

ECLAG PRIORITIES PAPER **on the proposed recast Directive on Child Sexual Abuse** May 2025

We welcome the [European Commission proposed recast Directive 2011/93/EU of February 2024 on Sexual Abuse and Exploitation of Children](#) and **we strongly support** the LIBE Committee proposal voted on 13 May 2025, which will be most hopefully voted in by the Plenary during the week of 16th of June.

We strongly support the European Parliament amendments as follows:

1. Extending the list of crimes to include all forms of child sexual abuse and exploitation, including sexual extortion [article 4(7a)], self- and oral penetration of a sexual nature [Article 3(7ba)], as well as aligning penalties for online and in person abuse and for children below and above the age of consent [Article 3 (5-6); Article 4 (2-7)];
2. Ensuring all children below the age of 18 are protected from grooming [Article 6(1a) and 6(2)];
3. Criminalising the production, possession and distribution of AI-generated CSAM in all circumstances, including when produced for personal use [Article 5(2), 5(4), 5(6) and deletion of Article 5(10)];
4. Advancing a protective definition of consent which we call to be further clarified as per the article proposed by the EP. This article needs to be strengthened to apply exclusively to relations between children above the age of sexual consent and their peers who are close in age, maturity and development. [Article 2(2a); 3(9); and article 10].
5. Abolishing civil and criminal limitation periods, ensuring all survivors of child sexual abuse can effectively access justice [Article 16];
6. Adopting strong prevention and protection measures for victims and survivors, including mandatory child safeguarding policies, criminal record checks and child-friendly, multidisciplinary and interagency support structures [Article 12, article 21, and article 28].

1. Extending the list of crimes to include all forms of child sexual abuse and exploitation

ECLAG calls for the extension of the list of crimes to include all forms of child sexual abuse and exploitation, including **sexual extortion, self- and oral penetration** of a sexual nature, and the **use of instruction manuals, as per the European Parliament proposal:**

- It is crucial for the definition and criminalisation of sexual extortion of children to be defined in accordance with the [Luxembourg Guidelines](#). Sexual extortion should be addressed as **a serious and escalating form of sexual abuse**, especially in the digital world with the development of AI tools, as per the European Parliament proposal.
- Situations where the offender, including via information and communication technologies, instructs the child to penetrate themselves, must be criminalised. As per the European Parliament proposal, the Directive must clarify that the offence of rape covers situations where **the offenders instruct the child to penetrate themselves**.

- The use of **instruction manuals** must be criminalised, while enlarging the scope of the definition of such manuals to include **all offences** of child sexual exploitation and abuse listed in the Directive, as per the European Parliament proposal.

ECLAG also calls for the **alignment of penalties** for offences committed on children under and above the age of consent. **A child above the age of consent can still be subjected to abuse or exploitation.** In these cases, the crime lies in the abuse and exploitation of the child, not in the child's legal capacity to consent. The age of consent is therefore irrelevant when determining the penalties for acts that fall within the scope of sexual abuse and exploitation. **No child can consent to their own abuse.**

ECLAG strongly emphasises that **online and in person CSA crimes should have the same penalties** to reflect the severity and lasting impact of these offences. The trauma caused by the continuous online dissemination of CSAM is as significant and enduring as that resulting from physical abuse. The Directive currently suggests lighter penalties for CSA crimes, downplaying their impact and perpetuating the misconception that online crimes are victimless. Clinical studies show that the trauma symptoms experienced by online CSA victims are at least similar levels of trauma symptoms to victims of penetrative in-person sexual offences. Such findings indicate that the impact of **online abuse is as severe and traumatic as physical abuse.** The difference in penalties is therefore not justified.

2. Ensuring all children below the age of 18 are protected from grooming

ECLAG calls to protect **all children up to 18 years old** from all forms of sexual abuse and exploitation in all circumstances, particularly grooming - not only “where use is made of coercion, deceit or threat.” In 2024, [NCMEC](#) received more than **546,000 reports concerning online enticement**, representing a **192% increase** compared to reports in 2023. Lowering the protection of adolescents from this increasing threat is unacceptable.

Vulnerability to grooming does not disappear at the age of consent, which can be as low as 14 in some Member States. Research by NSPCC shows that [girls aged 12-15](#) are most likely to be victims of online grooming. Limiting protections for children above the age of consent creates unequal levels of protection for children based solely on age and is **discriminatory**.

3. All AI generated Child Sexual Abuse Material (AI-CSAM) must be criminalised

The EU must criminalise the production, possession or consumption of any form of CSAM, including created through artificial intelligence (AI), regardless the purpose, use or provenance. In particular, the production of AI-CSAM for personal use must be criminalised under article 5.

The virtual nature of AI-CSAM can lead to a false belief that the harm is less severe, as the victims are perceived as fictional. While AI-CSAM may feature fictitious children, offenders can manipulate images and videos of actual child victims to appear fictional (e.g. cartoon-like).

The consumption of AI-CSAM may contribute to an increased demand for CSAM involving actual children. Similar to pornography, the stimulation arising from watching CSAM, including AI-CSAM, is **proven to often increase CSAM addiction and [even fuel existing fantasies of in-person child sexual abuse](#)**. The frequency of CSAM consumption commonly emerges as the **strongest predictor of in person child sexual abuse**.

AI-generated content further entrenches the sexual objectification of children. Studies on sex offenders reveal that CSAM and pornography predisposes offenders to abuse, by reinforcing faulty beliefs legitimising abuse and reducing inhibitions to commit abuse.¹ **Viewing children as sexual objects is a common cognitive distortion used by child sex offenders to justify their abuse.**²

To this end, we support the LIBE proposed amendments to Article 5(2) and (6) and the deletion of article 5(10). Article 5 must ensure criminalisation of all AI-generated CSAM, even if created for personal use.

4. Advancing a protective definition of consent, which must be strengthened and applied exclusively to relations between children above the age of sexual consent and their peers

ECLAG welcomes the Commission's and the European Parliament's definition of 'non-consensual sexual act' (*Article 3 (9)*) and 'consensual activities' (*Article 10 (5)*) and the adoption of **an affirmative consent approach**, which places clear emphasis on free and explicit consent.

ECLAG calls for an affirmative consent approach that applies exclusively to **relations between children above the age of sexual consent and their peers who are close in age, maturity and development**. ECLAG recalls that consensual sexual activity can only take place **between peers**, when there is no element of coercion, abuse of trust or dependency between them. **Children above the age of consent cannot consent to sexual activities with adults or individuals that are not considered peers.**

The Directive should provide a **strong definition of peers** to ensure that children above the age of consent are adequately protected from abuse and exploitation. As [recommended by the United Nations Committee on the Rights of the Child](#), the [Lanzarote Committee Opinion of 2019](#) and the [UNICEF Global Guide 2022](#), the Directive should ensure that peers are individuals close in age, development **AND** maturity. As per the European Parliament proposal, using "and" instead of "or" ensures that **all three factors: age, development, and maturity are considered together when determining whether two persons are peers.**

5. Abolish statute of limitations or at least extend them until survivors reach 53y. old

ECLAG advocates for **the abolition of all statutes of limitation (SOL)**³ to guarantee the right of every victim to access justice and compensation. ECLAG calls for the adoption of the amendments of the European Parliament to article 16, 16a and 23, as unanimously adopted by the LIBE Committee.

Child sexual exploitation and abuse is a distinct crime with unique characteristics that justify eliminating statutes of limitations.⁴ Evidence shows that due to obstacles to reporting and trauma response, [the average age of disclosure for survivors is 52 years](#). The most recent research conducted

¹ Maras, M. H., & Shapiro, L. R, n.6 (2017). Holt, K., Kissinger, J., Spickler, C., & Roush, V, Pornography Use and Sexual Offending: An Examination of Perceptions of Role and Risk. *International Journal of Offender Therapy and Comparative Criminology*, 68(6-7), 613-637 (2024).

² Steel, C., Newman, E., O'Rourke, S. and Quayle, E, A systematic review of cognitive distortions in online child sexual exploitation material offenders. *Aggression and Violent Behavior*, Vol. 51, March–April (2020).

³ FR: *délais de prescription*; GER: *Verjährungsvorschriften*; IT: *legge che prevede termini di prescrizione*; SP: *prescripción legal*; PT: *prazo de prescrição*; NL: *verjaringstermijn*; SW: *preskription*; FI: *vanhentumisaika*; PL: *przedawnienie*; HU *elévülési idő*; CZ *promlčecí lhůta*; DK: *forældelsesfrist*.

⁴ For further details and references, see the M.A. Kostopoulou, Comparative study of the statutes of limitations in respect of sexual offences against children in the States Parties to the Lanzarote Convention, May 2023, pp.7-8 ; M. McVarish, M. Hamilton, M. Hurtado, Justice Unleashed: ending limitations, protecting children, The Brave Movement & Child Global, July 2023, p. 8.

by Child USA shows that [the majority of victims who disclosed their abuse did first after age 50](#). And, at least 30% of victims never disclose at all.

Abolition or extension of SOLs for child sexual abuse will allow to better combat impunity for child sexual abuse, ensure survivors can seek justice and compensation, and protect children from recidivists. The advancement of forensic science and technology allows now for reliable evidence to be brought to trial while rights of the defence remain fully guaranteed.

Many EU countries started to recognize the unique challenges that survivors face and started to adjust their legal frameworks to allow more time for victims to come forward and seek justice. **The Directive provides a unique opportunity for EU-wide harmonization of SOL through their complete abolition or their extension until age 53, i.e. to at least 35 years after the victims reach 18 years old.**

6. Strong prevention measures and protection measures

ECLAG calls for **strong prevention measures** across all EU Member States to stop abuse before it happens. As per the LIBE amendments to article 28, the Directive must require **child safeguarding policies** in **all organisations whose staff and volunteers work in direct and regular contact with children**. These policies are key for preventing harm against children, enabling the early detection and reporting of suspected abuse and ensuring appropriate response. The Directive must prevent known offenders from gaining positions where they can harm children again. These policies must be complemented and strengthened by the **mandatory criminal record checks of all individuals** working closely with children, regardless of contract type or role, as per article 12 in the LIBE proposal.

ECLAG strongly supports the LIBE amendments to article 21 and calls for comprehensive protection measures through the establishment of **child-friendly, multidisciplinary and interagency structures**, such as **Barnahus** centres. These structures enable child victims to receive medical, psychological, and legal support in one safe and coordinated setting, **reducing the risk of repeated trauma**. Their child-centred, trauma-informed, and holistic approach has proven to be the **most effective model for supporting children** victims of sexual abuse and exploitation.

The [European Child sexual abuse Legislation Advocacy Group \(ECLAG\)](#) is a coalition of over 70 child rights NGOs joining forces to fight to protect children from sexual violence and abuse. ECLAG Steering Group is formed of [ECPAT International](#), [Eurochild](#), [Missing Children Europe](#), [Internet Watch Foundation](#), [Terre des Hommes](#) and [Thorn](#).