form part of the national healthcare system, to ensure effective support to child victims of sexual abuse or exploitation and to ensure the clinical***

support and protection of victims of crimes]. Member States shall, in particular, take the necessary steps to ensure protection for children who report cases of abuse within their family.

management of sexual violence, including assisting in the safekeeping and documentation of evidence, in accordance with Article 9a of Directive (EU) .../... [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crimes]. ***Those centres shall provide trauma-sensitive support and, where necessary, referral to specialised trauma support and counselling for child victims. Member States shall ensure that child victims of sexual abuse or exploitation have access to medical and forensic examinations that may be provided in these centres or by referral to specialised centres or units. Member States shall ensure coordination between the referral centres and competent medical and forensic centres. All services referred to in this Article shall be provided in a child-friendly manner. Member States may provide that those centres are to be attached to the centres established under Article 28 of Directive (EU) 2024/1385 on combating violence against women and domestic violence.*** Member States shall, in particular, take the necessary steps to ensure protection for children who report cases of abuse within their family, ***in line with the best interest of the child.***

Amendment 138

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. **Member States** shall **ensure that accessible, child-friendly, comprehensive, specialised, coordinated, need-and** age-appropriate, medical care, **including access to sexual and reproductive healthcare services**, emotional, psychosocial, psychological, **legal** and educational **and administrative** support **is provided to victims and their families**, as well as any other appropriate support tailored in particular to situations of sexual abuse, **with special attention to the long-term recovery of the victims. Such support shall be available in one place, based on the “Barnahus” model.**

Amendment 139

Proposal for a directive Article 21 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The services referred to in paragraphs 1 and 2 shall be available free of charge, and shall be accessible every day of the week, without prejudice to those services that are provided for under the national healthcare system. Member States shall ensure a sufficient geographical distribution and capacity of the services referred to in paragraphs 1 and 2, across the

Member State.

Amendment 140

**Proposal for a directive
Article 21 - paragraph 3**

Text proposed by the Commission

3. Where ***it is*** necessary ***to provide for*** interim accommodation, children shall, as a priority, be placed with other family members, where necessary in temporary or permanent housing, equipped with support services.

Amendment

3. Where necessary, ***Member States shall ensure that children are provided with*** interim accommodation. Children shall, as a priority, be placed with other family members, ***taking into account their best interest***, where necessary in temporary or permanent housing, equipped with support services.

Amendment 141

**Proposal for a directive
Article 21 - paragraph 4**

Text proposed by the Commission

4. Victims of offences punishable under this Directive ***shall*** have access to the referral centres established under Article ***28*** of Directive [...]/.../EU Proposed violence against women Directive]²⁶.

Amendment

4. ***Member States shall ensure that*** victims of offences punishable under this Directive have access to the referral centres established under Article ***26*** of Directive [...]/.../EU Proposed violence against women Directive]²⁶.

²⁶ COM(2022) 105 of 08.03.2022.

²⁶ COM(2022) 105 of 08.03.2022.

Amendment 142

**Proposal for a directive
Article 21 - paragraph 7**

Text proposed by the Commission

7. Child victims of any of the

Amendment

7. Child victims of any of the

offences referred to in Articles 3 to 9 shall be considered as particularly vulnerable victims **pursuant to** Article 22(2) of Directive 2012/29/EU and Directive (EU) .../... [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crimes] .

offences referred to in Articles 3 to 9 shall be considered as particularly vulnerable victims **within the meaning of** Article 22(2) of Directive 2012/29/EU and Directive (EU) .../... [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crimes] .

Amendment 143

Proposal for a directive Article 21 - paragraph 9 - introductory part

Text proposed by the Commission

9. ***The EU Centre, once established, shall proactively support*** Member States' efforts on assistance to victims by:

Amendment

9. ***Member States' efforts on assistance to victims shall be proactively supported by the EU Centre, once established*** by:

Amendment 144

Proposal for a directive Article 22 - title

Text proposed by the Commission

Protection of ***child victims*** in criminal investigations and proceedings

Amendment

Protection of ***children*** in criminal investigations and proceedings

Amendment 145

Proposal for a directive Article 22 - paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that in criminal investigations and

Amendment

1. Member States shall take the necessary measures to ensure that in criminal investigations and

proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a special representative for the child victim where, under national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from the family.

proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a special representative for the child victim where, under national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from the family. ***All authorities involved in the proceedings shall be trained in child-friendly justice.***

Amendment 146

Proposal for a directive Article 22 - paragraph 3 - point a

Text proposed by the Commission

(a) interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;

Amendment

(a) interviews with the child victim ***or, where applicable, with a child witness,*** take place without unjustified delay after the facts have been reported to the competent authorities;

Amendment 147

Proposal for a directive Article 22 - paragraph 3 - point b

Text proposed by the Commission

(b) interviews with the child victim take place in premises designed or adapted for this purpose;

Amendment

(b) interviews with the child victim ***or, where applicable, with a child witness,*** take place in premises designed or adapted for this purpose;

Amendment 148

Proposal for a directive Article 22 - paragraph 3 - point c

Text proposed by the Commission

(c) interviews with the child victim are carried out by or through professionals trained for this purpose;

Amendment

(c) interviews with the child victim ***or, where applicable, with a child witness***, are carried out by or through professionals trained for this purpose;

Amendment 149

Proposal for a directive Article 22 - paragraph 3 - point d

Text proposed by the Commission

(d) the same persons, if possible and where appropriate, conduct all interviews with the child victim;

Amendment

(d) the same persons, if possible and where appropriate, conduct all interviews with the child victim ***or, where applicable, with a child witness***;

Amendment 150

Proposal for a directive Article 22 - paragraph 3 - point f

Text proposed by the Commission

(f) the child victim may be accompanied by his or her legal representative or, where appropriate, by an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

Amendment

(f) the child victim ***or, where applicable, with a child witness***, may be accompanied by his or her legal representative or, where appropriate, by an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

Amendment 151

Proposal for a directive Article 22 - paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 9 all interviews with the child victim or, where **appropriate**, with a child witness, may be audio-visually recorded and that such audio-visually recorded interviews may be used as evidence in criminal court proceedings, in accordance with the rules under their national law.

Amendment

4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 9 all interviews with the child victim or, where **applicable**, with a child witness, may be audio-visually recorded and that such audio-visually recorded interviews may be used as evidence in criminal court proceedings, in accordance with the rules under their national law.

Amendment 152

Proposal for a directive Article 22 - paragraph 5 - point b

Text proposed by the Commission

(b) the child victim be heard in the courtroom without being present, in particular through the use of appropriate communication technologies.

Amendment

(b) the child victim **or, where applicable, a child witness**, be heard in the courtroom without being present, in particular through the use of appropriate communication technologies.

Amendment 153

Proposal for a directive Article 22 - paragraph 6

Text proposed by the Commission

6. Member States shall take the necessary measures, where in the interest of child victims and taking into account other overriding interests, to protect

Amendment

6. Member States shall take the necessary measures, where in the interest of child victims **or, where applicable, a child witness**, and taking into account

the privacy, identity and image of child victims, and to prevent the public dissemination of any information that could lead to their identification.

other overriding interests, to protect the privacy, identity and image of child victims, and **of a child witnesses and** to prevent the public dissemination of any information that could lead to their identification.

Amendment 154

Proposal for a directive Article 22 - paragraph 7

Text proposed by the Commission

7. Member States shall take the necessary measures to ensure that, where the participation of a child is necessary in criminal court proceedings relating to any of the offences referred to in Articles 3 to 9, the court takes into account the child's **age and maturity** in the relevant court proceedings.

Amendment

7. Member States shall take the necessary measures to ensure that, where the participation of a child is necessary in criminal court proceedings relating to any of the offences referred to in Articles 3 to 9, the court takes into account the child's **vulnerabilities** in the relevant court proceedings, **including those related to the child's age, maturity and mental and physical wellbeing. Member States shall ensure this applies to all children, including those suspected, accused of, or convicted of a crime.**

Amendment 155

Proposal for a directive Article 23 - paragraph 2

Text proposed by the Commission

2. In addition to their rights under Article 16a of Directive (EU) .../... [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and

Amendment

2. In addition to their rights under Article 16a of Directive (EU) .../... [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and

protection of victims of crimes], victims shall be allowed to request compensation in the context of criminal and civil proceedings for any damage caused to them by any of the offences punishable under this Directive, ***for a sufficient period of time, commensurate with the gravity of the offence, after reaching the age of majority.***

protection of victims of crimes], victims shall be allowed to request compensation in the context of criminal and civil proceedings for any damage caused to them by any of the offences punishable under this Directive. ***Member States shall ensure that no limitation period applies to the victim's right to compensation.***

Amendment 156

Proposal for a directive Article 23 - paragraph 3

Text proposed by the Commission

3. The period referred to in the first subparagraph shall be:

(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;

(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;

(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

deleted

Amendment 157

Proposal for a directive Article 23 - paragraph 3 - 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; **deleted**

Amendment 158

Proposal for a directive Article 23 - paragraph 3 - 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; **deleted**

Amendment 159

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

Text proposed by the Commission

Amendment

(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. **deleted**

Amendment 160

Proposal for a directive

Article 24 - paragraph 1 - introductory part

Text proposed by the Commission

Member States shall establish national authorities or equivalent entities to carry out the following activities:

Amendment

Member States shall establish **or appoint** national authorities or equivalent entities to carry out the following activities:

Amendment 161

Proposal for a directive

Article 24 - paragraph 2

Text proposed by the Commission

In particular, national authorities shall be responsible for the data collection, research and reporting obligations referred to in Article 31.

Amendment

In particular, national authorities shall be responsible for the data collection, research and reporting obligations referred to in Article 31.

In carrying out the activities listed in paragraph 1, Member States shall be supported by the EU Centre, once established.

Amendment 162

Proposal for a directive

Article 25 - paragraph 1

Text proposed by the Commission

Member States shall put in place appropriate mechanisms to ensure effective coordination and cooperation to develop and implement measures to **tackle** child sexual abuse and exploitation, both online and offline, at the national level, of relevant authorities, agencies and bodies, including local and

Amendment

Member States shall put in place appropriate mechanisms to ensure effective coordination and cooperation to develop and implement measures to **combat** child sexual abuse and exploitation, both online and offline, at the national level, of relevant authorities, agencies and bodies, including local and

regional authorities, law enforcement agencies, the judiciary, public prosecutors, support service providers as well as providers of information society services, non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities. These mechanisms shall also ensure effective coordination and cooperation with the EU Centre and the Commission.

regional authorities, law enforcement agencies, the judiciary, public prosecutors, support service providers as well as providers of information society services, non-governmental organisations, ***including those operating hotlines and helplines***, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities. These mechanisms shall also ensure effective coordination and cooperation ***among Member States***, with the EU Centre and the Commission ***and other Union agencies and bodies***.

Amendment 163

Proposal for a directive Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

International Cooperation

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' competent authorities, Europol, Eurojust and the EU Centre shall, within their respective competences and in the limits of their respective remit, cooperate with competent authorities of third countries in the fight against the criminal offences referred to in Articles 3 to 8b.

Amendment 164

Proposal for a directive Article 26

Text proposed by the Commission

Amendment

Article 26

deleted

***Measures against advertising
abuse opportunities and the
sexual abuse and sexual
exploitation of children in
travel and tourism***

***Member States shall take
appropriate measures to
prevent or prohibit:***

***(a) the dissemination of
material advertising the
opportunity to commit any of
the offences referred to in
Articles 3 to 8 ; and***

***(b) the organisation for
others, whether or not for
commercial purposes, of travel
arrangements with the
purpose of committing any of
the offences referred to in
Articles 3 , 4 and 5.***

Amendment 165

Proposal for a directive Article 27 - paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that persons who fear that they might commit any of the offences referred to in Articles 3 to 9 have access to dedicated and effective intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed.

1. Member States shall take the necessary measures to ensure that persons who fear that they might commit any of the offences referred to in Articles 3 to 9 have ***easy and anonymous*** access to dedicated and effective intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed ***as well***

as to accessible, easy-to-use, safe and readily available channels such as helplines and online chats, operated by appropriately trained personnel.

Member States shall take the necessary measures to ensure that resources and support groups are available for persons who fear that their family member might commit any of the offences referred to in Articles 3 to 9.

Amendment 166

Proposal for a directive Article 27 - paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the programmes or measures referred to in paragraph 1 are accessible without undue restrictions in line with national standards concerning healthcare.

Amendment

2. Member States shall ensure that the programmes or measures referred to in paragraph 1 are accessible without undue restrictions in line with national standards concerning healthcare, ***and that programmes are properly and continuously resourced.***

Amendment 167

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

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 .

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, national action plans, and promote dialogue and cooperation with civil society organisations, hotlines, helplines, public authorities and relevant informations society services.***

Amendment 168

Proposal for a directive Article 28 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The measures referred to in paragraph 1 shall also aim to increase knowledge of the fact that non-consensual sex is a criminal offence and to promote the understanding that consent must be given voluntarily as a result of a person's free will, mutual respect, and the right to sexual integrity and bodily autonomy. Such measures shall be adapted to the evolving capacity of the persons to whom they are addressed.

Amendment 169

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 digital literacy, on age-appropriate sexual education focusing on the notion of consent, on safe online and offline practices, as well as on the proper use of the internet and new technologies***, 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 170

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

Amendment

3. Member States shall ***ensure*** regular ***and specialised*** training, including in child friendly justice ***is promoted or offered to*** 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***,

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 exploitation.

healthcare professionals, educators, volunteers and coaches, family court judges and front-line police officers, aimed at enabling them **to detect early signs of abuse or potential abuse or sexual exploitation**, identify and deal with child victims and potential child victims of sexual abuse or sexual exploitation.

Amendment 171

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, **foster care, day care**, sports clubs or religious communities **by equipping children and adults, including parents and educators, with adequate skills for detecting potential malicious behaviour.**

The measure shall include:

Amendment 172

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;

Amendment 173

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;

Amendment 174

Proposal for a directive

Article 28 - paragraph 4 - subparagraph 2 - point c

Text proposed by the Commission

(c) the creation of safe spaces, run by dedicated and appropriately trained personnel, where children, parents, carers and members of the community can report inappropriate behaviour.

Amendment

(c) the creation of safe ***and accessible*** spaces, run by dedicated and appropriately trained personnel, where children, parents, carers and members of the community can report inappropriate behaviour.

Amendment 175

Proposal for a directive

Article 28 - paragraph 4 - subparagraph 2 - point c a (new)

Text proposed by the Commission

Amendment

(c a) the creation of helplines, online chats or other readily available channels run by appropriately trained personnel, where children can obtain information and advice regarding the offences referred to in Articles 3 to 8b.

Amendment 176

Proposal for a directive

Article 28 - paragraph 4 - subparagraph 3

Text proposed by the Commission

Amendment

Prevention measures shall devote particular attention to the need to protect children who are particularly vulnerable, including children with mental or physical disabilities.

Prevention measures shall devote particular attention to the need to protect children who are particularly vulnerable, including children with mental, **intellectual, sensory** or physical disabilities.

Amendment 177

Proposal for a directive

Article 28 - paragraph 5 - introductory part

Text proposed by the Commission

Amendment

5. The EU Centre, once established, **shall proactively support Member States' prevention efforts** by:

5. **For the purpose of this Directive, Member States shall be proactively supported by** the EU Centre, once established by:

Amendment 178

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, guidelines for front-line professionals, 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.

Amendment 179

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.

Amendment 180

Proposal for a directive Article 28 - paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Member States shall ensure that the actions listed in paragraph 5 are evidence-based and that those actions take into account the evolving manifestations of the offences

***listed in the Directive,
including online.***

Amendment 181

Proposal for a directive Article 29 - paragraph 5 - point b

Text proposed by the Commission

(b) ***consent*** to their participation in the programmes or measures with full knowledge of the facts;

Amendment

(b) ***agree*** to their participation in the programmes or measures with full knowledge of the facts;

Amendment 182

Proposal for a directive Article 30 - paragraph 2

Text proposed by the Commission

2. Member States may take measures to block access to web pages containing or disseminating child sexual abuse material towards the Internet users within their territory. These measures must be set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate, and that users are informed of the reason for the restriction. Those safeguards shall also include the possibility of judicial redress.

Amendment

2. Member States may take measures to ***promptly*** block access to web pages containing or disseminating child sexual abuse material towards the Internet users within their territory. These measures must be set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate, and that users are informed of the reason for the restriction. Those safeguards shall also include the possibility of judicial redress.

Amendment 183

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 ***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.***

Amendment 184

Proposal for a directive Article 31 - paragraph 2 - introductory part

Text proposed by the Commission

2. The statistics shall include the following data disaggregated by sex, age of the victim and of the offender, relationship between the victim and the offender and type of offence:

Amendment

2. The statistics shall include the following data disaggregated by sex, ***gender***, age of the victim and of the offender, relationship between the victim and the offender and type of offence:

Amendment 185

Proposal for a directive Article 31 - paragraph 2 - point b

Text proposed by the Commission

(b) the annual number of persons prosecuted for and convicted of the offences referred to in Articles 3 to 9, obtained from national administrative sources;

Amendment

(b) the annual number ***of offences reported***, of persons prosecuted for and convicted of the offences referred to in Articles 3 to 9, obtained from national administrative sources;

