

COMMISSION PROPOSAL	LIBE Committee of EP's position in follow-up to the orientation vote on 14 February 2011	Text of the general approach of the Council on 3 December 2010 (Modifications with regard to the Commission's proposal are highlighted in bold and in the titles of the Articles, by underlining. Deletions are marked by [...])	Outcome of the examination in the Council/Presidency compromise proposals
<p>Proposal for a</p> <p>DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA</p> <p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2) and 83(1) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national Parliaments,</p>		<p>Proposal for a</p> <p>DIRECTIVE 2010/.../EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>on combating the sexual abuse, sexual exploitation of children and child pornography, replacing Framework Decision 2004/68/JHA</p> <p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2) and 83(1) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national Parliaments,</p>	

<p>(1) Sexual abuse and sexual exploitation of children, including child pornography constitute serious violations of fundamental rights, in particular the rights of the child to protection and care as is necessary for his or her well-being as stipulated by the UN Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union.</p>	<p>(1) Sexual abuse and sexual exploitation of children, including child pornography constitute serious violations <i>the law and of</i> fundamental rights, in particular the rights of the child to protection and care as is necessary for his or her well-being as stipulated by the UN Convention on the Rights of the Child <i>and its Optional Protocols thereto, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse</i> and the Charter of Fundamental Rights of the European Union (<i>Charter</i>).</p> <p>Amendments 1 and 44</p>	<p>(1) Sexual abuse and sexual exploitation of children, including child pornography, constitute serious violations of fundamental rights, in particular the rights of the child to protection and care as is necessary for his or her well-being, as stipulated by the UN Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union.</p>	<p>(1) Sexual abuse and sexual exploitation of children, including child pornography, constitute serious violations of fundamental rights, in particular the rights of the child to protection and care as is necessary for his or her well-being, as stipulated by the United Nations Convention on the Rights of the Child, [...]and the Charter of Fundamental Rights of the European Union</p>
	<p><i>(1a) The legally binding nature of the provisions of the Charter, in accordance with Article 6 of the Treaty on European Union, introduced a new stage in the level of protection of children, as Article 24(2) of the Charter provides for the mainstreaming of child protection. Moreover, the</i></p>		<p><i>(1a) In accordance with Article 6 of the Treaty of the European Union, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights, which in its article 24 (2) provides that (...) in all actions relating to children, whether taken by public authorities or private institutions,</i></p>

	<p><i>multiannual Stockholm Programme - an open and Secure Europe Serving and Protecting Citizens¹, adopted by the European Council, gives a clear priority to combating the sexual abuse and sexual exploitation of children, and child pornography.</i></p> <p>Amendment 2</p>		<p><u>the child's best interests must be a primary consideration.</u> <u>Moreover, the multiannual Stockholm Programme - an open and Secure Europe Serving and Protecting Citizens, adopted by the European Council, gives a clear priority to combating the sexual abuse and sexual exploitation of children, and child pornography.</u></p>
	<p><i>(1b) All stakeholders should have a zero-tolerance approach to combating the sexual abuse and exploitation of children and child pornography.</i></p> <p>Amendment 1 FEMM</p>		-
	<p><i>(1c) Due note should be taken, in that connection, of the importance of Article 16 of the Treaty on the Functioning of the European Union, which lays down the right to protection of personal data.</i></p> <p>AM 4 CULT</p>		-
	<p><i>(1d) Due note should be taken, in</i></p>		-

¹ OJ L 115, 4.5.2010, p. 1.

	<p><i>that connection, of the importance of Articles 7, 8, 11 and 24 of the Charter of Fundamental Rights of the European Union, which lay the right to respect for private and family life, the right to protection of personal data, the right to freedom of expression and information and the rights of the child.</i></p> <p>AM 5 CULT</p>		
	<p><i>(1e) Due note should be taken in that connection, of the importance of Articles 8 and 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which lay down the right to respect for private and family life and the right to freedom of expression.</i></p> <p>AM 6 CULT</p>		-
<p>(2) Child pornography, which consists of images of child sex abuse, and other particularly serious forms of sexual abuse and sexual exploitation of children are increasing and spreading through</p>		<p>(2) Child pornography, which consists of images of child sex abuse, and other particularly serious forms of sexual abuse and sexual exploitation of children are increasing and spreading through</p>	<p>(2) Child pornography, which consists of images of child sex abuse, and other particularly serious forms of sexual abuse and sexual exploitation of children are increasing and spreading through the use of new technologies and</p>

the use of new technologies and the internet.		the use of new technologies and the internet.	the internet.
	<p><i>(2a) Sexual abuse of children takes place most frequently in the direct environment of children, during a longer period, by figures of authority, such as parents, relatives, teachers, child minders, or religious leaders. The relationship of dependence between the victim and the perpetrator, strict social or moral conventions with the community, feelings of guilt and fear of retribution or exclusion by the community, make it extremely difficult for young victims to speak out, and sometimes they remain silent far into adulthood. This is an important obstacle to effective prosecution of child abuse. Child abuse therefore often goes unreported or unpunished.</i></p> <p>AM 45</p>		<p><u>(2a) In the context of criminalising acts related to pornographic performance, this Directive refers to such acts which consist of an organised live exhibition, aimed at an audience, thereby excluding personal face-to-face communication between consenting peers as well as children over the age of consent and their partners from the definition.</u></p>
(3) Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography approximates Member States'		(3) Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography approximates Member States'	(3) Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography approximates Member States'

<p>legislation to criminalise the most serious forms of child sexual abuse and sexual exploitation, to extend domestic jurisdiction, and to provide for a minimum level of assistance for victims. Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings establishes a set of victims' rights in criminal proceedings, including the right to protection and compensation. Moreover, the coordination of prosecution of cases of sexual abuse, sexual exploitation of children and child pornography will be facilitated by the adoption of Council Framework Decision 2009/948/JHA on prevention and settlement of conflict of jurisdiction in criminal proceedings.</p>		<p>legislation to criminalise the most serious forms of child sexual abuse and sexual exploitation, to extend domestic jurisdiction, and to provide for a minimum level of assistance for victims. Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings establishes a set of victims' rights in criminal proceedings, including the right to protection and compensation. Moreover, the coordination of prosecution of cases of sexual abuse, sexual exploitation of children and child pornography will be facilitated by the adoption of Council Framework Decision 2009/948/JHA on prevention and settlement of conflict of jurisdiction in criminal proceedings.</p>	<p>legislation to criminalise the most serious forms of child sexual abuse and sexual exploitation, to extend domestic jurisdiction, and to provide for a minimum level of assistance for victims. Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings² establishes a set of victims' rights in criminal proceedings, including the right to protection and compensation. Moreover, the coordination of prosecution of cases of sexual abuse, sexual exploitation of children and child pornography will be facilitated by the adoption of Council Framework Decision 2009/948/JHA on prevention and settlement of conflict of jurisdiction in criminal proceedings.</p>
	<p><i>(3a) Rights of child victims in criminal proceedings should be strengthened, including, in addition to the rights set out in Framework Decision</i></p>		-

² OJ L 82, 22.3.2001, p. 1.

	<p><i>2001/220/JHA, rights such as obligatory and free legal counselling and representation in all cases of sexual abuse and sexual exploitation of children.</i></p> <p>AM 3</p>		
	<p><i>(3b) It is possible for both female and male children and adolescents to be victims of sexual abuse.</i></p> <p>AM 2 FEMM</p>		-
	<p><i>(3c) The danger posed by females who commit child sexual abuse, as well as the danger posed by men who do likewise should be investigated.</i></p> <p>AM 3 FEMM</p>		-
<p>(4) According to Article 34 of the UN Convention on the Rights of the Child, States Parties undertake to protect the child from all forms of sexual abuse. The UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and, in particular, the Council of Europe</p>		<p>(4) According to Article 34 of the United Nations Convention on the Rights of the Child, States Parties undertake to protect the child from all forms of sexual abuse. The United Nations Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child</p>	<p>(4) According to Article 34 of the United Nations Convention on the Rights of the Child, States Parties undertake to protect the child from all forms of sexual abuse. The United Nations Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child</p>

<p>Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse³ are crucial steps in the process of enhancing international cooperation in this field.</p>		<p>Pornography and, in particular, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse⁴ are crucial steps in the process of enhancing international cooperation in this field.</p>	<p>Pornography and, in particular, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse⁵ are crucial steps in the process of enhancing international cooperation in this field.</p>
	<p><i>(4a) Those signatories to the Convention on the Rights of the Child (Convention) that have not met the reporting obligations of Article 44 of the Convention, most notably Belgium, Cyprus, Greece, the Holy Seat, and Portugal, should submit to the Committee on the Rights of the Child, reports on the measures they have adopted to give effect to the rights recognized in the Convention and on the progress made on the enjoyment of those rights.</i></p>		

³ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, made in Lanzarote, 25.10.2007, Council of Europe Treaty Series No. 201.

⁴ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, opened for signature in Lanzarote, 25.10.2007, Council of Europe Treaty Series No. 201.

⁵ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, opened for signature in Lanzarote, 25.10.2007, Council of Europe Treaty Series No. 201.

	AM 48		
	<i>(4b) It is often the case that victims of human trafficking have been victims of child abuse and sexual exploitation.</i>		-
	AM 4 FEMM		
(5) Serious criminal offences such as the sexual exploitation of children and child pornography require a comprehensive approach covering the prosecution of offenders, the protection of child victims, and prevention of the phenomenon. 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 UN Convention on the Rights of the Child. Framework Decision 2004/68/JHA should be replaced by a new instrument providing such comprehensive legal framework to achieve that purpose.		(5) Serious criminal offences such as the sexual exploitation of children and child pornography require a comprehensive approach covering the prosecution of offenders, the protection of child victims, and prevention of the phenomenon. 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 UN Convention on the Rights of the Child. Framework Decision 2004/68/JHA should be replaced by a new instrument providing such comprehensive legal framework to achieve that purpose.	(5) Serious criminal offences such as the sexual exploitation of children and child pornography require a comprehensive approach covering the prosecution of offenders, the protection of child victims, and prevention of the phenomenon. 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 UN Convention on the Rights of the Child. Framework Decision 2004/68/JHA should be replaced by a new instrument providing such comprehensive legal framework to achieve that purpose.

			<i><u>(new) This Directive should be fully complementary with Directive 2011/36/EU of the European Parliament and the Council on preventing and combating trafficking in human beings, and protecting victims, replacing Framework Decision 2002/629/JHA, as some victims of human trafficking have also been child victims of sexual abuse and sexual exploitation.</u></i>
			<i><u>(new) Child pornography 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.⁶ Furthermore, the concept of child pornography also covers realistic images of a child, where a child is engaged or depicted as being engaged in</u></i>

⁶ The aim is to connect „pornography” and „abuse”.

			<u>sexually explicit conduct, regardless of the actual existence of the child, for primarily sexual purposes.</u>
	<p><i>(5a) Member States are encouraged to create mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection in line with the Council of Europe Convention CETS No. 201 on the Protection of Children against Sexual Exploitation and Sexual Abuse. In order to be able to properly evaluate the results of actions to combat sexual abuse, sexual exploitation and child pornography, the Union should continue to develop its work on methodologies and data collection methods to produce comparable statistics.</i></p>	<p>(5a) In adopting legislation on substantive criminal law, the Union should ensure consistency of this overall legislation in particular with regard to the level of penalties. The Council conclusions of April 2002 on the approach to apply regarding the approximation of penalties which indicate four levels of penalties should be kept in mind, in the light of the Lisbon Treaty. 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.</p>	<p>(5a) In adopting legislation on substantive criminal law, the Union should ensure consistency of this overall legislation in particular with regard to the level of penalties. The Council conclusions of April 2002 on the approach to apply regarding the approximation of penalties which indicate four levels of penalties should be kept in mind, in the light of the Lisbon Treaty. 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.</p>

	AM 49		
	<i>(5b) The procedural position of children should be enhanced in accordance with their rights under the UN Convention on the Rights of the Child.</i>		-
	AM 50		
	<i>(5c) The authorities have a duty to acquire a good understanding of children and how they behave when faced with traumatic experiences, so as to ensure a high quality of evidence-taking and to reduce the stress placed on children when carrying out the necessary measures. This requires increased international cooperation and needs the authorities to ensure that sufficient resources are made available for investigations involving children.</i>		-
	AM 51		
(6) Serious forms of child sexual abuse and sexual exploitation should be subject to	(6) Serious forms of child sexual abuse and sexual exploitation should be subject to	(6) Serious forms of child sexual abuse and sexual exploitation should be subject to	(6) Serious forms of child sexual abuse and sexual exploitation should be subject to effective,

<p>effective, proportionate and dissuasive sanctions. This includes, in particular, various forms of sexual abuse and sexual exploitation facilitated by the use of information and communication technology. The definition of child pornography should also be clarified and brought closer to that contained in international instruments.</p>	<p>effective, proportionate and dissuasive sanctions. This includes, in particular, various forms of sexual abuse and sexual exploitation facilitated by the use of information and communication technology <i>such as "grooming" (the online solicitation of children for sexual purposes) via social networking websites and chat rooms</i>. The definition of child pornography should also be clarified and brought closer to that contained in international instruments.</p> <p>AM 5 FEMM</p>	<p>effective, proportionate and dissuasive sanctions. This includes, in particular, various forms of sexual abuse and sexual exploitation facilitated by the use of information and communication technology. The definition of child pornography should also be clarified and brought closer to that contained in international instruments.</p>	<p>proportionate and dissuasive sanctions. This includes, in particular, various forms of sexual abuse and sexual exploitation facilitated by the use of information and communication technology, <i>such as the online solicitation of children for sexual purposes via social networking websites and chat rooms</i>. The definition of child pornography should also be clarified and brought closer to that contained in international instruments.</p>
	<p><i>(6a) If the sexual abuse and sexual exploitation of persons under the age of 18 years and the depiction of sexual acts involving such persons is to be combated effectively, a holistic approach is needed which combines punishment of the perpetrators with comprehensive protection of the victims and effective preventive measures in the Member States. The preventive approach should, above all, have a clear and lasting impact on the way people are taught to use new</i></p>	<p>(6a) Disability, by itself, does not automatically constitute an impossibility to consent to sexual relations. However, the abuse of the existence of such a disability in order to engage in sexual activities with a child should be criminalised.</p>	<p>(6a) Disability, by itself, does not automatically constitute an impossibility to consent to sexual relations. However, the abuse of the existence of such a disability in order to engage in sexual activities with a child should be criminalised.</p>

	<p><i>means of communication, e.g. the internet.</i></p> <p>AM 11 CULT</p>		
	<p><i>(6b) Member States should ensure that children are protected against any form of sexual abuse and sexual exploitation. For that purpose, school should be the preferred institution for preventing this type of crime, through the introduction of information and awareness-raising programmes. This means that school staff should be suitably trained to inform children about their rights, teach them to recognise and avoid high-risk situations and encourage them to speak out if they have been victims of such crimes.</i></p> <p>AM 52</p>	<p>(6aa) The maximum term of imprisonment provided for in this Directive for offences concerning sexual abuse should apply to sexual activities that are serious forms of sexual abuse of a child.</p>	<p>(6aa) The maximum term of imprisonment provided for in this Directive for <u>the</u> offences (...) referred to therein should apply <u>at least</u> to (...) <u>the most serious forms of such offences.</u></p>
		<p>(6ab) In order to reach the maximum term of imprisonment provided for in this Directive in offences concerning sexual exploitation, Member States may combine,</p>	<p>(6ab) In order to reach the maximum term of imprisonment provided for in this Directive in offences concerning sexual abuse, <u>sexual exploitation and child pornography</u>, Member States</p>

		taking into account their national law, the imprisonment terms provided for in national legislation in respect of offences concerning sexual abuse.	may combine, taking into account their national law, the imprisonment terms provided for in national legislation in respect of <u>these offences (...)</u> .
			<u>(new) This Directive obliges Member States to provide for criminal penalties in their national legislation in respect of provisions of EU law on combating sexual abuse, sexual exploitation of children and child pornography. This Directive creates no obligations regarding the application of such penalties, or any other available system of law enforcement, in individual cases.</u>
			<u>(new) Especially for those cases where the criminal offences described 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.</u>

			<p><u>(In the context of child pornography, the term "without right" allows Member States to provide a defence in respect of conduct related to "pornographic material" having for example medical, scientific or similar purpose. It also allows activities carried out under domestic legal powers, such as the legitimate possession of child pornography by the authorities in order to conduct criminal proceedings or to prevent, detect or investigate crimes. Furthermore, it does not exclude legal defences or similar relevant principles that relieve a person of responsibility under specific circumstances, for example where telephone or internet hotlines carry out activities to report to those crimes.</u></p>
		<p>(6b) Knowingly obtaining access, by means of information and communication technology, to child pornography should be criminalised. To be liable, the person should both intend to</p>	<p>(6b) Knowingly obtaining access, by means of information and communication technology, to child pornography should be criminalised. To be liable, the person should both intend to enter</p>

		<p>enter a site where child pornography is available and know that such images can be found there. Sanctions should not be applied to persons inadvertently accessing sites containing child pornography. The intentional nature of the offence may notably be deduced from the fact that it is recurrent or that the offences were committed via a service in return for payment.</p>	<p>a site where child pornography is available and know that such images can be found there. Sanctions should not be applied to persons inadvertently accessing sites containing child pornography. The intentional nature of the offence may notably be deduced from the fact that it is recurrent or that the offences were committed via a service in return for payment.</p>
			<p><i><u>(new) 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, thus an opportunity to conceal one's real identity and personal characteristics, such as age. At the same time, Member States acknowledge the importance of also combating the solicitation of a child outside the context of the internet, notably where such solicitation is not carried out by using information and communication technology. Member States are encouraged to</u></i></p>

			<p><u>criminalise the conduct where the solicitation of the 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 special preparatory offence, attempt to commit the crimes described by this directive or as a special 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 one way or another.</u></p>
<p>(7) 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.</p>		<p>(7) 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.</p>	<p>(7) 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</p>

		<p>These issues fall outside of the scope of this Directive. It is up to Member States to define, with regard to these issues, what should and what should not be criminalised.</p>	<p>communication technologies. These issues fall outside of the scope of this Directive. Member States, which avail themselves of the possibilities referred to in Article 5 and 8, do so in the exercise of their competences.</p>
	<p><i>(7a) Member States should ensure the promotion and protection of children’s rights against any form of sexual abuse and sexual exploitation by reaching the highest level of prevention. This directive should be seen as part of integrated action to ensure prevention, in particular through appropriate school education programmes, including in the framework of the regular educational system, awareness-raising campaigns, research, exchanges of best practices and cooperation between public authorities and non-governmental organisations, service providers and tour operators, as regards the danger of sexual abuse, sexual exploitation and child pornography, as well as regards the rights of victims and steps to</i></p>	<p>(7a) Member States should provide for aggravating circumstances in their national law in line with the rules established by their legal system on aggravating circumstances and should ensure that those aggravating circumstances are available for judges to consider when sentencing offenders, although there is no obligation on judges to apply them. Those circumstances should not be provided for by Member States in national legislation when irrelevant taking into account the nature of the specific offence. The relevance of the various aggravating circumstances provided for in this Directive should be evaluated at national level for each of the offences referred to in this instrument.</p>	<p>(7a) Member States should provide for aggravating circumstances in their national law in line with the applicable rules established by their legal system on aggravating circumstances and should ensure that those aggravating circumstances are available for judges to consider when sentencing offenders, although there is no obligation on judges to apply them. Those circumstances should not be provided for by Member States in national legislation when irrelevant taking into account the nature of the specific offence. The relevance of the various aggravating circumstances provided for in this Directive should be evaluated at national level for</p>

	<p><i>be taken in the case of such abuse or suspected abuse. Those measures should be addressed to all parties concerned, including children, parents and education practitioners. The same objectives should be considered as an integral part of Union negotiations with third countries.</i></p> <p>AM 4</p>		<p>each of the offences referred to in this instrument.</p>
			<p><u>(7bis) Physical or mental incapacity under this Directive should be understood as also including the state of physical or mental incapacity caused by the influence of drugs and alcohol.</u></p>
	<p><i>(7b) Member States should be encouraged to provide the necessary training during the education of future and current teachers and educational staff on the causes of behavioural changes in children and the possible changes in behaviour to look for.</i></p> <p>AM 55</p>	<p>(7aa) Secondary victimisation should be avoided for victims of offences referred to in this Directive. In Member States where prostitution or the appearance in pornography is punishable, under national criminal law or other national law, it should be possible not to prosecute or impose penalties under those laws where the child concerned has committed</p>	

		<p>those acts as a result of being victim of sexual exploitation or where the child was compelled to participate in child pornography.</p>	
	<p><i>(7c) When combating sexual abuse, sexual exploitation of children and child pornography full use should be made of existing instruments on seizure and confiscation of the proceeds of crime, such as the UN Convention against Transnational Organized Crime and its Protocols, the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime¹ and Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property². The use of seized and confiscated</i></p>		<p><u>(7c) In combating sexual exploitation of the children, full use should be made of existing instruments on the seizure and confiscation of the proceeds of crime, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime , and Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime Related Proceeds, Instrumentalities and Property. The use of seized and</u></p>

	<i>instrumentalities and proceeds from the offences referred to in this Directive to support victims' assistance and protection, including compensation of victims, should be encouraged.</i>		<u>confiscated instrumentalities and the proceeds from the offences referred to in this Directive to support victims' assistance and protection [...]</u> should be encouraged.
			(7aa) Secondary victimisation should be avoided for victims of offences referred to in this Directive. In Member States where prostitution or the appearance in pornography is punishable under national criminal law (...), it should be possible not to prosecute or impose penalties under those laws where the child concerned has committed those acts as a result of being victim of sexual exploitation or where the child was compelled to participate in child pornography.
		(7b) As an instrument of approximation of criminal law, this Directive provides for levels of penalties which should apply without prejudice to the specific criminal policies of the Member States concerning child offenders.	(7b) As an instrument of approximation of criminal law, this Directive provides for levels of penalties which should apply without prejudice to the specific criminal policies of the Member States concerning child offenders.

	<p><i>(7d) At the same time, it should be pointed out that differing cultural and legal traditions cannot justify the sexual harassment of persons under the age of 18 years or the depiction of sexual acts involving them.</i></p> <p>AM 13 CULT</p>		-
<p>(8) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive, effective investigation tools should be made available to those responsible for the investigation and prosecutions of such offences. These tools may include covert operations, interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations.</p>	<p>(8) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive, <i>Member States should encourage any person who has, in good faith, a suspicion or knowledge about sexual abuse or exploitation of a child, to report the matter to the competent services. Regarding the system of reporting sexual abuse and sexual exploitation of children and helping children in need, Union hotlines under the number 116 000 for missing children, 116 006 for victims of crime and</i></p>	<p>(8) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive [...], their initiation should not depend, in principle, on reporting or accusation by the victim. The length of the sufficient period of time for prosecution should be determined in accordance with respective national law.</p>	<p>(8) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive, their initiation should not depend, in principle, on reporting or accusation by the victim. The length of the sufficient period of time for prosecution should be determined in accordance with respective national law.</p>

	<p><i>116 111 for children, as introduced by Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering beginning with 116 for harmonised numbers for harmonised services of social value¹ as amended by Decision 2009/884/EC of 30 November 2009², should be promoted and experience with their functioning taken into account.</i></p> <p>AM 5</p>		
	<p><i>(8a) As preventive measures, Member States should ensure that information and awareness-raising campaign are accessible to everyone, taking particular care to ensure that they can be understood by children who are not yet able to read. To this end, notices which are sufficiently easy to understand and tailored to each age group should be displayed in all educational establishments (nursery, primary and secondary schools), and more generally in all places frequented by children.</i></p>	<p>(8a) Effective investigation tools should be made available to those responsible for the investigation and prosecutions of such offences. These tools may include interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations, taking into account, <i>inter alia</i>, the principle of proportionality (...) and (...) the nature and seriousness of the offences under investigation. Where appropriate and in accordance with national law, such tools should also include</p>	<p>(8a) Effective investigation tools should be made available to those responsible for the investigation and prosecutions of such offences. These tools may include interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations, taking into account, <i>inter alia</i>, the principle of proportionality and the nature and seriousness of the offences under investigation. Where appropriate and in accordance with national law, such tools should also include</p>

	AM 60	the possibility for law enforcement authorities to use a false identity on the Internet.	the possibility for law enforcement authorities to use a concealed identity on the Internet.
	<p><i>(8b) An early warning system through regular reporting to the police or local hotlines of suspected child sexual abuse material on the internet is likely to help considerably in rapidly disrupting the activities of sex offenders and in notifying immediately to the authorities and internet service providers the existence of such illegal material in their network, so that they can take prompt, appropriate action to remove the illegal material from public access and preserve evidence for law enforcement investigations.</i></p> <p>AM 8 FEMM</p>	<p>(8b) Member States should encourage any person who has knowledge or suspicion of sexual exploitation or abuse of a child to report to the competent services. It is the responsibility of each Member State to determine the competent authorities to which such suspicions may be reported. These competent authorities should not be limited to child protection services or relevant social services. The requirement of suspicion “in good faith” should be aimed at preventing the provision being invoked to authorise the denunciation of purely imaginary or untruthful facts carried out with malicious intent.</p>	<p>(8b) Member States should encourage any person who has knowledge or suspicion of sexual exploitation or abuse of a child to report to the competent services. It is the responsibility of each Member State to determine the competent authorities to which such suspicions may be reported. These competent authorities should not be limited to child protection services or relevant social services. The requirement of suspicion “in good faith” should be aimed at preventing the provision being invoked to authorise the denunciation of purely imaginary or untrue facts carried out with malicious intent.</p>
<p>(9) Rules on jurisdiction should be amended to ensure that child sexual abusers or exploiters from the European Union face</p>	<p>(9) Rules on jurisdiction should be amended to ensure that child sexual abusers or exploiters from the European Union face</p>	<p>(9) Rules on jurisdiction should be amended to ensure that child sexual abusers or exploiters from the European Union face</p>	<p>(9) Rules on jurisdiction should be amended to ensure that child sexual abusers or exploiters from the European Union face</p>

<p>prosecution even if they commit their crimes outside the European Union, in particular via so-called sex tourism.</p>	<p>prosecution even if they commit their crimes outside the European Union, in particular via so-called child sex tourism. Offences committed against children in the context of travel abroad should be considered as having been committed in aggravating circumstances.</p> <p>Am 7</p>	<p>prosecution even if they commit their crimes outside the European Union, in particular via so-called sex tourism.</p>	<p>prosecution even if they commit their crimes outside the European Union, in particular via so-called sex tourism. <u>Child sex tourism should be understood as the sexual exploitation of children by a person or persons who travel from their usual environment to a destination abroad where they have sexual contact with children. Where child sex tourism takes place outside the EU, Member States are encouraged to seek through the available national and international instruments, including bilateral or multilateral treaties on extradition, mutual assistance or transfer of proceedings, to increase co-operation with third countries and international organisations, with a view to combating sex tourism. Member States should foster open dialogue and communication with countries outside the EU in order to be able to prosecute perpetrators, under the relevant national legislation, who travel outside EU borders for the purposes of child sex tourism.</u></p>
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	<p><i>(9a) Member States should foster open dialogue and communication with countries outside the EU in order to be able to prosecute perpetrators, under the relevant national legislation, who travel outside EU borders for the purposes of sex tourism.</i></p>		-
<p>(10) Measures to protect child victims should be adopted in their best interest, taking into account an assessment of their needs. Child victims should have easy access to legal remedies, including free legal counselling and representation and measures to address conflicts of interest where abuse occurs in the family. Moreover, child victims should be protected from sanctions, for example under national legislation on immigration or 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 as a result of interviews or visual contact with</p>	<p>(10) Measures to protect child victims <i>and measures to adapt the justice system dealing with them</i> should be adopted in their best interest, taking into account an assessment of their needs, <i>and of their right to be protected against the risk of repeated victimisation, especially through violation of their privacy, and giving their opinions and views due weight, as envisaged, for example, in the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime and in the Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice.</i> Child victims should have easy access to legal remedies, including free legal counselling and representation</p>	<p>(10) Measures to protect child victims should be adopted in their best interest, taking into account an assessment of their needs. [...] 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 sanctions, 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 as a result of interviews or visual contact with offenders.</p>	<p>(10) Measures to protect child victims should be adopted in their best interest, taking into account an assessment of their needs. Child victims should have easy access to legal remedies and measures to address conflicts of interest where abuse occurs in 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 sanctions, 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</p>

<p>offenders.</p>	<p>and measures to address conflicts of interest where abuse occurs in the family. <i>In that regard they should be fully informed about their rights, the services at their disposal, the progress and outcome of the proceedings, and legal counselling and representation should also be provided for claiming compensation.</i> Moreover, child victims should be protected from sanctions, for example under national legislation on immigration or 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 as a result of interviews or visual contact with offenders.</p> <p>AM 8</p>		<p>should not cause additional trauma <u>to the extent (...) possible</u>, as a result of interviews or visual contact with offenders. <u>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.</u></p>
			<p><u>Member States should consider giving 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. Because of the nature of the harm caused by</u></p>

			<p><i>sexual abuse and sexual exploitation, such assistance should continue for as long as necessary for the child's complete physical and psychological recovery and may last into adulthood if necessary. Assistance and advice should be considered to be extended to parents or guardians of the child in cases, where they are not implicated as suspects in relation to the offence concerned, in order to help them to assist their child throughout the proceedings.</i></p>
	<p><i>(10a) Child victims of sexual abuse and sexual exploitation should receive short and long-term assistance. Any harm caused by the sexual abuse and sexual exploitation of a child is significant and should be addressed. 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</i></p>	<p>(10a)The Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings⁷ establishes a set of victims' rights in criminal proceedings, including the right to protection and compensation. In addition children, victims of sexual abuse, sexual exploitation and child pornography should be given access to legal counselling</p>	<p>(10a) The Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings⁸ establishes a set of victims' rights in criminal proceedings, including the right to protection and compensation. In addition children, victims of sexual abuse, sexual exploitation and child pornography should be given access to legal counselling</p>

⁷ OJ L 82, 22.3.2001, p. 1.

⁸ OJ L 82, 22.3.2001, p. 1.

	<p><i>child's complete physical and psychological recovery and may last into adulthood if necessary.</i></p> <p>AM 9</p>	<p>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 help 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.</p>	<p>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 help 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.</p>
	<p><i>(10b) Given the serious nature of the psychological damage that sexual abuse can cause and the fact that child victims find it</i></p>	<p>(10b) Member States should undertake all the necessary action to prevent or prohibit acts related to the promotion of</p>	<p>(10b) Member States should undertake action to prevent or prohibit acts related to the promotion of abuse of children</p>

	<p><i>difficult - and are sometimes afraid - to talk, Member States should ensure that limitation periods take account of the exceptional nature of the offences. This period should be sufficiently long to ensure that, after coming of age, adults who lodge a complaint regarding offences committed against them in their childhood will not have their complaints rejected owing to the amount of time that has elapsed since the offences were committed. Similarly, adults who have been victims of sexual abuse in their childhood should be provided with suitable psychological support and legal assistance throughout - and if necessary after - the criminal proceedings.</i></p> <p>AM 65</p>	<p>abuse of children and child sex tourism. Different preventing measures could be considered such as e.g. 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” for tourist organisations combating child sex tourism or having explicit policy to tackle that form of tourism.</p>	<p>and child sex tourism. Different preventing measures could be considered such as e.g. 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” for tourist organisations combating child sex tourism or having explicit policy to tackle that form of tourism.</p>
			<p><u>(10ba) Member States should establish and/or strengthen policies to prevent sexual exploitation of children, including measures to discourage and reduce the demand that fosters all forms of exploitation, and measures to reduce the risk of children</u></p>

			<p><u>becoming victims, by means of research, information, awareness-raising, and education. In such initiatives, Member States should adopt a child-rights approach. Particular care should be taken to ensure that awareness campaigns aimed at children are appropriate and sufficiently easy to understand. The establishment of help-lines/hotlines should be taken into consideration.</u></p>
			<p><u>(new) Regarding the system of reporting sexual abuse and sexual exploitation of children and helping children in need, Union-hotlines under the number 116 000 for missing children, 116 006 for victims of crime and 116 111 for children, as introduced by Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering beginning with 116 for harmonised numbers for harmonised services of social value¹ as amended by Decision 2009/884/EC of 30 November 2009², should be promoted and experience with</u></p>

			<i>their functioning should be taken into account.</i>
			(10bc) Professionals likely to come into contact with <i>child</i> victims of sexual exploitation should be adequately trained to identify and deal with such victims. That training [...] should be promoted for members of the following categories when they are likely to come into contact with <i>child</i> victims: police officers, public prosecutors, lawyers, members of the judiciary and court officials, child and health care personnel, but could also involve other groups of persons who are likely to encounter <i>child</i> victims of sexual exploitation in their work.
	(10c) <i>Child victims should be protected from sanctions and should receive the adequate legal support and counselling even where no criminal proceedings started.</i>	(10c) In order to prevent the sexual exploitation and abuse of children, intervention programmes or measures targeting sex offenders should be proposed to them. Those programs or measures should meet a broad, flexible approach	(10c) In order to prevent the sexual exploitation and abuse of children, intervention programmes or measures targeting sex offenders should be proposed to them. Those programs or measures should meet a broad, flexible approach

	AM 66	focusing on the medical and psycho-social aspects and have a non-obligatory character. Those intervention programmes or measures are without prejudice to intervention programmes or measures imposed by the competent judicial authorities.	focusing on the medical and psycho-social aspects and have a non-obligatory character. Those intervention programmes or measures are without prejudice to intervention programmes or measures imposed by the competent judicial authorities.
	<p><i>(10d) For full victim protection, child victims should be informed of their rights and the services at their disposal, the general progress of the investigation or proceedings, their role in the investigation or proceedings and the outcome thereof.</i></p> <p><i>Furthermore, measures should be adopted which should ensure that children are educated about their rights to protection from abuse, how to protect themselves and what to do if they are or have been abused.</i></p> <p>AM 12 FEMM</p>	(10d) Intervention measures or programmes are not provided as an automatic right. It is for the Member State to decide which intervention measures or programmes are appropriate.	(10d) Intervention measures or programmes are not provided as an automatic right. It is for the Member State to decide which intervention measures or programmes are appropriate.
	<i>(10e) Member States should put in place preventive protection measures in accordance with their national law to avoid contact between the child victims and the offenders after the start of criminal proceedings, even</i>		-

	<p><i>before conviction. Child victims and their families should have the benefit of cross-border protection against their offenders within the framework of a European Protection Order.</i></p> <p>AM 10</p>		
	<p><i>(10f) Child victims should not be confronted with visual contact with the offender during criminal proceedings.</i></p> <p>AM 67</p>		-
<p>(11) To prevent and minimise recidivism, offenders should be subject to an assessment of the danger posed by the offenders and the possible risks of repetition of sexual offences against children, and should have access to effective intervention programmes or measures on a voluntary basis.</p>	<p>(11) To prevent and minimise recidivism, offenders should be subject to an assessment of the danger posed by the offenders and the possible risks of repetition of sexual offences against children, and should have access to effective intervention programmes or measures on a voluntary basis.</p> <p><i>In order to ensure the effectiveness of the intervention measures, Member States are encouraged to regularly conduct assessments of methods and practises that give the best results, as well as to fund studies at EU-level that allow for comparisons and the exchange of best practises.</i></p>	<p>(11) To prevent and minimise recidivism, offenders should be subject to an assessment of the danger posed by the offenders and the possible risks of repetition of sexual offences against children [...]. Modalities of such assessment, such as the type of authority competent to order and carry out the assessment or the moment in or after the criminal proceedings when this assessment should take place as well as modalities of effective intervention programmes or measures offered following this assessment should be consistent with the internal procedures of Member States. For the same</p>	<p>(11) To prevent and minimise recidivism, offenders should be subject to an assessment of the danger posed by the offenders and the possible risks of repetition of sexual offences against children. Modalities of such assessment, such as the type of authority competent to order and carry out the assessment or the moment in or after the criminal proceedings when this assessment should take place as well as modalities of effective intervention programmes or measures offered following this assessment should be consistent with the internal procedures of Member States. For the same</p>

	AM 69	objective of preventing and minimising recidivism, offenders should also have access to effective intervention programmes or measures on a voluntary basis. These intervention programmes or measures should not interfere with national schemes set up to deal with the treatment of persons suffering from mental disorders.	objective of preventing and minimising recidivism, offenders should also have access to effective intervention programmes or measures on a voluntary basis. These intervention programmes or measures should not interfere with national schemes set up to deal with the treatment of persons suffering from mental disorders.
(12) 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 activities involving regular contacts with children, where appropriate. Implementation of such prohibitions throughout the EU should be facilitated.	(12) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders may be temporarily or permanently prevented from exercising <i>professional</i> activities involving direct and contact with children and volunteer activities related to the supervision and/or care of children , where appropriate. Implementation of such prohibitions throughout the EU should be facilitated. COMP 6	(12) 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 regular contacts with children, where appropriate. In order to implement this objective, employers are entitled to be informed, when recruiting for a post involving regular contacts with children, of convictions for sexual offences against children entered in the criminal record, or of existing disqualifications. The way to deliver information, as well as the exact content of	(12) 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, where appropriate. Employers when recruiting for a post involving direct and regular contact with children (...) are entitled to be informed, of convictions for sexual offences against children entered in the criminal record, or of existing disqualifications. [...] For the purpose of this directive, the notion of employers should also

		<p>this information should be defined according to national legislation.</p>	<p><u>cover persons running an organisation that is active in volunteer work related to the supervision and/or care of children involving direct and regular contact with children.</u> The way to deliver information, such as for example access via the person concerned, as well as the exact content of this information, <u>such as for example access via the person concerned, the meaning of organised voluntary activities and direct and regular contact with children</u> should be defined according to national legislation.</p>
	<p><i>(12a) The internet is a part of society like any other and should not be viewed as a 'neutral' space. As in normal society, standards and rules governing its use will need to be applied.</i></p> <p>AM 14 FEMM</p>		<p><u>(12a) With due regard to the different legal traditions of the Member States, the provisions of this directive takes into account the fact that access to criminal records is allowed only either by the 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.</u></p>

			<p><u>(12aa) The aim of the directive is not to harmonize rules concerning consent of the person concerned when exchanging information from the criminal registers, ie. whether to require such consent or not. Whether the consent is required or not under national law, this directive does not establish any new obligation to change the national law and procedures in this respect.</u></p>
			<p><u>(new) Member States may consider adopting additional administrative measures in relation to perpetrators, such as the registration of persons convicted of offences referred to in Articles 3 to 7 in sex offender registers. The access to these registers should be subject to limitation in accordance with national constitutional principles and applicable data protection standards, for instance by limiting access to the judiciary and/or law enforcement agencies.</u></p>

			<u><i>(new) Member States are encouraged to create mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children. In order to be able to properly evaluate the results of actions to combat sexual abuse, sexual exploitation and child pornography, the Union should continue to develop its work on methodologies and data collection methods to produce comparable statistics.</i></u>
			<u><i>(new) Member States shall take appropriate action for setting up information services in order to teach how to recognise the signs of sexual exploitation.</i></u>
(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more	(13) Child pornography, which constitutes <i>child</i> abuse <i>material</i> , is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to <i>ensure as quickly as possible the full removal at source of Internet</i>	(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more	(13) Child pornography, which constitutes sex abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child abuse material by making it more

<p>difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making distributing or downloading child abuse images. The EU, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. However as, despite such efforts, the removal of child pornography content at its source proves to be difficult where the original materials are not located within the EU, mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography. For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or supporting and stimulating Internet Service</p>	<p><i>pages containing or disseminating child pornography or child abuse material and to identify the offenders to start procedures against them, as the investigation and prosecution of such crimes should be a priority. Any webpage originating from an EU Member State and containing sexual abuse material of children should be removed.</i> The EU, in particular through increased cooperation with third countries and international organisations <i>and with the help of bilateral or multilateral agreements</i>, should seek to facilitate the effective removal by third country authorities of websites containing child pornography <i>or child abuse material</i>, which are hosted in their territory, <i>as well as concurrent criminal prosecution of persons who placed such content on or distributed it over the internet. In that regard international cooperation between judicial and police authorities should be strengthened and reporting points put in place.</i> However, <i>should</i> despite such efforts the removal <i>at source of Internet</i></p>	<p>difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content at source and apprehend those guilty of making distributing or downloading child abuse images. The Union, in particular through increased cooperation with third countries and international organisations, should seek to facilitate the effective removal by third country authorities of websites containing child pornography, which are hosted in their territory. However, despite such efforts, the removal of child pornography content at its source is often not possible where 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. Therefore mechanisms should also be put in place to block access from the Union's territory to internet pages identified as containing or disseminating child pornography.</p>	<p>difficult for offenders to upload such content onto the publicly accessible Web. Action is therefore necessary to remove the content and apprehend those guilty of making, distributing or downloading child abuse images. Member States should do their best to cooperate with third countries in seeking to secure the removal of such content from servers in their territory.</p>
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<p>Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. 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 interest of ensuring that national lists of websites containing child pornography 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, adhere to existing legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.</p>	<p><i>pages containing or disseminating child pornography or child abuse material prove impossible to achieve</i> where the original materials are not located within the EU, <i>either because the State where the servers are hosted is not willing to cooperate or because the procedure for removal of the material in the State concerned proves to be particularly long, Member States may take the necessary measures in accordance with national legislation to prevent access to such content in their territory. There should be strengthened cooperation between public authorities, particularly in the interest of ensuring that information regarding websites containing child pornography or child abuse material is as complete as possible and of avoiding duplication of work. Any such measure must be in accordance with national legislation, respect</i> the rights of the end users, adhere to legal and judicial procedures and comply with the European Convention on Human Rights and the Charter of Fundamental Rights of the</p>	<p>For that purpose, different mechanisms can be used as appropriate, including facilitating the competent judicial or police authorities to order such blocking, or via non legislative measures supporting and stimulating Internet Service Providers on a voluntary basis to develop codes of conduct and guidelines for blocking access to such Internet pages. 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 interest of ensuring that national lists of websites containing child pornography 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, adhere to existing legal and judicial procedures and comply with the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a</p>	
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	<p>European Union. The Safer Internet Programme has set up a network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.</p> <p>COMP 8</p>	<p>network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.</p>	
	<p><i>(13a) Any possible personal data processed when implementing this Directive should be protected in accordance with Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters¹ and in accordance with the principles laid down in the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, which all Member States have ratified.</i></p> <p>AM 12</p>	<p>(13a) The Council, in accordance with paragraph 34 of the Interinstitutional agreement on better law-making, should encourage Member States to draw up, for themselves and in the interest of the Union, their own tables, which will, as far as possible, illustrate the correlation between the Directive and the transposition measures and to make them public.</p>	<p><i>(13aa) However, despite such efforts, the removal of child pornography content at its source is often not possible where 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 <u>may</u> also be put in place to block access from the Union’s territory to internet pages identified as containing or disseminating child pornography. <u>It is understood that the measures undertaken by Member States in accordance with this directive in order to remove or, where appropriate, block websites containing child pornography could be based on</u></i></p>

			<p><u>various types of public action, such as legislative, non-legislative, judicial or other.</u>⁹ <u>Whichever basis for action or method is chosen, Member States should ensure that it provides an adequate level of legal security and predictability to users and service providers.</u> 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 interest of ensuring that national lists of websites containing child pornography 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, adhere to existing legal and judicial procedures and comply with the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a</p>
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⁹ It was expressly requested by the EP to make reference to these ideas, as well as to predictability.

			network of hotlines whose goal is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online. <u>Moreover, the provisions of this directive are without prejudice to voluntary action taken by the internet industry to prevent misuse of their services, or to any support for such action by Member States.</u>
			<u>(new) This Directive aims to amend and expand the provisions of Framework Decision 2004/68/JHA. Since the amendments to be made are of substantial number and nature, the Framework Decision should in the interests of clarity be replaced in its entirety in relation to Member States participating in the adoption of this Directive.</u>
	<i>(13b) There are numerous access points for viewing child pornography images online and offenders adapt with the ongoing progression of technology and its application.</i> AM 16 FEMM		<u>(13a) The Council, in accordance with paragraph 34 of the Interinstitutional agreement on better law-making, should encourage Member States to draw up, for themselves and in the interest of the Union, their own tables,</u>

			which will, as far as possible, illustrate the correlation between the Directive and the transposition measures and to make them public.
	<i>(13c) This Directive should be fully complementary with Directive 2011/.../EU of the European Parliament and the Council on preventing and combating trafficking in human beings, and protecting victims, replacing Framework Decision 2002/629/JHA, as some victims of human trafficking have also been child victims of sexual abuse and sexual exploitation.</i> AM 13		-
	<i>(13d) The European Financial Coalition should expand its remit to cover all child pornography images online, and not just commercial child pornography sites.</i> AM 17 FEMM		-
(14) Since the objective of this Directive, namely to combat sexual abuse, sexual exploitation of children and child pornography, cannot be		(14) Since the objective of this Directive, namely to combat sexual abuse, sexual exploitation of children and child pornography, cannot be	(14) Since the objective of this Directive, namely to combat sexual abuse, sexual exploitation of children and child pornography, cannot be sufficiently achieved by the

<p>sufficiently achieved by the Member States alone and can therefore, by reasons of the scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principles of subsidiarity as referred to in Article 3 and Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in the latter Article, this Directive does not go beyond what is necessary to achieve that objective.</p>		<p>sufficiently achieved by the Member States alone and can therefore, by reasons of the scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principles of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.</p>	<p>Member States alone and can therefore, by reasons of the scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principles of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.</p>
<p>(15) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably human dignity, the prohibition of torture and inhuman or degrading treatment or punishment, the rights of the child, the right to liberty and security, freedom of expression and information, protection of personal data, the right to an effective remedy and to a fair trial and the principles of legality and proportionality of criminal offences and penalties. In</p>	<p>(15) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably human dignity, the prohibition of torture and inhuman or degrading treatment or punishment, the rights of the child, the right to liberty and security, freedom of expression and information, protection of <i>privacy and</i> personal data, the right to an effective remedy and to a fair trial and the principles of legality and proportionality of criminal</p>	<p>(15) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably human dignity, the prohibition of torture and inhuman or degrading treatment or punishment, the rights of the child, the right to liberty and security, freedom of expression and information, protection of personal data, the right to an effective remedy and to a fair trial and the principles of legality and proportionality of criminal offences and penalties. In</p>	<p>(15) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably human dignity, the prohibition of torture and inhuman or degrading treatment or punishment, the rights of the child, the right to liberty and security, freedom of expression and information, protection of personal data, the right to an effective remedy and to a fair trial and the principles of legality and proportionality of criminal offences and penalties. In</p>

<p>particular, this Directive seeks to ensure full respect for those rights and has to be implemented accordingly.</p>	<p>offences and penalties. In particular, this Directive <i>ensures</i> full respect for those rights and has to be implemented accordingly.</p> <p>AM 21 CULT</p>	<p>particular, this Directive seeks to ensure full respect for those rights and has to be implemented accordingly.</p>	<p>particular, this Directive seeks to ensure full respect for those rights and has to be implemented accordingly.</p>
<p>(16) [In accordance with Articles 1, 2, 3 and 4 of Protocol on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland have notified their wish to participate in the adoption and application of this Directive] OR [Without prejudice to Article 4 of Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, the United Kingdom and Ireland will not participate in the adoption of this Directive and will not be bound by or be subject to its application]¹⁰. In accordance with</p>	<p>(16) [In accordance with Articles 1, 2, 3 and 4 of Protocol on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland have notified their wish to participate in the adoption and application of this Directive] OR [Without prejudice to Article 4 of Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, the United Kingdom and Ireland will not participate in the adoption of this Directive and will not be bound by or be subject to its application]¹¹. In accordance with</p>	<p>(16) In accordance with Article 3 of the Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, the United Kingdom has notified its wish to take part in the adoption and application of this Directive.</p>	<p>(16) In accordance with Article 3 of the Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, the United Kingdom <i>and Ireland</i> has notified its wish to take part in the adoption and application of this Directive.</p>

¹⁰ The final wording of this recital in the Directive will depend on the actual position of the UK and IRL, taken in accordance with the provisions of protocol (No 21).

¹¹ The final wording of this recital in the Directive will depend on the actual position of the UK and IRL, taken in accordance with the provisions of protocol (No 21).

<p>Articles 1 and 2 of Protocol on the position of Denmark annexed to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is therefore not bound by it or subject to its application</p>	<p>Articles 1 and 2 of Protocol on the position of Denmark annexed to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is therefore not bound by it or subject to its application.</p>		
		<p>(17) In accordance with Article 3 of the Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Directive.</p>	<p>(17) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.</p>
		<p>(18) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its</p>	

		application.	
HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
<p>Article 1 Subject matter</p> <p>This Directive aims to establish minimum rules concerning the definition of criminal offences and sanctions in the area of sexual exploitation of children. It also aims to introduce common provisions to strengthen the prevention of the crime and the protection of its victims.</p>	<p>Article 1 Subject matter</p> <p>This Directive aims <i>to prevent the sexual abuse and sexual exploitation of children and to</i> establish minimum rules concerning the definition of criminal offences and sanctions in the area of sexual <i>abuse and sexual exploitation of children, as well as the presentation of child pornography</i>. It also aims to introduce common provisions to strengthen the prevention of the crime and the protection of its victims.</p> <p>Compromise AM 1 (AM 14 and 90)</p>	<p>Article 1 Subject matter</p> <p>This Directive aims to establish minimum rules concerning 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 [...] strengthen the prevention of these crimes and to strengthen the protection of their victims.</p>	<p>Article 1 Subject matter</p> <p>This Directive aims to establish minimum rules concerning 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.</p> <p>AGREED</p>
<p>Article 2 Definitions</p> <p>For the purposes of this Directive:</p> <p>(a) 'child' shall mean any person below the age of 18 years;</p>		<p>Article 2 Definitions</p> <p>For the purposes of this Directive:</p> <p>(a) 'child' shall mean any person below the age of 18 years;</p>	<p>Article 2 Definitions</p> <p>For the purposes of this Directive:</p> <p>(a) 'child' shall mean any person below the age of 18 years;</p>

	<p>(aa) 'age of sexual consent' shall mean the legal age according to national law to engage in sexual activities;</p> <p>Amendment 15</p>	<p>(aa) 'age of sexual consent' shall mean the age below which it is prohibited to engage in sexual activities with a child according to national law;</p>	<p>(aa) 'age of sexual consent' shall mean the age below which it is prohibited to engage in sexual activities with a child according to national law;</p> <p>AGREED</p>
<p>(b) 'child pornography' shall mean</p> <p>(i) any material that visually depicts a child engaged in real or simulated sexually explicit conduct; or</p> <p>(ii) any depiction of the sexual organs of a child for primarily sexual purposes; or</p> <p>(iii) 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; or</p>	<p>(b) 'child pornography' or '<i>child abuse material</i>' shall mean:</p> <p>(i) any material that visually depicts a child engaged in real or simulated sexually explicit conduct; or</p> <p>(ii) any depiction of the sexual organs of a child for primarily sexual purposes; or</p> <p>(iii) 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; or</p> <p>COMP 2</p>	<p>(b) 'child pornography' shall mean</p> <p>(i) any material that visually depicts a child engaged in real or simulated sexually explicit conduct; or</p> <p>(ii) any depiction of the sexual organs of a child for primarily sexual purposes; or</p> <p>(iii) 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; or</p>	<p>(b) 'child pornography' shall mean:</p> <p>(i) any material that visually depicts a child engaged in real or simulated sexually explicit conduct; or</p> <p>(ii) any depiction of the sexual organs of a child for primarily sexual purposes; or</p> <p>(iii) 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; or</p>
<p>(iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, regardless of the</p>	<p>(iv) realistic images of a child engaged or <i>depicted as being engaged in</i> sexually explicit conduct or realistic</p>	<p>(iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, [...] for primarily</p>	<p>(iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, [...] for primarily</p>

<p>actual existence of such child, for primarily sexual purposes;</p>	<p>images of the sexual organs of a child <i>or of a virtual image thereof</i> for primarily sexual purposes;</p> <p>Amendments 99 and 100</p>	<p>sexual purposes;</p>	<p>sexual purposes;</p> <p>AGREED</p>
<p>(c) 'child prostitution' shall mean 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 this payment, promise or consideration is made to the child or to a third person;</p>		<p>(c) 'child prostitution' shall mean 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 this payment, promise or consideration is made to the child or to a third party;</p>	<p>(c) 'child prostitution' shall mean 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 this payment, promise or consideration is made to the child or to a third party;</p>
<p>(d) 'pornographic performance' shall mean the live exhibition, including by means of information and communication technology:</p> <p>(i) of a child engaged in real or simulated sexually explicit conduct; or</p> <p>(ii) of the sexual organs of a child for primarily sexual purposes;</p>		<p>(d) 'pornographic performance' shall mean the organised live exhibition, aimed at an audience, including by means of information and communication technology:</p> <p>(i) of a child engaged in real or simulated sexually explicit conduct; or</p> <p>(ii) of the sexual organs of a child for primarily sexual purposes;</p>	<p>(d) 'pornographic performance' shall mean the [...] live exhibition aimed at an audience, including by means of information and communication technology:</p> <p>(i) of a child engaged in real or simulated sexually explicit conduct; or</p> <p>(ii) of the sexual organs of a child for primarily sexual purposes;</p>
	<p><i>(da) 'child sexual exploitation in travel and tourism' shall mean the sexual exploitation of children by a person or persons who travel from their usual environment to a destination where they have sexual contact with children;</i></p> <p>Amendments 102, 103 and 104</p>		<p>AGREED</p>

<p>(e) 'legal person' shall mean any entity having legal personality under the applicable law, except for States or public bodies in the exercise of State authority and for public international organisations.</p>		<p>(e) 'legal person' shall mean any entity having legal personality under the applicable law, except for States or public bodies in the exercise of State authority and for public international organisations.</p>	<p>(e) 'legal person' shall mean any entity having legal personality under the applicable law, except for States or public bodies in the exercise of State authority and for public international organisations.</p>
<p style="text-align: center;">Article 3 <i>Offences concerning sexual abuse</i></p> <p>1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 5 is punishable.</p>		<p style="text-align: center;">Article 3 <i>Offences concerning sexual abuse</i></p> <p>1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 5 is punishable.</p>	<p style="text-align: center;">Article 3 <i>Offences concerning sexual abuse</i></p> <p>1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 5 is punishable.</p>
<p>2. Causing, for sexual purposes, a child who has not reached the age of sexual consent under national law to witness sexual abuse or sexual activities, even without having to participate, shall be punishable by a maximum term of imprisonment of at least two years.</p>		<p>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 one year.</p>	<p>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 one year.</p> <p>AGREED</p>
		<p>2a. 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 two years.</p>	<p>2a. 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 two years.</p> <p>AGREED</p>

<p>3. Engaging in sexual activities with a child who has not reached the age of sexual consent under national law shall be punishable by a maximum term of imprisonment of at least five years.</p>		<p>3. Engaging in sexual activities with a child who has not reached the age of sexual consent shall be punishable by a maximum term of imprisonment of at least five years.</p>	<p>3. Engaging in sexual activities with a child who has not reached the age of sexual consent shall be punishable by a maximum term of imprisonment of at least five years.</p>
<p>4. Engaging in sexual activities with a child, where: (i) 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 eight years; or</p>		<p>4. Engaging in sexual activities with a child, where: (i) 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 five years if the child has not reached the age of sexual consent and of at least three years of imprisonment, if the child is over that age; or</p>	<p>4. Engaging in sexual activities with a child, where: (i) 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 eight years if the child has not reached the age of sexual consent and of at least three years of imprisonment, if the child is over that age; or AGREED</p>
<p>(ii) abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence shall be punishable by a maximum term of imprisonment of at least eight years; or</p>		<p>(ii) abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence, shall be punishable by a maximum term of imprisonment of at least five years if the child has not reached the age of sexual consent, and of at least three years of imprisonment if the child is over that age; or</p>	<p>(ii) abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence, shall be punishable by a maximum term of imprisonment of at least eight years if the child has not reached the age of sexual consent, and of at least three years of imprisonment if the child is over that age; or AGREED</p>
<p>(iii) use is made of coercion, force or threats shall be punishable by a maximum term of imprisonment of at least ten years.</p>		<p>(iii) use is made of coercion, force or threats shall be punishable by a maximum term of imprisonment of at least ten years if the child has not reached the age of sexual</p>	<p>(iii) use is made of coercion, force or threats shall be punishable by a maximum term of imprisonment of at least ten years if the child has not reached the age of sexual</p>

		consent, and of at least five years of imprisonment if the child is over that age.	consent, and of at least five years of imprisonment if the child is over that age. AGREED
5. Coercing a child into sexual activities with a third party shall be punishable by a maximum term of imprisonment of at least ten years.		5. 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 ten years if the child has not reached the age of sexual consent, and of at least five years of imprisonment if the child is over that age.	5. 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 ten years if the child has not reached the age of sexual consent, and of at least five years of imprisonment if the child is over that age. AGREED
Article 4 Offences concerning sexual exploitation 1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 11 is punishable.	Amendment 116 Article 4 Offences concerning sexual exploitation 1. Member States shall take the necessary measures to ensure that the [...] conduct referred to in paragraphs 2 to 11 is punishable.	Article 4 Offences concerning sexual exploitation 1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 6 is punishable.	Article 4 Offences concerning sexual exploitation 1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 6 is punishable. AGREED
2. Causing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years.	2. Causing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years and an appropriate fine.	2. Causing or recruiting a child to participate in pornographic performances, or profiting from or otherwise exploiting a child for such purposes , shall be punishable by a maximum term of imprisonment of at least five years if the child has not reached the age of sexual	2. Causing or recruiting a child to participate in pornographic performances, or profiting from or otherwise exploiting a child for such purposes , shall be punishable by a maximum term of imprisonment of at least five years if the child has not reached the age of sexual

	Amendment 123	consent, or of at least two years if the child is over that age.	consent, or of at least two years if the child is over that age. AGREED
3. Profiting from or otherwise exploiting a child participating in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years.	3. Profiting from or otherwise exploiting a child participating in pornographic performances shall be punishable by a maximum term of imprisonment of at least two years <i>and an appropriate fine.</i> Amendment 128		
		3. Coercing or forcing a child to participate in pornographic performances, or threatening a child for such purposes , shall be punishable by a maximum term of imprisonment of at least eight years if the child has not reached the age of sexual consent, or of at least five years if the child is over that age. (NB. Modified point 9 of the COM's proposal)	3. Coercing or forcing a child to participate in pornographic performances, or threatening a child for such purposes , shall be punishable by a maximum term of imprisonment of at least eight years if the child has not reached the age of sexual consent, or of at least five years if the child is over that age. AGREED
4. Knowingly attending pornographic performances involving the participation of children shall be punishable by a maximum term of imprisonment of at least two years.	4. Knowingly attending pornographic performances involving the participation of children shall be punishable by a maximum term of imprisonment of at least two years <i>and an appropriate fine.</i> Amendment 133	3a. Knowingly attending pornographic performances involving the participation of a child shall be punishable by a maximum term of imprisonment of at least two years if the child has not reached the age of sexual consent, or of at least one year if the child is over that age.	3a. Knowingly attending pornographic performances involving the participation of a child shall be punishable by a maximum term of imprisonment of at least two years if the child has not reached the age of sexual consent, or of at least one year if the child is over that age. AGREED

<p>5. Recruiting a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least five years.</p>	<p>5. Recruiting a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least five years and an appropriate fine.</p> <p>Amendment 138</p>		
<p>6. Causing a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least five years.</p>	<p>6. Causing a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least five years and an appropriate fine.</p> <p>Amendment 143</p>	<p>4. Causing or recruiting a child to participate in child prostitution, or profiting from or otherwise exploiting a child for such purposes, shall be punishable by a maximum term of imprisonment of at least eight years if the child has not reached the age of sexual consent and of at least five years of imprisonment if the child is over that age.</p> <p>(NB. Elements from point 10 of COM's proposal)</p>	<p>4. Causing or recruiting a child to participate in child prostitution, or profiting from or otherwise exploiting a child for such purposes, shall be punishable by a maximum term of imprisonment of at least eight years if the child has not reached the age of sexual consent and of at least five years of imprisonment if the child is over that age.</p> <p>AGREED</p>
		<p>5. Coercing or forcing a child into child prostitution, or threatening a child for such purposes, shall be punishable by a maximum term of imprisonment of at least ten years if the child has not reached the age of sexual consent and of at least five years of imprisonment if the child is over that age.</p> <p>(NB. Modified point 11 of the</p>	<p>5. Coercing or forcing a child into child prostitution, or threatening a child for such purposes, shall be punishable by a maximum term of imprisonment of at least ten years if the child has not reached the age of sexual consent and of at least five years of imprisonment if the child is over that age.</p> <p>AGREED</p>

		COM's proposal)	
7. Profiting from or otherwise exploiting a child participating in child prostitution shall be punishable by a maximum term of imprisonment of at least five years.	7. Profiting from or otherwise exploiting a child participating in child prostitution shall be punishable by a maximum term of imprisonment of at least five years and an appropriate fine. Amendment 148		-
8. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least five years.	8. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least five years and an appropriate fine if the child has not reached the age of sexual consent and of at least two years of imprisonment and an appropriate fine if the child is over that age. Amendments 150 and 151	6. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least five years if the child has not reached the age of sexual consent and of at least two years of imprisonment if the child is over that age.	6. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least five years if the child has not reached the age of sexual consent and of at least two years of imprisonment if the child is over that age. AGREED
9. Coercing a child to participate in pornographic performances shall be punishable by a maximum term of imprisonment of at least eight years.	9. Coercing or forcing a child to participate in pornographic performances, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least eight years and an appropriate fine if the child has not reached the age of sexual consent, or of at least five years and an appropriate fine if the child is over that age.		AGREED (Moved to para. 3)

	Amendments 155 and 158		
10. Recruiting a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least eight years.	10. Recruiting a child to participate in child prostitution shall be punishable by a maximum term of imprisonment of at least eight years and an appropriate fine. Amendment 164		AGREED -moved to para. 5
11. Coercing a child into child prostitution shall be punishable by a maximum term of imprisonment of at least ten years.	11. Coercing or forcing a child into child prostitution, or threatening a child for such purposes , shall be punishable by a maximum term of imprisonment of at least ten years and an appropriate fine if the child has not reached the age of sexual consent and of at least five years of imprisonment and an appropriate fine if the child is over that age. Amendments 166 and 169		AGREED - Moved to para. 5
Article 5 Offences concerning child pornography 1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 6 is punishable.		Article 5 Offences concerning child pornography 1. Member States shall take the necessary measures to ensure that the intentional conduct, when committed without right , referred to in paragraphs 2 to 7 is punishable.	Council text and a recital with a proper explanation, for example: 1. Member States shall take the necessary measures to ensure that the intentional conduct, when committed without right , referred to in paragraphs 2 to 7 is punishable. PLUS RECITAL 6ac:
2. Acquisition or possession of child	2. Acquisition or possession of child	2. Acquisition or possession of child	2. Acquisition or possession of child

<p>pornography shall be punishable by a maximum term of imprisonment of at least one year.</p>	<p>pornography shall be punishable by a maximum term of imprisonment of at least one year <i>and an appropriate fine.</i></p> <p>Amendment 174</p>	<p>pornography shall be punishable by a maximum term of imprisonment of at least one year.</p>	<p>pornography shall be punishable by a maximum term of imprisonment of at least one year.</p> <p>AGREED</p>
<p>3. Knowingly obtaining access, by means of information and communication technology, to child pornography shall be punishable by a maximum term of imprisonment of at least one year.</p>	<p>3. Knowingly obtaining access [...] to child pornography shall be punishable by a maximum term of imprisonment of at least one year <i>and an appropriate fine.</i></p> <p>Amendments 175 and 178</p>	<p>3. Knowingly obtaining access, by means of information and communication technology, to child pornography shall be punishable by a maximum term of imprisonment of at least one year.</p>	<p>3. Knowingly obtaining access, by means of information and communication technology, to child pornography shall be punishable by a maximum term of imprisonment of at least one year.</p>
<p>4. Distribution, dissemination or transmission of child pornography shall be punishable by a maximum term of imprisonment of at least two years.</p>	<p>4. Distribution, dissemination or transmission of child pornography shall be punishable by a maximum term of imprisonment of at least two years <i>and an appropriate fine.</i></p> <p>Amendment 182</p>	<p>5. Distribution, dissemination or transmission of child pornography shall be punishable by a maximum term of imprisonment of at least two years.</p>	<p>AGREED</p>
<p>5. Offering, supplying or making available child pornography shall be punishable by a maximum term of imprisonment of at least two years.</p>	<p>5. Offering, supplying or making available child pornography shall be punishable by a maximum term of imprisonment of at least two years <i>and an appropriate fine.</i></p> <p>Amendment 185</p>	<p>6. Offering, supplying or making available child pornography shall be punishable by a maximum term of imprisonment of at least two years.</p>	<p>AGREED</p>

<p>6. Production of child pornography shall be punishable by a maximum term of imprisonment of at least five years.</p>	<p>6. Production of child pornography shall be punishable by a maximum term of imprisonment of at least five years <i>and an appropriate fine</i>.</p> <p>Amendment 188</p>	<p>7. Production of child pornography shall be punishable by a maximum term of imprisonment of at least two years.</p>	<p>6. Production of child pornography shall be punishable by a maximum term of imprisonment of at least three years [...].</p>
	<p><i>6a. It shall be within the discretion of the Member States to decide whether this Article applies to cases involving child pornography, as referred to in Article 2(b)(iii), where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.</i></p> <p>Amendment 189</p>	<p>8. It shall be within the discretion of the Member States to decide whether this Article applies to cases involving child pornography, as referred to in Article 2(b)(iii), where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.</p>	<p>8. It shall be within the discretion of the Member States to decide whether this Article applies to cases involving child pornography, as referred to in Article 2(b)(iii), where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.</p> <p>AGREED</p>
		<p>9. It shall be within the discretion of the Member States to decide whether paragraphs (2) and (7) apply to cases where it is established that pornographic material as referred to in Article 2(b) (iv) is produced and possessed by the producer solely for his or her own private use, as far as no pornographic material as referred to in Article 2(b)(I) to (iii) has been used for the purpose of its production, and provided that the act involves no risk of dissemination of the material.</p>	<p>9. It shall be within the discretion of Member States to decide whether paragraphs (2) and (7) apply to cases where it is established that pornographic material as referred to in Article 2(b) (iv) is produced and possessed by the producer solely for his or her own private use, as far as no pornographic material as referred to in Article 2(b)(i) to (iii) has been used for the purpose of its production, and provided that the act involves no risk of dissemination of the material.</p>

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<p style="text-align: center;">Article 6 <i>Solicitation of children for sexual purposes</i></p> <p>Member States shall take the necessary measures to ensure that the following intentional conduct is punishable:</p> <p>The proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3 (3) and Article 5 (6), where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least two years.</p>	<p style="text-align: center;">Article 6 <i>Solicitation of children for sexual purposes</i></p> <p>Member States shall take the necessary measures to ensure that the following intentional conduct <i>with the aim to attract the confidence and to manipulate a child</i> is punishable:</p> <p>The proposal <i>by an adult to a child</i>, by <i>any</i> means, <i>including</i> information and communication technology, to meet <i>or otherwise solicit</i> a child, for the purpose of committing any of the offences referred to in <i>Article</i> 3(3), <i>Article 4(2) and (3)</i> and Article 5(6), where this proposal has been followed by material acts leading to such a meeting <i>or contact</i>, shall be punishable by a maximum term of imprisonment of at least two years <i>and an appropriate fine</i>.</p> <p>Compromise Amendment 3 (AM 23, 192, 193, 194, 196, 197, 198) and Amendment 200</p>	<p style="text-align: center;">Article 6 <i>Solicitation of children for sexual purposes</i></p> <p>Member States shall take the necessary measures to ensure that the following intentional conduct is punishable:</p> <p>The proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent,[...] for the purpose of committing any of the offences referred to in Articles 3(3) and Article 5(7) where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least one year.</p>	<p style="text-align: center;">COUNCIL PROPOSAL Article 6 <i>Solicitation of children for sexual purposes [by information any communication technology]</i></p> <p>[1.] Member States shall take the necessary measures to ensure that the following intentional conduct is punishable:</p> <p>The proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent, for the purpose of committing any of the offences referred to in Articles 3(3) and Article 5(7) where this proposal has been followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least one year.</p> <p><u>2. Member States shall take the necessary measures to ensure that an attempt through information and communication technology to commit the offences provided for in Article 5 (2) and (3) by an adult soliciting a child who has not reached the age of sexual consent to provide child</u></p>
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			<u>pornography depicting that child, is punishable.</u>
<p>Article 7 <i>Instigation, aiding and abetting, attempt and preparatory offences</i></p> <p>1. Member States shall take the necessary measures to ensure that the instigation of, aiding and abetting to commit any of the offences referred to in Articles 3 to 6 is punishable.</p>		<p>Article 7 <i>Instigation, aiding and abetting <u>and attempt [...]</u></i></p> <p>1. Member States shall take the necessary measures to ensure that the instigation of, aiding and abetting to commit any of the offences referred to in Articles 3 to 6 is punishable.</p>	<p>Article 7 <i>Instigation, aiding and abetting <u>and attempt [...]</u></i></p> <p>1. Member States shall take the necessary measures to ensure that the instigation of, aiding and abetting to commit any of the offences referred to in Articles 3 to 6 is punishable.</p>
<p>2. Member States shall take the necessary measures to ensure that attempts to commit any of the offences referred to in Article 3 (3) to (5), and (2) with regard to witnessing sexual abuse; Article 4 (2) to (3) and (5) to (11); and Article 5 (2) and (4) to (6) is punishable.</p>		<p>2. Member States shall take the necessary measures to ensure that attempts to commit any of the offences referred to in Article 3(3) to (5), Article 4 (2) to (3) and Article (4) to (6) and Article 5 (5) to (7) are punishable .</p>	<p>2. Member States shall take the necessary measures to ensure that attempts to commit any of the offences referred to in Article 3(3) to (5), Article 4 (2) to (3) and (4) to (6), and Article 5(5) to (7) are punishable.</p> <p>AGREED</p>
<p>3. Member States shall take the necessary measures to ensure that the following intentional conduct is punishable:</p> <p>(a) the dissemination of materials advertising the opportunity to commit any of the offences referred to in Articles 3 to 6;</p> <p>(b) the organisation of travel arrangements with the purpose of</p>	<p>(b) the organisation of travel and/or other arrangements with the purpose</p>		

committing any of the offences referred to in Articles 3 to 6.	of committing any of the offences referred to in Articles 3 to 6. Amendment 205, 206, 207 and FEMM37		
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	<p><i>(ba) material acts in connection with travel for the purpose of having sexual intercourse with a child leading to a meeting, regardless of the actual sexual abuse and exploitation of the child.</i></p> <p>Amendments 208 and 209</p>		-
<p><i>Article 8</i> Consensual sexual activities between peers</p> <p>The provisions of Article 3 (2), with regard to witnessing sexual activities, and (3); Article 4 (2) and (4) and Article 5 do not govern consensual sexual activities between children or involving persons who are close in age and degree of psychological and physical development or maturity, insofar as the acts did not involve any abuse.</p>	<p><i>Article 8</i> Consensual sexual activities between peers</p> <p>1. The provisions of Article 3(2), with regard to witnessing sexual activities, and (3); Article 4(2) and (4) and Article 5, do not govern consensual sexual activities between children or involving persons who are close in age and degree of psychological and physical development or maturity, insofar as the acts did not involve any abuse, exploitation, coercion, force or threats, including that defined in Article 3(4) and (5).</p>	<p><i>Article 8</i> Consensual sexual activities [...]</p> <p>1. It shall be within the discretion of the Member States to decide whether Articles 3(2) and (3) apply to consensual sexual activities between peers, who are close in age and degree of psychological and physical development or maturity, insofar as the acts did not involve any abuse.</p>	<p><i>Article 8</i> Consensual sexual activities [...]</p> <p>It shall be within the discretion of Member States to decide whether Articles 3(2) and (3) apply to consensual sexual activities between peers, who are close in age and degree of psychological and physical development or maturity, insofar as the acts did not involve any abuse.</p>
	<p>1a. Judicial prerogatives of national courts to make a case-by-case evaluation of the relationship mentioned above are fully preserved.</p> <p>1b. Member States shall ensure that where offences referred in Articles 3</p>		

	<p><i>to 5 are committed by a child, they shall be, subject to appropriate alternative measures adapted to specific re-educational needs under national law, having due regard to the age of the offender, the need to avoid criminalisation and the objective of social reintegration of the child.</i></p> <p>Compromise Amendment 5 (AM 24, 210, 211 in 212)</p>		
		<p>2. It shall be within the discretion of the Member States to decide whether Article 4(3a) applies to a performance held within consensual relations where the child has reached the age of consent or between peers who are close in age and degree of psychological and physical development or maturity, insofar as the acts did not involve any abuse or exploitation and insofar as no money or other forms of remuneration or consideration is given as payment in exchange for the pornographic performance.</p>	<p>2. It shall be within the discretion of Member States to decide whether Article 4(3a) applies to a performance held within consensual relations where the child has reached the age of consent or between peers who are close in age and degree of psychological and physical development or maturity, insofar as the acts did not involve any abuse or exploitation and insofar as no money or other forms of remuneration or consideration is given as payment in exchange for the pornographic performance.</p>
		<p>3. It shall be within the discretion of the Member States to decide whether Article 5(2) and (7) apply to production, acquisition or possession of material involving</p>	<p>3. It shall be within the discretion of Member States to decide whether Article 5(2) and (7) applies to production, acquisition</p>

		children having reached the age of sexual consent where this material is produced and possessed with their consent and solely for private use of the persons involved, insofar as the acts did not involve any abuse.	or possession of material involving children having reached the age of sexual consent where this material is produced and possessed with their consent and solely for private use of the persons involved, insofar as the acts did not involve any abuse.
Article 9 <i>Aggravating circumstances</i> 1. In so far as the following circumstances do not already form part of the constituent elements of the offences referred to in Articles 3 to 7, they shall be considered as aggravating circumstances for the purposes of this Directive:	Article 9 <i>Aggravating circumstances</i>	Article 9 <i>Aggravating circumstances</i> 1. In so far as the following circumstances do not already form part of the constituent elements of the offences referred to in Articles 3 to 7, Member States shall take the necessary measures to ensure that the following circumstances may, in conformity with the relevant provisions of internal law, be regarded as aggravating circumstances, in relation to the relevant offences referred to in Articles 3 to 7:	Article 9 <i>Aggravating circumstances</i> 1. In so far as the following circumstances do not already form part of the constituent elements of the offences referred to in Articles 3 to 7, Member States shall take the necessary measures to ensure that the following circumstances may, in conformity with the relevant provisions of internal law, be regarded as aggravating circumstances, in relation to the relevant offences referred to in Articles 3 to 7:
(a) the child has not reached the age of sexual consent under national law;	(a) the child has not reached the age of sexual consent under national law, <i>or exhibits signs of slower physical and psychological development;</i> Amendment 213	(a) [...]	(a) [...]

(b) the offence was committed against a child in a particularly vulnerable situation, notably because of a mental or physical disability or a situation of dependence;	(b) the offence was committed against a child in a particularly vulnerable situation, notably because of a mental or physical disability or a situation of dependence <i>or of a temporary alteration in psychophysical perception connected with taking drugs, drinking alcohol, or any other recognised type of dependence</i> ; Amendment 214	(b) the offence was committed against a child in a particularly vulnerable situation, notably because of a mental or physical disability or a situation of dependence;	(b) the offence was committed against a child in a particularly vulnerable situation, such as a mental or physical disability or a situation of dependence <u>or state of physical or mental incapacity</u> ;
(c) the offence was committed by a member of the family, a person cohabiting with the child or a person having abused their authority;	(c) the offence was committed by a member of the family, a person cohabiting with the child or a person having abused their <i>recognised position of trust, authority or influence over the child</i> ; Amendment 215	(c) the offence was committed by a member of the family, a person cohabiting with the child or a person having abused their authority;	((c) the offence was committed by a member of the family, a person cohabiting with the child or a person having abused their <u>recognised position of trust or authority</u> ;
(d) the offence was committed by several people acting together;		(d) the offence was committed by several people acting together;	(d) the offence was committed by several people acting together;
	<i>(da) the offence has been committed as part of an organised activity for the main purpose of economic revenue</i> ; Amendment 26		
	<i>(db) the offence was committed in the context of travel abroad, where such travel was organised or undertaken for the main purpose of committing any of the offences</i>		

	<i>referred to in Articles 3 to 6;</i> Amendment 27		
(e) the offences are committed within the framework of a criminal organisation within the meaning of Framework Decision 2008/841/JHA ¹² ;		(e) the offences are committed within the framework of a criminal organisation within the meaning of Framework Decision 2008/841/JHA ¹³ ;	(e) the offences are committed within the framework of a criminal organisation within the meaning of Framework Decision 2008/841/JHA ¹⁴ ;
(f) the perpetrator has previously been convicted of offences of the same nature;		(f) the offender has previously been convicted of offences of the same nature;	(f) the offender has previously been convicted of offences of the same nature;
(g) the offence endangered the life of the child;		(g) the offender has deliberately or by recklessness endangered the life of the child;	(g) the offender has deliberately or by recklessness endangered the life of the child;
(h) the offence involved serious violence or caused serious harm to the child.	(h) the offence involved serious violence or threat or caused or was likely to cause serious harm to the child. Amendment 217	(h) the offence involved serious violence or caused serious harm to the child.	(h) the offence involved serious violence or caused serious harm to the child.
	(ha) the offender has intentionally used different means to target a great number of children to multiply his chances of committing the crime. Compromise Amendment 4		
2. Where at least one of the aggravating circumstances referred to		2. [...]	

¹² OJ L 300, 11.11.2008, p. 42.

¹³ OJ L 300, 11.11.2008, p. 42.

¹⁴ OJ L 300, 11.11.2008, p. 42.

<p>in paragraph 1 are present, Member States shall take the necessary measures to ensure that the offences referred to in Articles 3 to 6 are punishable by effective, proportionate and dissuasive penalties which are more severe than those foreseen in Articles 3 to 6 for the basic offence.</p>			
<p style="text-align: center;">Article 10 <i>Disqualification arising from convictions</i></p> <p>1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 may be temporarily or permanently prevented from exercising activities involving regular contacts with children.</p>	<p style="text-align: center;">Article 10 <i>Disqualification arising from convictions</i></p> <p>1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 may be temporarily or permanently prevented from exercising <i>professional</i> activities involving <i>direct and</i> regular contact with children <i>and volunteer activities related to the supervision and/or care of children. The measures referred to in this paragraph shall be entered in the criminal record of the convicting Member State.</i></p> <p>Compromise Amendment 6</p>	<p style="text-align: center;">Article 10 <i>Disqualification arising from convictions</i></p> <p>1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 may be temporarily or permanently prevented from exercising at least professional activities involving regular contacts with children.</p>	<p style="text-align: center;">Article 10 <i>Disqualification arising from convictions</i></p> <p>1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 7 may be temporarily or permanently prevented from exercising at least professional activities involving [direct and] regular contacts with children.</p>
		<p>1a. Member States shall take the necessary measures to ensure that employers, when recruiting a</p>	<p>1a. Member States shall take the necessary measures to ensure that employers, when recruiting a</p>

		<p>person for professional activities involving regular contacts with children, are entitled to be informed, in accordance with national law, by any appropriate way, such as direct access, access upon request or via the person concerned, of the existence of convictions for an offence referred to in Articles 3 to 7 entered in the criminal record, or of any disqualification to exercise activities involving regular contacts with children arising from a conviction for an offence referred to in Article 3 to 7.</p>	<p>person for professional or organised voluntary activities involving direct and regular contacts with children, are entitled to request information in accordance with national law in any appropriate way, such as access upon request or via the person concerned, of the existence of convictions for an offence referred to in Articles 3 to 7 entered in the criminal record or of any disqualification to exercise activities involving direct and regular contacts with children arising from those criminal convictions.</p>
<p>2. Member States shall take the necessary measures to ensure that the measure referred to in paragraph 1 is entered in the criminal record of the convicting Member State.</p>	<p>2. Member States shall take the necessary measures to ensure that <i>employers, when recruiting for professional activities involving direct and regular contact with children and volunteer activities related to the supervision and/or care of children, are entitled to obtain information in accordance with national law, by any appropriate way, such as access upon request or via the person concerned, concerning the existence of convictions for an offence referred to in Articles 3 to 7 or of any additional measure related to those convictions which prevents them from exercising activities</i></p>	<p>2. [...]</p>	

	<p><i>involving contacts with children. If serious suspicion should arise during working relations, employers may, in accordance with national law, request such information even after the recruitment procedure. Member States authorities shall ensure, by any appropriate means and in accordance with national law, that such information may also be obtained from the criminal records held in other Member States and in the European Criminal Records Information System (ECRIS) when operational. Member States shall work together to establish a European certificate of good conduct (Am 227).</i></p> <p>Compromise Amendment 7 and Amendment 227</p>		
<p>3. By way of derogation from Articles 7 (2) and 9 (2) of the Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from criminal records between Member States¹⁵, Member States shall take the necessary measures to ensure that, for the purpose of effectively implementing the measure consisting in temporarily or permanently</p>	<p>3. By way of derogation from Articles 7(2) and 9(2) of the Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from criminal records between Member States, Member States shall ensure full cooperation and availability of all information when replying to requests by competent authorities of other Member States submitted according to Article 10(2).</p>	<p>3. [...]</p>	<p>3. (...) Member States shall take the necessary measures to ensure that, for the (...) application of paragraph 1 and 1a, information concerning the existence of criminal convictions for any of the offences referred to in Articles 3 to 7 of this Directive, or of any disqualification to exercise activities involving [direct and] regular contacts with children arising from those criminal convictions, is transmitted in</p>

¹⁵ OJ L 93, 7.4.2009, p. 23.

<p>preventing the person from exercising activities involving regular contacts with children, in particular insofar as the requesting Member State subjects access to certain activities to conditions to ensure that candidates have not been convicted of any of the offences referred to in Articles 3 to 7 of this Directive, information concerning the disqualification arising from conviction of any of the offences referred to in Articles 3 to 7 of this Directive is transmitted when requested under Article 6 of that Framework Decision from the central authority of the Member State of the person's nationality, and that personal data concerning such disqualification provided under Article 7(2) and (4) of that Framework Decision may in all cases be used for such purpose.</p>	<p><i>Personal</i> data concerning such disqualification provided under Article 7(2) and (4) of that Framework Decision may in <i>any case</i> be used for such purpose. Amendment 30</p>		<p>accordance with the procedures set out in Council Framework Decision 2009/315/JHA when requested under Article 6 of that framework decision <u>with the consent of the person concerned.</u></p>
	<p><i>3a. Member States shall take the necessary measures to ensure that when recruiting for professional activities involving direct and regular contact with children and volunteer activities related to the supervision and/or care of children, employers shall be entitled to obtain from competent authorities, which shall take into account the necessary safeguards, a national or when appropriate a European certificate of good conduct concerning the absence of</i></p>		<p>-</p>

	<p><i>convictions for an offence referred to in Articles 3 to 7 or of any additional measure related to those convictions which prevents them from exercising such activities. If serious suspicion should arise during working relations, employers may, in accordance with national law, request such a certificate even after the recruitment procedure.</i></p> <p>Amendment 232</p>		
	<p><i>3b. Member States should ensure that state and private organisations exercising professional activities involving direct and regular contact with children and volunteer activities related to the supervision and/or care of children check systematically the criminal records of new employees, and that organisations, including schools, providing services for children have in place strong and active child protection policies.</i></p> <p>Amendment 40 FEMM</p>		-
4. Member States shall take the necessary measures to ensure that the measure referred to in paragraph 1 imposed in another Member State, is recognised and enforced.		4. [...]	

	<p><i>4a. Member States may consider adopting other measures in relation to perpetrators, such as the registration of persons convicted for offences referred to in Articles 3 to 7 in sex offenders registers. These registers should only be accessible to the judiciary and/or law enforcement agencies.</i></p> <p>Amendment 233</p>		-
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	<p align="center">Article 10 a (new) Seizure and Confiscation</p> <p><i>Member States shall take the necessary measures to ensure that their competent authorities are entitled to seize and confiscate instrumentalities and proceeds from the offences referred to in this Directive.</i></p> <p>Amendment 234</p>		<p align="center">Article 10 a (new) Seizure and Confiscation</p> <p><i>Member States shall take the necessary measures to ensure that their competent authorities are entitled to seize and confiscate instrumentalities and proceeds from the offences referred to in Articles 3-5.</i></p> <p>PLUS RECITAL 7c</p>
<p align="center">Article 11 Liability of legal persons</p> <p>1. Member States shall take the necessary measures to ensure that legal persons may be held liable for any of the offences referred to in Articles 3 to 7 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on one of the following:</p> <p>(a) a power of representation of the legal person;</p> <p>(b) an authority to take decisions on behalf of the legal person;</p>		<p align="center">Article 11 Liability of legal persons</p> <p>1. Member States shall take the necessary measures to ensure that legal persons may be held liable for any of the offences referred to in Articles 3 to 7 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on one of the following:</p> <p>(a) a power of representation of the legal person; (</p> <p>(b) an authority to take decisions on behalf of the legal person;</p>	<p align="center">Article 11 Liability of legal persons</p> <p>1. Member States shall take the necessary measures to ensure that legal persons may be held liable for any of the offences referred to in Articles 3 to 7 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on one of the following:</p> <p>(a) a power of representation of the legal person;</p> <p>(b) an authority to take decisions on behalf of the legal person;</p>

<p>(c) an authority to exercise control within the legal person.</p>		<p>(c) an authority to exercise control within the legal person.</p>	<p>(c) an authority to exercise control within the legal person.</p>
<p>2.Member States shall also take the necessary measures to ensure that legal persons may be held liable where the lack of supervision or control by a person referred to in paragraph 1 of this Article has made possible the commission, by a person under its authority, of any of the offences referred to in Articles 3 to 7 for the benefit of that legal person.</p>		<p>2.Member States shall also take the necessary measures to ensure that legal persons may be held liable where the lack of supervision or control by a person referred to in paragraph 1 of this Article has made possible the commission, by a person under its authority, of any of the offences referred to in Articles 3 to 7 for the benefit of that legal person.</p>	<p>2.Member States shall also take the necessary measures to ensure that legal persons may be held liable where the lack of supervision or control by a person referred to in paragraph 1 of this Article has made possible the commission, by a person under its authority, of any of the offences referred to in Articles 3 to 7 for the benefit of that legal person.</p>
<p>3.Liability of legal persons under paragraphs 1 and 2 of this Article shall be without prejudice to criminal proceedings against natural persons who are perpetrators of, or accessories to, any of the offences referred to in Articles 3 to 7.</p>		<p>3.Liability of legal persons under paragraphs 1 and 2 of this Article shall be without prejudice to criminal proceedings against natural persons who are perpetrators of, or inciters or accessories to the offences referred to in Articles 3 to 7.</p>	<p>3.Liability of legal persons under paragraphs 1 and 2 of this Article shall be without prejudice to criminal proceedings against natural persons who are perpetrators of, or inciters or accessories to the offences referred to in Articles 3 to 7.</p>

<p style="text-align: center;">Article 12 Sanctions on legal persons</p> <p>1. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 11 (1) is punishable by effective, proportionate and dissuasive sanctions, which shall include criminal or non-criminal fines and may include other sanctions, for example:</p> <p>(a) exclusion from entitlement to public benefits or aid;</p>		<p style="text-align: center;">Article 12 Sanctions on legal persons</p> <p>1. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 11(1) is punishable by effective, proportionate and dissuasive sanctions, which shall include criminal or non-criminal fines and may include other sanctions, for example:</p> <p>(a) exclusion from entitlement to public benefits or aid;</p>	<p style="text-align: center;">Article 12 Sanctions on legal persons</p> <p>1. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 11(1) is punishable by effective, proportionate and dissuasive sanctions, which shall include criminal or non-criminal fines and may include other sanctions, for example:</p> <p>(a) exclusion from entitlement to public benefits or aid;</p>
	<p><i>1a. The Member States shall undertake to use the economic revenue arising from confiscation in respect of established crimes for the purpose of prevention, rehabilitation and support for victims and their families.</i></p> <p>Amendment 235</p>		<p>INCLUDED IN ARTICLE 10a</p>
<p>(b) temporary or permanent disqualification from the practice of commercial activities;</p> <p>(c) placing under judicial</p>		<p>(b) temporary or permanent disqualification from the practice of commercial activities;</p> <p>(c) placing under judicial</p>	<p>(b) temporary or permanent disqualification from the practice of commercial activities;</p> <p>(c) placing under judicial</p>

<p>supervision;</p> <p>(d) judicial winding-up;</p> <p>(e) temporary or permanent closure of establishments which have been used for committing the offence.</p>		<p>supervision;</p> <p>(d) judicial winding-up;</p> <p>(e) temporary or permanent closure of establishments which have been used for committing the offence.</p>	<p>supervision;</p> <p>(d) judicial winding-up;</p> <p>(e) temporary or permanent closure of establishments which have been used for committing the offence.</p>
<p>2. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 11 (2) is punishable by penalties or measures which are effective, proportionate and dissuasive.</p>		<p>2. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 11(2) is punishable by penalties or measures which are effective, proportionate and dissuasive.</p>	<p>2. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 11(2) is punishable by penalties or measures which are effective, proportionate and dissuasive.</p>

<p style="text-align: center;">Article 13 <i>Non prosecution or non-application of penalties to the victim</i></p> <p>Member States shall provide for the possibility of not prosecuting or imposing penalties on child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) for their involvement in unlawful activities as a direct consequence of being subjected to those offences.</p>	<p style="text-align: center;">Article 13 <i>Non prosecution or non-application of penalties to the victim</i></p> <p>Member States shall <i>ensure that</i> child victims of the offences referred to in Articles 4 and Article 5 (4) to (6) <i>will not be prosecuted and will not have penalties imposed on them</i> for their involvement in unlawful activities as a direct consequence of being subjected to those offences.</p> <p style="text-align: center;">Amendment 237</p>	<p style="text-align: center;">Article 13 <i>Non prosecution or non-application of penalties to the victim</i></p> <p>Member States shall, in accordance with the basic principles of their legal system, provide for the possibility of not prosecuting or imposing penalties:</p> <p style="padding-left: 20px;">(a) under national law on prostitution or pornographic performances, on child victims of offences referred to in Articles 4(2), (3), (4) and (5) ;</p> <p style="padding-left: 20px;">(b) under national law on pornography, on child victims of offences referred to in Article 5(7) insofar as they have been compelled to commit the acts concerned.</p>	<p style="text-align: center;">Article 13 <i>Non prosecution or non-application of penalties to the victim</i></p> <p>Member States shall, in accordance with the basic principles of their legal systems take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on child victims of sexual abuse and sexual exploitation for their involvement in criminal activities, which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 4(2), (3), (4) and (5), as well as in Article 5(7).</p>
<p style="text-align: center;">Article 14 <i>Investigation and prosecution</i></p> <p>1. Member States shall take the necessary measures to ensure that investigations into or the prosecution of the offences referred to in Articles 3 to 7 are not dependent on a report or accusation being made by the victim, and that the criminal proceedings may continue even if the victim has withdrawn their statements.</p>	<p style="text-align: center;">Article 14 <i>Investigation and prosecution</i></p> <p>1. Member States shall take the necessary measures to ensure that investigations <i>should be carried out bearing in mind the best interests and the rights of the child at all times and that investigation</i> into or the prosecution of the offences referred to in Articles 3 to 7 are not dependent on a report or accusation being made by the victim, and that</p>	<p style="text-align: center;">Article 14 <i>Investigation and prosecution</i></p> <p>1. Member States shall take the necessary measures to ensure that investigations into or the prosecution of the offences referred to in Articles 3 to 7 are not dependent on a report or accusation being made by the victim or by its representative, and that the criminal proceedings may continue even if that person has withdrawn his statements.</p>	<p style="text-align: center;">Article 14 <i>Investigation and prosecution</i></p> <p>1. Member States shall take the necessary measures to ensure that investigations into or the prosecution of the offences referred to in Articles 3 to 7 are not dependent on a report or accusation being made by the victim or by its representative, and that the criminal proceedings may continue even if that person has withdrawn his statements.</p>

	<p>the criminal proceedings may continue even if the victim has withdrawn their statements.</p> <p>Amendment 243</p>		
<p>2. Member States shall take the necessary measures to enable the prosecution of any of the offences referred to in Articles 3, Article 4 (2) to (3) and (5) to (11), and Article 5 (6) for a sufficient period of time after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.</p>	<p>2. Member States shall take the necessary measures to enable the prosecution of any of the offences referred to in Articles 3, Article 4 (2) to (3) and (5) to (11), and Article 5 (6) for a sufficient period of time of minimum 15 years after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.</p> <p>Amendment 246</p>	<p>2. Member States shall take the necessary measures to enable the prosecution of any of the offences referred to in Articles 3, Article 4(2) to (3) and (4) to (6), and of any serious offences referred to in Article 5(7) when pornographic material as defined in Article 2(b)(i) to (ii) has been used, for a sufficient period of time after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.</p>	<p>2. Member States shall take the necessary measures to enable the prosecution of any of the offences referred to in Articles 3, Article 4(2) to (3) and (4) to (6), and of any serious offences referred to in Article 5(7) when pornographic material as defined in Article 2(b)(i) to (ii) has been used, for a sufficient period of time after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.</p>
<p>3. Member States shall take the necessary measures to ensure that effective investigative tools are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to 7, allowing the possibility of covert operations at least in those cases where the use of information and communication technology is involved.</p>	<p>3. Member States shall take the necessary measures to ensure that effective investigative tools are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to 7.</p> <p>Amendment 248</p>	<p>3. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to 7 [...].</p>	<p>3. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to 7.</p> <p>PLUS PROPOSED RECITAL (8c)</p>
<p>4. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the</p>	<p>4. Member States shall take the necessary measures to enable investigative units or services, in accordance with national and EU</p>	<p>4. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the</p>	<p>4. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the</p>

<p>offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.</p>	<p>data protection legislation, to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.</p> <p>Amendment 250</p>	<p>offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.</p>	<p>offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.</p>
	<p><i>In line with action to combat terrorism, monitoring and prevention measures should be taken vis-à-vis perpetrators of offences within the meaning of Articles 3 to 7 of this Directive. To that end, the Commission shall look into the feasibility of establishing a European early warning system (EWS) to coordinate anti-cyber crime activities conducted by Member State authorities and prevent offences by paedophiles and sex offenders, as called for by the European Parliament in its recommendation of 23 June 2010 on setting up a European early warning system (EWS) for paedophiles and sex offenders¹, which was adopted by an absolute</i></p>		<p>-</p>

	<p><i>majority.</i></p> <p>Amendment 45 FEMM (new subparagraph in para 4)</p>		
	<p><i>4a. Member States shall ensure that for the offences referred to in Articles 3 to 7, authorities responsible for persecution and investigation of such offences under criminal law are not circumvented by internal investigations by other institutions without the same authority under criminal law. Such investigations may be of informatory nature but are in no means equalling or substituting of investigation by authorities under criminal law.</i></p> <p>Amendment 255</p>		-
	<p><i>4b. Member States shall work in partnership with law enforcement agencies, judicial authorities, the Information and Communication Technology Industry, Internet Service Providers, the banking sector and Non-Governmental Organisations.</i></p> <p><i>Member States shall work collaboratively and share examples of best practice for combating child sexual exploitation in those Member</i></p>		-

	<i>States where specialised units are working effectively.</i> Amendment 46 FEMM		
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<p style="text-align: center;">Article 15 Reporting suspicion of sexual exploitation or sexual abuse</p> <p>1. Member States shall take the necessary measures to ensure that the confidentiality rules imposed by national law on certain professionals called upon to work in contact with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of offences referred to in Articles 3 to 7.</p>		<p style="text-align: center;">Article 15 Reporting suspicion of sexual exploitation or sexual abuse</p> <p>1. Member States shall take the necessary measures to ensure that the confidentiality rules imposed by national law on certain professionals with the main duty to work [...] with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection, any situation where they have reasonable grounds for believing that a child is the victim of offences referred to in Articles 3 to 7.</p>	<p style="text-align: center;">Article 15 Reporting suspicion of sexual exploitation or sexual abuse</p> <p>1. Member States shall take the necessary measures to ensure that the confidentiality rules imposed by national law on certain professionals with the main duty to work [...] with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection, any situation where they have reasonable grounds for believing that a child is the victim of offences referred to in Articles 3 to 7.</p>
	<p><i>Ia. Member States shall encourage state and private organisations exercising activities involving regular contact with children to carry out routine staff training, so that individuals are better able to detect where a child is being abused and are aware to whom this information should be reported.</i></p> <p>Amendment 47 FEMM</p>		
	<p><i>Ib. Member States shall take steps to ensure that victims have access to confidential child-friendly reporting and referral mechanisms, such as telephone or internet helplines, and that these are run by professionals</i></p>		

	<i>trained in dealing with abuse.</i>		
	Amendment 48 FEMM		
2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, offences referred to in Articles 3 to 7 to report these facts to the competent services.	2. Member States shall <i>adopt</i> the necessary measures to encourage any person who knows about <i>the</i> offences referred to in Articles 3 to 7 <i>or who suspects in good faith that they may have been committed</i> to report these facts to the competent services. <i>Any person reporting such offences will be covered by data protection and anonymity.</i>	2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, offences referred to in Articles 3 to 7 to report these facts to the competent services.	2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, offences referred to in Articles 3 to 7 to report these facts to the competent services.
	Amendment 49 FEMM		
	<i>2a. Member States shall create information campaigns advertising the hotline 116, to ensure that children are aware of the existence of the hotline.</i>		COVERT BY RECITALS
	Amendment 257		
	<i>2b. Member States shall take the necessary measures to establish an anonymous reporting service to internet users who accidentally uncover child sex abuse material on the internet.</i>		COVERT BY RECITALS

	Amendment 50 FEMM		
	<p><i>2c. The Member States shall take the necessary measures to ensure that prevention campaigns are mounted in primary and secondary schools with a view to enabling persons under the age of 18 years to enhance their understanding of the rights of every individual, of self-respect and respect for others, and helping them recognise awkward, intrusive or abusive situations.</i></p>		SPECIAL ARTICLE
	Amendment 82 CULT		
<p>Article 16 Jurisdiction and coordination of prosecution</p> <p>1. Member States shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 3 to 7 where:</p> <p>(a) the offence is committed in whole or in part within its territory; or</p> <p>(b) the offender is one of its nationals or has a habitual residence in its territory; or</p> <p>(c) the offence is committed against one of its nationals or a</p>	<p>Article 16 Jurisdiction and coordination of prosecution</p> <p>1. Member States shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 3 to 7 where:</p> <p>(a) the offence is committed in whole or in part within its territory; or</p> <p>(b) the offender is one of its nationals [...].</p>	<p>Article 16 Jurisdiction and coordination of prosecution</p> <p>1. Member States shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 3 to 7 where:</p> <p>(a) the offence is committed in whole or in part within its territory; or</p> <p>(b) the offender is one of its nationals [...].</p>	<p>Article 16 Jurisdiction and coordination of prosecution</p> <p>1. Member States shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 3 to 7 where:</p> <p>(a) the offence is committed in whole or in part within its territory; or</p> <p>(b) the offender is one of its nationals [...].</p>
		(c) [...]	(c) [...]

person who has a habitual residence in its territory; or			
(d) the offence is committed for the benefit of a legal person established in the territory of that Member State.	(d) the offence is committed for the benefit of a legal person <i>having the legal seat or place of establishment</i> in the territory of that Member State. Amendment 33	(d) [...]	(d) [...]
		1a. Member States shall inform the Commission where they decide to establish further jurisdiction over an offence referred to in Articles 3 to 7 committed outside of its territory e.g. where : (a) the offence is committed against one of their nationals or a person who has his or her habitual residence in the territory of that Member State; or	1a. Member States shall inform the Commission where they decide to establish further jurisdiction over an offence referred to in Articles 3 to 7 committed outside of its territory e.g. where: (a) the offence is committed against one of their nationals or a person who has his or her habitual residence in the territory of that Member State; or
		(b) the offence is committed for the benefit of a legal person established in the territory of that Member State; or (c) the offender has his or her habitual residence in the territory of that Member State.	(b) the offence is committed for the benefit of a legal person established in the territory of that Member State; or (c) the offender has his or her habitual residence in the territory of that Member State.
2. Member States shall ensure that its jurisdiction includes situations where an offence referred to in Articles 5 and 6, and insofar as is relevant, in Articles 3 and 7, is committed by means of information and		2. Member States shall ensure that its jurisdiction includes situations where an offence referred to in Articles 5 and 6, and insofar as is relevant, in Articles 3 and 7, is committed by means of information and	2. Member States shall ensure that its jurisdiction includes situations where an offence referred to in Articles 5 and 6, and insofar as is relevant, in Articles 3 and 7, is committed by means of information and

communication technology accessed from its territory, whether or not it is based on its territory.		communication technology accessed from its territory, whether or not it is based on its territory.	communication technology accessed from its territory, whether or not it is based on its territory.
3. A Member State may decide that it will not apply or that it will apply only in specific cases or circumstances the jurisdiction rules set out in paragraph 1 (c) and (d) as far as the offence is committed outside its territory.	Paragraph 3 --Deleted Amendment 52 FEMM	3 [...]	DELETION
4. For the prosecution of any of the offences referred to in Articles 3 to 7 committed outside the territory of the State concerned, as regards paragraph 1 (b) of this Article, Member States shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition: (a) that the acts are a criminal offence at the place where they were performed; or		4. For the prosecution of any of the offences referred to in Article 3 (3), (4) and (5), Article 4 (2), (3), (4), (5) and (6), and Article 5 (7) committed outside the territory of the State concerned, as regards paragraph 1 (b) of this Article, Member States shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the acts are a criminal offence at the place where they were performed. [...]	4. For the prosecution of any of the offences referred to in Article 3 (3), (4) and (5), Article 4 (2), (3), (4), (5) and (6), and Article 5 (7) committed outside the territory of the State concerned, as regards paragraph 1 (b) of this Article, Member States shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the acts are a criminal offence at the place where they were performed.
(b) that the prosecution can only be initiated following a report made by the victim in the place where the offence was committed, or a denunciation from the State of the place where the offence was committed.			
		4a. For the prosecution of any of the offences referred to in Articles 3 to 7 committed outside the territory of the State concerned, as regards paragraph 1 (b) of this Article, Member States shall take	4a. For the prosecution of any of the offences referred to in Articles 3 to 7 committed outside the territory of the State concerned, as regards paragraph 1 (b) of this Article, Member States shall take

		the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the prosecution can only be initiated following a report made by the victim in the place where the offence was committed, or a denunciation from the State of the place where the offence was committed.	the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the prosecution can only be initiated following a report made by the victim in the place where the offence was committed, or a denunciation from the State of the place where the offence was committed.
<p>Article 17 <i>General provisions on assistance, support and protection measures for victims</i></p> <p>1. Victims of the offences referred to in Articles 3 to 7 shall be provided assistance, support and protection, taking into account the best interests of the child.</p>	<p>Article 17 <i>General provisions on assistance, support and protection measures for victims</i></p> <p>1. Victims of the offences referred to in Articles 3 to 7 shall be provided assistance, support and protection, taking into account the best interests of the child. <i>Assistance and training should be extended to the parents or guardians of the child, in case they are not implicated as suspects in relation to the offence concerned, in order to help them assist their child throughout the proceedings and the recovery period.</i></p> <p>Amendment 261</p>	<p>Article 17 <i>General provisions on assistance, support and protection measures for child victims</i></p> <p>1. Child victims of the offences referred to in Articles 3 to 7 shall be provided assistance, support and protection in accordance with Articles 18 and 19, taking into account the best interests of the child.</p>	<p>Article 17 <i>General provisions on assistance, support and protection measures for child victims</i></p> <p>1. Child victims of the offences referred to in Articles 3 to 7 shall be provided assistance, support and protection in accordance with Article 18 and 19, taking into account the best interests of the child.</p>
	<p><i>Ia. Member States shall take the necessary measures to protect the privacy of child victims, their identity and their image by means of preventing public dissemination of</i></p>		<p><u><i>Ia. Member States shall take the necessary measures to ensure that a child is provided with assistance and support as soon as the competent authorities</i></u></p>

	information. Amendment 53 FEMM		<u>have reasonable-grounds indications for believing that the child may have been subject to an offence provided for in Articles 3-7.</u>
2. Member States shall ensure that, where the age of a person subject to the offences referred to in Articles 3 to 7 is uncertain and there are reasons to believe that the person is a child, the person is presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Article 18 and 19, pending verification of the age.		2. Member States shall ensure that, where the age of a person subject to the offences referred to in Articles 3 to 7 is uncertain and there are reasons to believe that the person is a child, the person is presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Articles 18 and 19 [...].	2. Member States shall ensure that, where the age of a person subject to the offences referred to in Articles 3 to 7 is uncertain and there are reasons to believe that the person is a child, the person is presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Article 18 and 19. PLUS RECITAL 10
	<i>2a. Member States shall ensure in case of sexual abuse and sexual exploitation committed within a family context that the necessary measures are undertaken to protect and provide assistance to the child victim as well as to other family members who were not involved in the offence.</i> Amendment 34		-
	<i>2b. Member States shall ensure that the rights of victims are fully realised through:</i> <i>(a) informing child victims of their rights and the services at their disposal and, unless they do not</i>		-

	<p><i>wish to receive such information, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein as well as the outcome of their cases;</i></p> <p><i>(b) ensuring, at least in cases where the victims and their families might be in danger, that they may be informed, if necessary, when the person prosecuted or convicted is released temporarily or definitively;</i></p> <p><i>(c) protecting the privacy of child victims, their identity and their image and by taking measures in accordance with internal law to prevent the public dissemination of any information that could lead to their identification;</i></p> <p><i>(d) providing for their safety, as well as that of their families and witnesses on their behalf, from intimidation, retaliation and repeat victimisation;</i></p> <p><i>(e) ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided, unless the competent authorities establish otherwise in the best interests of the child or when the investigations or proceedings require such contact.</i></p>		
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	Amendments 262, 268		
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	<p>2c. Member states shall put in place preventative protection for children. This shall include:</p> <p>(a) information and support shall be provided to the general public to help them protect children, including awareness raising and education campaigns so that individuals are better able to detect if a child might be being sexually abused and aware to whom this should be reported, both online and offline;</p> <p>(b) educational awareness programmes in schools and in children's activity groups to educate children to recognise and avoid high-risk situations;</p> <p>(c) measures to ensure that internet social networking includes a "panic button" application so that children can alert the relevant authorities of any inappropriate sexual behaviour, since the grooming of children on the internet, via chat rooms, and social networking websites, is on the increase. It is necessary to put in place clear and coherent follow up procedures that state who the report will go to, how it will be processed and what support and assistance will be given to the child;</p>		-
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	<p><i>(d) robust criminal checks for all types of employment, whether voluntary or paid employment, which involve working with children and young people below the age of 18 years;</i></p> <p><i>(e) measures exploring the possibility of implementing a 'red alert' system whereby information/data on the most dangerous child sex offenders is communicated between Member States as the offender travels through the EU and such information/data is subject to all current EU and national data protection law.</i></p> <p>Amendment 54 FEMM</p>		
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<p style="text-align: center;">Article 18 Assistance and support to victims</p> <p>1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA¹⁶ on the standing of victims in criminal proceedings, and in this Directive.</p>	<p style="text-align: center;">Article 18 Assistance and support to victims</p> <p>1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings, and in this Directive. Member States shall in particular take the necessary steps to ensure protection for children who report cases of abuse taking place within their familiar environment of friends or family.</p> <p style="text-align: center;">Amendment 271</p>	<p style="text-align: center;">Article 18 Assistance and support to victims</p> <p>1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA¹⁷ on the standing of victims in criminal proceedings, and in this Directive.</p>	<p style="text-align: center;">Article 18 Assistance and support to victims</p> <p>1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA¹⁸ on the standing of victims in criminal proceedings, and in this Directive. Member States shall in particular take the necessary steps to ensure protection for children who report cases of abuse taking place within their family].</p>
	<p>Ia. Member States shall take the necessary measures to ensure that a child is provided with assistance and support as soon as the competent authorities have an indication that the child might have been subject to</p>		<p>Ia. Member States shall take the necessary measures to ensure that assistance and support for a child victim are not made conditional on the</p>

¹⁶ OJ L 82, 22.3.2001, p. 1.
¹⁷ OJ L 82, 22.3.2001, p. 1.
¹⁸ OJ L 82, 22.3.2001, p. 1.

	<p>an offence referred to in Articles 3 to 7.</p> <p>Amendments 272, 275</p>		<p>child victim's willingness to cooperate in the criminal investigation, prosecution or trial.</p>
	<p><i>Ib. Member States shall take the necessary measures to ensure that a child has access to information about its rights, in particular in relation to assistance and support, as soon as competent authorities have an indication that the child might have been subject to an offence referred to in Articles 3 to 7.</i></p> <p>Amendments 273, 276</p>		-
	<p><i>Ic. Member States shall take the necessary measures to ensure that assistance and support for a child victim are not made conditional on the child victim's willingness to cooperate in the criminal investigation, prosecution and trial.</i></p> <p>Amendment 274</p>		-
<p>2. Member States shall take the necessary measures to ensure that the specific actions to assist and support victims in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the</p>	<p>2. Member States shall take the necessary measures to ensure that the specific actions to assist and support victims, in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the</p>	<p>2. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims in enjoying their rights under this Directive, are undertaken following an individual assessment of the special</p>	<p>2. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims in enjoying their rights under this Directive, are undertaken following an individual assessment of the special circumstances of each particular</p>

special circumstances of each particular child victim, taking due account of the child's views, needs and concerns.	special circumstances of each particular child victim, and shall to that end devise individual rehabilitation programmes that take due account of the child's views, needs and concerns. Amendment 277	circumstances of each particular child victim, taking due account of the child's views, needs and concerns.	child victim ¹⁹ , taking due account of the child's views, needs and concerns.
	<i>2a. Member States shall take the necessary measures to establish effective child protection systems and multidisciplinary structures to ensure the necessary assistance and support to victims in the short and long term, whether through the provision of specially trained personnel within its public services or through recognition and funding of victim support organisations, including non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.</i> Amendment 278-279		-
	<i>2b. Member States are encouraged to use the confiscated assets from criminals to fund additional therapeutic and integration services for child</i>		-

¹⁹ Alternative proposal instead of the last sentence in para 1: "for ex. whether the offence was committed within their family".

	<i>pornography victims.</i> Amendment 55 FEMM		
3. Victims of any of the offences referred to in Articles 3 to 7 shall be considered as particularly vulnerable victims pursuant to Article 2 (2), Article 8 (4) and Article 14 (1) of Framework Decision 2001/220/JHA.		3. Child victims of any of the offences referred to in Articles 3 to 7 shall be considered as particularly vulnerable victims pursuant to Article 2 (2), Article 8 (4) and Article 14 (1) of Framework Decision 2001/220/JHA.	3. Child victims of any of the offences referred to in Articles 3 to 7 shall be considered as particularly vulnerable victims pursuant to Article 2 (2), Article 8 (4) and Article 14 (1) of Framework Decision 2001/220/JHA.
4. Member States shall take measures, where appropriate and possible, to provide assistance and support to the victim's family. In particular, Member States shall, where appropriate and possible, apply Article 4 of Council Framework Decision 2001/220/JHA to the family.	4. Member States shall take measures, where appropriate (...), to provide assistance and support to the victim's family. In particular, Member States shall, where appropriate (...), apply Article 4 of Council Framework Decision 2001/220/JHA to the family, regardless of whether a criminal investigation or proceedings have been instituted. Amendments 280, 281	4. Member States shall take measures, where appropriate and possible, to provide assistance and support to the family of the child victim in enjoying the rights under this Directive, when the family is in the territory of the Member State. In particular, Member States shall, where appropriate and possible, apply Article 4 of Council Framework Decision 2001/220/JHA to the family.	4. Member States shall take measures, where appropriate and possible, to provide assistance and support to the family of the child victim in enjoying the rights under this Directive when the family is in the territory of the Member State. In particular, Member States shall, where appropriate and possible, apply Article 4 of Council Framework Decision 2001/220/JHA to the family. Corresponding RECITAL 10a
	4a. Member States shall take the necessary legislative or other measures to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity.		-

	Amendment 283-284		
	<p><i>4b. Member States shall take the necessary measures to launch information campaigns and other campaigns aimed at preventing the risks of the depiction of sexual acts involving persons under the age of 18 years, focusing in particular on the ways of detecting and preventing offences.</i></p> <p>Amendment 87 CULT</p>		-
	<p><i>4c. Member States shall employ existing structures to prevent and combat the activities of criminal networks involved in the production, sale or distribution of child pornography, for example, Europol's Analytical work framework, and implement the necessary legislation or other measures to encourage and support the setting up of information services, such as telephone or internet help lines to provide advice to callers confidentially and with due regard for their anonymity.</i></p> <p>Amendment 56 FEMM</p>		-

	<p><i>4d. Member States shall take the necessary measures to help and encourage teachers, social workers, youth leaders and all those working with persons under the age of 18 years to develop, within their syllabuses or activities, media and internet education in order to teach persons under the age of 18 years to react in ways that might save them from harm. It is vital that persons under the age of 18 years be taught how to navigate the internet safely.</i></p> <p>Amendment 88 CULT</p>		-
	<p><i>4e. Member States shall take the necessary measures to ensure that the family of the offender will not experience isolation and stigmatisation.</i></p> <p>Amendment 57 FEMM</p>		-
	<p><i>4f. Member States shall take the necessary measures to ensure that educational measures are included in the aims and values that underpin all levels of primary and secondary schooling. It is vital to develop attitudes that are shaped by respect and justice, enabling persons under the age of 18 years to develop self-respect and respect for others, as well as respect for institutions and for their environment. Only if</i></p>		-

	<p><i>someone is ready to listen to them will persons under the age of 18 years be able to become aware of any abuse they may have been subjected to or recognise an awkward or intrusive situation they may have experienced.</i></p> <p>Amendment 89 CULT</p>		
<p>Article 19 <i>Protection of child victims in criminal investigations and proceedings</i></p> <p>1. Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, judicial authorities appoint a special representative for the child victim where, by national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from the family.</p>	<p>Article 19 <i>Assistance, support and protection</i> of child victims in criminal investigations and proceedings</p> <p>Amendment 285</p>	<p>Article 19 <i>Protection of child victims in criminal investigations and proceedings</i></p> <p>1. Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a special representative for the child victim where, by national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from the family.</p>	<p>Article 19 <i>Protection of child victims in criminal investigations and proceedings</i></p> <p>1. Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a special representative for the child victim where, by national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from the family.</p>

	<p><i>Ia. Member States shall take the necessary measures to inform victims of their rights and the services at their disposal and, unless they do not wish to receive such information, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein as well as the outcome of their cases.</i></p> <p>Amendment 286</p>		-
	<p><i>Ib. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings and in this Directive.</i></p> <p>Amendment 287</p>		-
	<p><i>Ic. Member States shall take the necessary measures to ensure that criminal investigations and proceedings are carried out in the best interest of the child.</i></p>		-

	Amendment 288		
	<i>Id. Member States shall take the necessary measures to ensure that investigations are conducted promptly and without unjustified delay.</i>		-
	Amendments 289		
	<i>Ie. Member States shall take the necessary measures to ensure that investigations and criminal proceedings do not aggravate the trauma experienced by the child.</i>		-
	Amendments 290		
	<i>If. Each Member State shall, in the context of investigations and proceedings, apply Articles 13(1) and 13(2) of Framework Decision 2001/220/JHA.</i>		-
	Amendment 291		
	<i>Ig. Victims of any of the offences referred to in Articles 3 to 7 shall be considered as particularly vulnerable victims pursuant to Article 2 (2), Article 8 (4) and Article 14(1) of Framework Decision 2001/220/JHA.</i>		-
	Amendment 293		
	<i>Ih. Member States shall take measures, where appropriate and possible, to provide assistance and support to the victim's family. In particular, Member States shall, where appropriate and possible,</i>		-

	<p><i>apply Article 4 of Council Framework Decision 2001/220/JHA to the family.</i></p> <p>Amendment 294</p>		
-	<p><i>Ii. Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, judicial authorities appoint a special representative for the child victim where, by national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from the family.</i></p> <p>Amendment 295</p>		-
	<p><i>Ij. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate time after criminal proceedings in order to enable them to exercise the rights set forth in Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings and in this Directive.</i></p> <p>Amendment 297</p>		-
2. Member States shall ensure that		2. Member States shall ensure that	2. Member States shall ensure that child victims have without delay

<p>child victims have immediate access to free legal counselling and to free legal representation, including for the purpose of claiming compensation</p>		<p>child victims have without delay access to legal counselling and, in accordance with the role of victims in the relevant justice system, to [...] legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge when the victim does not have sufficient financial resources.</p>	<p>access to legal counselling and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge when the victim does not have sufficient financial resources.</p>
<p>3. Without prejudice to the rights of the defence, Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 7:</p> <p>(a) interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;</p> <p>(b) interviews with the child victim take place, where necessary, in premises designed or adapted for this purpose;</p>	<p>3. Without prejudice to the rights of the defence, Member States shall take the necessary measures to ensure that in criminal <i>proceedings</i> of any of the offences referred to in Articles 3 to 7:</p> <p>Amendment 58 FEMM</p> <p>(a) interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;</p> <p>(b) interviews with the child victim take place in premises designed or adapted for this purpose, and where the child feels safe;</p> <p>Amendment 59 FEMM</p>	<p>3. Without prejudice to the rights of the defence, Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 7:</p> <p>(a) interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;</p> <p>(b) interviews with the child victim take place, where necessary, in premises designed or adapted for this purpose;</p>	<p>3. Without prejudice to the rights of the defence, Member States shall take the necessary measures to ensure that in criminal investigations [and criminal proceedings] of any of the offences referred to in Articles 3 to 7:</p> <p>(a) interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;</p> <p>(b) interviews with the child victim take place, where necessary, in premises designed or adapted for this purpose;</p>

<p>(c) interviews with the child victim are carried out by or through professionals trained for this purpose;</p> <p>(d) the same persons, if possible and where appropriate, conduct all interviews with the child victim;</p> <p>(e) the number of interviews is as limited as possible and interviews are only carried out where strictly necessary for the purpose of criminal proceedings;</p>		<p>(c) interviews with the child victim are carried out by or through professionals trained for this purpose;</p> <p>(d) the same persons, if possible and where appropriate, conduct all interviews with the child victim;</p> <p>(e) the number of interviews is as limited as possible and interviews are only carried out where strictly necessary for the purpose of criminal proceedings;</p>	<p>(c) interviews with the child victim are carried out by or through professionals trained for this purpose;</p> <p>(d) the same persons, if possible and where appropriate, conduct all interviews with the child victim;</p> <p>(e) the number of interviews is as limited as possible and interviews are only carried out where strictly necessary for the purpose of criminal investigations and proceedings;</p>
<p>(f) the child victim may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.</p>		<p>(f) the child victim may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.</p>	<p>(f) the child victim may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.</p>
<p>4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 7 all interviews with the child victim or, where appropriate, with a child witness, may be videotaped and that these videotaped interviews may be used as evidence in criminal court</p>	<p>4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 7 interviews with the child victim or, where appropriate, with a child witness – <i>if examination of the individual case shows this to be necessary</i> – may be videotaped and that these videotaped interviews may</p>	<p>4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 7 all interviews with the child victim or, where appropriate, with a child witness, may be audiovisually recorded and that these audiovisually recorded interviews may be used as evidence in criminal</p>	<p>4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 7 all interviews with the child victim or, where appropriate, with a child witness, may be audiovisually recorded and that these audiovisually recorded interviews may be used as evidence in criminal</p>

proceedings, according to the rules under its national law.	be used as evidence in criminal court proceedings, according to the rules under its national law. Amendment 306	court proceedings, according to the rules under its national law.	court proceedings, according to the rules under its national law.
5. Member States shall take the necessary measures to ensure, in criminal court proceedings relating to any of the offences referred to in Articles 3 to 7, that it may be ordered that: (a) the hearing shall take place without the presence of the public; (b) the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies.	5. Member States shall take the necessary measures to ensure, in criminal court proceedings relating to any of the offences referred to in Articles 3 to 7, that it <i>is</i> ordered that: Amendment 61 FEMM	5. Member States shall take the necessary measures to ensure, in criminal court proceedings relating to any of the offences referred to in Articles 3 to 7, that it may be ordered that: (a) the hearing shall take place without the presence of the public; (b) the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies.	5. Member States shall take the necessary measures to ensure, in criminal court proceedings relating to any of the offences referred to in Articles 3 to 7, that it may be ordered that: (a) the hearing shall take place without the presence of the public; (b) the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies.
	<i>5a. Member States shall take the necessary measures, where in the interest of the child victims and taking into account other overriding interests, to protect their privacy, their identity and their image and to prevent the public dissemination of any information that could lead to their identification.</i> AM 307		-
		6. Member States shall take the	6. Member States shall take the

		<p>necessary measures, where in the interest of the child victims and taking into account other overriding interests, to protect their privacy, their identity and their image and to prevent the public dissemination of any information that could lead to their identification.</p>	<p>necessary measures, where in the interest of the child victims and taking into account other overriding interests, to protect their privacy, their identity and their image, and to prevent the public dissemination of any information that could lead to their identification.</p> <p><u>New suggested corresponding recital 7a</u></p>
		<p>Article 19a</p> <p><u>Advertising abuse opportunity and child sex tourism</u></p> <p>Member States shall encourage the prevention of or take the necessary measures to prohibit :</p> <p>(a) the dissemination of material advertising the opportunity to commit any of the offences referred to in Article 3 to 6;</p> <p>(b) the organisation for others, whether or not for commercial purposes, of travel arrangements with the purpose of committing any of the offences referred to in Article 3 to 5.</p>	<p><u>Article 19a</u></p> <p><u>Advertising abuse opportunity and child sex tourism</u></p> <p>Member States shall <u>take the appropriate measures to prevent or prohibit :</u></p> <p>(a) the dissemination of material advertising the opportunity to commit any of the offences referred to in Article 3 to 6;</p> <p>(b) the organisation for others, whether or not for commercial purposes, of travel arrangements with the purpose of committing any of the offences referred to in Article 3 to 5.</p>

		<p style="text-align: center;">Article 19aa <i>Preventive intervention programmes or measures</i></p> <p>Member States shall take the necessary measures to ensure that persons who fear that they might commit any of the offences referred to in Articles 3 to 7 may have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed.</p>	<p style="text-align: center;">Article 19aa <i>Preventive intervention programmes or measures</i></p> <p>Member States shall take the necessary measures to ensure that persons who fear that they might commit any of the offences referred to in Articles 3 to 7 may have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed.</p>
			<p style="text-align: center;"><i>Article 19aaa</i> <i>Prevention</i></p> <p><i>1. Member States shall take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of sexual exploitation related to exploitation of children.</i></p> <p><i>2. Member States shall take appropriate action, including through the Internet, such as information and awareness-</i></p>

			<p><u>raising campaigns, research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of children, becoming victims of sexual exploitation.</u></p> <p><u>3. Member States shall promote regular training for officials likely to come into contact with child victims or potential child victims of sexual exploitation, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of sexual exploitation.</u></p> <p><u>Suggested new corresponding recitals (10ba), 10(bc)</u></p>
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<p style="text-align: center;">Article 20 Intervention programmes or measures</p> <p>1. Member States shall take the necessary measures to ensure that persons convicted of offences referred to in Articles 3 to 7 are subject to an assessment of the danger presented by the person and possible risks of repetition of any of the offences referred to in Articles 3 to 7, with the aim of identifying appropriate intervention programmes or measures.</p>	<p style="text-align: center;">Article 20 Intervention programmes or measures</p>	<p style="text-align: center;">Article 20 Intervention programmes or measures on a voluntary basis in the course of or after criminal proceedings</p> <p>1. Without prejudice to intervention programmes or measures imposed by the competent judicial authorities under national law, Member States shall take the necessary measures to ensure that effective intervention programmes or measures are made available with a view to preventing and minimising the risks of repeated offences of a sexual nature against children.</p>	<p style="text-align: center;">Article 20 Intervention programmes or measures [...] in the course of or after criminal proceedings</p> <p>1. Without prejudice to intervention programmes or measures imposed by the competent judicial authorities under national law, Member States shall take the necessary measures to ensure that effective intervention programmes or measures are made available with a view to preventing and minimising the risks of repeated offences of a sexual nature against children. These programmes or measures shall be accessible at any time during the criminal proceedings, inside and outside prison, according to the conditions laid down in national law.</p>
<p>2. Member States shall take the necessary measures to ensure that effective intervention programmes or measures are made available with a view to preventing and minimising the risks of repeated offences of a sexual nature against children. These programmes or measures shall be accessible at any time during the criminal proceedings, inside and outside prison, according to the</p>	<p>2. Member States shall take the necessary measures to ensure that effective intervention programmes or measures are made available with a view to preventing and minimising the risks of repeated offences of a sexual nature against children.</p> <p>Amendment 309</p>	<p>2. [...] Intervention programmes or measures shall [...] meet the specific developmental needs of children who sexually offend [...].</p>	<p>2. [...] Intervention programmes or measures shall [...] meet the specific developmental needs of children who sexually offend [...].</p>

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<p>conditions laid down in national law.</p> <p>Such intervention programmes or measures shall be adapted to meet the specific developmental needs for children who sexually offend, including those who are below the age of criminal responsibility</p>	<p>Such intervention programmes or measures shall be adapted to meet the specific developmental needs for <i>persons</i> who sexually offend, including those who are below the age of criminal responsibility.</p> <p>Amendment 101 CULT</p>		
<p>3. Member States shall take the necessary measures to ensure that persons convicted of offences referred to in Articles 3 to 7, where appropriate considering the assessment referred to in paragraph 1:</p>	<p>3. Member States shall take the necessary measures to ensure, <i>in criminal court proceedings relating to any of the offences referred to in Articles 3 to 7, that in order as far as possible to prevent any secondary victimisation it may be ordered that:</i></p> <p>Amendment 310</p>	<p>3. Member States shall take the necessary measures to ensure that the following persons may have access to intervention programmes or measures referred to in paragraph 1 :</p> <p>(NB. Elements included in following indents are taken from paras 1 and 4 of COM's prop.)</p>	<p>3. Member States shall take the necessary measures to ensure that the following persons may have access to intervention programmes or measures referred to in paragraph 1:</p>
		<p>(a) persons subject to criminal proceedings for any of the offences referred to in Articles 3 to 7, under conditions which are neither detrimental nor contrary to the rights of the defence and to the requirements of a fair and impartial trial, and particularly with(due respect for the rules governing the principle of the presumption of innocence; and</p> <p>(b) persons convicted of any of the offences referred to in Articles 3 to 7.</p>	<p>(a) persons subject to criminal proceedings for any of the offences referred to in Articles 3 to 7, under conditions which are neither detrimental nor contrary to the rights of the defence and to the requirements of a fair and impartial trial, and particularly with due respect for the rules governing the principle of the presumption of innocence; and</p> <p>(b) persons convicted of any of the offences referred to in Articles 3 to 7.</p>

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<p>(a) may have access to the programmes or measures referred to in paragraphs 1 and 2;</p> <p>(b) are offered access to the specific programmes or measures;</p> <p>(c) are fully informed of the reasons for the proposal to have access to the specific programmes or measures;</p> <p>(d) consent to participation in the specific programmes or measures in full knowledge of the facts;</p> <p>(e) may refuse and are made aware of the potential consequences of a refusal .</p>		<p>(NB. Those indents of COM's prop. have been moved under para 5 below)</p>	
<p>4. Member States shall take the necessary measures to ensure that persons subject to criminal proceedings for any of the offences referred to in Articles 3 to 7 may have access to the programmes or measures referred to in paragraphs 1 and 2 of this Article, under conditions which are neither detrimental nor contrary to the rights of the defence and to the requirements of a fair and impartial trial, and particularly with due respect for the rules governing the principle of the presumption of innocence.</p>		<p>4. Member States shall take the necessary measures to ensure that persons referred to in paragraph 3(a) and 3(b) are subject to an assessment of the danger presented by the person and possible risks of repetition of any of the offences referred to in Articles 3 to 7, with the aim of identifying appropriate intervention programmes or measures.</p>	<p>4. Member States shall take the necessary measures to ensure that persons referred to in paragraph 3(a) and 3(b) are subject to an assessment of the danger presented by the person and possible risks of repetition of any of the offences referred to in Articles 3 to 7, with the aim of identifying appropriate intervention programmes or measures.</p>

<p>5. Member States shall take the necessary measures to ensure that persons who fear that they might commit any of the offences referred to in Articles 3 to 7 may have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed.</p>			
		<p>5. Member States shall take the necessary measures to ensure that persons referred to in paragraphs 3(a) and 3(b) to whom intervention programmes or measures in accordance with paragraph 4 have been proposed:</p> <p>NB. Following indents were in the COM's prop. under para 3)</p> <p>(a) [...]</p> <p>(b) [...]</p> <p>(c) are fully informed of the reasons for the proposal;</p> <p>(d) consent to participation in the programmes or measures in full knowledge of the facts;</p> <p>(e) may refuse and, in the case of convicted persons, are made aware of the possible consequences a refusal might have.</p>	<p>5. Member States shall take the necessary measures to ensure that persons referred to in paragraphs 3(a) and 3(b) to whom intervention programmes or measures in accordance with paragraph 4 have been proposed:</p> <p>(a) [...]</p> <p>(b) [...]</p> <p>(c) are fully informed of the reasons for the proposal;</p> <p>(d) consent to participation in the programmes or measures in full knowledge of the facts;</p> <p>(e) may refuse and, in the case of convicted persons, are made aware of the possible consequences a refusal might have.</p>

			Corresponding recitals 10c, 10d, 11, 12
		6. [...] (NB. This para has been included in new Article (19aa))	
	<p><i>5a. As prevention is best achieved by stopping the perpetrator, Member States shall consider the possibility of implementing an EU-wide telephone number made available to anyone who is thinking about committing child sexual abuse. The anonymity of the individual shall be ensured.</i></p> <p>Amendment 64 FEMM</p>		-
	<p>Article 20a Prevention Measures</p> <p><i>1. Member States shall take appropriate actions such as information and awareness raising campaigns, research and education programmes, where appropriate in cooperation with civil society organisations and local support networks, aimed at raising awareness and reducing the risk of children becoming victims of sexual abuse, sexual exploitation or sexual abuse images. These measures must be addressed to all parties concerned, including children,</i></p>		-

	<p><i>parents and education practitioners, in order for them to learn how to recognise the signs of sexual abuse, both online and offline.</i></p> <p><i>2. Help-lines shall be set up create a safe and anonymous communication channel between children that are or may be victims and members of relevant civil society organisations or local support networks.</i></p> <p>Amendment 308</p>		
<p><i>Article 21</i> Blocking access to websites containing child pornography</p>	<p>Article 21 Measures addressing websites containing or disseminating child pornography or child abuse material</p> <p>Compromise Amendment 8 (AM (37), AM (313), AM (314), AM (320), AM (323), AM (329), AM (336), AM (337), AM (341), AM (342))</p>	<p>Article 21 <u>Measures against websites containing or disseminating child pornography</u></p>	<p>Article 21 Measures against websites containing or disseminating child pornography</p>
<p>1. Member States shall take the necessary measures to obtain the blocking of access by Internet users in their territory to Internet pages containing or disseminating child pornography. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that</p>	<p>1. Member States shall take the necessary legislative measures to obtain the removal at source of Internet pages containing or disseminating child pornography or child abuse material. Internet pages containing such material shall be removed, especially when originating from an EU Member State. In addition, the EU shall cooperate with third countries in</p>	<p>1. Member States shall take the necessary measures to ensure the removal of webpages containing or disseminating child pornography hosted in their territory and to endeavour to obtain the removal of such pages hosted outside of their territory.</p>	<p>1. (...) Member States shall take the necessary measures to ensure the prompt removal (...) of webpages containing or disseminating child pornography hosted in their territory and to endeavour to obtain the removal of such pages hosted outside of their territory.</p>

<p>content providers, as far as possible, are informed of the possibility of challenging it.</p>	<p><i>securing the prompt removal of such content from servers in their territory.</i></p>		
<p>2. Without prejudice to the above, Member States shall take the necessary measures to obtain the removal of internet pages containing or disseminating child pornography.</p>	<p><i>2. When removal at source of Internet pages containing or disseminating child pornography or child abuse material is impossible to achieve, Member States may take the necessary measures in accordance with national legislation to prevent access to such content in their territory. These measures must be set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate, and that users are informed of the reason for the restriction. Content providers and users shall be informed of the possibility to whom to appeal under a judicial redress procedure.</i></p>	<p>2. Where the removal of webpages containing or disseminating child pornography is not possible, Member States shall take the necessary measures, whether legislative or non-legislative, to ensure that the blocking of access to webpages containing or disseminating child pornography is possible towards the Internet users in their territory. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking, taking into account technical characteristics, is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it</p>	<p>2. (...) Member States may take measures to block access to webpages containing or disseminating child pornography towards the Internet users in their territory. <u>These measures must be set by transparent procedures and</u> provide adequate safeguards, in particular to ensure that <u>the restriction</u> is limited to what is necessary <u>and proportionate</u>, and that users are informed of the reason for the <u>restriction</u>. <u>These safeguards shall also include the possibility of judicial redress.</u></p>
	<p><i>2a. Any measure under paragraphs 1 and 2 shall respect fundamental rights and freedoms of natural persons, as guaranteed by the European Convention of the Protection of Human Rights and Fundamental Freedoms, the EU Charter of Fundamental Rights and general principles of Union law. Those measures shall provide for prior authorisation in accordance</i></p>		

	<i>with national law, and the right to an effective and timely judicial redress.</i>		
	<i>2b. The European Commission shall submit to the European Parliament an annual report on the activities undertaken by Member States to remove child sexual abuse material from Internet pages.</i>		
	<i>2c. Member States shall make an active effort to address the issue of peer-to-peer software and the re-emergence of usenet newsgroups.</i> Amendment 67 FEMM		

<p style="text-align: center;">Article 22 Repeal of Framework Decision 2004/68/JHA</p> <p>Framework Decision 2004/68/JHA is hereby repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law.</p> <p>References to the repealed Framework Decision shall be construed as references to this Directive.</p>		<p style="text-align: center;">Article 22 Repeal of Framework Decision 2004/68/JHA</p> <p>Framework Decision 2004/68/JHA is hereby repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law.</p> <p>References to the repealed Framework Decision shall be construed as references to this Directive.]²⁰</p>	<p style="text-align: center;">Article 22 Replacement of Framework Decision 2004/68/JHA</p> <p>Framework Decision 2004/68/JHA is hereby replaced in relation to Member States; participating in the adoption of this Directive, without prejudice to the obligations of the Member States relating to the time limits for transposition of the Framework Decision into national law.</p> <p>In relation to Member State participating in the adoption in this Directive, references to the Framework Decision 2004/68/JHA shall be construed as references to this Directive.</p>
<p style="text-align: center;">Article 23 Transposition</p> <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [TWO YEARS FROM ADOPTION] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a</p>		<p style="text-align: center;">Article 23 Transposition</p> <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by TWO YEARS FROM ADOPTION at the latest. [...]</p>	

²⁰ The wording of this Article will need further discussion with regard to the relationship with Protocols 21 and 22 to the Lisbon Treaty.

<p>correlation table between those provisions and this Directive.</p> <p>When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</p>			
<p>2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p>		<p>2. Member States shall transmit to the Commission the text of the [...] provisions transposing into their national law the obligations imposed on them under this Directive.</p>	<p>Member States shall transmit to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Directive.</p>
		<p>3. When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.</p>	<p>3. When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States</p>

<p style="text-align: center;">Article 24 <i>Reporting</i></p> <p>1. By [FOUR YEARS FROM ADOPTION] and every three years thereafter, the Commission shall submit a report to the European Parliament and the Council including any necessary proposal.</p>		<p style="text-align: center;">Article 24 <i>Reporting</i></p> <p>1. The Commission shall, by FOUR YEARS FROM ADOPTION, [...] submit a report to the European Parliament and the Council, assessing the extent to which the Member States have taken the necessary measures in order to comply with this Directive, accompanied, if necessary, by legislative proposal.</p>	
<p>2. Member States shall send to the Commission all the information that is appropriate for drawing up the report referred to in paragraph 1. The information shall include a detailed description of legislative and non-legislative measures adopted pursuant to this Directive.</p>		<p>2. [...]</p>	

<p style="text-align: center;">Article 25 <i>Entry into force</i></p> <p>This Directive shall enter into force on the 20th day following its publication in the <i>Official Journal of the European Union</i>.</p>		<p style="text-align: center;">Article 25 <i>Entry into force</i></p> <p>This Directive shall enter into force on the day of its publication in the <i>Official Journal of the European Union</i>.</p>	
<p style="text-align: center;">Article 26 <i>Addressees</i></p> <p>This Directive is addressed to the Member States in accordance with the Treaties.</p> <p>Done at Brussels,</p> <p><i>For the European Parliament</i> <i>For the Council</i> The President The President</p>		<p style="text-align: center;">Article 26 <i>Addressees</i></p> <p>This Directive is addressed to the Member States in accordance with the Treaties.</p> <p>Done at Brussels,</p> <p>For the European Parliament For the Council The President The President</p>	