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# Combatting child sexual abuse: EU agrees stronger criminal law rules and enhanced support to victims

Today, the Council Presidency and European Parliament representatives reached a provisional agreement on updating the EU's criminal law rules on child sexual abuse and sexual exploitation of children. The revised rules will cover more offences, set higher penalties and ensure more effective prosecution, also via the increase of limitation periods. To better protect children, the new framework provides clear rules on the issue of consent and strengthens assistance to victims.

This provisional agreement still needs to be confirmed by both institutions before going through the formal adoption procedure.

> It is our duty to protect children against sexual abuse. Today, we are taking a decisive step to strengthen that protection across the European Union.
>
> With these new measures, children will be better safeguarded against sexual abuse and exploitation, including where offenders use emerging technologies, such as artificial intelligence, to target them.
>
> Offenders will face tougher consequences and be brought to justice, even many years after their crimes were committed. At the same time, we are strengthening support for victims, recognising that the consequences of abuse can last a lifetime.
>
> *Costas Fytiris, Minister of Justice and Public order of the Republic of Cyprus*

## Key elements of the agreement

### Expanded definition of criminal offences

The new rules update existing criminal offences and also create new ones in order to ensure that all forms of child sexual abuse and exploitation are criminalised including the use of technological developments to commit these offences.

Under the new rules, paying to access the livestreaming of child sexual abuse will be punishable. In addition, designing or adapting AI systems to produce child sexual abuse material, as well as distributing such systems, will be considered a criminal offence. This update was necessary given the increasing emergence of deep fake or AI-generated abuse material.

Grooming, i.e. soliciting a child under the age of sexual consent to produce or share child sexual abuse material will be considered a criminal offence. Where the child is above the age of sexual consent, solicitation will be considered a criminal offence in case of coercion or threats, as well as if the offender falsely represents himself as a peer.

Member states will also have to punish sexual extortion of children, meaning situations where an offender threatens a child to disclose child sexual abuse material so as to obtain money or further child sexual abuse material in exchange.

As another novelty, owning and distributing instructions on how to commit child sexual abuse or how to produce child sexual abuse material (for instance through a book, an online guide or a prompt) will be punishable.

### Provisions on consent

The revised rules establish more clearly that engaging in sexual activities with children who have reached the age of sexual consent should be punishable if the child does not consent.

The rules clarify that consent is not present if the child does not consent voluntarily on the basis of free will, or if the child cannot form a free will, for instance when sleeping, or if unconscious or surprised. The child's silence or non-resistance alone does not amount to consent, nor do past or existing relations with the offender. The rules also make it clear that consent can be withdrawn at any time.

As is the case under the current legislation, it remains a national competence to define the age of sexual consent, i.e. the age below which it is prohibited to engage in sexual activities with a child.

### Higher limitation periods - Strengthening prosecution

The updated rules set a longer time period during which offences can be investigated and prosecuted after the victim has reached the age of majority. This time period goes up to 32 years for the rape of children below and above the age of sexual consent, as well as for forcing a child into prostitution. This will help ensure that victims of sexual abuse can effectively seek justice, considering that they may need a long period of time to report the offences they suffered as a child.

The new rules will also contribute to making it easier for professionals working with children to report child sexual abuse or child sexual exploitation.

### Higher penalties

The penalties for several of the offences have been increased, above the level of the current Directive.

### Enhanced support to victims

Support for the victims of child sexual abuse and exploitation will be improved. Under the revised rules, helplines will inform victims of the support available to them. Child victims must have timely access to healthcare services, free of charge, as well as to legal aid. The new directive also includes rules on interim accommodation for victims.

Member states must ensure that victims of child sexual abuse have the right to claim compensation from the offender.

## Next steps

The provisional agreement will now have to be endorsed by the Council and the Parliament. It will then be formally adopted by both institutions following legal-linguistic revision.

National governments will then have 3 years to adapt their criminal law codes to bring them into line with the revised EU directive.

## Background

The current EU criminal law rules on sexual abuse and sexual exploitation of children were agreed in 2011. The increased online presence of children and technological developments pose challenges for law enforcement and create new possibilities for abuse. The revised rules agreed today aim to address these developments.

The updated criminal law rules are complementary to a proposal which sets out obligations for internet companies to detect, report and remove child sexual abuse material on their services. Negotiations on this proposal are ongoing.

- Combatting child sexual abuse: Council adopts position on strengthened EU criminal law (press release, 13 December 2024)
- EU Law Tracker

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