

Procedure file

Basic information	
<div>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</div>	Preparatory phase in Parliament
Combating the sexual abuse and sexual exploitation of children and child sexual abuse material. Recast	
<div>Subject</div> <div>3.30.25 International information networks and society, internet</div> <div>4.10.03 Child protection, children's rights</div> <div>7.30.30.02 Action to combat violence, trafficking in human beings and migrant smuggling</div> <div>7.40.04 Judicial cooperation in criminal matters</div>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	Pending final decision on the referral		
	Committee for opinion	Rapporteur for opinion	Appointed
	Pending final decision on the referral		
	Committee for opinion on the recast technique	Rapporteur for opinion	Appointed
	Pending final decision on the referral		
Council of the European Union			

Key events			
06/02/2024	Legislative proposal published	COM(2024)0060	Summary

Technical information	
Procedure reference	2024/0035(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the EU TFEU 083-p1-a1; Treaty on the Functioning of the EU TFEU 082-p2; Rules of Procedure EP 110
Stage reached in procedure	Preparatory phase in Parliament

Documentation gateway					
Legislative proposal		COM(2024)0060	06/02/2024	EC	Summary
Document attached to the procedure		SEC(2024)0057	07/02/2024	EC	
Document attached to the procedure		SWD(2024)0032	07/02/2024	EC	

Document attached to the procedure		SWD(2024)0033	07/02/2024	EC	
Document attached to the procedure		SWD(2024)0034	07/02/2024	EC	

Combating the sexual abuse and sexual exploitation of children and child sexual abuse material. Recast

PURPOSE: to revise the current directive on child sexual abuse and sexual exploitation.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in 2020, the Commission presented an EU Strategy for a more effective fight against child sexual abuse. This Strategy set out eight initiatives aiming to ensure full implementation and, where needed, further development of the legal framework to combat child sexual abuse and exploitation.

The Strategy recognised the need to assess whether the current EU criminal law framework, namely Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, is fit for purpose considering the societal and technological changes over the past decade.

In 2022, the Commission conducted an evaluation to assess the implementation of the Directive, assessing possible legislative gaps, best practices and priority actions at EU level. The study raised concerns related to the exponential growth of online sharing of child sexual abuse material and to the increased possibilities for perpetrators to hide their identity (and conceal their illegal activities), most notably online, thereby escaping investigation and prosecution.

The Commission concluded that a renewed legislative framework is needed at EU level to address the latest developments and to strengthen the prevention and protection of victims.

CONTENT: the proposed directive improves the clarity of the legal landscape for fighting child sexual abuse across Member States.

Overall, the targeted amendments to the Directive are aimed at improving Member State capacity to fight the crime efficiently, in relation to threats and trends that have emerged and evolved in recent years and with new technological developments. New rules applicable to Member States are expected to improve cross-border cooperation, both in terms of investigations and prosecutions, and for victim assistance and support.

The main aspects of the proposal are as follows:

Expanding the definition of criminal offences related to child sexual abuse across Member States: these new offences include livestreaming of child sexual abuse and the possession and exchange of paedophile handbooks. The new rules also update the definitions of the crime to include child sexual abuse material in deep fakes or AI-generated material.

Strengthening prosecution, prevention and support: underreporting of child sexual abuse still constitutes a major challenge in the efforts to stop child sexual abuse and prevent further sexual abuse from taking place. The proposal will set a longer time period during which victims can report the sexual abuse they suffered and seek action against the offender. The new rules will also grant victims a right to financial compensation, to address the long-term harms that child sexual abuse causes. In addition, Member States are required to put in place a coordination mechanism to make best use of available programmes on prevention and assistance to victims.

Stepping up prevention: Member States are also asked to step up investment in awareness raising especially for online risks to ensure that the internet is safer and better for children and young people.

In addition, new requirements will ensure recruiters for activities involving close contact with children and for organisations working against child sexual abuse must request the criminal records of the candidates.

There will also be mandatory reporting of an offence at least by professionals working in close contact with children to address a major challenge in the efforts to stop child sexual abuse.