



EUROPEAN COMMISSION

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C(2021) 4453 final*

*Mr Ludovic ORBAN
President of the
Camera Deputaților
Palace of the Parliament
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Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — EU strategy to tackle more effectively child sexual abuse {COM(2020) 607 final}.

The Commission acknowledges with concern that there has been a dramatic increase in reports of child sexual abuse online in the European Union. It will continue to work towards an effective response to fight child sexual abuse.

In her Political Guidelines¹ for the Commission for 2019-2024, President von der Leyen underlined the importance of the internal security of the European Union, including the improvement of cross-border cooperation to tackle gaps in the fight against serious crime and terrorism. The Commission committed to specific actions in the 2020 Security Union Strategy, including tackling the evolving threat of cybercrime.²

In its EU strategy for a more effective fight against child sexual abuse³ the Commission set out a comprehensive response to tackle child sexual abuse, online and offline. The Strategy also responds to calls made by the European Parliament⁴ and the Council⁵. It

¹ https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf

² COM(2020) 605 final, 24.7.2020

³ COM(2020) 607 final, 24.7.2020

put forward eight specific initiatives to promote a proactive and multi-stakeholder action in all relevant areas, including prevention, law enforcement, and assistance to victims.

The European Commission recognises the importance of cooperation between law enforcement, judicial authorities and civil society organisations. The Commission will propose comprehensive legislation on tackling child sexual abuse online, as announced in the EU strategy to tackle more effectively child sexual abuse. In this context, the Commission is looking into the possibility of creating an EU Centre to prevent and combat child sexual abuse.

The Commission fully agrees on the need to align relevant initiatives at European level, which is why the EU strategy to tackle more effectively child sexual abuse, the EU strategy on victims' rights⁶, the EU Strategy on the rights of the child⁷ and the EU Strategy on Combatting Trafficking in Human Beings⁸ are complementary. A coordinated and holistic approach including a variety of technical and legal measures can make this fight more even more impactful.

The Commission takes note of the recommendation to develop capacities for counselling victims of child sexual abuse and backs practical cooperation between investigative and medical authorities. The Commission takes a holistic approach to ensuring that victims receive appropriate support, as the Child Sexual Abuse Directive⁹ and the Victims' Rights Directive¹⁰ require.

The Commission takes note of the Camera Deputaţilor's suggestion to support certain Member States in their efforts to raise awareness regarding dangers of child sexual abuse and agrees on the relevance of educational actions. As part of the EU strategy to tackle more effectively child sexual abuse, the Commission is working on building a prevention network of relevant practitioners and researchers, organised in working groups. The network will connect experts from all relevant areas (education practitioners, healthcare practitioners, social workers, law enforcement, judicial authorities, prison authorities, policy makers and researchers) to facilitate the exchange of best practices and support Member States' work to raise awareness. The Commission also envisages dedicated calls for proposals in the area of prevention of child sexual abuse under the Horizon Europe Programme.

The Commission welcomes the support for enabling Europol to receive personal data directly from the private sector. The legislative proposal to strengthen Europol's mandate¹¹ aims at improving operational police cooperation. Europol is a reliable partner for Member States' authorities in their fight against child sexual abuse and other forms of crime. The Europol Innovation Lab supports Member States in finding

⁴ Resolution on the 30th anniversary of the UN Convention on the Rights of the Child, November 2019

⁵ Council conclusions on combating the sexual abuse of children, October 2019

⁶ COM(2020)528 final

⁷ COM(2021)142 final

⁸ COM(2021)171 final

⁹ Directive 2011/93/EU

¹⁰ Directive 2012/29/EU

¹¹ COM(2020) 796 final

innovative technical solutions to operational challenges. It also works on the implementation of three Horizon 2020 research projects. The EU Innovation Hub is a virtual platform for inter-agency cooperation involving Justice and Home Affairs agencies, established with the primary objective of facilitating the exchange of information in the areas of research, development and innovation in particular. The Commission proposal to strengthen the Europol mandate includes a reinforcement of Europol's role by providing the agency with a mandate to process personal data for the training, testing and development of IT tools, and providing the necessary staff and resources to develop an EU approach on research and innovation in the area of law enforcement. This is an important step towards an EU-level capacity to develop modern IT tools for law enforcement, in full compliance with fundamental rights and with the necessary transparency.

The Commission recognises the challenge posed by the use of encryption by criminals. In the EU Strategy to tackle Organised Crime¹² the Commission committed to suggest a way forward in 2022 to address the issue of lawful and targeted access to encrypted information in the context of criminal investigations and prosecutions. It shall be based on a thorough mapping of how Member States deal with encryption together with a multi-stakeholder process to explore and assess the concrete options (legal, ethical and technical).

The Commission takes note of the remarks of the Camera Deputaţilor on the importance of speeding up adoption processes. However, it would like to stress that there is currently no EU competence on the matter of adoption. Substantive laws concerning adoption are the competence of the Member States. As far as the cross-border aspects of adoption are concerned, The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Inter-country Adoption is of application. To date this Convention has 103 Contracting Parties, including all the Member States of the European Union. The Union is not a Party to the 1993 Hague Convention, which does not allow an international organisation to join. The principle of the best interests of the child is the overriding principle in the 1993 Hague Convention. One of the main objectives of this Convention is to establish safeguards to protect children from abduction, sale and trafficking.

The recently adopted EU strategy on the rights of the child recalls that all children, including those with disabilities, have an equal right to live with their families and in a community, and stresses the importance to promote quality community and family-based care.

The Commission takes note of the recommendation to consult national Parliaments and civil society organisations. In preparation of the upcoming legislation on tackling child sexual abuse, the Commission has conducted an extensive consultation process. In addition to an open public consultation¹³, the Commission carried out a series of

¹² COM(2021) 170 final

¹³ <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12726-Fighting-child-sexual-abuse-detection-removal-and-reporting-of-illegal-content-online/public-consultation>

consultations with experts and relevant stakeholders, including civil society organisations, law enforcement, the private sector and academia. The consultation activities covered possible measures in all areas: investigations, prevention and assistance to victims of child sexual abuse.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Camera Deputaților and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Ylva Johansson
Member of the Commission*