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P8\_TA(2015)0070

**Fight against child sexual abuse on the Internet****European Parliament resolution of 11 March 2015 on child sexual abuse online (2015/2564(RSP))**

(2016/C 316/12)

*The European Parliament,*

- having regard to the UN Convention on the Rights of the Child, of 20 November 1989, and the protocols thereto,
  - having regard to Article 3 of the Treaty on European Union,
  - having regard to Articles 7, 8, 47, 48 and 52 of the Charter of Fundamental Rights of the European Union,
  - having regard to the Council of Europe Convention on Cybercrime, of 23 November 2001,
  - having regard to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, of 25 October 2007,
  - having regard to Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA <sup>(1)</sup>,
  - having regard to the Europol report of 2014 on the Internet Organised Crime Threat Assessment (iOACTA),
  - having regard to General Comment No 14 (2013) of the UN Committee on the Rights of the Child on the right of the child to have his or her best interests taken as a primary consideration,
  - having regard to the EU Agenda for the Rights of the Child, adopted in February 2011,
  - having regard to its resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child <sup>(2)</sup>,
  - having regard to the Commission communication entitled 'A special place for children in EU external action' (COM (2008)0055),
  - having regard to the EU Guidelines for the Promotion and Protection of the Rights of the Child,
  - having regard to the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, in particular the provisions on financing the development of guidelines on child protection systems and on the exchange of best practices,
  - having regard to its plenary debate of 12 February 2015 on the fight against child sexual abuse on the internet,
  - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas sexual abuse and sexual exploitation of children, including child abuse images, constitute serious violations of fundamental rights, in particular of the right of children to the protection and care necessary for their well-being, as provided for by the 1989 UN Convention on the Rights of the Child and by the Charter of Fundamental Rights of the European Union;

<sup>(1)</sup> OJ L 335, 17.12.2011, p. 1.

<sup>(2)</sup> Texts adopted, P8\_TA(2014)0070.

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- B. whereas the child's best interests must be a primary consideration when carrying out any measures to combat these offences, in accordance with the EU Charter of Fundamental Rights and the UN Convention on the Rights of the Child;
- C. whereas serious criminal offences such as the sexual exploitation of children and child abuse images require a comprehensive approach covering the investigation of offences, the prosecution of offenders, the protection of child victims and the prevention of this phenomenon;
- D. whereas the internet can expose children to specific risks, through them being able to gain access, or being subjected, to child sexual exploitation material, or being subjected to cyber predators, the exchange of material on violence, intimidation, bullying or grooming; whereas this exposure of children to such risks is exacerbated by the widespread use of and access to mobile technology and the internet;
- E. whereas the fight against child abuse on the internet should be integrated into a wider strategy addressing the overall phenomenon of child sexual abuse and exploitation, which still relates mainly to offline offences perpetrated through networks and individuals deliberately acting outside the internet area;
- F. whereas in the online environment sexual exploitation may take various forms, with young people being persuaded, or forced, to send or post sexually explicit images of themselves, to take part in sexual activities via a webcam or smartphone, or to have sexual conversations by text or online, meaning that abusers and cyber predators can threaten to send images, videos or copies of conversations to the young person's friends and family unless they take part in further sexual activity; whereas images and/or videos may continue to be shared long after the sexual abuse has stopped and remain freely available for anyone to view online, thus maintaining a constant risk of the victims being re-victimised and stigmatised;
- G. whereas the measures taken by Member States to prevent illegal online content have not always been effective enough;
- H. whereas the investigative tools made available to those responsible for the investigation and prosecution of child sexual abuse online should take into account, inter alia, the principle of proportionality and the nature and seriousness of the offences under investigation, in line with EU and Member State law;
- I. whereas the protection of minors in the digital world must also be addressed through the industry taking initiatives in order to assume its shared responsibility, including through education and training for children, parents and teachers with a view to preventing minors from accessing illegal content;
- J. whereas, by reason of their international nature, child exploitation and child sexual exploitation online, which span hundreds of countries and their legal jurisdictions and law enforcement agencies, constitute an international problem which requires an international solution; whereas concerns must be raised over human traffickers using children without a legal identity, who are 'invisible' to the authorities, for sexual abuse online;
- K. whereas, owing to the nature of the crime and the age of the victims, most areas of child sexual exploitation and abuse — to a greater extent than other forms of crime — suffer from chronic underreporting to law enforcement authorities; whereas, therefore, the available data on the number of crimes committed do not accurately reflect the extent of the problem; whereas, according to information provided by NGOs concerning web pages containing child abuse material, more than 80 % of the victims are aged younger than 10; whereas data from the International Association of Internet Hotlines show an increase in the number of infant victims of sexual abuse and in abuse of an extreme and sadistic nature;
- L. whereas a large number of offenders use the Darknet, where they have established anonymous communities using hidden forums, website services, social networking platforms and storage providers dedicated to child abuse material, thereby enabling and facilitating practically untraceable sexual exploitation of children;
- M. whereas many criminals use defensive measures such as encryption and other tools to secure their activities, posing a serious challenge to law enforcement investigations;

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- N. whereas NGOs reveal that just eight top-level distributors were responsible for 513 commercial child abuse material distribution brands in 2012, and that the 10 most prolific brands recorded in 2012 were all associated with a single top-level distributor;
- O. whereas Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography was due to be transposed by Member States by 18 December 2013, and whereas fewer than half of the Member States have fully implemented it so far;
1. Strongly emphasises that protecting children and ensuring a safe environment for their development is one of the primary objectives of the European Union and its Member States;
  2. Stresses in the strongest terms that the rights and protection of children online must be safeguarded, and that steps must be taken to ensure that any illicit content is promptly removed and reported to law enforcement authorities, and that there are sufficient legal instruments for investigating and prosecuting offenders;
  3. Considers that children's personal data online must be duly protected and that children need to be informed in an easy and child-friendly way of the risks and consequences of using their personal data online; underlines the important changes the data protection reform will bring in order to further protect the rights of children online;
  4. Stresses the need for a comprehensive and coordinated European approach in order to ensure consistency in policymaking and the resulting action, encompassing the fight against crime together with fundamental rights, privacy, data protection, cybersecurity, consumer protection and e-commerce;
  5. Considers that further steps must be taken to combat cyber grooming, and that the Commission, together with national governments, civil society, social media companies, parents, teachers, social workers, child protection officers, paediatricians, and youth and children's organisations must play an active role in raising awareness of this issue through defined guidelines, the exchange of best practices, the creation of social platforms for cooperation and the exchange of information on this subject with a view to identifying potential risks and threats to children;
  6. Calls on the Commission and the Member States to launch an awareness campaign, involving all relevant actors, to empower children and support parents and educators in understanding and handling online risks and protecting children's safety online, to support Member States in setting up online sexual abuse prevention programmes, to promote awareness-raising campaigns on responsible behaviour in the social media, and to encourage major search engines and social media networks to take a proactive approach to protecting child safety online;
  7. Calls on the Commission and the Member States to take appropriate measures to improve and enhance children's reporting of abuse, as well as the action taken in response to such reporting, and to consider setting up systematic direct reporting mechanisms; supports the development of hotlines for children where they can denounce abuse anonymously;
  8. Stresses the need to improve international cooperation and transnational investigations in this area through cooperation agreements, and to strengthen cooperation among law enforcement authorities, including through Europol and the European Cybercrime Centre (EC3), with a view to investigating, dismantling and prosecuting child sex offender networks more effectively, while prioritising the rights and safety of the children involved;
  9. Welcomes, in this connection, the joint initiative by the EU and 55 countries around the world — coming together in the Global Alliance against Child Sexual Abuse Online — aimed at rescuing more victims, ensuring more effective prosecution, increasing awareness and achieving an overall reduction in the amount of child sexual abuse material available online; calls on the Commission to report more regularly on the progress made through this Alliance; calls on the Member States to implement these recommendations at national level;
  10. Calls on the Commission and the Member States to foster and strengthen the resources dedicated to victim identification and victim-centred services, and calls for the setting-up of related platforms as a matter of urgency and for the strengthening of existing platforms within Europol;

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11. Calls on the Member States to implement Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime;
  12. Believes it is essential to use the correct terminology for crimes against children, including the description of images of sexual abuse of children, and to use the appropriate term 'child sexual abuse material' rather than 'child pornography';
  13. Encourages the Member States to properly resource the national contact points in order to enable them to report criminal and harmful online content and conduct, as provided for in Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography;
  14. Recalls that Member States are required to take the necessary measures to ensure that people who fear they might commit any of the offences related to sexual abuse and sexual exploitation have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed;
  15. Asks that the Member States' law enforcement authorities and Europol be provided with the necessary funds, human resources, investigative powers and technical capabilities to seriously and effectively pursue, investigate and prosecute the offenders, including appropriate training to build capacity in the judiciary and police units and to develop new high-tech capabilities to address the challenges of analysing vast amounts of child abuse imagery, including material hidden on the 'dark web', in order to trace and prosecute the offenders so as to protect the safety and rights of children;
  16. Notes with concern the development and expanding trends of commercial sexual exploitation of children online, including new means of distribution and transaction for child abuse materials, notably through the Deep Web and the Darknet, and in particular the phenomenon of live streaming of abuse for payment; calls on the Commission and the Member States, therefore, to further engage with representatives of alternative payment systems in order to identify opportunities for better cooperation with law enforcement authorities, including common training on better identification of payment processes linked to the commercial distribution of child abuse material;
  17. Calls for an effective partnership approach and lawful information exchange between law enforcement agencies, judicial authorities, the ICT industry, internet service providers (ISPs), internet host providers (IHPs), social media companies, the banking sector and NGOs, including youth and children's organisations, with a view to ensuring that the rights and protection of children online are safeguarded and that any illicit content is promptly removed and reported to law enforcement authorities, which should regularly report on their investigations and prosecutions based on this relevant information, where appropriate; welcomes, in this connection, the CEO coalition for making the internet a better place for kids, as well as the work of the European Financial Coalition against Commercial Sexual Exploitation of Children Online (EFC);
  18. Stresses that illegal online content should be removed immediately on the basis of due legal process; highlights the role of ICT, ISPs and IHPs in ensuring the fast and efficient removal of illegal online content at the request of the responsible law enforcement authority;
  19. Strongly urges those Member States that have not yet done so to transpose Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography; calls on the Commission, therefore, to strictly monitor its full and effective implementation, and to report back to Parliament, and its committee responsible, on its findings in a timely manner;
  20. Instructs its Committee on Civil Liberties, Justice and Home Affairs to further monitor the implementation of Directive 2011/93/EU and to carry out an in-depth analysis of the current policy framework for the fight against child sexual abuse, in the form of an implementation report on Directive 2011/93/EU, and to report back to the plenary;
  21. Instructs its President to forward this resolution to the Commission, the Council and the parliaments of the Member States.
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