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AMENDMENTS
52 - 376

Draft report
Jeroen Lenaers
(PE761.022v01-00)

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

Proposal for a directive
(COM(2024)0060 – C9-0028/2024 – 2024/0035(COD))

Amendment 52
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, András László, Susanna Ceccardi

Proposal for a directive
Recital 2

Text proposed by the Commission	*Amendment*
(2) Les abus sexuels et l'exploitation sexuelle des enfants, y compris les matériels relatifs à des abus sexuels sur enfants , constituent des violations graves des droits fondamentaux, en particulier des droits de l'enfant à la protection et aux soins nécessaires à son bien-être, tels qu'ils sont consacrés dans la convention des Nations unies relative aux droits de l'enfant de 1989 et dans la charte des droits fondamentaux de l'Union européenne[2] .	(2) Les abus sexuels et l'exploitation sexuelle des enfants, y compris les matériels relatifs à des abus sexuels sur enfants, ***sont des actes barbares qui occasionnent de graves souffrances à ceux qui en sont les victimes, et qui atteignent et révoltent la société en visant ceux qui sont, en son sein, les plus innocents et les plus fragiles, et représentent son avenir. Sur le plan juridique, ils*** constituent des violations graves des droits fondamentaux, en particulier des droits de l'enfant à la protection et aux soins nécessaires à son bien-être, tels qu'ils sont consacrés dans la convention des Nations unies relative aux droits de l'enfant de 1989 et dans la charte des droits fondamentaux de l'Union européenne[2] .
[2] JO C 364 du 18.12.2000, p. 1.	[2] JO C 364 du 18.12.2000, p. 1.

Or. fr

Justification

Il convient de garder avant tout en vue la réalité des personnes victimes qui souffrent d'actes criminels, plutôt que de se concentrer sur une personnalité juridique qui, par nature, ne peut souffrir, comme si elle était la véritable victime.

Amendment 53
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Recital 4

Text proposed by the Commission	*Amendment*
(4) Materialele care conțin abuzuri sexuale asupra copiilor , precum și alte forme deosebit de grave de abuz sexual asupra copiilor și de exploatare sexuală a copiilor iau amploare și se răspândesc prin intermediul utilizării noilor tehnologii și a internetului.	(4) Materialele care conțin abuzuri sexuale asupra copiilor***, generate de inteligenta artificiala sau create prin orice mijloace informatice***, precum și alte forme deosebit de grave de abuz sexual asupra copiilor și de exploatare sexuală a copiilor iau amploare și se răspândesc prin intermediul utilizării noilor tehnologii și a internetului.

Or. ro

Amendment 54
François-Xavier Bellamy, Caterina Chinnici, Antonio López-Istúriz White, Javier Zarzalejos

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission	*Amendment*
	(6 a) Pursuant to the Convention on the Rights of the Child, the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms, the best interests of the child is a primary consideration when taking measures which aim to protect children from being exposed to pornographic content.

Or. en

Amendment 55
Francisco Assis

Proposal for a directive
Recital 7

Text proposed by the Commission	*Amendment*
(7) Serious criminal offences such as	(7) Serious criminal offences such as

the sexual exploitation of children and sexual abuse material require a comprehensive approach covering the prosecution of offenders, the protection of child victims, and prevention of the phenomenon , including its recent and foreseeable evolutions and trends, increasingly involving the use of online technologies. For that purpose, the current legal framework needs to be updated, in order to ensure it remains effective . The child's best interests must be a primary consideration when carrying out any measures to combat these offences in accordance with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child.	the sexual exploitation of children and sexual abuse material require a comprehensive approach covering the prosecution of offenders, the protection of child victims, and prevention of the phenomenon , including its recent and foreseeable evolutions and trends, increasingly involving the use of online technologies. For that purpose, the current legal framework needs to be updated, in order to ensure it remains ***comprehensive and*** effective . The child's best interests must be a primary consideration when carrying out any measures to combat these offences in accordance with the Charter of Fundamental Rights of the European Union***, the Council of Europe Strategy on the Rights of the Child, the United Nations Declaration of the Rights of the Child*** and the United Nations Convention on the Rights of the Child.

Or. en

Amendment 56
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Recital 7

Text proposed by the Commission	*Amendment*
(7) Infracțiunile grave precum exploatarea sexuală a copiilor și materialele care conțin abuzuri sexuale asupra copiilor necesită o abordare cuprinzătoare care să includă urmărirea penală a infractorilor, protecția copiilor victime, precum și prevenirea fenomenului , inclusiv evoluțiile și tendințele recente și previzibile ale acestuia, care implică tot mai mult utilizarea tehnologiilor online. În acest scop, cadrul juridic actual trebuie actualizat, pentru a se asigura faptul că rămâne eficace . Interesul superior al copilului trebuie să constituie elementul de	(7) Infracțiunile grave precum exploatarea sexuală a copiilor și materialele care conțin abuzuri sexuale asupra copiilor***, generate de inteligenta artificiala sau create prin orice mijloace informatice,*** necesită o abordare cuprinzătoare care să includă urmărirea penală a infractorilor, protecția copiilor victime, precum și prevenirea fenomenului , inclusiv evoluțiile și tendințele recente și previzibile ale acestuia, care implică tot mai mult utilizarea tehnologiilor online. În acest scop, cadrul juridic actual trebuie actualizat, pentru a se asigura faptul că

bază în derularea oricăror măsuri de combatere a acestor infracțiuni în conformitate cu Carta Drepturilor Fundamentale a Uniunii Europene şi cu Convenția Organizației Națiunilor Unite cu privire la drepturile copilului.	rămâne eficace . Interesul superior al copilului trebuie să constituie elementul de bază în derularea oricăror măsuri de combatere a acestor infracțiuni în conformitate cu Carta Drepturilor Fundamentale a Uniunii Europene şi cu Convenția Organizației Națiunilor Unite cu privire la drepturile copilului.

Or. ro

Amendment 57
François-Xavier Bellamy, Caterina Chinnici, Antonio López-Istúriz White, Javier Zarzalejos

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission	*Amendment*
	(7 a) The risk that children could be exposed to pornographic content, such as cyber-grooming, sexual solicitation, online child abuse and exploitation, and the detrimental impact such exposure has on the physical, psychological and emotional development of a child has already led certain Member States to amend their criminal law to explicitly criminalise the dissemination of pornographic content to children. The lack of harmonisation in that regard creates an uneven level of protection across the Union and difficulties in law-enforcement. It is important that children are protected equally across the Union.

Or. en

Amendment 58
Isabel Serra Sánchez

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission	*Amendment*
	(9 a) This Directive should address the need to combat unreported child sexual abuse and exploitation, which represents the majority of cases. The starting point must be the recognition that violence against children often occurs in intimate and family settings, making it difficult to identify and report, and is further exacerbated by the spread of these crimes through new technologies. This highlights the need for legislation that protects, supports, and provides comprehensive redress for victims and survivors, regardless of the existence of criminal proceedings. An adequate institutional framework is essential to guarantee children's rights. In this regard, the Directive must provide a legal framework to establish harmonised mechanisms in the phases of prevention, identification, protection, reporting and reparation to ensure a comprehensive and effective response to these offences.

Or. en

Amendment 59
Paolo Inselvini

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(10) Il materiale pedopornografico comprende spesso la registrazione di abusi sessuali compiuti sui minori da parte di adulti. Esso può anche comprendere immagini di minori coinvolti in atteggiamenti sessuali espliciti o immagini dei loro organi sessuali, ove tali immagini siano prodotte o utilizzate per scopi prevalentemente sessuali, indipendentemente dal fatto che siano utilizzate con la consapevolezza del	(10) Il materiale pedopornografico comprende spesso la registrazione di abusi sessuali compiuti sui minori da parte di adulti. Esso può anche comprendere immagini di minori coinvolti in atteggiamenti sessuali espliciti o immagini dei loro organi sessuali, ove tali immagini siano prodotte o utilizzate per scopi prevalentemente sessuali, indipendentemente dal fatto che siano utilizzate con la consapevolezza del

minore. Inoltre, il concetto di materiale pedopornografico comprende altresì immagini realistiche di un minore in atteggiamenti sessuali espliciti o ritratto in atteggiamenti sessuali espliciti, per scopi prevalentemente sessuali , nonché i cosiddetti "manuali per pedofili" .	minore. Inoltre, il concetto di materiale pedopornografico comprende altresì immagini realistiche di un minore in atteggiamenti sessuali espliciti o ritratto in atteggiamenti sessuali espliciti, per scopi prevalentemente sessuali , nonché i cosiddetti "manuali per pedofili" . ***Particolare attenzione andrebbe data ai bambini con disabilità intellettive, che affrontano una maggiore vulnerabilità allo sfruttamento e all'abuso sessuale, nonchè all'esposizione a contenuti espliciti. Gli Stati membri dovrebbero istituire protezioni mirate e servizi di supporto per i bambini con disabilità intellettive, riconoscendo i loro fattori di rischio specifici e la necessità di un'assistenza specializzata.***

Or. it

Amendment 60
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(10) Materialele care conțin abuzuri sexuale asupra copiilor includ adesea imagini care conțin abuzuri sexuale asupra copiilor de către adulți. Acestea pot include, de asemenea, imagini ale unor copii implicați într-un comportament sexual explicit ***sau*** ale organelor sexuale ale acestora, iar aceste imagini sunt produse sau utilizate în principal în scopuri sexuale și exploatate cu sau fără știința copiilor. Mai mult, conceptul de materiale care conțin abuzuri sexuale asupra copiilor se referă, de asemenea, la imagini cu caracter real ale unui copil implicat sau înfățișat ca implicat într-un comportament sexual explicit, în principal cu scop sexual , precum și la așa-numitele „manuale ale	(10) Materialele care conțin abuzuri sexuale asupra copiilor***, inclusiv cele generate de inteligența artificială sau create prin orice mijloace informatice,*** includ adesea imagini care conțin abuzuri sexuale asupra copiilor de către adulți. Acestea pot include, de asemenea, imagini ale unor copii implicați într-un comportament sexual explicit***,*** ale organelor sexuale ***sau părților intime*** ale acestora, iar aceste imagini sunt produse sau utilizate în principal în scopuri sexuale și exploatate cu sau fără știința copiilor. Mai mult, conceptul de materiale care conțin abuzuri sexuale asupra copiilor***, inclusiv cele generate de inteligența artificială sau create prin orice mijloace***

pedofililor” .	***informatice,*** se referă, de asemenea, la imagini cu caracter real ale unui copil implicat sau înfățișat ca implicat într-un comportament sexual explicit, în principal cu scop sexual, precum și la așa-numitele „manuale ale pedofililor” .

Or. ro

Amendment 61
Isabel Serra Sánchez

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(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 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' .	(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 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 ***instructions manuals on how to sexually abuse children (***so-called 'paedophile manuals'***)***.

Or. en

Amendment 62
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Sandro Ruotolo

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*

(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 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' .	(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 ***or intimate 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 'paedophile manuals' .

Or. en

Justification

Consistency with other amendments.

Amendment 63
Sebastian Tynkkynen

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(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 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'*** .	(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 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.

Or. en

Justification

Manuals providing instructions on how to commit child sexual abuse (’paedophile manuals’) should be in a separate provision instead of being part of the definition of child sexual abuse. This accounts for the inherent differences in the illicit material and avoids unforeseen consequences for other legal acts relying on the definition of child sexual abuse material in the CSA Directive. The manuals themselves are not CSAM and should not be treated as such, even though producing or distributing them is criminalised. Also it is important to clarify that the criminalisation of "providing advice on how to find, groom and abuse children and avoid being identified and prosecuted" should not cover general advice on privacy, anonymity online and avoid surveillance which are essential for the protection of basic human rights of individual citizens.

Amendment 64
Saskia Bricmont

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(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 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’*** .	(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 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.

Or. en

Justification

Manuals providing instructions on how to commit child sexual abuse (’paedophile manuals’) should be in a separate provision instead of being part of the definition of “child sexual abuse”. This accounts for the inherent differences in the illicit material and avoids unforeseen consequences for other legal acts relying on the definition of child sexual abuse material in

the CSA Directive (e.g. detection order in the proposal for a Regulation laying down rules to prevent and combat Child Sexual Abuse).

Amendment 65
Paolo Inselvini

Proposal for a directive
Recital 11

Text proposed by the Commission	*Amendment*
(11) Le ricerche hanno mostrato che limitare la diffusione del materiale pedopornografico è cruciale non soltanto per evitare la vittimizzazione secondaria connessa alla circolazione di immagini e video degli abusi, ma anche come forma di prevenzione per gli autori di reati, in quanto l'accesso a tale materiale, a prescindere dal fatto che ritragga scene di abuso e sfruttamento reali o soltanto realistiche, è spesso il primo passo verso abusi concreti. Nei prossimi anni si prevede una crescita esponenziale dello sviluppo, già in corso, di applicazioni di intelligenza artificiale in grado di creare immagini realistiche non distinguibili da quelle reali e del numero dei cosiddetti video e immagini "deepfake" che ritraggono abusi sessuali sui minori. L'attuale definizione, inoltre, non tiene pienamente conto dello sviluppo di ambienti di realtà aumentata, estesa e virtuale che utilizzano avatar tra cui feedback sensoriali, ad esempio con strumenti che permettono di percepire sensazioni tattili. L'inclusione di un riferimento esplicito a "riproduzioni o rappresentazioni" dovrebbe far sì che la definizione di materiale pedopornografico contempli questi sviluppi tecnologici e quelli futuri in modo sufficientemente neutro sotto il profilo tecnologico e quindi adattabile alle esigenze future.	(11) Le ricerche hanno mostrato che limitare la diffusione del materiale pedopornografico è cruciale non soltanto per evitare la vittimizzazione secondaria connessa alla circolazione di immagini e video degli abusi, ma anche come forma di prevenzione per gli autori di reati, in quanto l'accesso a tale materiale, a prescindere dal fatto che ritragga scene di abuso e sfruttamento reali o soltanto realistiche, è spesso il primo passo verso abusi concreti***. Le ricerche hanno inoltre dimostrato le gravi conseguenze mediche, in particolare neurologiche, derivanti dalla dipendenza da immagini sensibili e materiale pornografico, motivo per cui gli Stati membri dovrebbero prendere atto di tali evidenze***. Nei prossimi anni si prevede una crescita esponenziale dello sviluppo, già in corso, di applicazioni di intelligenza artificiale in grado di creare immagini realistiche non distinguibili da quelle reali e del numero dei cosiddetti video e immagini "deepfake" che ritraggono abusi sessuali sui minori. L'attuale definizione, inoltre, non tiene pienamente conto dello sviluppo di ambienti di realtà aumentata, estesa e virtuale che utilizzano avatar tra cui feedback sensoriali, ad esempio con strumenti che permettono di percepire sensazioni tattili. ***Data la pericolosità di questi contenuti, l'Unione Europea e gli Stati membri devono intensificare gli sforzi per impedire l'esposizione dei minori a materiale sensibile.*** L'inclusione di un riferimento esplicito a "riproduzioni o

rappresentazioni" dovrebbe far sì che la definizione di materiale pedopornografico contempli questi sviluppi tecnologici e quelli futuri in modo sufficientemente neutro sotto il profilo tecnologico e quindi adattabile alle esigenze future.

Or. it

Amendment 66
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive
Recital 11

Text proposed by the Commission	*Amendment*
(11) Des recherches ont montré que limiter la diffusion de matériels relatifs à des abus sexuels sur enfants est essentiel non seulement pour éviter la revictimisation liée à la diffusion d'images et de vidéos de ces abus, mais aussi pour prévenir l'incitation à la délinquance, étant donné que l'accès aux matériels relatifs aux abus sexuels sur enfants constitue souvent le premier pas vers la concrétisation d'un abus, que les abus et l' exploitation que ces matériels mettent en scène soient réels ou simplement réalistes. Du fait du développement continu d'applications d'intelligence artificielle capables de créer des images réalistes qui ne peuvent être distinguées des images réelles, le nombre d'images et de vidéos connues sous le nom d'hypertrucages («deep fake») représentant des abus sexuels commis contre des enfants devrait croître de manière exponentielle dans les années à venir. En outre, la définition existante ne couvre pas pleinement le développement de paramètres de réalité augmentée, étendue et virtuelle utilisant des avatars, y compris un retour d'information sensoriel, par exemple au moyen de dispositifs permettant de percevoir le toucher. L'inclusion d'une référence explicite aux	(11) Des recherches ont montré que limiter la diffusion de matériels relatifs à des abus sexuels sur enfants est essentiel non seulement pour éviter la revictimisation liée à la diffusion d'images et de vidéos de ces abus, mais aussi pour prévenir l'incitation à la délinquance, étant donné que l'accès aux matériels relatifs aux abus sexuels sur enfants constitue souvent le premier pas vers la concrétisation d'un abus, que les abus et l' exploitation que ces matériels mettent en scène soient réels ou simplement réalistes. Du fait du développement continu d'applications d'intelligence artificielle capables de créer des images réalistes qui ne peuvent être distinguées des images réelles, le nombre d'images et de vidéos connues sous le nom d'hypertrucages («deep fake») représentant des abus sexuels commis contre des enfants devrait croître de manière exponentielle dans les années à venir. ***Il convient, dès lors, de désigner par le mot « réalistes » les images qui, en raison de leur sophistication ou de leur ressemblance avec des personnes réelles, brouillent la frontière entre des situations réelles et des situations fictives.*** En outre, la définition existante ne couvre pas pleinement le développement de

«reproductions et représentations» devrait garantir que la définition du matériel relatif à des abus sexuels sur enfants couvre ces évolutions technologiques et futures d'une manière suffisamment neutre sur le plan technologique et donc à l'épreuve du temps.

paramètres de réalité augmentée, étendue et virtuelle utilisant des avatars, y compris un retour d'information sensoriel, par exemple au moyen de dispositifs permettant de percevoir le toucher. L'inclusion d'une référence explicite aux «reproductions et représentations» devrait garantir que la définition du matériel relatif à des abus sexuels sur enfants couvre ces évolutions technologiques et futures d'une manière suffisamment neutre sur le plan technologique et donc à l'épreuve du temps.

Or. fr

Amendment 67
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Recital 11

Text proposed by the Commission	*Amendment*
(11) Cercetările au arătat că limitarea diseminării materialelor care conțin abuzuri sexuale asupra copiilor este crucială nu numai pentru a evita revictimizarea legată de circulația imaginilor și a materialelor video care conțin abuzul, ci și ca formă de prevenire a infracțiunilor, deoarece accesul la materiale care conțin abuzuri sexuale asupra copiilor este adesea primul pas către abuzul efectiv, indiferent dacă materialele respective prezintă abuzuri și exploatare reale sau realiste. Se preconizează că, dată fiind continua dezvoltare a aplicațiilor de inteligență artificială capabile să creeze imagini realiste care nu pot fi distinse de imaginile reale, numărul așa-numitelor imagini și materiale video „deep fake" care înfățișează abuzuri sexuale asupra copiilor va crește exponențial în următorii ani. În plus, dezvoltarea unor medii de realitate augmentată, extinsă și virtuală care	(11) Cercetările au arătat că limitarea diseminării materialelor care conțin abuzuri sexuale asupra copiilor este crucială nu numai pentru a evita revictimizarea legată de circulația imaginilor și a materialelor video care conțin abuzul, ci și ca formă de prevenire a infracțiunilor, deoarece accesul la materiale care conțin abuzuri sexuale asupra copiilor este adesea primul pas către abuzul efectiv, indiferent dacă materialele respective prezintă abuzuri și exploatare reale sau realiste***, generate de inteligenta artificiala sau create prin orice mijloace informatice***. Se preconizează că, dată fiind continua dezvoltare a aplicațiilor de inteligență artificială capabile să creeze imagini realiste care nu pot fi distinse de imaginile reale, numărul așa-numitelor imagini și materiale video „deep fake" care înfățișează abuzuri sexuale asupra copiilor va crește exponențial în următorii ani. În

utilizează avatari, inclusiv feedbackul senzorial, de exemplu prin intermediul unor dispozitive care oferă senzația atingerii, nu sunt acoperite pe deplin de definiția existentă. Includerea unei trimiteri explicite la „reproduceri și reprezentări” ar trebui să asigure faptul că definiția materialelor care conțin abuzuri sexuale asupra copiilor acoperă aceste evoluții tehnologice și pe cele viitoare într-un mod suficient de neutru din punct de vedere tehnologic și, prin urmare, adaptat exigențelor viitorului.

plus, dezvoltarea unor medii de realitate augmentată, extinsă și virtuală care utilizează avatari, inclusiv feedbackul senzorial, de exemplu prin intermediul unor dispozitive care oferă senzația atingerii, nu sunt acoperite pe deplin de definiția existentă. Includerea unei trimiteri explicite la „reproduceri și reprezentări” ar trebui să asigure faptul că definiția materialelor care conțin abuzuri sexuale asupra copiilor acoperă aceste evoluții tehnologice și pe cele viitoare într-un mod suficient de neutru din punct de vedere tehnologic și, prin urmare, adaptat exigențelor viitorului.

Or. ro

Amendment 68
Verena Mertens

Proposal for a directive
Recital 11

Text proposed by the Commission	*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	(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’ ***and AI generated*** 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

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.

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.

Or. en

Amendment 69
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

Proposal for a directive
Recital 11

Text proposed by the Commission	*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	(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’ ***and AI generated*** 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

abuse material covers these and future technological developments in a sufficiently technology-neutral and hence future-proof way.

definition of child sexual abuse material covers these and future technological developments in a sufficiently technology-neutral and hence future-proof way.

Or. en

Amendment 70
Isabel Serra Sánchez

Proposal for a directive
Recital 11

Text proposed by the Commission	*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.	(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' ***and AI*** 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.

Or. en

Amendment 71
Francisco Assis

Proposal for a directive
Recital 11

Text proposed by the Commission	*Amendment*
11) Investigações demonstraram que a limitação da difusão de material com imagens de abusos sexuais de crianças não só é crucial para evitar a revitimização associada à circulação de imagens e vídeos referentes ao abuso, como também é essencial como forma de prevenção do crime do lado dos seus autores, uma vez que o acesso a material com imagens de abusos sexuais de crianças é frequentemente o primeiro passo para a prática de abusos, independentemente de o material apresentar um abuso ou uma exploração real ou apenas a sua representação realista. Devido ao desenvolvimento em curso de aplicações de inteligência artificial capazes de criar imagens realistas que não são distinguíveis de imagens reais, o número de imagens e vídeos de «falsificação profunda» que apresentam abusos sexuais de crianças deverá aumentar exponencialmente nos próximos anos. Além disso, a definição atual não abrange integralmente a questão da evolução de contextos de realidade aumentada, estendida e virtual em são utilizados avatares, incluindo reações sensoriais, nomeadamente através de dispositivos que proporcionam uma perceção tátil. A inclusão de uma referência explícita às «reproduções e representações» deve assegurar que a definição de material com imagens de abusos sexuais de crianças abrange as atuais e futuras evoluções tecnológicas de um modo suficientemente neutro do ponto de vista tecnológico, permitindo a sua adaptação às exigências do futuro.	11) Investigações demonstraram que a limitação da difusão de material com imagens de abusos sexuais de crianças não só é crucial para evitar a revitimização associada à circulação de imagens e vídeos referentes ao abuso, como também é essencial como forma de prevenção do crime do lado dos seus autores, uma vez que o acesso a material com imagens de abusos sexuais de crianças é frequentemente o primeiro passo para a prática de abusos, independentemente de o material apresentar um abuso ou uma exploração real ou apenas a sua representação realista. Devido ao desenvolvimento em curso de aplicações de inteligência artificial capazes de criar imagens realistas que não são distinguíveis de imagens reais, o número de imagens e vídeos de «falsificação profunda» que apresentam abusos sexuais de crianças deverá aumentar exponencialmente nos próximos anos. Além disso, a definição atual não abrange integralmente a questão da evolução de contextos de realidade aumentada, estendida e virtual em ***que*** são utilizados avatares, incluindo reações sensoriais, nomeadamente através de dispositivos que proporcionam uma perceção tátil. A inclusão de uma referência explícita às «reproduções e representações» deve assegurar que a definição de material com imagens de abusos sexuais de crianças abrange as atuais e futuras evoluções tecnológicas de um modo suficientemente neutro do ponto de vista tecnológico, permitindo a sua adaptação às exigências do futuro.

Or. pt

Amendment 72
Sebastian Tynkkynen

Proposal for a directive
Recital 12

Text proposed by the Commission	*Amendment*
(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 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.	(12) To prevent offences involving the sexual abuse of children, the ***Directive should include*** child sexual abuse ***instruction*** manuals***. Child sexual abuse instruction*** manuals provide advice on how to find, groom and abuse children and avoid being identified and prosecuted. ***With their explicit and specific focus on committing child sexual abuse without being discovered, such instruction manuals can be clearly distinguished from general advice on, inter alia, privacy, anonymity online and avoiding surveillance, which should not be criminalised by this Directive.*** By lowering barriers and providing the necessary know-how, ***child sexual abuse instruction manuals*** 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.

Or. en

Justification

Manuals providing instructions on how to commit child sexual abuse ('paedophile manuals') should be in a separate provision instead of being part of the definition of child sexual abuse. This accounts for the inherent differences in the illicit material and avoids unforeseen consequences for other legal acts relying on the definition of child sexual abuse material in the CSA Directive. The manuals themselves are not CSAM and should not be treated as such, even though producing or distributing them is criminalized. Also it is important to clarify that

the criminalisation of "providing advice on how to find, groom and abuse children and avoid being identified and prosecuted" should not cover general advice on privacy, anonymity online and avoid surveillance which are essential for protection of basic human rights of individual citizens.

Amendment 73
Saskia Bricmont

Proposal for a directive
Recital 12

Text proposed by the Commission	*Amendment*
(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 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.	(12) To prevent offences involving the sexual abuse of children, ***this directive should also include*** child sexual abuse ***instruction manuals,*** so-called 'paedophile manuals'. Paedophile manuals provide advice on how to find, groom and abuse children and avoid being identified and prosecuted***. With their explicit and specific focus on committing child sexual abuse without being discovered, such instruction manuals can be clearly distinguished from general advice on, inter alia, privacy, anonymity online and avoiding surveillance, which should not be criminalised***. 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 manuals. The lack of harmonisation creates an uneven level of protection across the EU.

Or. en

Justification

To clarify that general advice on privacy, anonymity online and how to avoid surveillance should continue to be regarded as perfectly legitimate and legal, in line with the Charter.

Amendment 74
Isabel Serra Sánchez

Proposal for a directive
Recital 12

Text proposed by the Commission	*Amendment*
(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 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.	(12) To prevent offences involving the sexual abuse of children, the definition of child sexual abuse material should include ***'instructions manuals on how to sexually abuse children'. This instructions manuals,*** so-called 'paedophile manuals'***,*** provide advice ***on how to perpretate sexual violence against children, mainly on how to sexually abuse them,*** on how to find, groom and abuse ***them*** and avoid being identified and prosecuted. 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 manuals. The lack of harmonisation creates an uneven level of protection across the EU.

Or. en

Amendment 75
Verena Mertens

Proposal for a directive
Recital 12

Text proposed by the Commission	*Amendment*
(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	(12) To prevent offences involving the sexual abuse of children, the definition of child sexual abuse material should include so-called '***instruction*** manuals ***on how to sexually abuse children'. Instruction*** manuals ***on how to sexually abuse children*** provide advice on how to find,

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 manuals. The lack of harmonisation creates an uneven level of protection across the EU.

groom and abuse children and avoid being identified and prosecuted. 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 manuals. The lack of harmonisation creates an uneven level of protection across the EU.

Or. en

Amendment 76
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau, Sophie Wilmès

Proposal for a directive
Recital 12

Text proposed by the Commission	*Amendment*
(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 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.	(12) To prevent offences involving the sexual abuse of children, the definition of child sexual abuse material should include ***'instruction*** manuals ***on how to sexually abuse children'. 'Instruction*** manuals ***on how to sexually abuse children'*** provide advice on how to find, groom and abuse children and avoid being identified and prosecuted. 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 manuals. The lack of harmonisation creates an uneven level of protection across the EU.

Or. en

Amendment 77
Francisco Assis

Proposal for a directive
Recital 12

Text proposed by the Commission	*Amendment*
(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 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.	(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 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 ***legislative*** harmonisation creates an uneven level of protection across the EU.

Or. en

Amendment 78
Francisco Assis

Proposal for a directive
Recital 13

Text proposed by the Commission	*Amendment*
13) Por si só, a deficiência não implica, de forma automática, a impossibilidade de consentir em relações sexuais. Todavia, o aproveitamento de uma deficiência a fim de praticar atos sexuais com um menor deverá ser ***criminalizado***.	13) Por si só, a deficiência não implica, de forma automática, a impossibilidade de consentir em relações sexuais. Todavia, o aproveitamento de uma deficiência a fim de praticar atos sexuais com um menor deverá ser ***considerado como circunstância agravante do crime e da culpabilidade do agente*** **.**

Or. pt

Amendment 79
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, András László, Susanna Ceccardi

Proposal for a directive
Recital 13

Text proposed by the Commission	*Amendment*
(13) Le handicap en lui-même ne constitue pas automatiquement une impossibilité de consentir à des relations sexuelles. Toutefois, le fait d'abuser de l'existence d'un tel handicap afin de se livrer à des activités sexuelles avec un enfant devrait être érigé en ***infraction*** pénale.	(13) Le handicap en lui-même ne constitue pas automatiquement une impossibilité de consentir à des relations sexuelles. Toutefois, le fait d'abuser de l'existence d'un tel handicap afin de se livrer à des activités sexuelles avec un enfant devrait être érigé en ***circonstance aggravante de l'infraction*** pénale ***ainsi caractérisée***.

Or. fr

Justification

Il ne s'agit pas d'une infraction pénale autonome, mais d'une infraction déjà déterminée commise dans une situation particulière.

Amendment 80
Verena Mertens

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	(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 must ensure***

instruments.	***that technology-facilitated committed offences are covered by the same penalties as other offences, as the seriousness and trauma resulting from those offences is equivalent.***

Or. en

Amendment 81
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau

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. ***The Directive must however ensure that technology-facilitated offences committed are covered by the same penalties as other offences, the seriousness and trauma resulting from them being equivalent.***

Or. en

Amendment 82
François-Xavier Bellamy, Caterina Chinnici, Antonio López-Istúriz White, Javier Zarzalejos

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 a) In order to achieve greater protection for children online and to reinforce preventive measures, which are at the core of this Directive, exposing children to pornographic content should be criminalised. Member States should criminalise not only the intentional exposure of a child to pornographic content by an adult where the aim is to abuse the child, but also the situation where a child is exposed to pornographic content due to fact that an Internet provider or an online platform, in particular a platform primarily used for the dissemination of pornographic content to the public, has not put in place necessary measures to prevent children from accessing pornographic content online. In deciding whether an Internet provider or an online platform is accountable or liable for knowingly disseminating pornographic content online in such a way that it is likely to be accessed by a child, the intentional nature of the offence could be deduced from the absence of the robust and effective age verification measures or from non-compliance by the Internet provider or online platform with the obligations set out in Regulation (EU) 2022/2065[1a], in particular Article 28 and in Directive (EU) 2010/13/EU[1b], in particular Articles 6a and 28b.
	[1a] 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).
	[1b] Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision

of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

Or. en

Amendment 83
François-Xavier Bellamy, Caterina Chinnici, Antonio López-Istúriz White, Javier Zarzalejos

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 a) For the purposes of this Directive, the expression 'knowingly disseminating pornographic content online in such a way that it is likely to be accessed by a child' should be understood as the absence of measures preventing children from accessing pornographic content, such as robust and effective age verification tools that are secure and respectful of the privacy of users' data. A simple declaration of a person indicating his or her age does not amount to a robust and effective age verification tool. It should be within the discretion of Member States to set out the minimum technical requirements that are to be met by the age verification systems of online platforms primarily used for the dissemination to the public of pornographic content to the public. Member States should ensure that relevant law enforcement bodies systematically monitor whether age verification tools are in place.

Or. en

Amendment 84
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive

Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 bis) Pour respecter la liberté des États membres en matière pénale, la présente directive ne devrait pas fixer directement le quantum des peines applicables à la commission de chaque infraction, mais seulement fixer les niveaux auxquels les plafonds de ces peines ne peuvent être inférieurs. Les États membres peuvent ainsi décider d'établir des plafonds de peine identiques ou plus élevés, et des planchers de peine plus bas, identiques ou plus élevés.

Or. fr

Justification

Clarification de la notion de « peine maximale d'au moins X années d'emprisonnement », peu claire pour les citoyens.

Amendment 85
Milan Uhrík

Proposal for a directive
Recital 16

Text proposed by the Commission	*Amendment*
(16) The maximum term of imprisonment provided for in this Directive for the offences referred to therein ***should apply at least*** to the most serious forms of such offences.	(16) The maximum term of imprisonment provided for in this Directive for the offences referred to therein ***shall be applied*** to the most serious forms of such offences. ***Member States retain the discretion to extend these terms based on the severity and specific circumstances of the offence, in accordance with national judicial principles.***

Or. en

Amendment 86

Francisco Assis

Proposal for a directive
Recital 19

Text proposed by the Commission	*Amendment*
(19) Especially for those cases where the offences referred to in this Directive are committed with the purpose of financial gain, Member States are invited to consider providing for the possibility to impose financial ***penalties*** in addition to ***imprisonment***.	(19) Especially for those cases where the offences referred to in this Directive are committed with the purpose of financial gain, Member States are invited to consider providing for the possibility to impose financial ***sanctions*** in addition to ***prison sentence***.

Or. en

Amendment 87
Isabel Serra Sánchez

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 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,	(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 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. .

including the determination of the location where the material referred to in the reports is hosted, ***whether is downloaded by the organisations or*** submitted to them by online users or other organisations acting in the public interest against child sexual abuse ***in order to be reviewed and analysed or to facilitate the removal from the internet***, 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. .

Or. en

Amendment 88
Jeroen Lenaers

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 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	(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 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

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. .***	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.

Or. en

Amendment 89
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive
Recital 20

Text proposed by the Commission	*Amendment*
(20) Dans le cadre des matériels relatifs à des abus sexuels sur enfants , les termes ne sont pas considérés comme commis «sans droit» permettent aux États membres de prévoir une défense pour les actes relatifs au matériel susceptible de constituer du matériel relatif à des abus sexuels sur enfants ayant, par exemple, un objectif médical, scientifique ou similaire. Ils permettent également de mener des activités en vertu de compétences légales nationales, telles que la détention légitime de matériels relatifs à des abus sexuels sur enfants par les autorités à des fins de poursuites pénales ou de prévention, de détection ou d'enquête pénale , ou des activités menées par les organisations agissant dans l'intérêt public contre les abus sexuels sur enfants, lorsque ces organisations ont été agréées par les autorités compétentes de l'État membre dans lequel elles sont établies. Ces activités	(20) Dans le cadre des matériels relatifs à des abus sexuels sur enfants , les termes «ne sont pas considérés comme commis sans droit» permettent aux États membres de prévoir une défense pour les actes relatifs au matériel susceptible de constituer du matériel relatif à des abus sexuels sur enfants ayant, par exemple, un objectif médical, scientifique ou similaire. Ils permettent également de mener des activités en vertu de compétences légales nationales, telles que la détention légitime de matériels relatifs à des abus sexuels sur enfants par les autorités à des fins de poursuites pénales ou de prévention, de détection ou d'enquête pénale , ou des activités menées par les organisations agissant dans l'intérêt public contre les abus sexuels sur enfants, lorsque ces organisations ont été agréées par les autorités compétentes de l'État membre dans lequel elles sont établies. Ces activités

comprennent, notamment, la réception, l'analyse et la création de signalements de matériel présumé relatif à des abus sexuels sur enfants, y compris la détermination du lieu où le matériel visé dans les signalements est hébergé, qui leur sont communiqués par des utilisateurs en ligne ou d'autres organisations agissant dans l'intérêt public contre les abus sexuels sur enfants, ainsi que la réalisation de recherches pour détecter la diffusion de matériels relatifs à des abus sexuels sur enfants . En outre, les termes « sans droit» n'excluent pas les défenses légales ou les principes similaires applicables qui exemptent une personne de sa responsabilité dans certaines circonstances. .	comprennent, notamment, la réception, l'analyse et la création de signalements de matériel présumé relatif à des abus sexuels sur enfants, y compris la détermination du lieu où le matériel visé dans les signalements est hébergé, qui leur sont communiqués par des utilisateurs en ligne ou d'autres organisations agissant dans l'intérêt public contre les abus sexuels sur enfants, ainsi que la réalisation de recherches pour détecter la diffusion de matériels relatifs à des abus sexuels sur enfants . En outre, les termes « sans droit» n'excluent pas les défenses légales ou les principes similaires applicables qui exemptent une personne de sa responsabilité dans certaines circonstances. .

Or. fr

Justification

Correction typographique sur les guillemets de la première citation (« ne sont pas considérés comme un droit »).

Amendment 90
Jeroen Lenaers

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission	*Amendment*
	(20 a) 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 the fight against child sexual abuse, and support victims' rights by removing child sexual abuse material from the public digital sphere.

Or. en

Amendment 91
Francisco Assis

Proposal for a directive
Recital 21

Text proposed by the Commission	*Amendment*
(21) Knowingly obtaining access, by means of information and communication technology, to child sexual abuse material should be criminalised. To be liable, the person should both intend to enter an online location where child sexual abuse material is available and know that such material can be found there. Penalties should not be applied to persons inadvertently accessing online locations containing child sexual abuse material . The intentional nature of the offence may notably be deduced from the fact that it is recurrent or that the offence was committed via a service in return for	(21) Knowingly obtaining access, by means of information and communication technology, to child sexual abuse material should be criminalised. To be ***criminally*** liable, the person should both intend to enter an online location where child sexual abuse material is available and know that such material can be found there. Penalties should not be applied to persons inadvertently accessing online locations containing child sexual abuse material . The intentional nature of the offence may notably be deduced from the fact that it is recurrent or that the offence was committed via a service in return for

payment.

payment.

Or. en

Amendment 92
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau

Proposal for a directive
Recital 22

Text proposed by the Commission	*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	(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 ***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 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.***	the Internet, in particular where such solicitation is not carried out by using information and communication technology. Member States ***should*** 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.

Or. en

Amendment 93
Verena Mertens

Proposal for a directive
Recital 22

Text proposed by the Commission	*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	(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 '***sexual extortion***' (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 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.***

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 ***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 ***for sexual purposes*** outside the context of the Internet, in particular where such solicitation is not carried out by using information and communication technology. Member States ***should*** 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.

Or. en

Amendment 94
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive
Recital 22

Text proposed by the Commission	*Amendment*
(22) La sollicitation d'enfants à des fins sexuelles est une menace aux caractéristiques particulières dans le cadre de l'internet, car ce dernier procure aux utilisateurs un anonymat sans précédent qui leur permet de masquer leur identité réelle	(22) La sollicitation d'enfants à des fins sexuelles est une menace aux caractéristiques particulières dans le cadre de l'internet, car ce dernier procure aux utilisateurs un anonymat sans précédent qui leur permet de masquer leur identité réelle

et leurs caractéristiques personnelles telles que leur âge. Au cours de la dernière décennie, l'utilisation des technologies de l'information et de la communication a permis aux auteurs d'infractions d'accéder de plus en plus facilement aux enfants, en commençant souvent par les attirer dans des situations compromettantes, par exemple en prétendant être un pair ou par d'autres comportements trompeurs ou apaisants. Cet accès accru aux enfants a entraîné une croissance rapide de phénomènes tels que le chantage sexuel («sextortion») (qui consiste à menacer de partager du matériel intime représentant la victime pour obtenir de l'argent, du matériel relatif à des abus sexuels sur enfants ou tout autre avantage), touchant les enfants tant en dessous qu'au-dessus de l'âge de la majorité sexuelle. Ces dernières années ont vu une hausse du nombre d'actes de chantage sexuel motivés par l'appât du gain de la part de groupes criminels organisés qui ciblent en particulier les garçons adolescents, entraînant de nombreux suicides parmi ces enfants. Il est donc essentiel que tous ces phénomènes soient dûment pris en compte dans le droit des États membres. Parallèlement, les États membres reconnaissent également l'importance de la lutte contre la sollicitation d'un enfant hors du cadre de l'internet, notamment lorsque la sollicitation ne se fait pas au moyen des technologies de l'information ou de la communication. Les États membres sont encouragés à ériger en infraction pénale tout acte par lequel la sollicitation d'un enfant à rencontrer l'auteur de l'infraction à des fins sexuelles se déroule en présence ou à proximité de l'enfant, notamment sous la forme d'un acte infractionnel préparatoire particulier, d'une tentative de commettre les infractions visées dans la présente directive ou d'une forme particulière d'abus sexuel. Quelle que soit la solution juridique retenue pour ériger en infraction pénale la sollicitation dans la vie réelle («off-line grooming»), les États

et leurs caractéristiques personnelles telles que leur âge. Au cours de la dernière décennie, l'utilisation des technologies de l'information et de la communication a permis aux auteurs d'infractions d'accéder de plus en plus facilement aux enfants, en commençant souvent par les attirer dans des situations compromettantes, par exemple en prétendant être un pair ou par d'autres comportements trompeurs ou apaisants. Cet accès accru aux enfants a entraîné une croissance rapide de phénomènes tels que le chantage sexuel («sextortion») (qui consiste à menacer de partager du matériel intime représentant la victime pour obtenir de l'argent, du matériel relatif à des abus sexuels sur enfants ou tout autre avantage), touchant les enfants tant en dessous qu'au-dessus de l'âge de la majorité sexuelle. Ces dernières années ont vu une hausse du nombre d'actes de chantage sexuel motivés par l'appât du gain de la part de groupes criminels organisés qui ciblent en particulier les garçons adolescents, entraînant de nombreux suicides parmi ces enfants. Il est donc essentiel que tous ces phénomènes soient dûment pris en compte dans le droit des États membres. Parallèlement, les États membres reconnaissent également l'importance de la lutte contre la sollicitation d'un enfant hors du cadre de l'internet, notamment lorsque la sollicitation ne se fait pas au moyen des technologies de l'information ou de la communication. Les États membres sont encouragés à ériger en infraction pénale tout acte par lequel la sollicitation d'un enfant à rencontrer l'auteur de l'infraction à des fins sexuelles se déroule en présence ou à proximité de l'enfant ***de telle sorte qu'elle l'atteigne matériellement***, notamment sous la forme d'un acte infractionnel préparatoire particulier, d'une tentative de commettre les infractions visées dans la présente directive ou d'une forme particulière d'abus sexuel. Quelle que soit la solution juridique retenue pour ériger en infraction pénale la sollicitation

membres devraient veiller à poursuivre les auteurs de ces infractions.	dans la vie réelle («off-line grooming»), les États membres devraient veiller à poursuivre les auteurs de ces infractions.

Or. fr

Justification

Il convient, pour distinguer l'acte infractionnel de sa seule tentative, de retenir le critère d'un effet matériel sur l'enfant, qui peut bien sûr consister en une rencontre avec l'auteur de l'infraction, mais qui peut également, pour éviter que cette rencontre ait lieu, consister en une modification de l'environnement physique de l'enfant, telle que l'amener à se rendre quelque part, le mettre en présence de l'auteur de l'infraction sans qu'il y ait de contact, l'amener à se soustraire à la vigilance de ses gardiens, ou encore disposer des accessoires sur le lieu prévu de la rencontre.

Amendment 95
Isabel Serra Sánchez

Proposal for a directive
Recital 22

Text proposed by the Commission	*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.	(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 '***sexual extortion***' (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 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.

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 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.

Or. en

Amendment 96
Francisco Assis

Proposal for a directive
Recital 22

Text proposed by the Commission	*Amendment*
22) O aliciamento de crianças para fins sexuais constitui uma ameaça com características específicas no contexto da Internet, na medida em que esta confere aos utilizadores um anonimato sem precedentes e, portanto, uma oportunidade para esconderem a sua verdadeira identidade e as suas características pessoais, como, por exemplo, a idade. Na	22) O aliciamento de crianças para fins sexuais constitui uma ameaça com características específicas no contexto da Internet, na medida em que esta confere aos utilizadores um anonimato sem precedentes e, portanto, uma oportunidade para esconderem a sua verdadeira identidade e as suas características pessoais, como, por exemplo, a idade. Na

última década, a utilização das tecnologias da informação e da comunicação proporcionou aos autores de crimes um acesso cada vez mais facilitado a crianças: o contacto começa frequentemente com o autor a incitar a criança para situações comprometedoras, nomeadamente pretendendo ser um par ou apresentando outro comportamento enganoso ou lisonjeiro. Devido a esta maior facilidade de acesso a crianças, aumentaram rapidamente fenómenos tais como a «extorsão sexual» (ou seja, o comportamento de ameaça de partilha de material íntimo em que a vítima é retratada, a fim de obter dinheiro, material com imagens de abusos sexuais de crianças ou qualquer outro benefício), afetando as crianças com idade inferior ou superior à maioridade sexual. Nos últimos anos, aumentaram os casos de extorsão sexual por motivos financeiros por parte de grupos de criminalidade organizada, visando sobretudo rapazes adolescentes, o que resultou em múltiplos casos de crianças que cometeram suicídio. Por conseguinte, é essencial que todos estes fenómenos sejam adequadamente contemplados na legislação dos Estados-Membros. Ao mesmo tempo, os Estados-Membros reconhecem a importância de combater igualmente o aliciamento de uma criança fora do contexto da Internet, nomeadamente quando tal aliciamento não é feito com recurso às tecnologias da informação e da comunicação. Os Estados-Membros são encorajados a criminalizar as situações em que o aliciamento de uma criança para encontros de natureza sexual com terceiros ocorra na presença ou na proximidade da criança, por exemplo, sob a forma de um ato preparatório, da tentativa de cometer os crimes referidos na presente diretiva ou como uma forma particular de abuso sexual. Independentemente da solução legal escolhida para criminalizar o aliciamento sem recurso às tecnologias da informação e da comunicação, os Estados-Membros

última década, a utilização das tecnologias da informação e da comunicação proporcionou aos autores de crimes um acesso cada vez mais facilitado a crianças: o contacto começa frequentemente com o autor a incitar a criança para situações comprometedoras, nomeadamente pretendendo ser um par ou apresentando outro comportamento enganoso ou lisonjeiro. Devido a esta maior facilidade de acesso a crianças, aumentaram rapidamente fenómenos tais como a «extorsão sexual» (ou seja, o comportamento de ameaça de partilha de material íntimo em que a vítima é retratada, a fim de obter dinheiro, material com imagens de abusos sexuais de crianças ou qualquer outro benefício), afetando as crianças com idade inferior ou superior à maioridade sexual. Nos últimos anos, aumentaram os casos de extorsão sexual por motivos financeiros por parte de grupos de criminalidade organizada, visando sobretudo rapazes adolescentes, o que resultou em múltiplos casos de crianças que cometeram suicídio. Por conseguinte, é essencial que todos estes fenómenos sejam adequadamente contemplados na legislação dos Estados-Membros. Ao mesmo tempo, os Estados-Membros reconhecem a importância de combater igualmente o aliciamento de uma criança fora do contexto da Internet, nomeadamente quando tal aliciamento não é feito com recurso às tecnologias da informação e da comunicação. Os Estados-Membros são encorajados a criminalizar as situações em que o aliciamento de uma criança para encontros de natureza sexual com terceiros ocorra na presença ou na proximidade da criança, por exemplo, sob a forma de um ato preparatório, da tentativa de cometer os crimes referidos na presente diretiva ou como uma forma particular de abuso sexual. Independentemente da solução legal escolhida para criminalizar o aliciamento sem recurso às tecnologias da informação e da comunicação, os Estados-Membros

deverão garantir que os autores de tais crimes sejam ***judicialmente perseguidos***.	deverão garantir que os autores de tais crimes sejam ***responsabilizados criminalmente***.

Or. pt

Amendment 97
Saskia Bricmont

Proposal for a directive
Recital 23

Text proposed by the Commission	*Amendment*
(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 in a sufficiently broad way to cover all those technological developments.	(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. Therefore "by means of information and communication technology" should be understood in a sufficiently broad way to cover all those technological developments.

Or. en

Justification

There is no basis for this expectation. It rather seems that large language models have reached a plateau from which they cannot evolve much further with only more computing power or data.

Amendment 98
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Recital 23

Text proposed by the Commission	*Amendment*
(23) Având în vedere evoluțiile tehnologice recente și, în special, dezvoltarea unor medii de realitate augmentată, extinsă și virtuală, incriminarea ademenirii copiilor nu ar trebui să se limiteze la conversațiile vocale, prin mesaje scrise sau e-mail, ci ar trebui să includă și contactele sau schimburile care au loc în medii de realitate augmentată, extinsă și virtuală, precum și ademenirea pe scară largă a copiilor prin utilizarea roboților de chat formați în acest scop, întrucât se preconizează că acest fenomen va căpăta proporții în contextul evoluției previzibile a aplicațiilor de inteligență artificială. Prin urmare, expresia „prin intermediul tehnologiei informației și comunicațiilor” ar trebui înțeleasă într-un mod suficient de larg încât să acopere toate aceste evoluții tehnologice.	(23) Având în vedere evoluțiile tehnologice recente și, în special, dezvoltarea ***inteligentei artificiale, a*** unor medii de realitate augmentată, extinsă și virtuală, incriminarea ademenirii copiilor nu ar trebui să se limiteze la conversațiile vocale, prin mesaje scrise sau e-mail, ci ar trebui să includă și contactele sau schimburile care au loc în medii de realitate augmentată, extinsă și virtuală, precum și ademenirea pe scară largă a copiilor prin utilizarea roboților de chat formați în acest scop, întrucât se preconizează că acest fenomen va căpăta proporții în contextul evoluției previzibile a aplicațiilor de inteligență artificială. Prin urmare, expresia „prin intermediul tehnologiei informației și comunicațiilor” ar trebui înțeleasă într-un mod suficient de larg încât să acopere toate aceste evoluții tehnologice.

Or. ro

Amendment 99
Saskia Bricmont

Proposal for a directive
Recital 23 a (new)

Text proposed by the Commission	*Amendment*
	(23 a) Some information society services are intentionally operated with the main purpose of facilitating child sexual abuse or sexual exploitation offences. This should be established from the context of and motivation for offering the service, for example that the operator of the service is making explicit that the purpose of the service is to facilitate child sexual

abuse or sexual exploitation or that the service is specifically created for that purpose. The operator of such services cannot rely on the exemptions from liability provided for by Regulation (EU) 2022/2065 (the Digital Service Act (DSA)). The fact alone that a service offers encrypted transmissions or any other system that makes the identification of the user impossible should not in itself qualify as facilitating illegal activities.

Or. en

Justification

The Commission proposal does not contain a recital for Article 8. In the Explanatory Memorandum, there is an unclear reference to 'role played by the dark web' which creates legal uncertainty about the scope of Article 8. The wording above is adapted from recital 20 of the DSA which clarifies that information society services operated with the main purpose of facilitating illegal activities should not benefit from the liability exemptions of the DSA.

Amendment 100
Sebastian Tynkkynen

Proposal for a directive
Recital 23 a (new)

Text proposed by the Commission	*Amendment*
	(23 a) Some information society services are intentionally operated with the main purpose of facilitating child sexual abuse or sexual exploitation offences. This should be established from the context of and motivation for offering the service, for example that the operator of the service is advertising it to facilitate child sexual abuse or sexual exploitation or that the service is specifically created for that purpose. The operator of such services cannot rely on the exemptions from liability provided for by Regulation (EU) 2022/2065 (the DSA). Merely offering encrypted transmissions or making the identification of the user impossible should not in itself qualify as

facilitating illegal activities.

Or. en

Justification

To avoid legal uncertainty Article 8 should be accompanied by a recital clarifying what is meant by "an online service for the purpose of child sexual abuse or sexual exploitation".

Amendment 101
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau, Sophie Wilmès

Proposal for a directive
Recital 24

Text proposed by the Commission	*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. 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	(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. ***Among others, the United Nations Committee on the Rights*** of the ***Child and the Lanzarote Committee have stated that consensual activities between peers who are close in age, maturity and development for consensual and non-exploitative sexual activity should not be criminalised provided that there is no element of coercion, abuse of trust or dependency between the them. Accordingly***, Member States should ***protect children*** from criminalisation ***for*** 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

‘peers’ despite a significant age difference).	(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). ***This means that only consensual activities between peers who are close in age, maturity and development should be protected from criminalisation. The provisions related to age of consent should not be interpreted in limiting in any manner the criminalisation of child sexual abuse and exploitation of children who have reached and are above the age of consent as no child can consent to their sexual abuse.***
	Or. en

Amendment 102
Isabel Serra Sánchez

Proposal for a directive
Recital 24

Text proposed by the Commission	*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. The	(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. ***However, in accordance with the recommendations of the United Nations on the Committee on the Rights of the Child and the Lanzarote Committee***, Member States ***shall*** exempt from criminalisation consensual sexual activities

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).

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). ***The provisions related to age of consent should not be interpreted in limiting in any manner the criminalisation of child sexual abuse and exploitation of children who have reached and are above the age of consent as no child can consent to their sexual abuse and therefore to sexual violence.***

Or. en

Amendment 103
Georgiana Teodorescu, Jadwiga Wiśniewska

Proposal for a directive
Recital 24

Text proposed by the Commission	*Amendment*
(24) Prezenta directivă nu reglementează politicile statelor membre cu privire la activitățile sexuale reciproc consimțite în care pot fi implicați copii și care pot fi considerate ca o descoperire normală a sexualității în cursul dezvoltării umane, avându-se în vedere tradițiile culturale și juridice diferite și noile forme de stabilire și menținere a relațiilor între copii și între adolescenți, inclusiv prin intermediul tehnologiilor informațiilor și comunicațiilor. Statele membre care recurg la posibilitățile menționate în prezenta directivă fac acest lucru în exercitarea competențelor proprii. Mai precis, statele membre ar trebui să poată excepta de la	(24) Prezenta directivă nu reglementează politicile statelor membre cu privire la activitățile sexuale reciproc consimțite în care pot fi implicați copii și care pot fi considerate ca o descoperire normală a sexualității în cursul dezvoltării umane, avându-se în vedere tradițiile culturale și juridice diferite și noile forme de stabilire și menținere a relațiilor între copii și între adolescenți, inclusiv prin intermediul tehnologiilor informațiilor și comunicațiilor. Statele membre care recurg la posibilitățile menționate în prezenta directivă fac acest lucru în exercitarea competențelor proprii. Mai precis, statele membre ar trebui să poată excepta de la

incriminare activitățile sexuale reciproc consimțite care implică exclusiv copii cu vârsta mai mare decât vârsta consimțământului sexual, precum și activitățile sexuale reciproc consimțite care implică persoane apropiate ca vârstă. Modificările aduse articolului respectiv sunt menite să clarifice domeniul de aplicare al derogării, având în vedere faptul că unele state membre par să fi interpretat formularea sa inițială în sens prea larg (de exemplu, exceptând de la incriminare activitățile consimțite între minori cu vârsta mai mare decât vârsta consimțământului sexual și adulți de orice vârstă, care au fost considerați „persoane apropiate ca vârstă”, în pofida unei diferențe semnificative de vârstă).

incriminare activitățile sexuale reciproc consimțite care implică exclusiv copii cu vârsta mai mare decât vârsta consimțământului sexual, precum și activitățile sexuale reciproc consimțite care implică persoane apropiate ca vârstă. ***Exploatarea sexuală a copiilor, inclusiv prin prostituție și pornografie, indiferent de vârsta acestora, trebuie incriminată.*** Modificările aduse articolului respectiv sunt menite să clarifice domeniul de aplicare al derogării, având în vedere faptul că unele state membre par să fi interpretat formularea sa inițială în sens prea larg (de exemplu, exceptând de la incriminare activitățile consimțite între minori cu vârsta mai mare decât vârsta consimțământului sexual și adulți de orice vârstă, care au fost considerați „persoane apropiate ca vârstă”, în pofida unei diferențe semnificative de vârstă).

Or. ro

Amendment 104
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera

Proposal for a directive
Recital 24

Text proposed by the Commission	*Amendment*
(24) La présente directive ne régit pas les politiques des États membres en ce qui concerne les activités sexuelles consenties dans lesquelles peuvent être impliqués des enfants et qui peuvent être considérées comme relevant d'une découverte normale de la sexualité dans le cadre de leur développement, compte tenu des différentes traditions culturelles et juridiques et des nouvelles façons dont les enfants et les adolescents nouent et entretiennent des contacts, notamment au moyen des technologies de l'information et de la communication. Les États membres qui ont recours aux possibilités visées dans	(24) La présente directive ne régit pas les politiques des États membres en ce qui concerne les activités sexuelles consenties dans lesquelles peuvent être impliqués des enfants et qui peuvent être considérées comme relevant d'une découverte normale de la sexualité dans le cadre de leur développement, compte tenu des différentes traditions culturelles et juridiques et des nouvelles façons dont les enfants et les adolescents nouent et entretiennent des contacts, notamment au moyen des technologies de l'information et de la communication. Les États membres qui ont recours aux possibilités visées dans

la présente directive le font dans l'exercice de leurs attributions. Plus particulièrement, les États membres devraient pouvoir exempter de l'incrimination les activités sexuelles consensuelles impliquant exclusivement des enfants ayant dépassé l'âge de la majorité sexuelle, ainsi que les activités sexuelles consenties entre pairs. Les modifications apportées à cet article visent à clarifier le champ d'application de la dérogation, étant donné que certains États membres semblent avoir interprété trop largement sa formulation originale (par exemple en exemptant de l'incrimination les activités consensuelles entre des mineurs ayant dépassé l'âge de la majorité sexuelle et des adultes de n'importe quel âge, considérés comme des «pairs» malgré une différence d'âge significative).	la présente directive le font dans l'exercice de leurs attributions. Plus particulièrement, les États membres devraient pouvoir exempter de l'incrimination les activités sexuelles consensuelles impliquant exclusivement des enfants ayant dépassé l'âge de la majorité sexuelle, ainsi que les activités sexuelles consenties entre pairs. Les modifications apportées à cet article visent à clarifier le champ d'application de la dérogation, étant donné que certains États membres semblent avoir interprété trop largement sa formulation originale (par exemple en exemptant de l'incrimination les activités consensuelles entre des mineurs ayant dépassé l'âge de la majorité sexuelle et des adultes de n'importe quel âge, considérés comme des «pairs» malgré une différence d'âge significative). ***À cet effet, il convient de limiter à trois ans l'écart d'âge entre les pairs ayant dépassé l'âge de la majorité sexuelle.***

Or. fr

Amendment 105
Francisco Assis

Proposal for a directive
Recital 24

Text proposed by the Commission	*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	(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 ***social,*** 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

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).

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).

Or. en

Amendment 106
Saskia Bricmont

Proposal for a directive
Recital 24

Text proposed by the Commission	*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	(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 exempt from criminalisation consensual sexual activities involving exclusively

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).	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).

Or. en

Amendment 107
Sophie Wilmès, Hilde Vautmans, Fabienne Keller, Veronika Cifrová Ostrihoňová, Lucia Yar

Proposal for a directive
Recital 26

Text proposed by the Commission	*Amendment*
(26) L'état d'incapacité physique ou mentale devrait s'entendre, dans le cadre de la présente directive, comme couvrant également l'état d'incapacité physique ou mentale provoqué par les effets de la drogue ou de l'alcool.	(26) L'état d'incapacité physique ou mentale devrait s'entendre, dans le cadre de la présente directive, comme couvrant également l'état d'incapacité physique ou mentale provoqué par les effets de la drogue***, des médicaments*** ou de l'alcool ***ou toute substance pouvant altérer le libre arbitre*** .

Or. fr

Amendment 108
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

Proposal for a directive
Recital 31

Text proposed by the Commission	*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.***	(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***. 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 recognize the abuse for what it was and 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. Therefore, the minimum standards provided in the Directive should be interpreted as a first step towards abolition***
	Or. en

Amendment 109
Isabel Serra Sánchez

Proposal for a directive
Recital 31

Text proposed by the Commission	*Amendment*
(31) Victims of sexual abuse and sexual exploitation of children are often unable to	(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.	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***. In addition, most cases of sexual abuse against children come from family members or people within the inner circle of the child, with the consequences this has for the prolonged duration of the abuse, the above-mentionned stigma and the ease with which perpetrators can access the child***. 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.

Or. en

Amendment 110
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi, András László

Proposal for a directive
Recital 31

Text proposed by the Commission	*Amendment*
(31) Les victimes d'abus sexuels et d'exploitation sexuelle d'enfants sont souvent incapables de dénoncer l'infraction pendant plusieurs décennies après l'avoir subie, en raison de la honte, de la culpabilité et de l'autoculpabilisation, qui peuvent être liées, entre autres, à la stigmatisation sociale et culturelle	(31) Les victimes d'abus sexuels et d'exploitation sexuelle d'enfants sont souvent incapables de dénoncer l'infraction pendant plusieurs décennies après l'avoir subie, en raison de la honte, de la culpabilité et de l'autoculpabilisation, qui peuvent être liées, entre autres, à la stigmatisation sociale et culturelle

qu’entraînent encore les abus sexuels, au secret qui entoure ces abus, à la menace ou aux manœuvres de culpabilisation auxquelles a recours l’auteur, et/ou au traumatisme engendré. Les auteurs d’abus sexuels et d’exploitation sexuelle d’enfants, contrairement aux auteurs d’autres crimes violents, tendent à rester actifs jusqu’à un âge avancé en continuant de représenter une menace pour les enfants. À la lumière de ce qui précède, pour que des enquêtes et des poursuites efficaces puissent être effectuées concernant les infractions impliquant des abus sexuels et l’exploitation sexuelle d’enfants, et pour fournir une assistance et un soutien appropriés aux victimes, il faut que les délais de prescription permettent aux victimes de signaler l’infraction pendant une période considérablement prolongée.

qu’entraînent encore les abus sexuels, au secret qui entoure ces abus, à la menace ou aux manœuvres de culpabilisation auxquelles a recours l’auteur, et/ou au traumatisme engendré. Les auteurs d’abus sexuels et d’exploitation sexuelle d’enfants, contrairement aux auteurs d’autres crimes violents, tendent à rester actifs jusqu’à un âge avancé en continuant de représenter une menace pour les enfants. À la lumière de ce qui précède, pour que des enquêtes et des poursuites efficaces puissent être effectuées concernant les infractions impliquant des abus sexuels et l’exploitation sexuelle d’enfants, et pour fournir une assistance et un soutien appropriés aux victimes, il faut que les délais de prescription permettent aux victimes de signaler l’infraction pendant une période considérablement prolongée***, sans empêcher les États membres de fixer un délai de prescription encore supérieur à cette période***.

Or. fr

Amendment 111
András László

Proposal for a directive
Recital 31

Text proposed by the Commission	*Amendment*
(31) A gyermekek szexuális bántalmazásának és szexuális kizsákmányolásának áldozatai a szégyenérzet, bűntudat és önvád miatt az elkövetést követően gyakran évtizedekig nem képesek bejelenteni a bűncselekményt, ami többek között a szexuális bántalmazást még mindig övező társadalmi és kulturális megbélyegzéssel, a bántalmazás körülményeinek titkosságával, az elkövető általi fenyegetéssel vagy vádló magatartással és/vagy a traumával függhet össze. A gyermekek szexuális	(31) A gyermekek szexuális bántalmazásának és szexuális kizsákmányolásának áldozatai a szégyenérzet, bűntudat és önvád miatt az elkövetést követően gyakran évtizedekig nem képesek bejelenteni a bűncselekményt, ami többek között a szexuális bántalmazást még mindig övező társadalmi és kulturális megbélyegzéssel, a bántalmazás körülményeinek titkosságával, az elkövető általi fenyegetéssel vagy vádló magatartással és/vagy a traumával függhet össze. A gyermekek szexuális

bántalmazásának és szexuális kizsákmányolásának elkövetői – más erőszakos bűncselekmények elkövetőitől eltérően – általában időskorig aktív bűnelkövetők maradnak, és továbbra is fenyegetést jelentenek a gyermekekre nézve. A fentiek alapján a gyermekek szexuális bántalmazásával és szexuális kizsákmányolásával járó bűncselekmények hatékony kivizsgálása és büntetőeljárás alá vonása, valamint az áldozatoknak nyújtott megfelelő segítség és támogatás csak akkor biztosítható, ha az ***elévülési idő jelentősen hosszabb ideig lehetővé teszi az áldozatok számára a*** bűncselekmény ***bejelentését***.

bántalmazásának és szexuális kizsákmányolásának elkövetői – más erőszakos bűncselekmények elkövetőitől eltérően – általában időskorig aktív bűnelkövetők maradnak, és továbbra is fenyegetést jelentenek a gyermekekre nézve. A fentiek alapján a gyermekek szexuális bántalmazásával és szexuális kizsákmányolásával járó bűncselekmények hatékony kivizsgálása és büntetőeljárás alá vonása, valamint az áldozatoknak nyújtott megfelelő segítség és támogatás csak akkor biztosítható, ha az ***elkövetett*** bűncselekmény ***büntethetősége nem évül el***.

Or. hu

Justification

A gyermekvédelem ügyében nem lehetünk elég szigorúak, ezért minden, gyermekekkel szemben elkövetett szexuális bűncselekmény a legszigorúbban büntetendő.

Amendment 112
Francisco Assis

Proposal for a directive
Recital 31

Text proposed by the Commission	*Amendment*
31) As vítimas de abuso sexual e exploração sexual de crianças são muitas vezes incapazes de denunciar o crime durante várias décadas após a sua ocorrência devido à vergonha, ao sentimento de culpa e à autoculpabilização, o que pode estar relacionado, entre outros, com o estigma social e cultural que continua a estar associado ao abuso sexual, com o facto de o abuso sexual ser cometido em segredo, com comportamentos de ameaça ou de culpabilização da vítima por parte do autor do crime e/ou com o trauma. Os autores de abusos sexuais e de exploração sexual de crianças, ao contrário dos autores de outros crimes violentos,	31) As vítimas de abuso sexual e exploração sexual de crianças são muitas vezes incapazes de denunciar o crime durante várias décadas após a sua ocorrência devido à vergonha, ao sentimento de culpa e à autoculpabilização, o que pode estar relacionado, entre outros, com o estigma social e cultural que continua a estar associado ao abuso sexual, com o facto de o abuso sexual ser cometido em segredo, com comportamentos de ameaça ou de culpabilização da vítima por parte do autor do crime e/ou com o trauma. Os autores de abusos sexuais e de exploração sexual de crianças, ao contrário dos autores de outros crimes violentos,

tendem a manter-se ativos até à velhice, continuando a constituir uma ameaça para as crianças. À luz do que precede, só é possível realizar investigações e ações penais eficazes relativamente a crimes que envolvam o abuso sexual e a exploração sexual de crianças, bem como prestar assistência e apoio adequados às vítimas, se os prazos de prescrição permitirem às vítimas denunciar o crime por um período de tempo significativamente ***extenso***.	tendem a manter-se ativos até à velhice, continuando a constituir uma ameaça para as crianças. À luz do que precede, só é possível realizar investigações e ações penais eficazes relativamente a crimes que envolvam o abuso sexual e a exploração sexual de crianças, bem como prestar assistência e apoio adequados às vítimas, se os prazos de prescrição permitirem às vítimas denunciar o crime por um período de tempo significativamente ***alargado***.

Or. pt

Amendment 113
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau

Proposal for a directive
Recital 31 a (new)

Text proposed by the Commission	*Amendment*
	(31 a) At least two-thirds of victims of child sexual abuse and exploitation are girls; Crimes in the area of sexual abuse and sexual exploitation of children against girls are forms of violence against women as per article 2.a of Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence, which shall be applicable. Consequently, when implementing the Directive at hand, a gender sensitive approach shall be applied.

Or. en

Justification

Source: National Center for Missing & Exploited Children
https://search.app/cn3ep8LfJG2JKCvw9

Amendment 114
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera

Proposal for a directive
Recital 32

Text proposed by the Commission	*Amendment*
(32) Il convient de doter les personnes chargées d'enquêter et de poursuivre les infractions visées dans la présente directive de moyens d'enquête performants. Ces moyens pourraient comprendre l'interception de communications, la surveillance discrète, notamment électronique, la surveillance de comptes bancaires, ou d'autres enquêtes financières, compte tenu notamment du principe de proportionnalité et de la nature et de la gravité des infractions faisant l'objet de l'enquête. Conformément au droit national, inclure la possibilité pour les autorités répressives d'utiliser une fausse identité sur l'internet et de diffuser, sous supervision judiciaire, des matériels relatifs à des abus sur enfants. Il est essentiel d'exiger des États membres qu'ils autorisent l'utilisation de ces techniques d'enquête pour garantir l'efficacité des enquêtes et des poursuites concernant les infractions impliquant des abus sexuels et l'exploitation sexuelle d'enfants. Comme celles-ci sont, dans la plupart des cas, facilitées ou rendues possibles par des outils en ligne et sont donc intrinsèquement transfrontières, les opérations d'infiltration et le recours à ce qu'on appelle les pots de miel («honeypots») se sont révélés être des outils d'enquête particulièrement efficaces en ce qui concerne les infractions d'abus sexuels sur enfants et d'exploitation sexuelle des enfants. Afin de garantir l'efficacité des enquêtes et des poursuites, les autorités compétentes des États membres devraient également coopérer par l'intermédiaire d'Europol et d'Eurojust et avec ces derniers, dans le cadre de leurs compétences respectives et conformément au cadre juridique applicable. Ces autorités	(32) Il convient de doter les personnes chargées d'enquêter et de poursuivre les infractions visées dans la présente directive de moyens d'enquête performants. Ces moyens pourraient comprendre l'interception de communications, la surveillance discrète, notamment électronique, la surveillance de comptes bancaires, ou d'autres enquêtes financières, compte tenu notamment du principe de proportionnalité et de la nature et de la gravité des infractions faisant l'objet de l'enquête. Conformément au droit national, inclure la possibilité pour les autorités répressives d'utiliser une fausse identité sur l'internet et de diffuser, sous supervision judiciaire, des matériels relatifs à des abus sur enfants. Il est essentiel d'exiger des États membres qu'ils autorisent l'utilisation de ces techniques d'enquête pour garantir l'efficacité des enquêtes et des poursuites concernant les infractions impliquant des abus sexuels et l'exploitation sexuelle d'enfants. Comme celles-ci sont, dans la plupart des cas, facilitées ou rendues possibles par des outils en ligne et sont donc intrinsèquement transfrontières, les opérations d'infiltration et le recours à ce qu'on appelle les pots de miel («honeypots») se sont révélés être des outils d'enquête particulièrement efficaces en ce qui concerne les infractions d'abus sexuels sur enfants et d'exploitation sexuelle des enfants. ***Il est cependant essentiel que les services chargés d'enquêter et de poursuivre ces infractions ne se livrent pas, dans ce contexte, à des faits qui seraient eux-mêmes infractionnels, tels que des incitations, des complicités, ou la communication d'indications décrivant***

compétentes devraient également échanger entre elles et avec la Commission des informations sur les problèmes rencontrés dans le cadre des enquêtes et des poursuites.

comment entrer en contact avec des enfants, ni à des manœuvres qui auraient pour effet d'altérer les éléments matériel et intentionnel de l'infraction et risqueraient ainsi de nuire à l'issue des poursuites. Afin de garantir l'efficacité des enquêtes et des poursuites, les autorités compétentes des États membres devraient également coopérer par l'intermédiaire d'Europol et d'Eurojust et avec ces derniers, dans le cadre de leurs compétences respectives et conformément au cadre juridique applicable. Ces autorités compétentes devraient également échanger entre elles et avec la Commission des informations sur les problèmes rencontrés dans le cadre des enquêtes et des poursuites.

Or. fr

Justification

Les techniques d'infiltration et les « pots de miel » sont des procédés qui, en faisant concourir les forces de police et de justice aux étapes préparatoires à la commission ou à la tentative de commission d'infraction pénales, sont préjudiciables à l'image des forces de police et de justice, et, en raison des multiples aléas qui peuvent se produire dans de telles situations, peuvent avoir des conséquences pénales pour les agents qui en sont chargés, ou diluer la responsabilité pénale des auteurs d'infractions. Il convient donc d'établir une limite claire au recours à ces procédés.

Amendment 115
Sebastian Tynkkynen

Proposal for a directive
Recital 32

Text proposed by the Commission	*Amendment*
(32) Effective investigatory tools should be made available to those responsible for the investigation and prosecutions of the offences referred to in this Directive. Those tools could include interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other	(32) Effective investigatory tools should be made available to those responsible for the investigation and prosecutions of the offences referred to in this Directive. Those tools could include interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other

financial investigations, taking into account, inter alia, the principle of proportionality and the nature and seriousness of the offences under investigation. In accordance with national law, such tools should also include the possibility for law enforcement authorities to use a concealed identity on the Internet ***and to distribute, under judicial supervision, child sexual abuse material***. Requiring Member States to enable the use of these investigative techniques is essential to ensure the effective investigation and prosecution of offences involving sexual abuse and sexual exploitation of children. As those are, in most cases, facilitated or enabled by online tools and are therefore intrinsically cross-border, undercover operations and the use of so-called 'honeypots' have proven to be particularly effective investigative tools in relation to child sexual abuse and child sexual exploitation offences. To ensure effective investigation and prosecution, Member States' competent authorities should also cooperate through and with Europol and Eurojust, within their respective competences and in accordance with the applicable legal framework. These competent authorities should also share information among each other and with the Commission on issues encountered in investigations and prosecutions.	financial investigations, taking into account, inter alia, the principle of proportionality and the nature and seriousness of the offences under investigation. In accordance with national law, such tools should also include the possibility for law enforcement authorities to use a concealed identity on the Internet. Requiring Member States to enable the use of these investigative techniques is essential to ensure the effective investigation and prosecution of offences involving sexual abuse and sexual exploitation of children. As those are, in most cases, facilitated or enabled by online tools and are therefore intrinsically cross-border, undercover operations and the use of so-called 'honeypots' have proven to be particularly effective investigative tools in relation to child sexual abuse and child sexual exploitation offences. ***Cross-border investigations must respect the principle of territoriality and be conducted in accordance with the national law of the Member States where the investigation takes place. Specifically, cross-border investigations must not weaken domestic human rights guarantees.*** To ensure effective investigation and prosecution, Member States' competent authorities should also cooperate through and with Europol and Eurojust, within their respective competences and in accordance with the applicable legal framework. These competent authorities should also share information among each other and with the Commission on issues encountered in investigations and prosecutions.

Or. en

Justification

Law enforcement authorities should not have the possibility to distribute child sexual abuse material. Cross-border investigations must respect the principle of territoriality and be conducted in accordance with the national law of the Member States where the investigation takes place. Specifically, cross-border investigations must not weaken domestic human rights guarantees.

Amendment 116
Saskia Bricmont

Proposal for a directive
Recital 32

Text proposed by the Commission	*Amendment*
(32) Effective investigatory tools should be made available to those responsible for the investigation and prosecutions of the offences referred to in this Directive. Those tools could include interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations, taking into account, inter alia, the principle of proportionality and the nature and seriousness of the offences under investigation. In accordance with national law, such tools should also include the possibility for law enforcement authorities to use a concealed identity on the Internet ***and to distribute, under judicial supervision, child sexual abuse material***. Requiring Member States to enable the use of these investigative techniques is essential to ensure the effective investigation and prosecution of offences involving sexual abuse and sexual exploitation of children. As those are, in most cases, facilitated or enabled by online tools and are therefore intrinsically cross-border, undercover operations and the use of so-called 'honeypots' have proven to be particularly effective investigative tools in relation to child sexual abuse and child sexual exploitation offences. To ensure effective investigation and prosecution, Member States' competent authorities should also cooperate through and with Europol and Eurojust, within their respective competences and in accordance with the applicable legal framework. These competent authorities should also share information among each other and with the	(32) Effective investigatory tools should be made available to those responsible for the investigation and prosecutions of the offences referred to in this Directive. Those tools could include interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations, taking into account, inter alia, the principle of proportionality and the nature and seriousness of the offences under investigation. In accordance with national law, such tools should also include the possibility for law enforcement authorities to use a concealed identity on the Internet. Requiring Member States to enable the use of these investigative techniques is essential to ensure the effective investigation and prosecution of offences involving sexual abuse and sexual exploitation of children. As those are, in most cases, facilitated or enabled by online tools and are therefore intrinsically cross-border, undercover operations and the use of so-called 'honeypots' have proven to be particularly effective investigative tools in relation to child sexual abuse and child sexual exploitation offences. To ensure effective investigation and prosecution, Member States' competent authorities should also cooperate through and with Europol and Eurojust, within their respective competences and in accordance with the applicable legal framework. These competent authorities should also share information among each other and with the Commission on issues encountered in investigations and prosecutions.

Commission on issues encountered in investigations and prosecutions.

Or. en

Justification

While this may be foreseen by national law, we would avoid making it a possibility at EU level.

Amendment 117
Francisco Assis

Proposal for a directive
Recital 32

Text proposed by the Commission	*Amendment*
32) Os responsáveis pela investigação e pela ação penal relativas aos crimes referidos na presente diretiva deverão dispor de instrumentos de investigação eficazes. Estes instrumentos podem incluir a interceção de comunicações, a vigilância discreta, inclusive por meios eletrónicos, a monitorização de contas bancárias ou outras investigações financeiras, tendo em conta, nomeadamente, o princípio da proporcionalidade e a natureza e gravidade dos crimes investigados. De acordo com a legislação nacional, tais instrumentos deverão também incluir a possibilidade de as autoridades policiais utilizarem uma identidade falsa na Internet e de distribuírem, sob supervisão judicial, material com imagens de abusos sexuais de crianças. Exigir que os Estados-Membros permitam a utilização destas técnicas de investigação é essencial para garantir a eficácia da investigação e das ações penais que envolvem o abuso sexual e a exploração sexual de crianças. Uma vez que, na maioria dos casos, os crimes são facilitados ou possibilitados pelo uso de ferramentas em linha, tratando-se, portanto, de crimes intrinsecamente transfronteiriços, as operações encobertas e	32) Os responsáveis pela investigação e pela ação penal relativas aos crimes referidos na presente diretiva deverão dispor de instrumentos de investigação eficazes. Estes instrumentos podem incluir a interceção de comunicações, a vigilância discreta, inclusive por meios eletrónicos, a monitorização de contas bancárias ou outras investigações financeiras, tendo em conta, nomeadamente, o princípio da proporcionalidade e a natureza e gravidade dos crimes investigados. De acordo com a legislação nacional, tais instrumentos deverão também incluir a possibilidade de as autoridades policiais utilizarem uma identidade falsa na Internet e de distribuírem, sob supervisão judicial, material com imagens de abusos sexuais de crianças. Exigir que os Estados-Membros permitam a utilização destas técnicas de investigação é essencial para garantir a eficácia da investigação e das ações penais que envolvem o abuso sexual e a exploração sexual de crianças. Uma vez que, na maioria dos casos, os crimes são facilitados ou possibilitados pelo uso de ferramentas em linha, tratando-se, portanto, de crimes intrinsecamente transfronteiriços, as operações encobertas e

o recurso a armadilhas «pote de mel» demonstraram ser instrumentos de investigação particularmente eficazes no que diz respeito aos crimes de abuso sexual e exploração sexual de crianças. A fim de assegurar a eficácia da investigação e da ação penal, as autoridades competentes dos Estados-Membros devem também cooperar com a Europol e a Eurojust ***e com as mesmas***, no âmbito das respetivas competências e em conformidade com o quadro jurídico aplicável. Tais autoridades competentes devem também partilhar informações entre si e com a Comissão sobre as questões que surgiram durante as investigações e as ações penais.	o recurso a armadilhas «pote de mel» demonstraram ser instrumentos de investigação particularmente eficazes no que diz respeito aos crimes de abuso sexual e exploração sexual de crianças. A fim de assegurar a eficácia da investigação e da ação penal, as autoridades competentes dos Estados-Membros devem também cooperar ***entre si e*** com a Europol e a Eurojust, no âmbito das respetivas competências e em conformidade com o quadro jurídico aplicável. Tais autoridades competentes devem também partilhar informações entre si e com a Comissão sobre as questões que surgiram durante as investigações e as ações penais.
	Or. pt

Amendment 118
Sophie Wilmès, Hilde Vautmans, Fabienne Keller, Veronika Cifrová Ostrihoňová, Lucia Yar

Proposal for a directive
Recital 34

Text proposed by the Commission	*Amendment*
(34) Les États membres devraient encourager toute personne ayant connaissance de faits d'abus sexuels ou d'exploitation sexuelle à l'encontre d'un enfant, ou suspectant de tels faits, à le signaler aux services compétents. En particulier, les États membres devraient mettre à la disposition des enfants des informations sur la possibilité de signaler les abus, y compris en recourant à des lignes d'assistance téléphonique. Il appartient à chaque État membre de déterminer les autorités compétentes auprès desquelles de tels soupçons peuvent être signalés. Ces autorités compétentes ne devraient pas seulement être les services de protection de l'enfance ou les services sociaux pertinents. L'exigence d'un soupçon «de bonne foi» devrait avoir pour	(34) Les États membres devraient encourager toute personne ayant connaissance de faits d'abus sexuels ou d'exploitation sexuelle à l'encontre d'un enfant, ou suspectant de tels faits, à le signaler aux services compétents. En particulier, les États membres devraient mettre à la disposition des enfants des informations sur la possibilité de signaler les abus, y compris en recourant à des lignes d'assistance téléphonique ***et en utilisant les plateformes de communication les plus utilisées par les plus jeunes*** . Il appartient à chaque État membre de déterminer les autorités compétentes auprès desquelles de tels soupçons peuvent être signalés. Ces autorités compétentes ne devraient pas seulement être les services de protection de

objet d'empêcher que la disposition ne soit invoquée pour autoriser la dénonciation de faits purement imaginaires ou mensongers, effectuée dans une intention de nuire.

l'enfance ou les services sociaux pertinents. L'exigence d'un soupçon «de bonne foi» devrait avoir pour objet d'empêcher que la disposition ne soit invoquée pour autoriser la dénonciation de faits purement imaginaires ou mensongers, effectuée dans une intention de nuire.

Or. fr

Amendment 119
Paolo Inselvini

Proposal for a directive
Recital 34

Text proposed by the Commission	*Amendment*
(34) Gli Stati membri dovrebbero incoraggiare tutte le persone che abbiano conoscenza o il sospetto di un abuso o di uno sfruttamento sessuale di un minore a segnalarlo ai servizi competenti. In particolare, gli Stati membri dovrebbero mettere a disposizione dei minori informazioni sulla possibilità di segnalare l'abuso, anche attraverso linee di assistenza telefonica. Spetta a ciascuno Stato membro determinare le autorità competenti alle quali segnalare tali sospetti. Dette autorità competenti non dovrebbero limitarsi ai servizi di tutela dei minori o ai servizi sociali competenti. Il requisito del sospetto "in buona fede" dovrebbe avere lo scopo di evitare che la disposizione sia invocata per giustificare la denuncia effettuata con dolo di fatti puramente immaginari o falsi.	(34) Gli Stati membri dovrebbero incoraggiare tutte le persone che abbiano conoscenza o il sospetto di un abuso o di uno sfruttamento sessuale di un minore a segnalarlo ai servizi competenti. In particolare, gli Stati membri dovrebbero mettere a disposizione dei minori ***e delle loro famiglie*** informazioni sulla possibilità di segnalare l'abuso, anche attraverso linee di assistenza telefonica. Spetta a ciascuno Stato membro determinare le autorità competenti alle quali segnalare tali sospetti. Dette autorità competenti non dovrebbero limitarsi ai servizi di tutela dei minori o ai servizi sociali competenti. Il requisito del sospetto "in buona fede" dovrebbe avere lo scopo di evitare che la disposizione sia invocata per giustificare la denuncia effettuata con dolo di fatti puramente immaginari o falsi.

Or. it

Amendment 120
Francisco Assis

Proposal for a directive

Recital 35

Text proposed by the Commission	*Amendment*
35) As regras de atribuição de competência deverão ser alteradas a fim de assegurar a ***perseguição*** penal dos autores de crimes de abuso sexual ou de exploração sexual de crianças oriundos da União, mesmo que os crimes sejam cometidos fora da União, em particular através de «turismo sexual». A exploração sexual de crianças no contexto de viagens e turismo deverá ser entendida como a exploração sexual de crianças por uma pessoa ou pessoas que se deslocam do seu ambiente habitual para um destino no exterior, onde têm contacto sexual com crianças. Caso a exploração sexual de crianças no contexto de viagens e turismo ocorra fora da União, os Estados-Membros são incentivados a procurar intensificar, através dos instrumentos disponíveis, nacionais e internacionais, incluindo tratados bilaterais ou multilaterais sobre extradição, a assistência mútua ou a transferência de processos e a cooperação com os países terceiros e com as organizações internacionais para combater o turismo sexual. Os Estados-Membros deverão fomentar o diálogo aberto e a comunicação com os países fora da União a fim de poderem intentar ações judiciais, no quadro da legislação nacional, contra autores de crimes que viajem para fora das fronteiras da União para fins de exploração sexual de crianças no contexto de viagens e turismo .	35) As regras de atribuição de competência deverão ser alteradas a fim de assegurar a ***responsabilização*** penal dos autores de crimes de abuso sexual ou de exploração sexual de crianças oriundos da União, mesmo que os crimes sejam cometidos fora da União, em particular através de «turismo sexual». A exploração sexual de crianças no contexto de viagens e turismo deverá ser entendida como a exploração sexual de crianças por uma pessoa ou pessoas que se deslocam do seu ambiente habitual para um destino no exterior, onde têm contacto sexual com crianças. Caso a exploração sexual de crianças no contexto de viagens e turismo ocorra fora da União, os Estados-Membros são incentivados a procurar intensificar, através dos instrumentos disponíveis, nacionais e internacionais, incluindo tratados bilaterais ou multilaterais sobre extradição, a assistência mútua ou a transferência de processos e a cooperação com os países terceiros e com as organizações internacionais para combater o turismo sexual. Os Estados-Membros deverão fomentar o diálogo aberto e a comunicação com os países fora da União a fim de poderem intentar ações judiciais, no quadro da legislação nacional, contra autores de crimes que viajem para fora das fronteiras da União para fins de exploração sexual de crianças no contexto de viagens e turismo .

Or. pt

Amendment 121
Isabel Serra Sánchez

Proposal for a directive
Recital 35 a (new)

Text proposed by the Commission	*Amendment*
	(35 a) Member States should guarantee comprehensive care for children as a subjective right, ensuring that victim and survivor reparations programs are effective and accessible. In this regard, and recognising the Barnahus model as a positive reference, Member States should commit to its financial sustainability to guarantee universality and non-discrimination in children's access to their rights. This means that the care, support, protection, and reparations provided to children must be integrated and respect their status as full rights-holders. Only through such approaches can real and lasting protection of their rights be ensured, addressing their needs within a framework of justice that is adapted and sensitive to their overall development.

Or. en

Amendment 122
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau, Sophie Wilmès

Proposal for a directive
Recital 36

Text proposed by the Commission	*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	(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 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,

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 ***requires*** that all Member States uphold these principles ***and establish age-appropriate multidisciplinary and interagency structures to provide care and legal support to victims under one roof***, 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 limit retraumatisation. This obligation should not prevent other medical examinations necessary for the well-being of the child. ***All children who are likely to be, for whatever reason and in whatever capacity, brought into contact with criminal, civil or administrative justice systems*** should have easy access to child friendly justice***. Child-friendly justice refers to justice systems which guarantee the respect and the effective implementation of all children's rights at the highest attainable level and giving due consideration to the child's level of maturity and understanding and the circumstances of the case. It is of particular importance that justice is accessible***, ***age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity. Child victims should have easy access to*** legal remedies and measures to address conflicts of interest where sexual

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.	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 ***professionals who come into contact with children*** in the ***justice system*** 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 ***children*** 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 court should prioritize the child's right to participate meaningfully, ensuring that their views are heard and respected throughout the process.***

Or. en

Amendment 123
Isabel Serra Sánchez

Proposal for a directive
Recital 36

Text proposed by the Commission	*Amendment*
(36) Measures to protect child victims in a comprehensive manner should be	(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 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

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 child best interest should be interpreted by ensuring children protection and safeguarding from further harm, providing tailored and adapted support and protection of children rights throughout the entire judicial process and beyond, including the contacts with social, healthcare, educational and pyscological services***. 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 ***and tailored*** 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 ***limit themselves*** to the Barnahus model ***but to expand it and strengthen the provision of children's social services to other institutions***. 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 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

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.

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. ***ndable to the child.***

Or. en

Amendment 124
Caterina Chinnici, Hilde Vautmans, Veronika Cifrová Ostrihoňová, Evin Incir, Antonio López-Istúriz White, Merja Kyllönen, Anna Stürgkh, François-Xavier Bellamy

Proposal for a directive
Recital 36

Text proposed by the Commission	*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	(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 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

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 ***and put in place age-appropriate, multi-disciplinary and integrated child-protection systems to provide effective care and legal support to child victims***, 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 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

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

Or. en

Amendment 125
Saskia Bricmont

Proposal for a directive
Recital 36

Text proposed by the Commission	*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	(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 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

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. 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 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.

understandable to the child.

Or. en

Amendment 126
Francisco Assis

Proposal for a directive
Recital 36

Text proposed by the Commission	*Amendment*
36) As medidas abrangentes de apoio e proteção às crianças vítimas de crimes deverão ser adotadas no seu superior interesse, tendo em conta uma avaliação das suas necessidades. Uma proteção eficaz das crianças exige uma abordagem global de toda a sociedade. Com as crianças no centro das ações, todas as autoridades e serviços competentes devem trabalhar em conjunto para proteger e apoiar as crianças, agindo sempre na defesa dos seus interesses. O modelo «Barnahus», que consiste em proporcionar um ambiente adaptado às crianças disponibilizando especialistas de todos os domínios pertinentes, é atualmente o exemplo mais avançado de uma abordagem da justiça adaptada às crianças e para evitar a revitimização. As disposições pertinentes da presente diretiva baseiam-se nos princípios desse modelo. Esse modelo visa assegurar que todas as crianças envolvidas em investigações sobre o abuso ou a exploração sexual de crianças beneficiem de uma avaliação de elevada qualidade em contextos adaptados às crianças, de apoio psicossocial adequado e de serviços de proteção das crianças. A presente diretiva procura garantir que todos os Estados-Membros respeitem esses princípios, embora não os obrigue a seguir o modelo Barnahus enquanto tal. Sempre que os exames médicos da criança sejam necessários para efeitos das investigações criminais, nomeadamente para recolher	36) As medidas abrangentes de apoio e proteção às crianças vítimas de crimes deverão ser adotadas no seu superior interesse, tendo em conta uma avaliação das suas necessidades. Uma proteção eficaz das crianças exige uma abordagem global de toda a sociedade. Com as crianças no centro das ações, todas as autoridades e serviços competentes devem trabalhar em conjunto para proteger e apoiar as crianças, agindo sempre na defesa dos seus interesses. O modelo «Barnahus», que consiste em proporcionar um ambiente adaptado às crianças disponibilizando especialistas de todos os domínios pertinentes, é atualmente o exemplo mais avançado de uma abordagem da justiça adaptada às crianças e para evitar a revitimização. As disposições pertinentes da presente diretiva baseiam-se nos princípios desse modelo. Esse modelo visa assegurar que todas as crianças envolvidas em investigações sobre o abuso ou a exploração sexual de crianças beneficiem de uma avaliação de elevada qualidade em contextos adaptados às crianças, de apoio psicossocial adequado e de serviços de proteção das crianças. A presente diretiva procura garantir que todos os Estados-Membros respeitem esses princípios, embora não os obrigue a seguir o modelo Barnahus enquanto tal. Sempre que os exames médicos da criança sejam necessários para efeitos das investigações criminais, nomeadamente para recolher

provas relativas ao abuso, estes devem limitar-se ao estritamente necessário a fim de reduzir a probabilidade de a criança sofrer uma retraumatização. Esta obrigação não deve impedir a realização de outros exames médicos necessários para o bem-estar da criança. As crianças vítimas de crimes deverão ter um acesso facilitado a uma justiça adaptada às crianças e a medidas para resolver conflitos de interesses quando o abuso sexual ou a exploração sexual de uma criança ocorre no seio da família. Caso seja nomeado um representante ***especial*** de uma criança durante a fase de inquérito ou de julgamento, esse poder pode ser também exercido por uma pessoa coletiva, por uma instituição ou por uma autoridade. Além disso, as crianças vítimas de crimes deverão ser protegidas de sanções, por exemplo, no quadro da legislação nacional em matéria de imigração ou prostituição, se apresentarem o seu caso às autoridades competentes. Por outro lado, a participação das crianças vítimas de crimes em processos penais não deverá, na medida do possível, causar-lhes traumas adicionais, decorrentes de entrevistas ou de contacto visual com os autores dos crimes. Todas as autoridades envolvidas no processo devem receber formação em justiça adaptada às crianças. Uma boa compreensão das crianças e do seu comportamento quando confrontadas com experiências traumáticas contribui para garantir uma elevada qualidade dos dados recolhidos e para reduzir a pressão exercida sobre elas aquando da aplicação das medidas necessárias. Sempre que as crianças vítimas participem no processo penal, o tribunal deve tomar plenamente em consideração a sua idade e maturidade no âmbito da condução do processo e assegurar que este seja acessível e compreensível para a criança.

provas relativas ao abuso, estes devem limitar-se ao estritamente necessário a fim de reduzir a probabilidade de a criança sofrer uma retraumatização. Esta obrigação não deve impedir a realização de outros exames médicos necessários para o bem-estar da criança. As crianças vítimas de crimes deverão ter um acesso facilitado a uma justiça adaptada às crianças e a medidas para resolver conflitos de interesses quando o abuso sexual ou a exploração sexual de uma criança ocorre no seio da família. Caso seja nomeado um representante ***legal*** de uma criança durante a fase de inquérito ou de julgamento, esse poder pode ser também exercido por uma pessoa coletiva, por uma instituição ou por uma autoridade. Além disso, as crianças vítimas de crimes deverão ser protegidas de sanções, por exemplo, no quadro da legislação nacional em matéria de imigração ou prostituição, se apresentarem o seu caso às autoridades competentes. Por outro lado, a participação das crianças vítimas de crimes em processos penais não deverá, na medida do possível, causar-lhes traumas adicionais, decorrentes de entrevistas ou de contacto visual com os autores dos crimes. Todas as autoridades envolvidas no processo devem receber formação em justiça adaptada às crianças. Uma boa compreensão das crianças e do seu comportamento quando confrontadas com experiências traumáticas contribui para garantir uma elevada qualidade dos dados recolhidos e para reduzir a pressão exercida sobre elas aquando da aplicação das medidas necessárias. Sempre que as crianças vítimas participem no processo penal, o tribunal deve tomar plenamente em consideração a sua idade e maturidade no âmbito da condução do processo e assegurar que este seja acessível e compreensível para a criança.

Or. pt

Amendment 127
Isabel Serra Sánchez

Proposal for a directive
Recital 37

Text proposed by the Commission	*Amendment*
(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, 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.	(37) Member States should provide tailored and comprehensive short- and long-term assistance to child victims ***and survivors, regardless the existence of a complaint or criminal prosecution***. 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, education and social service professionals ***and volunteers***, including the staff at helplines***, taking always into account the specific needs of the child***. 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. ***Member States should take the necessary measures to respect children's right to be heard. Child protection in this regard must be linked to family law, and their right to reparations and non-repetition, especially in environments where abuse has occurred such as the family. In cases of***

sexual abuse against children within the family, the perpetrator often retains rights within the environment of the abused child, which is not the case in the healthcare or school sectors. That is, when family law conflicts with the child's right to a life free from sexual violence, the latter must take precedence. The majority of caregivers are women, whom States must support in their efforts to protect and seek justice and reparation for the sexual violence suffered by the children in their care, with particular attention to assaults committed within the family. This is especially relevant in the case of protective mothers who act with the sole purpose of protecting a child and preventing further harm and abuses in suspected cases of child sexual abuse. Cares shall be excluded from criminal persecution and be protected against civil claims directly related to protective actions. Primary carers shall not face criminal charges for any protective actions taken in good faith to prevent or respond to suspected child sexual abuse, including but not limited to reporting suspected abuse to law enforcement or child protective services, taking temporary steps to limit or restrict contact between the child and the alleged abuser, seeking emergency custody modifications or other legal interventions to protect the child. In cases against the protective carers, the burden of proof shall lie with the claimant to demonstrate that the carer's actions were taken for reasons other than child protection.

Or. en

Amendment 128
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès

Proposal for a directive
Recital 38

Text proposed by the Commission	*Amendment*
(38) The trauma arising from sexual abuse and sexual exploitation of children often lasts well into adulthood, entailing long-term effects which often prevent victims from reporting the offence and from seeking assistance and support for years or even decades. Therefore, Member States should provide tailored and comprehensive short- and long-term assistance not only to child victims, but also to adult survivors of child sexual abuse and sexual exploitation.	(38) The trauma arising from sexual abuse and sexual exploitation of children often lasts well into adulthood, entailing long-term effects which often prevent victims from reporting the offence and from seeking assistance and support for years or even decades. Therefore, Member States should provide tailored and comprehensive short- and long-term assistance not only to child victims, but also to adult survivors of child sexual abuse and sexual exploitation. ***Survivors of child sexual abuse and exploitation designate all persons who have experienced sexual violence as a child, irrespective of their legal status and their recognition as a victim of a crime by a legal system.***

Or. en

Amendment 129
Isabel Serra Sánchez

Proposal for a directive
Recital 38

Text proposed by the Commission	*Amendment*
(38) The trauma arising from sexual abuse and sexual exploitation of children often lasts well into adulthood, entailing long-term effects which often prevent victims from reporting the offence and from seeking assistance and support for years or even decades. Therefore, Member States should provide tailored and comprehensive short- and long-term assistance not only to child victims, but also to adult survivors of child sexual abuse and sexual exploitation.	(38) ***Child sexual abuse and child explotation as forms of sexual violence have profound and lasting impacts on victims and survivors, affecting their mental health, personal development, and future well-being.*** The trauma arising from sexual abuse and sexual exploitation of children often lasts well into adulthood, entailing long-term effects which often prevent victims from reporting the offence and from seeking assistance and support for years or even decades. Therefore, Member States should provide tailored and comprehensive short- and long-term assistance not only to child victims, but

	also to adult survivors of child sexual abuse and sexual exploitation.

Or. en

Amendment 130
Francisco Assis

Proposal for a directive
Recital 38

Text proposed by the Commission	*Amendment*
(38) The trauma arising from sexual abuse and sexual exploitation of children often lasts well into adulthood, entailing long-term effects which often prevent victims from reporting the offence and from seeking assistance and support for years or even decades. Therefore, Member States should provide tailored and comprehensive short- and long-term assistance not only to child victims, but also to adult survivors of child sexual abuse and sexual exploitation.	(38) The trauma arising from sexual abuse and sexual exploitation of children often lasts well into adulthood, entailing long-term effects which often prevent victims from reporting the offence and from seeking assistance and support for years or even decades. Therefore, Member States should provide tailored and comprehensive short- and long-term ***specialized*** assistance not only to child victims, but also to adult survivors of child sexual abuse and sexual exploitation.

Or. en

Amendment 131
Hilde Vautmans, Fabienne Keller, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

Proposal for a directive
Recital 39

Text proposed by the Commission	*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 . The proposal for the revision of the Victims' Rights Directive provides for targeted amendments to all victims' rights.	(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'

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.	Rights Directive provides for targeted amendments to all victims' rights. 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 ***in criminal and civil proceedings***. 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.

Or. en

Amendment 132
Isabel Serra Sánchez

Proposal for a directive
Recital 39 a (new)

Text proposed by the Commission	*Amendment*
	(39 a) Prevention of child sexual abuse is of paramount importance to protect children. Member States shall take protective measures to safeguard children's physical, emotional, and psychological well-being and safeguard the fundamental rights of children to grow up in a safe environment, free from

exploitation, violence and harm. Protective measures must encompass prevention, detection, intervention, support and reparation, ensuring that all aspects of a child's safety are addressed. Preventing child sexual abuse requires collaborative efforts across sectors, including education, healthcare, judicial systems, and community services. Furthermore, empowering primary carers, particularly mothers who often serve as frontline protectors, is essential to detecting and interrupting abusive situations.

Or. en

Amendment 133
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive
Recital 40

Text proposed by the Commission	*Amendment*
(40) Le centre de l'UE chargé de prévenir et de combattre les abus sexuels sur enfants (ci-après dénommés «centre de l'UE»), créé par le règlement [.../.../UE établissant des règles en vue de prévenir et de combattre les abus sexuels sur enfants][16] , devrait soutenir les efforts et les obligations des États membres en matière de prévention et d'assistance aux victimes au titre de la présente directive. Il devrait faciliter l'échange de bonnes pratiques dans l'Union et au-delà. Le centre de l'UE devrait encourager le dialogue entre toutes les parties prenantes concernées afin de contribuer à l'élaboration de programmes de prévention de pointe. En outre, en coopérant avec les États membres et en contribuant à la normalisation de la collecte de données relatives aux abus sexuels sur enfants et à l'exploitation sexuelle dans l'ensemble de l'Union, le centre de l'UE devrait être un atout pour	(40) Le centre de l'UE chargé de prévenir et de combattre les abus sexuels sur enfants (ci-après dénommés «centre de l'UE»), créé par le règlement [.../.../UE établissant des règles en vue de prévenir et de combattre les abus sexuels sur enfants][16] , devrait soutenir les efforts et les obligations des États membres en matière de prévention et d'assistance aux victimes au titre de la présente directive. Il devrait faciliter l'échange de bonnes pratiques dans l'Union et au-delà. Le centre de l'UE devrait encourager le dialogue entre toutes les parties prenantes concernées afin de contribuer à l'élaboration de programmes de prévention de pointe. En outre, en coopérant avec les États membres et en contribuant à la normalisation de la collecte de données relatives aux abus sexuels sur enfants et à l'exploitation sexuelle dans l'ensemble de l'Union, le centre de l'UE devrait être un atout pour

soutenir une politique fondée sur des données probantes en matière de prévention et d'assistance aux victimes. Les États membres devraient mettre en place les autorités nationales ou les entités équivalentes qu'ils jugent les plus appropriées en fonction de leur organisation interne, en tenant compte de la nécessité d'une structure minimale assurant des tâches spécifiques, et à même d'évaluer des tendances en matière d'abus sexuels sur enfants, de collecter des statistiques, de mesurer les résultats des actions visant à prévenir et à combattre les abus sexuels sur enfants et de rendre régulièrement compte de ces tendances, statistiques et résultats. Ces autorités nationales devraient servir de point de contact national et adopter une approche multipartite intégrée dans leurs travaux. En outre, les États membres devraient mettre en place les mécanismes nécessaires au niveau national pour assurer une coordination et une coopération efficaces dans l'élaboration et la mise en œuvre de mesures visant à prévenir et à combattre les abus sexuels sur enfants et l'exploitation sexuelle des enfants, tant en ligne que hors ligne, entre tous les acteurs publics et privés concernés, et faciliter la coopération avec le centre de l'UE et la Commission.

[16] COM (2022) 209 du 11.5.2022.

soutenir une politique fondée sur des données probantes en matière de prévention et d'assistance aux victimes***.*** ***Étant établi et régi par le règlement établissant des règles en vue de prévenir et de combattre les abus sexuels sur enfants, ses activités et missions devraient être gouvernées par ce seul règlement, mais il convient que la présente directement y fasse référence aussi souvent que nécessaire afin de bien coordonner les deux actes juridiques***. Les États membres devraient mettre en place les autorités nationales ou les entités équivalentes qu'ils jugent les plus appropriées en fonction de leur organisation interne, en tenant compte de la nécessité d'une structure minimale assurant des tâches spécifiques, et à même d'évaluer des tendances en matière d'abus sexuels sur enfants, de collecter des statistiques, de mesurer les résultats des actions visant à prévenir et à combattre les abus sexuels sur enfants et de rendre régulièrement compte de ces tendances, statistiques et résultats. Ces autorités nationales devraient servir de point de contact national et adopter une approche multipartite intégrée dans leurs travaux. En outre, les États membres devraient mettre en place les mécanismes nécessaires au niveau national pour assurer une coordination et une coopération efficaces dans l'élaboration et la mise en œuvre de mesures visant à prévenir et à combattre les abus sexuels sur enfants et l'exploitation sexuelle des enfants, tant en ligne que hors ligne, entre tous les acteurs publics et privés concernés, et faciliter la coopération avec le centre de l'UE et la Commission.

[16] COM (2022) 209 du 11.5.2022.

Or. fr

Amendment 134
Jeroen Lenaers

Proposal for a directive
Recital 40

Text proposed by the Commission	*Amendment*
(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 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 and private	(40) The EU Centre ***for*** child ***protection*** ('EU Centre'), established by Regulation […/…/EU laying down rules to prevent and combat child 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 and private

actors, as well as facilitate cooperation with the EU Centre and the Commission.	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 the Regulation enters into force, unless otherwise specified.***
[16] COM (2022) 209 of 11.5.2022.	[16] COM (2022) 209 of 11.5.2022.

Or. en

Amendment 135
Saskia Bricmont

Proposal for a directive
Recital 42

Text proposed by the Commission	*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 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 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	(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 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 ***from,*** 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

the Regulation (EU) 2018/1861 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks[17] .	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 checks[17] .
[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. 14–55, ELI: http://data.europa.eu/eli/reg/2018/1861/oj.	[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. 14–55, ELI: http://data.europa.eu/eli/reg/2018/1861/oj.

Or. en

Justification

This scenario should also be taken into account.

Amendment 136
Paolo Inselvini

Proposal for a directive
Recital 43

Text proposed by the Commission	*Amendment*
(43) Gli Stati membri dovrebbero stabilire o rafforzare le politiche di prevenzione dell'abuso e dello sfruttamento sessuale dei minori, prevedendo anche misure che scoraggino e riducano la domanda, fonte di tutte le forme di sfruttamento sessuale dei minori, e misure che riducano il rischio che i minori divengano vittime, attraverso l'informazione e le campagne di sensibilizzazione, destinate anche ai genitori e ai prestatori di assistenza e alla società in generale, nonché i programmi di ricerca e istruzione. Nell'ambito di tali	(43) Gli Stati membri dovrebbero stabilire o rafforzare le politiche di prevenzione dell'abuso e dello sfruttamento sessuale dei minori, prevedendo anche misure che scoraggino e riducano la domanda, fonte di tutte le forme di sfruttamento sessuale dei minori, e misure che riducano il rischio che i minori divengano vittime, attraverso l'informazione e le campagne di sensibilizzazione, destinate anche ai genitori e ai prestatori di assistenza e alla società in generale, nonché i programmi di ricerca e istruzione. Nell'ambito di tali

iniziative, gli Stati membri dovrebbero adottare un approccio fondato sui diritti dei minori. Dovrebbe essere prestata particolare attenzione alla garanzia che le campagne di sensibilizzazione rivolte ai minori siano adeguate , sufficientemente comprensibili e commisurate alle esigenze specifiche di minori di diversi gruppi di età, compresi i bambini in età prescolare. Le misure di prevenzione dovrebbero seguire un approccio olistico al fenomeno dell'abuso e dello sfruttamento sessuale dei minori, tenendo conto delle sue dimensioni online e offline e mobilitando tutti i portatori di interessi. Per quanto riguarda, in particolare, la dimensione online, le misure dovrebbero comprendere lo sviluppo di competenze di alfabetizzazione digitale, anche di dialogo critico con il mondo digitale, per aiutare gli utenti a individuare e contrastare i tentativi di abuso sessuale sui minori online, cercare assistenza e impedire che l'abuso venga commesso. È opportuno prestare particolare attenzione alla prevenzione dell'abuso e dello sfruttamento sessuale dei minori accuditi in una comunità di accoglienza invece che in un contesto familiare . Laddove non esistano già, si dovrebbe prendere in considerazione la creazione di apposite linee di assistenza telefonica o linee telefoniche dirette.

iniziative, gli Stati membri dovrebbero adottare un approccio fondato sui diritti dei minori. Dovrebbe essere prestata particolare attenzione alla garanzia che le campagne di sensibilizzazione rivolte ai minori siano adeguate , sufficientemente comprensibili e commisurate alle esigenze specifiche di minori di diversi gruppi di età, compresi i bambini in età prescolare. Le misure di prevenzione dovrebbero seguire un approccio olistico al fenomeno dell'abuso e dello sfruttamento sessuale dei minori, tenendo conto delle sue dimensioni online e offline e mobilitando tutti i portatori di interessi. Per quanto riguarda, in particolare, la dimensione online, le misure dovrebbero comprendere lo sviluppo di competenze di alfabetizzazione digitale, anche di dialogo critico con il mondo digitale, per aiutare gli utenti a individuare e contrastare i tentativi di abuso sessuale sui minori online, cercare assistenza e impedire che l'abuso venga commesso. È opportuno prestare particolare attenzione alla prevenzione dell'abuso e dello sfruttamento sessuale dei minori accuditi in una comunità di accoglienza invece che in un contesto familiare***. La famiglia e i genitori svolgono un ruolo cruciale nella protezione del benessere dei minori, e rappresentano il primo attore nel contrasto all'abuso di materiale pornografico, pedopornografico, nonché nel lavoro di prevenzione nei confronti di eventuali abusi su minori. Al fine di migliorare le misure protettive, gli Stati membri dovrebbero istituire sistemi di supporto accessibili e ben finanziati per famiglie e genitori, inclusi risorse per la consulenza, assistenza legale e accesso ai servizi protettivi, così da poter individuare, segnalare e prevenire eventuali abusi***. Laddove non esistano già, si dovrebbe prendere in considerazione la creazione di apposite linee di assistenza telefonica o linee telefoniche dirette.

Amendment 137
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Birgit Sippel, Sandro Ruotolo

Proposal for a directive
Recital 43

Text proposed by the Commission	*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	(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***. The initiatives aimed at society at large should include campaigns that educate on how to react when confronted with the disclosure of abuse by a victim***. 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

not already in place, the establishment of dedicated help-lines or hotlines should be considered.

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.

Or. en

Amendment 138
Saskia Bricmont

Proposal for a directive
Recital 43

Text proposed by the Commission	*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	(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**,** carers**,** ***teachers, educators, trainers*** 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

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.	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.

Or. en

Justification

We believe as many people as possible that are with children on a daily basis should be trained and enabled to detect if a child is victim of CSA.

Amendment 139
Jeroen Lenaers

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	***deleted***

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

Or. en

Amendment 140
Milan Uhrík

Proposal for a directive
Recital 50

Text proposed by the Commission	*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 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	(50) Where ***deemed necessary*** by the ***competent authorities given the*** risks, convicted offenders ***shall*** be temporarily or permanently ***prohibited from engaging in any*** professional ***or voluntary*** activities involving direct and regular ***contact*** with children or ***activities*** within ***organizations*** acting in the public interest ***in combating*** child sexual abuse. Employers recruiting for ***positions*** involving direct and regular contact with children ***are required to*** request information on existing convictions for sexual ***offenses*** against children ***recorded*** in the criminal ***register or on*** existing disqualifications. For the purposes of this Directive, the term ***"***employers***"*** ***also includes individuals managing organizations involved*** in volunteer ***activities*** related to ***child care and*** supervision, including community ***environments*** such as schools, hospitals, social services, sports clubs***,*** or religious communities***. The method of providing***

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 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 part***[19] .

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

such information, ***for instance,*** access via the concerned ***individual, as well as*** the precise content of the information, the ***definition of organized volunteer*** activities***,*** and direct and regular contact with children***, shall be determined*** in accordance with national law. Information ***exchanged between*** competent ***authorities must*** at least ***include*** all relevant records stored ***in the*** national criminal registers ***of each Member State, as well as all accessible*** records from third countries, such as information ***obtainable*** from the United Kingdom through the channel established ***under*** Title IX of Part Three of the Trade and Cooperation Agreement between the European Union and the United Kingdom.

Or. en

Amendment 141
Saskia Bricmont

Proposal for a directive
Recital 50

Text proposed by the Commission	*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	(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 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 part[19] .

[19] OJ L 149, 30.4.2021, p. 10, ELI: http://data.europa.eu/eli/agree_internation/

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 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 part[19] .

[19] OJ L 149, 30.4.2021, p. 10, ELI: http://data.europa.eu/eli/agree_internation/

2021/689(1)/ojhttp://data.europa.eu/eli/agree_internation/2021/689(1)/oj.	2021/689(1)/ojhttp://data.europa.eu/eli/agree_internation/2021/689(1)/oj.

Or. en

Justification

Mirror changes made in the operative part.

Amendment 142
Fredis Beleris

Proposal for a directive
Recital 50

Text proposed by the Commission	*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 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 content of the information, the meaning of organised voluntary	(50) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be 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 content of the information, the meaning of organised voluntary activities and direct and regular contact

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 part[19] .

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

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 part[19] .

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

Or. en

Amendment 143
Saskia Bricmont

Proposal for a directive
Recital 51

Text proposed by the Commission	*Amendment*
(51) In the area of child sexual abuse, the phenomenon of offenders that regain access to children after a conviction or disqualification by moving to another jurisdiction is ***particularly widespread and*** worrisome. It is therefore crucial to take all necessary measures to prevent it. With due regard to the different legal traditions of the Member States, this Directive takes into account the fact that access to criminal records is allowed only either by the	(51) In the area of child sexual abuse, the phenomenon of offenders that regain access to children after a conviction or disqualification by moving to another jurisdiction is worrisome. It is therefore crucial to take all necessary measures to prevent it. With due regard to the different legal traditions of the Member States, this Directive takes into account the fact that access to criminal records is allowed only either by the competent authorities or by

competent authorities or by the person concerned. This Directive does not establish an obligation to modify the national systems governing criminal records or the means of access to those records.

the person concerned. This Directive does not establish an obligation to modify the national systems governing criminal records or the means of access to those records.

Or. en

Justification

We were never presented with any facts that indicate that this is actually "widespread". The explanatory memorandum is silent about this.

Amendment 144
Saskia Bricmont

Proposal for a directive
Recital 52

Text proposed by the Commission	*Amendment*
(52) For information not or not yet available in ECRIS, for example information concerning offending third country nationals until the time Regulation 2019/816 of the European Parliament and of the Council[20] 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.	(52) For information not or not yet available in ***the European Criminal Records Information System (***ECRIS***)***, for example information concerning offending third country nationals until the time Regulation 2019/816 of the European Parliament and of the Council[20] 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	[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.	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.

Or. en

Justification

We should always spell out an acronym before first using it.

Amendment 145
Isabel Serra Sánchez

Proposal for a directive
Recital 54

Text proposed by the Commission	*Amendment*
(54) Member States should take the necessary measures to create mechanisms for data collection at the national, local or regional levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual abuse and sexual exploitation of children , building also on the broader data collection obligations set in the Directive […/…] [Victims rights Directive, Recast], and Regulation (EU) [Regulation to prevent and combat child sexual abuse] . In order to be able to properly evaluate the results of actions to combat sexual abuse and sexual exploitation of children and child sexual abuse material , the Union should continue to develop its work on methodologies and data collection methods to produce comparable statistics. The EU Centre, as a central knowledge hub on child sexual abuse in the Union, should play a key role in this respect.	(54) ***It is essential to collect data and evaluate them in order to implement effective prevention and to combat child sexual abuse and explotation. There elements are key to improving the detection, response and prevention of these offences.*** Member States should take the necessary measures to create mechanisms for ***such*** data collection at the national, local or regional levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual abuse and sexual exploitation of children , building also on the broader data collection obligations set in the Directive […/…] [Victims rights Directive, Recast], and Regulation (EU) [Regulation to prevent and combat child sexual abuse] . In order to be able to properly evaluate the results of actions to combat sexual abuse and sexual exploitation of children and child sexual abuse material , the Union should continue

to develop its work on methodologies and data collection methods to produce comparable statistics. The ***collection of this data should take into account situations of children that are particularly vulnerable, such as children in migration or those under the care of public authorities. The*** EU Centre, as a central knowledge hub on child sexual abuse in the Union, should play a key role in this respect.

Or. en

Amendment 146
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi, András László

Proposal for a directive
Recital 54

Text proposed by the Commission	*Amendment*
(54) Les États membres devraient prendre les mesures nécessaires pour mettre en place des mécanismes de collecte de données au niveau national ou local et en coopération avec la société civile, permettant l'observation et l'évaluation des phénomènes d'abus sexuels et d'exploitation sexuelle des enfants , en s'appuyant également sur les obligations plus larges en matière de collecte de données énoncées dans la directive [.../...] [directive sur les droits des victimes, refonte] et dans le règlement (UE) [règlement établissant des règles en vue de prévenir et de combattre les abus sexuels sur enfants] . Afin de pouvoir évaluer comme il se doit le résultat des actions de lutte contre les abus sexuels et l'exploitation sexuelle des enfants, ainsi que contre le matériel relatif à des abus sexuels sur enfants , l'Union devrait poursuivre le développement de ses travaux sur les méthodologies et les méthodes de collecte de données afin de	(54) Les États membres devraient prendre les mesures nécessaires pour mettre en place des mécanismes de collecte de données au niveau national ou local et en coopération avec la société civile, permettant l'observation et l'évaluation des phénomènes d'abus sexuels et d'exploitation sexuelle des enfants , en s'appuyant également sur les obligations plus larges en matière de collecte de données énoncées dans la directive [.../...] [directive sur les droits des victimes, refonte] et dans le règlement (UE) [règlement établissant des règles en vue de prévenir et de combattre les abus sexuels sur enfants] . Afin de pouvoir évaluer comme il se doit le résultat des actions de lutte contre les abus sexuels et l'exploitation sexuelle des enfants, ainsi que contre le matériel relatif à des abus sexuels sur enfants , l'Union devrait poursuivre le développement de ses travaux sur les méthodologies et les méthodes de collecte de données afin de

compiler des statistiques comparables. Le centre de l'UE, en tant que pôle central de connaissances sur les abus sexuels sur enfants dans l'Union, devrait jouer un rôle clé à cet égard.	compiler des statistiques comparables ***qui tiennent notamment compte des différents seuils de définition des infractions pénales et permette d'effectuer des recherches à périmètre de définition constant (auteur et victimes d'âges ou d'écart d'âges donnés) ou variable (qualification juridique identique malgré des seuils d'âge différents)***. Le centre de l'UE, en tant que pôle central de connaissances sur les abus sexuels sur enfants dans l'Union, devrait jouer un rôle clé à cet égard.

Or. fr

Amendment 147
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive
Recital 56

Text proposed by the Commission	*Amendment*
(56) Le matériel relatif à des abus sexuels sur enfants est ***un type de contenu spécifique qui ne saurait être interprété comme*** l'expression ***d'une opinion***. La lutte contre ce phénomène exige de réduire la diffusion du matériel relatif à des abus sexuels d'enfants en rendant la mise à disposition du public en ligne de ce contenu plus difficile pour les auteurs d'infractions. Il convient donc de supprimer le contenu et d'appréhender les personnes qui se rendent coupables de production, de diffusion ou de téléchargement de matériel relatif à des abus sexuels sur enfants . Afin de soutenir l'action de lutte menée par l'Union contre le matériel relatif à des abus sexuels sur enfants , les États membres devraient faire tout ce qui est en leur pouvoir pour coopérer avec les pays tiers afin de s'assurer de la suppression de ce contenu des serveurs se trouvant sur leur territoire.	(56) Le matériel relatif à des abus sexuels sur enfants est ***par nature sans rapport avec les idées ou opinions dont la communication et*** l'expression ***sont protégées***. La lutte contre ce phénomène exige de réduire la diffusion du matériel relatif à des abus sexuels d'enfants en rendant la mise à disposition du public en ligne de ce contenu plus difficile pour les auteurs d'infractions. Il convient donc de supprimer le contenu et d'appréhender les personnes qui se rendent coupables de production, de diffusion ou de téléchargement de matériel relatif à des abus sexuels sur enfants . Afin de soutenir l'action de lutte menée par l'Union contre le matériel relatif à des abus sexuels sur enfants , les États membres devraient faire tout ce qui est en leur pouvoir pour coopérer avec les pays tiers afin de s'assurer de la suppression de ce contenu des serveurs se trouvant sur leur territoire.

Or. fr

Justification

Il est impératif de ne pas laisser croire que la pédopornographie pourrait relever de la liberté d'expression et n'en relève pas seulement en raison de son caractère « spécifique ».

Amendment 148
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Birgit Sippel, Sandro Ruotolo

Proposal for a directive
Recital 57

Text proposed by the Commission	*Amendment*
(57) Member States' efforts to reduce the circulation of child sexual abuse material, including by cooperating with third countries under this Directive, should not affect Regulation (EU) 2022/2065, Regulation (EU) 2021/1232 and […/…/ Regulation laying down rules to prevent and combat child sexual abuse]. Online content constituting or facilitating criminal offences referred to in this Directive will be subject to measures pursuant to Regulation (EU) 2022/2065 of the European Parliament and of the Council[21] as regards illegal content.	(57) Member States' efforts to reduce the circulation of child sexual abuse material, including by cooperating with third countries under this Directive, should not affect Regulation (EU) 2022/2065, Regulation (EU) 2021/1232 and […/…/ Regulation laying down rules to prevent and combat child sexual abuse]. Online content constituting or facilitating criminal offences referred to in this Directive will be subject to measures pursuant to Regulation (EU) 2022/2065 of the European Parliament and of the Council[21] as regards illegal content. ***Member States should work towards the prohibition of the use of terminology such as 'teen' or 'child' on all websites containing pornographic material, including those where the material itself is legal and does not consist of child sexual abuse material.***
[21] 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	[21] 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

Or. en

Justification

Consistency with the aim of eradicating child sexual abuse material online since seeing this type of terminology can be a gateway to searching illegal material.

Amendment 149
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive
Recital 58

Text proposed by the Commission	*Amendment*
[...]	***supprimé***

Or. fr

Justification

Bien que ce point soit très légitime, il relève du domaine du règlement établissant des règles en vue de prévenir et de combattre les abus sexuels sur enfants (section 5).

Amendment 150
Saskia Bricmont

Proposal for a directive
Recital 58

Text proposed by the Commission	*Amendment*
(58) Despite such efforts by Member States , the removal of child sexual abuse material at its source is often not possible when the original materials are not located within the Union, either because the State where the servers are hosted is not willing to cooperate or because obtaining removal of the material from the State concerned proves to be particularly long. Mechanisms may also be put in place to block access from the Union's territory to Internet pages identified as containing or disseminating child sexual abuse material . The measures undertaken by Member States in accordance with this Directive in order to remove or, where appropriate, block	(58) Despite such efforts by Member States , the removal of child sexual abuse material at its source is often not possible when the original materials are not located within the Union, either because the State where the servers are hosted is not willing to cooperate or because obtaining removal of the material from the State concerned proves to be particularly long. Mechanisms may also be put in place to block access from the Union's territory to Internet pages identified as containing or disseminating child sexual abuse material . The measures undertaken by Member States in accordance with this Directive in order to remove or, where appropriate, block

websites containing child sexual abuse material could be based on various types of public action, such as legislative, non-legislative, judicial or other. In that context, this Directive is without prejudice to voluntary action taken by the Internet industry to prevent the misuse of its services or to any support for such action by Member States. Whichever basis for action or method is chosen, Member States should ensure that it provides an adequate level of legal certainty and predictability to users and service providers. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interests of ensuring that national lists of websites containing child sexual abuse material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users and comply with existing legal and judicial procedures and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. The EU co-funded network of hotlines[22] handles reports of alleged child sexual abuse material reported anonymously by the public and cooperates with law enforcement and industry at national, European and global level to ensure swift removal of this type of content.	websites containing child sexual abuse material could be based on various types of public action, such as legislative, non-legislative, judicial or other. In that context, this Directive is without prejudice to voluntary action taken by the Internet industry to prevent the misuse of its services or to any support for such action by Member States. Whichever basis for action or method is chosen, Member States should ensure that it provides an adequate level of legal certainty and predictability to users and service providers. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interests of ensuring that national lists of websites containing child sexual abuse material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users and comply with existing legal and judicial procedures and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. ***They should in particular not lead to the over-removal or over-blocking of legal content hosted on the same website.*** The EU co-funded network of hotlines[22] handles reports of alleged child sexual abuse material reported anonymously by the public and cooperates with law enforcement and industry at national, European and global level to ensure swift removal of this type of content.
[22] Currently under the Digital Europe Programme.	[22] Currently under the Digital Europe Programme.

Or. en

Amendment 151
Fredis Beleris

Proposal for a directive
Recital 58

Text proposed by the Commission	*Amendment*
(58) Despite such efforts by Member States , the removal of child sexual abuse material at its source is often not possible when the original materials are not located within the Union, either because the State where the servers are hosted is not willing to cooperate or because obtaining removal of the material from the State concerned proves to be particularly long. Mechanisms ***may*** also be put in place to block access from the Union's territory to Internet pages identified as containing or disseminating child sexual abuse material . The measures undertaken by Member States in accordance with this Directive in order to remove or, where appropriate, block websites containing child sexual abuse material could be based on various types of public action, such as legislative, non-legislative, judicial or other. In that context, this Directive is without prejudice to voluntary action taken by the Internet industry to prevent the misuse of its services or to any support for such action by Member States. Whichever basis for action or method is chosen, Member States should ensure that it provides an adequate level of legal certainty and predictability to users and service providers. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interests of ensuring that national lists of websites containing child sexual abuse material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users and comply with existing legal and judicial procedures and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental	(58) Despite such efforts by Member States , the removal of child sexual abuse material at its source is often not possible when the original materials are not located within the Union, either because the State where the servers are hosted is not willing to cooperate or because obtaining removal of the material from the State concerned proves to be particularly long. Mechanisms ***should*** also be put in place to block access from the Union's territory to Internet pages identified as containing or disseminating child sexual abuse material . The measures undertaken by Member States in accordance with this Directive in order to remove or, where appropriate, block websites containing child sexual abuse material could be based on various types of public action, such as legislative, non-legislative, judicial or other. In that context, this Directive is without prejudice to voluntary action taken by the Internet industry to prevent the misuse of its services or to any support for such action by Member States. Whichever basis for action or method is chosen, Member States should ensure that it provides an adequate level of legal certainty and predictability to users and service providers. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interests of ensuring that national lists of websites containing child sexual abuse material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users and comply with existing legal and judicial procedures and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental

Rights of the European Union. The EU co-funded network of hotlines[22] handles reports of alleged child sexual abuse material reported anonymously by the public and cooperates with law enforcement and industry at national, European and global level to ensure swift removal of this type of content.	Rights of the European Union. The EU co-funded network of hotlines[22] handles reports of alleged child sexual abuse material reported anonymously by the public and cooperates with law enforcement and industry at national, European and global level to ensure swift removal of this type of content.
[22] Currently under the Digital Europe Programme.	[22] Currently under the Digital Europe Programme.

Or. en

Amendment 152
Francisco Assis

Proposal for a directive
Recital 60

Text proposed by the Commission	*Amendment*
60) A presente diretiva respeita os direitos fundamentais e observa os princípios reconhecidos pela Carta dos Direitos Fundamentais da União Europeia, designadamente o direito à proteção da dignidade humana, a proibição da tortura e de ***tratos*** ou penas desumanos ou degradantes, os direitos da criança, o direito à liberdade e à segurança, o direito à liberdade de expressão e de informação, o direito à proteção dos dados pessoais, o direito à ação eficaz e a um julgamento imparcial e os princípios da legalidade e da proporcionalidade dos delitos e das penas. A presente diretiva procura assegurar o pleno respeito desses direitos e princípios e deverá ser aplicada em conformidade.	60) A presente diretiva respeita os direitos fundamentais e observa os princípios reconhecidos pela Carta dos Direitos Fundamentais da União Europeia, designadamente o direito à proteção da dignidade humana, a proibição da tortura e de ***maus-tratos*** ou penas desumanos ou degradantes, os direitos da criança, o direito à liberdade e à segurança, o direito à liberdade de expressão e de informação, o direito à proteção dos dados pessoais, o direito à ação eficaz e a um julgamento imparcial e os princípios da legalidade e da proporcionalidade dos delitos e das penas. A presente diretiva procura assegurar o pleno respeito desses direitos e princípios e deverá ser aplicada em conformidade.

Or. pt

Amendment 153
Milan Uhrík

Proposal for a directive
Recital 63

Text proposed by the Commission	*Amendment*
(63) The obligation to transpose this Directive into national law should be ***confined to those provisions which represent a*** substantive ***amendment as*** compared to the earlier Directive***. The obligation to transpose the provisions which are unchanged arises under the earlier Directive***.	(63) The obligation to transpose this Directive into national law should be ***limited to*** substantive ***amendments*** compared to the earlier Directive***, ensuring Member States' flexibility in aligning national law with the Directive's objectives***.

Or. en

Amendment 154
Verena Mertens

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission	*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.	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***, including those committed through the use of information and communication technologies***. It also introduces provisions to strengthen the prevention of those criminal offences***, as well as*** the protection***, the support and redress*** of the victims thereof.

Or. en

Amendment 155
Isabel Serra Sánchez

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission	*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.	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***, as forms of sexual violence and including 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.

Or. en

Amendment 156
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission	*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.	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***, including by means of information and communication technology***. It also introduces provisions to strengthen the prevention of those criminal offences**,** the protection ***support and redress*** of the victims ***and survivors*** thereof.

Or. en

Amendment 157
Caterina Chinnici, Hilde Vautmans, Veronika Cifrová Ostrihoňová, Evin Incir, Antonio

López-Istúriz White, Merja Kyllönen, Anna Stürgkh, François-Xavier Bellamy

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission	*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.	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***, including 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.

Or. en

Amendment 158
Milan Uhrík

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission	*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***.	This Directive ***aims to establish recommendations regarding to*** the definition of criminal offences and sanctions in the area of sexual abuse and sexual exploitation of children, child ***pornography*** and solicitation of children for sexual purposes. It also ***aims to introduce*** provisions to strengthen the prevention of ***the crime*** and the protection of ***its*** victims.

Or. en

Amendment 159
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès

Proposal for a directive
Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission	*Amendment*
	(1 a) (2) 'survivor' means 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.

Or. en

Amendment 160
Verena Mertens

Proposal for a directive
Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission	*Amendment*
	(1 a) (2) 'survivor' means a person who has experienced sexual violence as a child, irrespective of the legal status and the recognition as a victim of a crime by the respective legal system.

Or. en

Amendment 161
Isabel Serra Sánchez

Proposal for a directive
Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission	*Amendment*
	(1 a) 'survivor' means 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.

Or. en

Amendment 162
Isabel Serra Sánchez

Proposal for a directive
Article 2 – paragraph 1 – point 1 b (new)

Text proposed by the Commission	*Amendment*
	(1 b) 'sexual violence against children'[1a] means any sexual act in which a person takes advantage of their power imbalance over a child to manipulate them and obtain sexual gratification.
	[1a] Definition by Save the Children.

Or. en

Amendment 163
Isabel Serra Sánchez

Proposal for a directive
Article 2 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) 'age of sexual consent' means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child;	(2) 'age of sexual consent' means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child ***under all circumstances***;

Or. en

Amendment 164
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Birgit Sippel

Proposal for a directive
Article 2 – paragraph 1 – point 2 a (new)

Text proposed by the Commission	*Amendment*

	(2 a) 'consent' of the child above the age of sexual consent means any freely given, specific, informed and unambiguous indication of the child's agreement to a sexual act, in the context of the surrounding circumstances;

Or. en

Justification

Definition of consent moved here for internal logic of the text.

Amendment 165
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point a

Text proposed by the Commission	*Amendment*
(a) orice material care prezintă vizual un copil care este implicat într-un comportament sexual explicit, real sau simulat;	(a) orice material care prezintă vizual un copil care este implicat într-un comportament sexual explicit, real sau ***generat si*** simulat ***de inteligenta artificiala sau creat prin orice mijloace informatice***;

Or. ro

Amendment 166
Verena Mertens

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) ***all forms of representation, by all means, of*** a child ***or any part of the child's body*** engaged in real or simulated sexually explicit conduct;

Or. en

Amendment 167
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

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 ***representation, by whatever means, of a child or any part of the body of*** a child engaged in real or simulated sexually explicit conduct;

Or. en

Amendment 168
Isabel Serra Sánchez

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 ***representation, by whatever means, of a child or any part of the body of*** a child engaged in real or simulated sexually explicit conduct;

Or. en

Amendment 169
Jeroen Lenaers

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;

Or. en

Amendment 170
Isabel Serra Sánchez

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point b

Text proposed by the Commission	*Amendment*
(b) depiction of the sexual ***organs*** of a child for primarily sexual purposes;	(b) ***any*** depiction***, representation, by whatever means,*** of the sexual ***parts*** of a child for primarily sexual purposes;

Or. en

Amendment 171
Verena Mertens

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point b

Text proposed by the Commission	*Amendment*
(b) ***depiction*** of the sexual ***organs*** of a child for primarily sexual purposes;	(b) ***all forms of representation, by all means,*** of the sexual ***parts*** of a child for primarily sexual purposes;

Or. en

Amendment 172
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point b

Text proposed by the Commission	*Amendment*
(b) ***depiction*** of the sexual ***organs*** of a child for primarily sexual purposes;	(b) ***Any representation, by whatever means*** of the sexual ***parts*** of a child for primarily sexual purposes;

Or. en

Amendment 173
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Sandro Ruotolo

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point b

Text proposed by the Commission	*Amendment*
(b) depiction of the sexual organs of a child for primarily sexual purposes;	(b) depiction of the sexual organs ***or intimate parts*** of a child for primarily sexual purposes;

Or. en

Justification

Needed in order to cover all body parts that generally appear in child sexual abuse material.

Amendment 174
Saskia Bricmont

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point b

Text proposed by the Commission	*Amendment*
(b) depiction of the ***sexual*** organs of a child for primarily sexual purposes;	(b) depiction of the organs of a child for primarily sexual purposes;

Or. en

Justification

It could also be other organs, the main element is "for primarily sexual purposes".

Amendment 175
Georgiana Teodorescu, Jadwiga Wiśniewska

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point c

Text proposed by the Commission	*Amendment*
(c) orice material care prezintă vizual orice persoană care pare a fi un copil implicat într-un comportament sexual explicit, real sau simulat, sau orice reprezentare a organelor sexuale ale unei persoane care pare a fi un copil, în principal cu scop sexual;	(c) orice material care prezintă vizual orice persoană care pare a fi un copil implicat într-un comportament sexual explicit, real sau simulat, sau orice reprezentare a organelor sexuale ***sau părților intime*** ale unei persoane care pare a fi un copil, în principal cu scop sexual;

Or. ro

Amendment 176
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Sandro Ruotolo

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point c

Text proposed by the Commission	*Amendment*
(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;	(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 ***or intimate parts*** of any person appearing to be a child, for primarily sexual purposes;

Or. en

Justification

Consistency with other amendments.

Amendment 177
Verena Mertens

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point c

Text proposed by the Commission	*Amendment*
(c) ***any material that visually depicts*** any person appearing to be a child engaged in real or simulated sexually explicit	(c) ***all forms of representation, by all means, of*** any person appearing to be a child engaged in real or simulated sexually

conduct or any depiction of the sexual ***organs*** of any person appearing to be a child, for primarily sexual purposes;	explicit conduct or any depiction of the sexual ***parts*** of any person appearing to be a child, for primarily sexual purposes;

Or. en

Amendment 178
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point c

Text proposed by the Commission	*Amendment*
(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;	(c) Any ***representation, by whatever means, of*** any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual ***parts*** of any person appearing to be a child, for primarily sexual purposes;

Or. en

Amendment 179
Jeroen Lenaers

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point c

Text proposed by the Commission	*Amendment*
(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;	(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 sexual organs of any person appearing to be a child, for primarily sexual purposes;

Or. en

Amendment 180
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-

George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point d

Text proposed by the Commission	*Amendment*
(d) imagini realiste , reproduceri sau reprezentări ale unui copil implicat într-un comportament sexual explicit ***sau*** ale organelor sexuale ale unui copil, în principal cu scop sexual;	(d) imagini realiste***, inclusiv cele generate de inteligența artificială sau create prin orice mijloace informatice***, reproduceri***,*** sau reprezentări ale unui copil implicat într-un comportament sexual explicit***,*** ale organelor sexuale ***sau părților intime*** ale unui copil, în principal cu scop sexual;

Or. ro

Amendment 181
Loucas Fourlas

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point d

Text proposed by the Commission	*Amendment*
(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;	(d) realistic images , ***pseudo-photographs, reproduction, or representation*** of a child engaged in sexually explicit conduct or of the sexual organs of a child, for primarily sexual purposes; ***regardless of the method of creation or manipulation;***

Or. en

Amendment 182
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Sandro Ruotolo

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point d

Text proposed by the Commission	*Amendment*

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

Or. en

Justification

Consistency with other amendments.

Amendment 183
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point d

Text proposed by the Commission	*Amendment*
(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;	(d) ***Any*** realistic images , reproductions or representations of a child engaged in sexually explicit conduct or of the sexual ***parts*** of a child, for primarily sexual purposes;

Or. en

Amendment 184
Verena Mertens

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point d

Text proposed by the Commission	*Amendment*
(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;	(d) ***any*** realistic images , reproductions or representations of a child engaged in sexually explicit conduct or of the sexual ***parts*** of a child, for primarily sexual purposes;

Or. en

Amendment 185
Isabel Serra Sánchez

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point d

Text proposed by the Commission	*Amendment*
(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;	(d) ***any*** realistic ***image, reproduction or representation*** of a child engaged in sexually explicit conduct or of the sexual ***parts*** of a child, for primarily sexual purposes;

Or. en

Amendment 186
Saskia Bricmont

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point d

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

Or. en

Justification

It could also be other organs, the main element is "for primarily sexual purposes".

Amendment 187
András László

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point d – point i (new)

Text proposed by the Commission	*Amendment*

i) Különös tekintettel:

- a valós személyekről készült és később manipulált felvételek,

- a nem valós személyeket ábrázoló, teljes mértékben mesterségesen létrehozott felvételek és

- gyermekek valósághű ábrázolását megvalósító szexbabák, robotok és egyéb eszközök.

Or. hu

Justification

Támogatjuk a javaslat célkitűzését, ugyanakkor a szöveg nem fejezi ki kellően egyértelműen, hogy célja a deepfake és AI generált valósághű tartalmak, valamint a gyermekek valósághű ábrázolását megvalósító szexbabák, robotok és egyéb eszközök bevonása az irányelv hatálya alá. A kapcsolódó preambulumbekezdés ugyan tartalmaz erre vonatkozó utalást, azonban hangsúlyosabban kellene megjelennie az irányelv szövegében annak, hogy gyermekek szexuális bántalmazását ábrázoló anyagnak minősülnek.

Amendment 188
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Birgit Sippel, Sandro Ruotolo

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point d a (new)

Text proposed by the Commission	*Amendment*
	(d a) any material, including audio, that describes a child engaged in real or simulated sexually explicit conduct, for primarily sexual purposes;

Or. en

Justification

In order to cover child sexual abuse material in audio or text format.

Amendment 189
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point e

Text proposed by the Commission	*Amendment*
(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;	***deleted***

Or. en

Amendment 190
Saskia Bricmont

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point e

Text proposed by the Commission	*Amendment*
(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;	***deleted***

Or. en

Justification

Moved to para (3a) (new), now limited from "any material" to "a collection of information". See also Article 5a(new) on this.

Amendment 191
Sebastian Tynkkynen

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point e

Text proposed by the Commission	*Amendment*
(e) any material, regardless of its form, intended to provide advice, guidance or instructions on how to	***deleted***

commit child sexual abuse or sexual exploitation or child solicitation;

Or. en

Justification

Manuals providing instructions on how to commit child sexual abuse ('paedophile manuals') should be in a separate provision instead of being part of the definition of child sexual abuse. This accounts for the inherent differences in the illicit material and avoids unforeseen consequences for other legal acts relying on the definition of child sexual abuse material in the CSA Directive. The manuals themselves are not CSAM and should not be treated as such, even though producing or distributing them is criminalised. Also it is important to clarify that the criminalisation of "providing advice on how to find, groom and abuse children and avoid being identified and prosecuted" should not cover general advice on privacy, anonymity online and avoid surveillance which are essential for protection of basic human rights of individual citicens.

Amendment 192
Isabel Serra Sánchez

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point e

Text proposed by the Commission	*Amendment*
(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;	(e) ***'instructions manual on how to sexually abuse children' means*** 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;

Or. en

Amendment 193
Verena Mertens

Proposal for a directive
Article 2 – paragraph 1 – point 3 – point e

Text proposed by the Commission	*Amendment*
(e) any material, regardless of its form, intended to provide advice, guidance or	(e) ***'instruction manual on how to sexually abuse children' means*** any

instructions on how to commit ***child sexual abuse or sexual exploitation or child solicitation***;	material, regardless of its form, intended to provide advice, guidance or instructions on how to commit ***the offences listed in this Directive***;

Or. en

Amendment 194
Saskia Bricmont

Proposal for a directive
Article 2 – paragraph 1 – point 3 a (new)

Text proposed by the Commission	*Amendment*
	(3 a) 'Child sexual abuse instruction manual' or ' manuals' means a collection of information, regardless of its form, intended to provide advice, guidance or instructions on how to commit child sexual abuse or sexual exploitation or child solicitation, and on how to avoid prosecution for those crimes;

Or. en

Justification

Linked to Article 5a(new).

Amendment 195
Hilde Vautmans, Fabienne Keller, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès

Proposal for a directive
Article 2 – paragraph 1 – point 3 a (new)

Text proposed by the Commission	*Amendment*
	(3 a) 'Instructions manual on how to sexually abuse children' means any material, regardless of its form, intended to provide advice, guidance or instructions on how to commit the offences listed in Article 3, 4, 5, 6 and 7 of

the Directive;

Or. en

Amendment 196
Sebastian Tynkkynen

Proposal for a directive
Article 2 – paragraph 1 – point 3 a (new)

Text proposed by the Commission	*Amendment*
	(3 a) 'Child sexual abuse instruction manual' means a collection of information, regardless of its form, intended to provide advice, guidance or instructions on how to commit child sexual abuse or sexual exploitation or child solicitation;

Or. en

Justification

Manuals providing instructions on how to commit child sexual abuse ('paedophile manuals') should be in a separate provision instead of being part of the definition of child sexual abuse. This accounts for the inherent differences in the illicit material and avoids unforeseen consequences for other legal acts relying on the definition of child sexual abuse material in the CSA Directive. The manuals themselves are not CSAM and should not be treated as such, even though producing or distributing them is criminalized. Also it is important to clarify that the criminalization of "providing advice on how to find, groom and abuse children and avoid being identified and prosecuted" should not cover general advice on privacy, anonymity online and avoid surveillance which are essential for protection of basic human rights of individual citicens.

Amendment 197
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive
Article 2 – paragraph 1 – point 3 a (new)

Text proposed by the Commission	*Amendment*
	(3 bis) « images réalistes » : toute image dont la sophistication ou la ressemblance

avec des personnes réelles est susceptible de laisser penser qu'elle montre un spectacle authentique ;

Or. fr

Amendment 198
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission	*Amendment*
(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;	(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 in exchange for the child engaging in sexual activities, regardless of whether payment, promise***, gain, advantage, benefit*** or consideration is made to the child or to a third party;

Or. en

Amendment 199
Verena Mertens

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission	*Amendment*
(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;	(4) 'child ***sexual*** exploitation' means the use of a child for sexual activities where money or any other form of remuneration***, profit, advantage, benefit*** or consideration is given or promised in exchange for the child engaging in sexual activities, regardless of whether payment, promise***, profit, advantage, benefit*** or consideration is made to the child or to a

third party;

Or. en

Amendment 200
Isabel Serra Sánchez

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission	*Amendment*
(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;	(4) 'child ***sexual*** exploitation' 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 in exchange for the child engaging in sexual activities, regardless of whether that ***remuration, gain, advantage***, promise or consideration is made to the child or to a third party;

Or. en

Amendment 201
Milan Uhrík

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 individual or*** at an audience, including by means of information and communication technology, of:

Or. en

Amendment 202
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Birgit

Sippel

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:

Or. en

Justification

For internal logic of the text to ensure that videocalls with one person are covered.

Amendment 203
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada

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 ***act or*** conduct; or

Or. en

Justification

For internal logic of the text.

Amendment 204
Georgiana Teodorescu, Jadwiga Wiśniewska

Proposal for a directive
Article 2 – paragraph 1 – point 5 – point b

Text proposed by the Commission	*Amendment*
(b) a organelor sexuale ale unui copil	(b) a organelor sexuale ***sau a părților intime*** ale unui copil în principal cu scop

în principal cu scop sexual;	sexual;

Or. ro

Amendment 205
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Sandro Ruotolo

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 sexual organs ***or intimate parts*** of a child for primarily sexual purposes;

Or. en

Justification

Consistency with other amendments.

Amendment 206
Isabel Serra Sánchez

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 sexual ***parts*** of a child for primarily sexual purposes;

Or. en

Amendment 207
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

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 sexual ***parts*** of a child for primarily sexual purposes;

Or. en

Amendment 208
Verena Mertens

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 sexual ***parts*** of a child for primarily sexual purposes;

Or. en

Amendment 209
Saskia Bricmont

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 organs of a child for primarily sexual purposes;

Or. en

Justification

It could also be other organs, the main element is "for primarily sexual purposes". Mirroring article 3(b) & (d).

Amendment 210
Verena Mertens

Proposal for a directive
Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission	*Amendment*

(5 a) '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.

Or. en

Amendment 211
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

Proposal for a directive
Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission	*Amendment*
	(5 a) 'sexual extortion of children' means the conduct of threatening to share intimate material depicting the child victim to obtain money, child sexual abuse material or any other benefit under the threat of sharing the material beyond the consent of the depicted person;

Or. en

Amendment 212
Isabel Serra Sánchez

Proposal for a directive
Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission	*Amendment*
	(5 a) 'sexual extortion of children' means the conduct of threatening to share intimate material depicting the child victim to obtain money, child sexual abuse material or any other benefit under the threat of sharing the material beyond the consent of the depicted person;

Or. en

Amendment 213
Isabel Serra Sánchez

Proposal for a directive
Article 2 – paragraph 1 – point 5 b (new)

Text proposed by the Commission	*Amendment*
	(5 b) 'conversion therapy' means any treatment aimed at changing a person's sexual orientation or gender identity;

Or. en

Amendment 214
Verena Mertens

Proposal for a directive
Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission	*Amendment*
	(7 a) 'Information and communication technology' refers to any technological tool or resource used for the digital storage, creation, sharing, or exchange of information, including smartphones, computers, social networking platforms, and other media applications and services.

Or. en

Amendment 215
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

Proposal for a directive
Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission	*Amendment*

(7 a) 'information and communication technology' means any technological tool and resource used to digitally store, create, share or exchange information, including smart phones, computers, social networking and other media applications and services;

Or. en

Amendment 216
Isabel Serra Sánchez

Proposal for a directive
Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission	*Amendment*
	(7 a) 'information and communication technology' means any technological tool and resource used to digitally store, create, share or exchange information, including smart phones, computers, social networking and other media applications and services;

Or. en

Amendment 217
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès

Proposal for a directive
Article 2 – paragraph 1 – point 7 b (new)

Text proposed by the Commission	*Amendment*
	(7 b) 'online' means by means of information and communication technologies;

Or. en

Amendment 218
Isabel Serra Sánchez

Proposal for a directive
Article 2 – paragraph 1 – point 7 b (new)

Text proposed by the Commission	*Amendment*
	(7 b) 'online' means by means of information and communication technologies;

Or. en

Amendment 219
Verena Mertens

Proposal for a directive
Article 2 – paragraph 1 – point 7 c (new)

Text proposed by the Commission	*Amendment*
	(7 c) 'Online' refers to all means of the use of information and communication technologies.

Or. en

Amendment 220
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera

Proposal for a directive
Article 2 – paragraph 1 – point 8

Text proposed by the Commission	*Amendment*
(8) «pairs»: personnes ***d'âges proches*** ayant atteint un niveau de développement ou de maturité psychologique et physique semblable.	(8) «pairs»: personnes ***présentant un écart d'âge d'un maximum de trois ans et*** ayant atteint un niveau de développement ou de maturité psychologique et physique semblable.

Or. fr

Amendment 221
Verena Mertens

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.

Or. en

Amendment 222
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

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.

Or. en

Amendment 223
Saskia Bricmont

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.

Or. en

Justification

It should be cumulative conditions.

Amendment 224
François-Xavier Bellamy, Caterina Chinnici, Antonio López-Istúriz White, Javier Zarzalejos

Proposal for a directive
Article 2 – paragraph 1 – point 8 a (new)

Text proposed by the Commission	*Amendment*
	(8 a) 'pornographic content' means printed or online material that explicitly describes or displays real or simulated sexually explicit conduct or that depicts in any way sexual organs primarily for sexual purposes.

Or. en

Amendment 225
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada

Proposal for a directive
Article 2 – paragraph 1 – point 8 a (new)

Text proposed by the Commission	*Amendment*
	(8 a) 'hotline' means 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.

Or. en

Justification

Definition of hotline moved to Article 2 for internal logic of the text.

Amendment 226

Alessandro Zan, Caterina Chinnici, Hilde Vautmans, Evin Incir, Veronika Cifrová Ostrihoňová, Francisco Assis, Merja Kyllönen, Pina Picierno, Antonio López-Istúriz White, Anna Stürgkh, Cecilia Strada

Proposal for a directive
Article 2 – paragraph 1 – point 8 a (new)

Text proposed by the Commission	*Amendment*
	(8 a) 'conversion therapy' means any treatment aimed at changing a person's sexual orientation or gender identity

Or. en

Amendment 227
Saskia Bricmont

Proposal for a directive
Article 3 – title

Text proposed by the Commission	*Amendment*
Offences concerning sexual abuse	Offences concerning ***child*** sexual abuse

Or. en

Justification

Mirroring tittle of other articles.

Amendment 228
Jeroen Lenaers

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 2 to 8 is punishable.	1. Member States shall take the necessary measures to ensure that the ***intentional*** conduct referred to in paragraphs 2 to 8 is punishable***, including if the conduct was committed by means of information and communication***

technology.

Or. en

Amendment 229
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 2 to 8 is punishable.	1. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 2 to 8 is punishable***, including if the conduct was committed by means of information and communication technology***.

Or. en

Amendment 230
Isabel Serra Sánchez

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 2 to 8 is punishable.	1. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 2 to 8 is punishable***, including if the conduct was committed by means of information and communication technology***.

Or. en

Amendment 231
Verena Mertens

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 2 to 8 is punishable.	1. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 2 to 8 is punishable***, including if the conduct was carried out using information and communication technology***.

Or. en

Amendment 232
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Les États membres prennent les mesures nécessaires pour que les comportements visés aux paragraphes 2 à 8 soient punissables.	1. Les États membres prennent les mesures nécessaires pour que les comportements ***intentionnels*** visés aux paragraphes 2 à 8 soient punissables.

Or. fr

Justification

Rétablissement d'un mot retiré du texte par erreur, d'après la Commission elle-même.

Amendment 233
Verena Mertens

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
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	2. Causing, for sexual purposes, a child to witness sexual activities, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 1 year.

imprisonment of at least 1 year.

Or. en

Amendment 234
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Determinarea, cu scop sexual, a unui copil care nu a împlinit vârsta consimțământului sexual să asiste la activități sexuale, chiar și fără a fi obligat să participe, este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***un an***.	2. Determinarea, cu scop sexual, a unui copil care nu a împlinit vârsta consimțământului sexual să asiste la activități sexuale, chiar și fără a fi obligat să participe, este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***trei ani***.

Or. ro

Amendment 235
Assita Kanko

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
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***.	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 ***2 years***.

Or. en

Justification

This offence can traumatize a child and negatively impact its development. It also constitutes a step on the ladder to more serious criminal offences by the perpetrator. Member States should therefore be encouraged to apply serious sentences.

Amendment 236
Jeroen Lenaers

Proposal for a directive
Article 3 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least 1 year where the child is above the age of sexual consent and does not consent.

Or. en

Amendment 237
François-Xavier Bellamy, Caterina Chinnici, Antonio López-Istúriz White, Javier Zarzalejos

Proposal for a directive
Article 3 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. Exposing a child to pornographic content, including by means of information and communication technology, for the purpose of committing any of the offences referred to in paragraph 3 of this Article and in Article 5(6), shall be punishable by a maximum term of imprisonment of at least 3 years.

Or. en

Justification

Justification According to the EU Strategy of the rights of the child, "children's online presence increases their exposure to harmful or illegal content, such as child sexual abuse or exploitation materials, pornography and adult content". This exposure, notes the Commission, also harbors risks of harmful and illegal contact, such as cyber-grooming and sexual solicitation, cyberbullying or online abuse and harassment. The proliferation of so-called adult platforms, which are prone to turn a blind eye on the need to restrict access to

certain content for children, raise challenges for law enforcement and create new possibilities for abuse. Abundant scientific evidence underscores the significant psychological and emotional distress as well as detrimental impact on cognitive development caused by exposure of a child to pornographic content. What's more, some perpetrators make use of this content as a grooming technique aiming at desensitivizing children to sexual activity by altering their perceptions of sexuality and reducing their resistance to inappropriate behavior. Considering this, the exposure of children to pornographic content, both offline and online, should constitute a criminal offence under EU law. The aim is to restrict the flow of this content, given such fundamental public policy considerations as protecting children and ensuring their healthy development.

Amendment 238
François-Xavier Bellamy, Caterina Chinnici, Antonio López-Istúriz White, Javier Zarzalejos

Proposal for a directive
Article 3 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2 b. Knowingly disseminating pornographic content in such a way that it is likely to be accessed by a child shall be punishable by a maximum term of imprisonment of at least 1 year.

Or. en

Justification

Online platforms that facilitate access for children to pornographic material, including by failing to put in place effective age verification tools, should be held liable for this offence, taking into account not only the short term harm it causes to children, but also long term effects that can alter child's attitude to sexual activity and, ultimately, prepare children for sexual abuse and exploitation. Criminalising the exposure of children to pornographic content answers to the need to make the EU law future-proof and relates to one of the paramount goals of this directive - strengthening and enhancing prevention measures against child sexual abuse and exploitation. The cross-border nature of this phenomenon and increased prevalence in the use of online technologies that facilitate the risks of child sexual abuse and amplify the exploitation of children's vulnerabilities, justifies this proposal for modification. The lack of common rules in this area results in proliferation of various national laws, each with its own set of exceptions. This leads to a disorganized legal framework and unequal protection of children, and undermines the law-enforcement efforts that are already made in certain Member States.

Amendment 239
Jeroen Lenaers

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.

Or. en

Amendment 240
Verena Mertens

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 to witness sexual abuse, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 2 years.

Or. en

Amendment 241
Isabel Serra Sánchez

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Causing, for sexual purposes, a	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.	child to witness sexual abuse, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 2 years.

Or. en

Amendment 242
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Determinarea, cu scop sexual, a unui copil care nu a împlinit vârsta consimțământului sexual să asiste la un abuz sexual, chiar şi fără a fi obligat să participe, este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***doi*** ani.	3. Determinarea, cu scop sexual, a unui copil care nu a împlinit vârsta consimțământului sexual să asiste la un abuz sexual, chiar și fără a fi obligat să participe, este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***trei*** ani.

Or. ro

Amendment 243
Assita Kanko

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 to witness sexual abuse, even without having to participate, shall be punishable by a maximum term of imprisonment of at least ***3*** years.

Or. en

Justification

This offence can traumatize a child and negatively impact its development. It also constitutes an important step on the ladder to more serious criminal offences by the perpetrator. Member States should therefore be encouraged to apply serious sentences.

Amendment 244
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Birgit Sippel, Sandro Ruotolo

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 maximum term of imprisonment of at least 8 years.	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 be punishable by a maximum term of imprisonment of at least 8 years.

Or. en

Justification

In order to ensure the logic of the text covers known child sexual abuse situations as much as possible.

Amendment 245
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi, András László

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Le fait de se livrer à des activités sexuelles avec un enfant qui n'a pas atteint la majorité sexuelle ou d'amener l'enfant à se livrer à des activités sexuelles avec une autre personne est passible d'une peine maximale d'au moins huit ans	4. Le fait de se livrer à des activités sexuelles avec un enfant qui n'a pas atteint la majorité sexuelle ou d'amener l'enfant à se livrer à des activités sexuelles ***sur lui-même ou*** avec une autre personne est passible d'une peine maximale d'au moins

d'emprisonnement.	huit ans d'emprisonnement.

Or. fr

Justification

Il est essentiel de prévoir également les atteintes sexuelles que des prédateurs pousseraient des enfants à exécuter sur eux-mêmes.

Amendment 246
Isabel Serra Sánchez

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 maximum term of imprisonment of at least 8 years.	4. Engaging in sexual activities ***by any means*** 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 maximum term of imprisonment of at least 8 years.

Or. en

Amendment 247
Assita Kanko

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 maximum term of imprisonment of at least ***8*** years.	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 maximum term of imprisonment of at least ***10*** years.

Or. en

Justification

Increasing the proposed penalty to reflect the fact that this offence is of an extremely serious nature, likely traumatizing for the victim and affecting his or her development.

Amendment 248
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Birgit Sippel

Proposal for a directive
Article 3 – paragraph 4 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least 8 years where the child is above the age of sexual consent and:
	a) does not consent to the act with a peer; or;
	b) is caused to engage in sexual activities with a person who is not a peer.

Or. en

Amendment 249
Jeroen Lenaers

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

Text proposed by the Commission	*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 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***	(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;

Or. en

Amendment 250
Isabel Serra Sánchez

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

Text proposed by the Commission	*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 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	(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; or

Or. en

Amendment 251
Saskia Bricmont

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

Text proposed by the Commission	*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 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	(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; or

Or. en

Justification

To mirror new approach taken on having age of consent as an aggravating circumstance rather than in the qualification of offences. Same logic for paras 5(b) & (c), 6 and 8.

Amendment 252

Isabel Serra Sánchez

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

Text proposed by the Commission	*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 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	(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; or

Or. en

Amendment 253
Assita Kanko

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

Text proposed by the Commission	*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 ***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	(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 if the child has not reached the age of sexual consent, and of at least ***8*** years of imprisonment, if the child is over that age; or

Or. en

Justification

Increasing the proposed penalty to reflect the fact that this offence is of an extremely serious nature, likely traumatizing for the victim and affecting his or her development.

Amendment 254
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(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 6 years of imprisonment if the child is over that age***; ***or***	(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;

Or. en

Amendment 255
Isabel Serra Sánchez

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

Text proposed by the Commission	*Amendment*
(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 6 years of imprisonment if the child is over that age***; or	(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; or

Or. en

Amendment 256
Saskia Bricmont

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

Text proposed by the Commission	*Amendment*
(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 6 years of imprisonment if the child is over that age***; or	(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, ***living in an institutionalized environment or a child deprived of liberty,*** shall be punishable by a maximum term of imprisonment of at least 10 years; or

Or. en

Amendment 257
Assita Kanko

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

Text proposed by the Commission	*Amendment*
(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 ***6*** years of imprisonment if the child is over that age; or	(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 ***12*** years if the child has not reached the age of sexual consent, and of at least ***8*** years of imprisonment if the child is over that age; or

Or. en

Justification

Increasing the proposed penalty to reflect the fact that this offence is of an extremely serious nature, likely traumatizing for the victim and affecting his or her development.

Amendment 258
Jeroen Lenaers

Proposal for a directive

Article 3 – paragraph 5 – point c

Text proposed by the Commission	*Amendment*
(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.***	(c) use is made of coercion, force or threats shall be punishable by a maximum term of imprisonment of at least 12 years***;***

Or. en

Amendment 259
Isabel Serra Sánchez

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

Text proposed by the Commission	*Amendment*
(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***.	(c) use is made of coercion, force or threats shall be punishable by a maximum term of imprisonment of at least 12 years.

Or. en

Amendment 260
Saskia Bricmont

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

Text proposed by the Commission	*Amendment*
(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***.	(c) use is made of coercion, force***,*** ***extorsion*** or threats shall be punishable by a maximum term of imprisonment of at least 12 years.

Or. en

Amendment 261
Sophie Wilmès, Hilde Vautmans, Fabienne Keller, Veronika Cifrová Ostrihoňová, Lucia Yar

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

Text proposed by the Commission	*Amendment*
c) en faisant usage de la contrainte, de la force ou de menaces, est passible d'une peine maximale d'au moins douze ans d'emprisonnement si l'enfant n'a pas atteint la majorité sexuelle et d'au moins sept ans d'emprisonnement dans le cas contraire.	c) en faisant usage de la contrainte, de la force***, de violences qu'elles soient physiques ou psychologiques, de chantage*** ou de menaces, est passible d'une peine maximale d'au moins douze ans d'emprisonnement si l'enfant n'a pas atteint la majorité sexuelle et d'au moins sept ans d'emprisonnement dans le cas contraire.

Or. fr

Amendment 262
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

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

Text proposed by the Commission	*Amendment*
(c) se recurge la constrângere, forță ***sau*** amenințări, este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin 12 ani, dacă copilul nu a ajuns la vârsta consimțământului sexual, și de cel puțin 7 ani, dacă copilul a depășit vârsta respectivă.	(c) se recurge la constrângere, forță***,*** amenințări ***sau oferirea de bani sau foloase***, este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin 12 ani, dacă copilul nu a ajuns la vârsta consimțământului sexual, și de cel puțin 7 ani, dacă copilul a depășit vârsta respectivă.

Or. ro

Amendment 263
Assita Kanko

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

Text proposed by the Commission	*Amendment*
(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.	(c) use is made of coercion, force or threats shall be punishable by a maximum term of imprisonment of at least ***14*** years if the child has not reached the age of sexual consent, and of at least ***9*** years of imprisonment if the child is over that age.

Or. en

Justification

Increasing the proposed penalty to reflect the fact that this offence is of an extremely serious nature, likely traumatizing for the victim and affecting his or her development.

Amendment 264
Jeroen Lenaers

Proposal for a directive
Article 3 – paragraph 6

Text proposed by the Commission	*Amendment*
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.***	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***;***

Or. en

Amendment 265
Saskia Bricmont

Proposal for a directive
Article 3 – paragraph 6

Text proposed by the Commission	*Amendment*
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***.	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.

Or. en

Amendment 266
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Birgit Sippel, Sandro Ruotolo

Proposal for a directive
Article 3 – paragraph 6

Text proposed by the Commission	*Amendment*
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***.	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.

Or. en

Justification

Consistency with other amendments. Particularly in the case of coercing, forcing or threatening the child into sexual activities, the fact that the child is able to express consent should not have an effect on the maximum sentence.

Amendment 267
Isabel Serra Sánchez

Proposal for a directive
Article 3 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Coercing, forcing or threatening a	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***.	child into sexual activities with a third party shall be punishable by a maximum term of imprisonment of at least 12 years.

Or. en

Amendment 268
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi, András László

Proposal for a directive
Article 3 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Le fait de contraindre ou de forcer un enfant à se livrer à des activités sexuelles avec un tiers, ou de le menacer à de telles fins, est passible d'une peine maximale d'au moins douze ans d'emprisonnement si l'enfant n'a pas atteint la majorité sexuelle et d'au moins sept ans d'emprisonnement dans le cas contraire.	6. Le fait de contraindre ou de forcer un enfant à se livrer à des activités sexuelles ***sur lui-même ou*** avec un tiers, ou de le menacer à de telles fins, est passible d'une peine maximale d'au moins douze ans d'emprisonnement si l'enfant n'a pas atteint la majorité sexuelle et d'au moins sept ans d'emprisonnement dans le cas contraire.

Or. fr

Justification

Il est essentiel de prévoir également les atteintes sexuelles que des prédateurs pousseraient des enfants à exécuter sur eux-mêmes.

Amendment 269
Assita Kanko

Proposal for a directive
Article 3 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Coercing, forcing or threatening a child into sexual activities with a third	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.	party shall be punishable by a maximum term of imprisonment of at least ***14*** years if the child has not reached the age of sexual consent, and of at least ***9*** years of imprisonment if the child is over that age.

Or. en

Justification

Increasing the proposed penalty to reflect the fact that this offence is of an extremely serious nature, likely traumatizing for the victim and affecting his or her development.

Amendment 270
Assita Kanko

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

Text proposed by the Commission	*Amendment*
7. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least ***12*** years:	7. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least ***14*** years:

Or. en

Justification

Increasing the proposed penalty to reflect the fact that this offence is of an extremely serious nature, likely traumatizing for the victim and affecting his or her development.

Amendment 271
Jadwiga Wiśniewska

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

Text proposed by the Commission	*Amendment*
7. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least ***12*** years:	7. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least ***15*** years:

Or. en

Amendment 272
Tomas Tobé

Proposal for a directive
Article 3 – paragraph 7 – point a

Text proposed by the Commission	*Amendment*
(a) engaging with a child below the age of sexual consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;	(a) engaging with a child below the age of sexual consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object***, or some other sexual act that in view of the seriousness of the violation is comparable to sexual intercourse***;

Or. en

Amendment 273
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau

Proposal for a directive
Article 3 – paragraph 7 – point a a (new)

Text proposed by the Commission	*Amendment*
	(a 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;

Or. en

Amendment 274
Tomas Tobé

Proposal for a directive
Article 3 – paragraph 7 – point b

Text proposed by the Commission	*Amendment*
(b) causing a child below the age of	(b) causing a child below the age of

sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object**.**	sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object***, or some other sexual act that in view of the seriousness of the violation is comparable to sexual intercourse;***

Or. en

Amendment 275
Assita Kanko

Proposal for a directive
Article 3 – paragraph 7 – point b

Text proposed by the Commission	*Amendment*
(b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.	(b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object***, or to engage in self-penetration***.

Or. en

Justification

Self-penetration in these circumstances should be penalised in the same way as penetration by another person.

Amendment 276
Isabel Serra Sánchez

Proposal for a directive
Article 3 – paragraph 7 – point b

Text proposed by the Commission	*Amendment*
(b) causing a child ***below the age of sexual*** consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.	(b) causing a child consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.

Or. en

Amendment 277
Tomas Tobé

Proposal for a directive
Article 3 – paragraph 7 – point b a (new)

Text proposed by the Commission	*Amendment*
	(b a) inducing a child below the age of sexual consent, online or offline, to undertake or submit to any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object, or some other sexual act that in view of the seriousness of the violation is comparable to sexual intercourse.

Or. en

Amendment 278
Saskia Bricmont

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;

Or. en

Amendment 279
Verena Mertens

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;

Or. en

Amendment 280
Jeroen Lenaers

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;

Or. en

Amendment 281
Evin Incir

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. 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 ***12*** years. ***Where the person who engaged in or caused the conduct as referred to in paragraph 7 with a child did not know but ought to have known that the child did not consent to the act, such conduct is punishable by a maximum term of imprisonment of at***

least 8 years.

Or. en

Amendment 282
Jeroen Lenaers

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 conduct referred to in paragraph 7 shall be punishable by a maximum term of imprisonment of at least ***12*** years ***where the child is above the age of sexual consent and:***
	(a) does not consent to the act with a peer;
	or;
	(b) is caused to engage in the act with a person who is not a peer;
	(c) is caused to engage themselves in the act by a person who is not a peer.

Or. en

Amendment 283
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive
Article 3 – paragraph 8

Text proposed by the Commission	*Amendment*
8. Lorsque l'enfant a atteint la majorité sexuelle et ***ne consent pas à l'acte***, le comportement prévu au paragraphe 7 est passible d'une peine maximale d'au moins ***dix*** ans d'emprisonnement.	8. Lorsque l'enfant a atteint la majorité sexuelle et ***que l'acte est commis par violence, contrainte, menace ou surprise***, le comportement prévu au paragraphe 7 est passible d'une peine maximale d'au moins ***douze*** ans d'emprisonnement.

Or. fr

Amendment 284
Saskia Bricmont

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. 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 ***12*** years.

Or. en

Justification

Age of victim should be an aggravating circumstances and does not make a difference in the offence itself.

Amendment 285
Assita Kanko

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. 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 ***12*** years.

Or. en

Justification

Increasing the proposed penalty to reflect the fact that this offence is of an extremely serious nature, likely traumatizing for the victim and affecting his or her development.

Amendment 286
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau

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. 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 ***12*** years.

Or. en

Amendment 287
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada

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. 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 ***12*** years.

Or. en

Amendment 288
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera

Proposal for a directive
Article 3 – paragraph 8 a (new)

Text proposed by the Commission	*Amendment*
	8 bis. Le fait de se livrer aux comportements intentionnels prévus aux paragraphes 7 et 8 :
	a) en abusant d'une position reconnue de

confiance, d'autorité ou d'influence sur un enfant, est passible d'une peine maximale d'au moins quinze ans d'emprisonnement; ou

b) en abusant d'une situation de particulière vulnérabilité de l'enfant, notamment en raison d'un handicap physique ou mental ou d'une situation de dépendance, est passible d'une peine maximale d'au moins quinze ans d'emprisonnement; ou

c)en faisant usage de la contrainte, de la force ou de menaces, est passible d'une peine maximale d'au moins quinze ans d'emprisonnement.

Or. fr

Amendment 289
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, András László

Proposal for a directive
Article 3 – paragraph 9

Text proposed by the Commission	*Amendment*
9. Aux fins du paragraphe 8, les États membres veillent à ce que:	***supprimé***
a) par acte non consenti, on entende un acte qui est accompli sans que l'enfant ait donné son consentement de son plein gré, comme résultat de sa volonté libre considérée dans le contexte des circonstances qui l'entourent, ou lorsque l'enfant n'est pas en mesure de se forger une volonté libre en raison de la présence des circonstances mentionnées au paragraphe 5, ou en raison d'autres circonstances, y compris son état physique ou mental, par exemple un état d'inconscience, d'ébriété, de figement (freezing), de maladie ou de blessure physique.	
b) le consentement puisse être retiré à tout moment avant et pendant l'acte;	

c) l'absence de consentement ne puisse être réfutée exclusivement par le silence de l'enfant, son absence de résistance verbale ou physique ou son comportement sexuel antérieur.

Or. fr

Justification

Cet amendement de suppression tire les conséquences du compromis adopté entre les trois institutions à l'occasion de l'élaboration de la Directive (U.E.) 2024/1385 du Parlement européen et du Conseil du 14 mai 2024 sur la lutte contre la violence à l'égard des femmes et la violence domestique, compromis survenu après la publication de la présente proposition de directive qui n'avait, par conséquent, pas pu le prendre en compte. Les éléments qui caractérisent la violation du consentement sont cependant conservés et intégrés au paragraphe 8.

Amendment 290
Isabel Serra Sánchez

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 4 and*** 8, Member States shall ensure that:

Or. en

Amendment 291
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada

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 4 and*** 8, Member States shall ensure that:

Or. en

Amendment 292
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani

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 paragraph ***4 and*** 8, Member States shall ensure that:

Or. en

Amendment 293
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Sandro Ruotolo

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

Text proposed by the Commission	*Amendment*
(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;	(a) ***an act or conduct is to be considered*** non-consensual ***also*** 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;

Or. en

Justification

The definition of consent is moved to article 2.

Amendment 294
Tomas Tobé

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

Text proposed by the Commission	*Amendment*
(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;	(a) a non-consensual act is understood as an act which is performed without the child's consent given voluntarily***,*** ***expressed by word or deed or in some other way***, 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, ***sleep,*** intoxication, freezing, illness***,*** bodily injury ***or otherwise in view of the circumstances***;

Or. en

Amendment 295
Sophie Wilmès, Hilde Vautmans, Fabienne Keller, Veronika Cifrová Ostrihoňová, Lucia Yar

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

Text proposed by the Commission	*Amendment*
a) par acte non consenti, on entende un acte qui est accompli sans que l'enfant ait donné son consentement de son plein gré, comme résultat de sa volonté libre considérée dans le contexte des circonstances qui l'entourent, ou lorsque l'enfant n'est pas en mesure de se forger une volonté libre en raison de la présence des circonstances mentionnées au paragraphe 5, ou en raison d'autres circonstances, y compris son état physique ou mental, par exemple un état d'inconscience, d'ébriété, de figement (freezing), de maladie ou de blessure	a) par acte non consenti, on entende un acte qui est accompli sans que l'enfant ait donné son consentement de son plein gré, comme résultat de sa volonté libre considérée dans le contexte des circonstances qui l'entourent, ou lorsque l'enfant n'est pas en mesure de se forger une volonté libre en raison de la présence des circonstances mentionnées au paragraphe 5, ou en raison d'autres circonstances, y compris son état physique ou mental, par exemple un état d'inconscience, ***d'endormissement,*** d'ébriété***, de surprise***, de figement

physique.	(freezing), de maladie ou de blessure physique.

Or. fr

Amendment 296
Fabienne Keller, Hilde Vautmans, Lucia Yar, Abir Al-Sahlani, Veronika Cifrová Ostrihoňová, Nathalie Loiseau, Sophie Wilmès

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

Text proposed by the Commission	*Amendment*
(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;	(a) a non-consensual act is understood as an act which is performed without the child's consent given ***clearly and*** 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;

Or. en

Amendment 297
András László

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

Text proposed by the Commission	*Amendment*
c) a ***beleegyezés hiánya nem cáfolható*** kizárólag a gyermek ***hallgatásával***, múltbeli szexuális ***magatartásával vagy azzal***, hogy nem tanúsított szóbeli vagy fizikai ellenállást.	c) a ***beleegyezésre nem lehet következtetni*** kizárólag a gyermek ***hallgatásából***, múltbeli szexuális ***magatartásából vagy abból***, hogy nem tanúsított szóbeli vagy fizikai ellenállást.

Or. hu

Justification

Az Európai Bizottság eredeti szövege igen bonyolult nyelvezettel, meglehetősen részletező módon kívánta szabályozni a beleegyezés fogalmát, azonban nem a hagyományos logikával, hanem mintegy a contrario módon, a nem beleegyezésen alapuló cselekmény meghatározásával.

Amendment 298
Fabienne Keller, Hilde Vautmans, Lucia Yar, Abir Al-Sahlani, Veronika Cifrová Ostrihoňová, Nathalie Loiseau, Sophie Wilmès

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

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

Or. en

Amendment 299
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada

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

Text proposed by the Commission	*Amendment*
(c) ***the absence of consent cannot be refuted exclusively by the*** child's silence, verbal or physical non-resistance or past sexual conduct.	(c) child's silence, verbal or physical non-resistance or past sexual conduct ***cannot be considered as having given consent***.

Or. en

Justification

Amendment for clarity and readability of the subparagraph.

Amendment 300
Saskia Bricmont

Proposal for a directive
Article 4 – title

Text proposed by the Commission	*Amendment*
Offences concerning sexual exploitation	Offences concerning ***child*** sexual exploitation

Or. en

Amendment 301
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 7 is punishable.	1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 7 is punishable***, including if the conduct was committed by means of information and communication technology***.

Or. en

Amendment 302
Jeroen Lenaers

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 7 is punishable.	1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 7 is punishable***, including if the conduct was committed by means of information and communication technology***.

Or. en

Amendment 303
Caterina Chinnici, Hilde Vautmans, Veronika Cifrová Ostrihoňová, Evin Incir, Antonio López-Istúriz White, Merja Kyllönen, Anna Stürgkh, François-Xavier Bellamy

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 7 is punishable.	1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 7 is punishable***, including if the conduct was committed by means of information and communication technology***.

Or. en

Amendment 304
Verena Mertens

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 7 is punishable.	1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 7 is punishable***, including if the conduct was carried out using information and communication technology***.

Or. en

Amendment 305
Saskia Bricmont

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission	*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 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***.	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.

Or. en

Justification

Mirroring changes made in article 3 to ensure consistency, age of the victim should be an aggravating circumstances. Same reasoning for the entire article.

Amendment 306
Jeroen Lenaers

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission	*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 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***.	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.

Or. en

Amendment 307
Isabel Serra Sánchez

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission	*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 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***.	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.

Or. en

Amendment 308
Assita Kanko

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission	*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 ***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.	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 ***10*** years if the child has not reached the age of sexual consent and of at least ***8*** years of imprisonment if the child is over that age.

Or. en

Justification

The penalties for causing or recruiting children to participate in child sexual abuse performances should be brought as close as possible to penalties for perpetrators involved in the child sexual abuse acts themselves.

Amendment 309
Jeroen Lenaers

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission	*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***.	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.

Or. en

Amendment 310
Saskia Bricmont

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission	*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***.	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.

Or. en

Amendment 311
Isabel Serra Sánchez

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission	*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***.	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.

Or. en

Amendment 312
Assita Kanko

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission	*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.	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 ***14*** years if the child has not reached the age of sexual consent, and of at least ***9*** years of imprisonment if the child is over that age.

Or. en

Justification

The penalties for coercing or children to participate in child sexual abuse performances should be brought as close as possible to penalties for perpetrators involved in the child sexual abuse acts themselves.

Amendment 313
Jeroen Lenaers

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission	*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 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***.	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.

Or. en

Amendment 314
Saskia Bricmont

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission	*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 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***.	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.

Or. en

Amendment 315
Isabel Serra Sánchez

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Knowingly attending child sexual abuse performances involving the participation of a child shall be punishable	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***.	by a maximum term of imprisonment of at least 2 years.

Or. en

Amendment 316
Assita Kanko

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission	*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 ***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.	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 ***4*** 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.

Or. en

Justification

This offence can traumatize a child and negatively impact its development. It also constitutes an important step on the ladder to more serious criminal offences by the perpetrator. Member States should therefore be encouraged to apply serious sentences.

Amendment 317
Isabel Serra Sánchez

Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission	*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	5. Causing or recruiting a child to participate ***child sexual*** in exploitation, 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***.	by a maximum term of imprisonment of at least 8 years.

Or. en

Amendment 318
Saskia Bricmont

Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission	*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 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***.	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.

Or. en

Amendment 319
Jeroen Lenaers

Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission	*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 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***.	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.

Or. en

Amendment 320
Jadwiga Wiśniewska

Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission	*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 ***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.	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 ***10*** years if the child has not reached the age of sexual consent, and of at least ***8*** years of imprisonment if the child is over that age.

Or. en

Amendment 321
Assita Kanko

Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission	*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 ***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.	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 ***14*** years if the child has not reached the age of sexual consent, and of at least ***9*** years of imprisonment if the child is over that age.

Or. en

Justification

The penalties for coercing or children to participate in exploitation should be brought as

close as possible to penalties for perpetrators involved in the child sexual abuse acts themselves.

Amendment 322
Isabel Serra Sánchez

Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission	*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 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***.	6. Coercing or forcing a child into ***sexual*** exploitation, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least 10 years.

Or. en

Amendment 323
Jeroen Lenaers

Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission	*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 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***.	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.

Or. en

Amendment 324
Saskia Bricmont

Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission	*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 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***.	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.

Or. en

Amendment 325
Assita Kanko

Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission	*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 ***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.	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 ***16*** years if the child has not reached the age of sexual consent, and of at least ***10*** years of imprisonment if the child is over that age.

Or. en

Justification

The penalties for coercing or children to participate in exploitation should be brought as close as possible to penalties for perpetrators involved in the child sexual abuse acts themselves.

Amendment 326
Isabel Serra Sánchez

Proposal for a directive
Article 4 – paragraph 7

Text proposed by the Commission	*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 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***.	7. Engaging in sexual activities with a child, where recourse is made to ***child sexual*** exploitation shall be punishable by a maximum term of imprisonment of at least 8 years.

Or. en

Amendment 327
Jeroen Lenaers

Proposal for a directive
Article 4 – paragraph 7

Text proposed by the Commission	*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 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***.	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.

Or. en

Amendment 328
Saskia Bricmont

Proposal for a directive
Article 4 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Engaging in sexual activities with a child, where recourse is made to	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***.	exploitation in prostitution shall be punishable by a maximum term of imprisonment of at least 8 years.

Or. en

Amendment 329
Assita Kanko

Proposal for a directive
Article 4 – paragraph 7

Text proposed by the Commission	*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 ***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.	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 ***14*** years if the child has not reached the age of sexual consent, and of at least ***8*** years of imprisonment if the child is over that age.

Or. en

Justification

The penalties involvement in sexual activities where eploitation is used should be brought as close as possible to penalties for perpetrators involved in the child sexual abuse acts themselves.

Amendment 330
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Article 4 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Practicarea unor activități sexuale cu un copil, recurgându-se la exploatare	7. Practicarea unor activități sexuale cu un copil, recurgându-se la exploatare

prin prostituție , este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***8*** ani, dacă copilul nu a ajuns la vârsta consimțământului sexual, și de cel puțin ***4*** ani, dacă copilul a depășit vârsta respectivă.	prin prostituție, este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***10*** ani, dacă copilul nu a ajuns la vârsta consimțământului sexual, și de cel puțin ***5*** ani, dacă copilul a depășit vârsta respectivă.

Or. ro

Amendment 331
Caterina Chinnici, Hilde Vautmans, Veronika Cifrová Ostrihoňová, Evin Incir, Antonio López-Istúriz White, Merja Kyllönen, Anna Stürgkh, François-Xavier Bellamy

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 intimate material depicting the child, other child sexual abuse material to obtain money or any other benefit, as well as coercing or forcing a child to share child sexual abuse material eunder the threat of sharing the material beyond the consent of the depicted person shall be punishable by a maximum term of imprisonment of at least 8 years.

Or. en

Justification

'Sexual extortion of children' should be defined in accordance with the Luxembourg Guide. It is important to draw a difference between solicitation of children and sexual extortion, which is a specific form of extortion against a child and sexual in nature.

Amendment 332
Saskia Bricmont

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 intimate material depicting the child to obtain money, child sexual abuse material or any other benefit under the threat of sharing the material beyond the consent of the depicted person shall be punishable by a maximum term of imprisonment of at least 8 years.

Or. en

Justification

To include sexual extorsion offence.

Amendment 333
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau

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 intimate material depicting the child to obtain money, child sexual abuse material or any other benefit under the threat of sharing the material beyond the consent of the depicted person shall be punishable by a maximum term of imprisonment of at least 8 years.

Or. en

Amendment 334
Verena Mertens

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

Text proposed by the Commission	*Amendment*
	7 a. Coercing or compelling a child to share intimate material featuring the

child, in order to obtain money, child sexual abuse material, or any other benefit under the threat of sharing the material without the depicted person's consent, shall be punishable by a maximum prison term of no less than 8 years.

Or. en

Amendment 335
Jeroen Lenaers

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 intimate material depicting the child to obtain money, child sexual abuse material or any other benefit under the threat of sharing the material beyond the consent of the depicted person shall be punishable by a maximum term of imprisonment of at least 8 years.

Or. en

Amendment 336
Isabel Serra Sánchez

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

Text proposed by the Commission	*Amendment*
	7 a. Member States shall take the necessary measures to ensure that sexual extortion of children as defined in Article 2 paragraph 9 is punishable by a maximum term of imprisonment of at least 8 years.

Or. en

Amendment 337
Isabel Serra Sánchez

Proposal for a directive
Article 5 – title

Text proposed by the Commission	*Amendment*
Offences concerning child sexual abuse material	Offences concerning child sexual abuse material ***and instructions manuals on how to sexually abuse children***

Or. en

Amendment 338
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Achiziționarea sau deținerea de materiale care conțin abuzuri sexuale asupra copiilor este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***un an***.	2. Achiziționarea sau deținerea de materiale care conțin abuzuri sexuale asupra copiilor***, inclusiv generate de inteligenta artificiala sau create prin orice mijloace informatice,*** este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***doi ani***.

Or. ro

Amendment 339
Isabel Serra Sánchez

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Acquisition or possession of child sexual abuse material shall be punishable by a maximum term of imprisonment of at	2. Acquisition or possession of child sexual abuse material ***and instructions manuals on how to sexually abuse***

least ***1*** year.	***children*** shall be punishable by a maximum term of imprisonment of at least ***2*** year.

Or. en

Amendment 340
Assita Kanko

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Acquisition or possession of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***1 year***.	2. Acquisition or possession of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***2 years***.

Or. en

Justification

This criminal offence constitutes a step on the ladder to more serious criminal offences by the perpetrator. Member States should therefore be encouraged to apply serious sentences.

Amendment 341
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Acquisition or possession of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***1 year***.	2. Acquisition or possession of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***2 years***.

Or. en

Amendment 342

Jadwiga Wiśniewska

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Acquisition or possession of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***1 year***.	2. Acquisition or possession of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***2 years***.

Or. en

Amendment 343
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Obținerea cu bună știință, prin intermediul tehnologiei informațiilor și comunicațiilor, a accesului la materiale care conțin abuzuri sexuale asupra copiilor este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***un an***.	3. Obținerea cu bună știință, prin intermediul tehnologiei informațiilor și comunicațiilor, a accesului la materiale care conțin abuzuri sexuale asupra copiilor***, inclusiv generate de inteligenta artificiala sau create prin orice mijloace informatice,*** este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***doi ani***.

Or. ro

Amendment 344
Isabel Serra Sánchez

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Knowingly obtaining access, by means of information and communication	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*** year.	technology, to child sexual abuse material ***and instructions manuals on how to sexually abuse children*** shall be punishable by a maximum term of imprisonment of at least ***2*** year.

Or. en

Amendment 345
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Le fait d'accéder, en connaissance de cause et par le biais des technologies de l'information et de la communication, à du matériel relatif à des abus sexuels sur enfants est passible d'une peine maximale d'au moins un an d'emprisonnement.	3. Le fait d'accéder ***habituellement***, en connaissance de cause et par le biais des technologies de l'information et de la communication, à du matériel relatif à des abus sexuels sur enfants est passible d'une peine maximale d'au moins un an d'emprisonnement.

Or. fr

Justification

Alignement avec le considérant 21.

Amendment 346
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission	*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 ***1 year***.	3. Knowingly obtaining access, ***including*** 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 years***.

Or. en

Amendment 347
Assita Kanko

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission	*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 ***1 year***.	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 years***.

Or. en

Justification

This criminal offence constitutes a step on the ladder to more serious criminal offences by the perpetrator. Member States should therefore be encouraged to apply serious sentences.

Amendment 348
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Distribuirea, diseminarea sau transmiterea de materiale care conțin abuzuri sexuale asupra copiilor este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***doi*** ani.	4. Distribuirea, diseminarea sau transmiterea de materiale care conțin abuzuri sexuale asupra copiilor***, inclusiv generate de inteligenta artificiala sau create prin orice mijloace informatice,*** este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***5*** ani.

Or. ro

Amendment 349
Isabel Serra Sánchez

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Distribution, dissemination or transmission of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.	4. Distribution, dissemination or transmission of child sexual abuse material ***instructions manuals on how to sexually abuse children*** shall be punishable by a maximum term of imprisonment of at least 2 years.

Or. en

Amendment 350
Assita Kanko

Proposal for a directive
Article 5 – paragraph 4

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

Or. en

Justification

This criminal offence constitutes a step on the ladder to more serious criminal offences by the perpetrator. Member States should therefore be encouraged to apply serious sentences.

Amendment 351
Jadwiga Wiśniewska

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Distribution, dissemination or transmission of child sexual abuse material shall be punishable by a maximum term of	4. Distribution, dissemination or transmission of child sexual abuse material shall be punishable by a maximum term of

imprisonment of at least ***2*** years.	imprisonment of at least ***3*** years.

Or. en

Amendment 352
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Oferirea, furnizarea sau punerea la dispoziție de materiale care conțin abuzuri sexuale asupra copiilor este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***doi*** ani.	5. Oferirea, furnizarea sau punerea la dispoziție de materiale care conțin abuzuri sexuale asupra copiilor***, inclusiv generate de inteligenta artificiala sau create prin orice mijloace informatice,*** este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puțin ***5*** ani.

Or. ro

Amendment 353
Isabel Serra Sánchez

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Offering, supplying or making available child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.	5. Offering, supplying or making available child sexual abuse material ***and instructions manuals on how to sexually abuse children*** shall be punishable by a maximum term of imprisonment of at least 2 years.

Or. en

Amendment 354
Assita Kanko

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Offering, supplying or making available child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***2*** years.	5. Offering, supplying or making available child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***4*** years.

Or. en

Justification

This criminal offence constitutes a step on the ladder to more serious criminal offences by the perpetrator. Member States should therefore be encouraged to apply serious sentences.

Amendment 355
Georgiana Teodorescu, Claudiu-Richard Târziu, Şerban-Dimitrie Sturdza, Adrian-George Axinia, Jadwiga Wiśniewska

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Producerea de materiale care conţin abuzuri sexuale asupra copiilor este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puţin ***trei*** ani.	6. Producerea de materiale***, inclusiv generate de inteligenta artificiala sau create prin orice mijloace informatice,*** care conţin abuzuri sexuale asupra copiilor este pasibilă de aplicarea unei pedepse cu închisoarea cu maximul de cel puţin ***5*** ani.

Or. ro

Amendment 356
Isabel Serra Sánchez

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Production of child sexual abuse material shall be punishable by a maximum	6. Production of child sexual abuse material ***and instructions manuals on how to sexually abuse children*** shall be

term of imprisonment of at least ***3*** years.	punishable by a maximum term of imprisonment of at least ***4*** years.

Or. en

Amendment 357
Assita Kanko

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Production of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***3*** years.	6. Production of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***6*** years.

Or. en

Justification

This criminal offence constitutes a step on the ladder to more serious criminal offences by the perpetrator. Perpetrators may be very closely associated with the child sexual abuse acts themselves. Penalties should therefore be brought close to those for those acts.

Amendment 358
Jadwiga Wiśniewska

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Production of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***3*** years.	6. Production of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***5*** years.

Or. en

Amendment 359
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Production of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***3*** years.	6. Production of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***8*** years.

Or. en

Amendment 360
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada

Proposal for a directive
Article 5 – paragraph 7 – subparagraph 1

Text proposed by the Commission	*Amendment*
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***.	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, ***a hotline*** established in a Member State.

Or. en

Justification

Definition of hotline moved to article 2.

Amendment 361
Saskia Bricmont

Proposal for a directive
Article 5 – paragraph 7 – subparagraph 1

Text proposed by the Commission	*Amendment*
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.	For the purposes of paragraph 1, the conducts referred to in paragraph 2, 3 and ***transmission pursuant to 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 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.

Or. en

Justification

We should allow transmission (to the police), but not further distribution or dissemination.

Amendment 362
Jeroen Lenaers

Proposal for a directive
Article 5 – paragraph 7 – subparagraph 1

Text proposed by the Commission	*Amendment*
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.	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 ***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.

Or. en

Amendment 363
Saskia Bricmont

Proposal for a directive
Article 5 – paragraph 7 – subparagraph 2

Text proposed by the Commission	*Amendment*
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.	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.

Or. en

Amendment 364
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Birgit Sippel

Proposal for a directive
Article 5 – paragraph 7 – subparagraph 2

Text proposed by the Commission	*Amendment*
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.	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.

Or. en

Amendment 365
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera, Susanna Ceccardi

Proposal for a directive
Article 5 – paragraph 8 – introductory part

Text proposed by the Commission	*Amendment*
8. Les États membres veillent à ce que les autorisations accordées à une organisation agissant dans l'intérêt public contre les abus sexuels sur enfants, mentionnées au paragraphe 7, ***permettent*** tout ou partie des activités suivantes:	8. Les États membres veillent à ce que les autorisations accordées à une organisation agissant dans l'intérêt public contre les abus sexuels sur enfants, mentionnées au paragraphe 7, ***se limitent à*** tout ou partie des activités suivantes:

Or. fr

Amendment 366
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada

Proposal for a directive
Article 5 – paragraph 8 – introductory part

Text proposed by the Commission	*Amendment*
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:	8. Member States shall ***provide a legal framework for hotlines to harmonise their role and competences and to*** ensure that authorisations for ***such organisations*** allow all of the following activities to:

Or. en

Amendment 367
Saskia Bricmont

Proposal for a directive
Article 5 – paragraph 8 – introductory part

Text proposed by the Commission	*Amendment*
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	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 all

some or all of the following activities to:	of the following activities to:

Or. en

Amendment 368
Isabel Serra Sánchez

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

Text proposed by the Commission	*Amendment*
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;	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***, including the downloading of child sexual abuse material by the organisation***<;

Or. en

Amendment 369
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Sophie Wilmès, Nathalie Loiseau

Proposal for a directive
Article 5 – paragraph 8 – point a a (new)

Text proposed by the Commission	*Amendment*
	a a. promptly notify and request online service providers to remove reported illegal material hosted on their platform;

Or. en

Amendment 370
Caterina Chinnici, Hilde Vautmans, Veronika Cifrová Ostrihoňová, Evin Incir, Antonio López-Istúriz White, Merja Kyllönen, Anna Stürgkh, François-Xavier Bellamy

Proposal for a directive
Article 5 – paragraph 8 – point a a (new)

Text proposed by the Commission	*Amendment*
	a a. promptly notify and request online service providers to remove reported illegal material hosted on their platform;

Or. en

Justification

In the scope of this Directive, it is important to provide a legal basis for hotlines to liaise directly with online services providers for the prompt removal of CSAM.

Amendment 371
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada

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

Text proposed by the Commission	*Amendment*
b. promptly notify the relevant law enforcement authority of the Member State where the material is hosted ***of reported illegal content***;	b. promptly notify ***the reported illegal content to*** the relevant law enforcement authority of the Member State where the material is hosted;

Or. en

Amendment 372
Assita Kanko

Proposal for a directive
Article 5 – paragraph 8 – point b a (new)

Text proposed by the Commission	*Amendment*
	b a. promptly send a notice and takedown request to the relevant information society service for instances of child sexual abuse material online;

Or. en

Justification

Organisations acting in the public interest should be allowed to communicate directly with online hosts of child sexual abuse material to have that material removed more quickly.

Amendment 373
Alexandre Varaut, Fabrice Leggeri, Malika Sorel, Pascale Piera

Proposal for a directive
Article 5 – paragraph 8 – point d

Text proposed by the Commission	*Amendment*
d. ***effectuer des recherches relatives à du matériel accessible au public sur des services d'hébergement afin de détecter la diffusion*** de matériels relatifs à des abus sexuels sur enfants, en utilisant les signalements de matériels présumés relatif à des abus sexuels sur enfants mentionnés au point a) ou à la demande d'une victime.	d. ***prendre connaissance*** de matériels relatifs à des abus sexuels sur enfants ***accessibles au public sur des services d'hébergement, en effectuant des recherches***, en utilisant les signalements de matériels présumés relatif à des abus sexuels sur enfants mentionnés au point a) ou à la demande d'une victime.

Or. fr

Justification

Le but de cet amendement est d'empêcher que les organisations concernées se voient confier une obligation de recherche et de détection des contenus pédopornographiques, qui leur conférerait le rôle d'une structure d'enquête, rôle qui doit rester la prérogative des services de police et de justice, tout en permettant à ces mêmes organisations de recevoir de tels contenus de manière aléatoire ou ciblée afin de servir l'intérêt public que représentent la détection et le signalement de ces contenus.

Amendment 374
Marina Kaljurand, Francisco Assis, Matjaž Nemec, Evin Incir, Cecilia Strada, Birgit Sippel

Proposal for a directive
Article 5 – paragraph 8 – point d a (new)

Text proposed by the Commission	*Amendment*
	d a. cooperate directly with national service providers in notice and take-down procedure, with consent from the responsible national law enforcement

authority.

Or. en

Amendment 375
Hilde Vautmans, Fabienne Keller, Lucia Yar, Veronika Cifrová Ostrihoňová, Abir Al-Sahlani, Nathalie Loiseau

Proposal for a directive
Article 5 – paragraph 9

Text proposed by the Commission	*Amendment*
9. ***It shall be within the discretion of*** Member States ***to decide whether*** this Article applies to cases involving child sexual abuse material as referred to in Article 2 , point ***(3)(c)*** , where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.	9. Member States ***shall ensure that*** this Article applies to cases involving child sexual abuse material as referred to in Article 2 , point ***(6)(c)***, where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.

Or. en

Amendment 376
Isabel Serra Sánchez

Proposal for a directive
Article 5 – paragraph 9

Text proposed by the Commission	*Amendment*
9. ***It shall be within the discretion of*** Member States ***to decide whether*** this Article applies to cases involving child sexual abuse material as referred to in Article 2 , point ***(3)(c)*** , where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.	9. Member States ***shall ensure that*** this Article applies to cases involving child sexual abuse material as referred to in Article 2 , point ***(6)(c)*** , where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.

Or. en