

Contribution from Protect Children (Suojellaan Lapsia ry) on the EU Directive 2011/93/EU

Protect Children (Suojellaan Lapsia ry.) extends a warm thank you to the European Commission for its invaluable work in the field of child protection. Moreover, Protect Children wants to kindly thank for the opportunity to provide feedback on this initiative.¹

Directive 2011/93/EU is a vital and comprehensive piece of legislation, which is efficient in furthering the realization of the rights of the child. Due to the constant development of technology, however, and the impact the changing technology has on the means of offending and types of sexual violence against children, the Directive, like most other pieces of legislation, has its shortcomings.

Currently, the Directive falls short in effectively criminalizing all forms of sexual violence against children (existence of opt-out clauses significantly lessening the impact of the Directive). Presently, the Directive allows States Parties to opt out of criminalizing child sexual abuse material (CSAM) which does not include a real child (however, bearing in mind the highly realistic nature of computer-generated images of CSAM), as well as CSAM involving an adult portraying a child.² New research demonstrates a strong correlation between viewing CSAM and contact offending, thus highlighting the urgent need to better remove all forms of CSAM, as well as prevent individuals from accessing it.³ This includes offering appropriate intervention means as per Article 22 of the Directive. Despite mandated by the Directive, not all Member States offer appropriate intervention measures to individuals who fear they might commit crimes of sexual violence against children. Protect Children developed the ReDirection Self-Help Program for individuals who view and want to stop viewing CSAM. The program is being evaluated currently, and preliminary findings demonstrate its effectiveness.⁴ To circumvent the lack of intervention measures offered across EU Member States, Protect Children's ReDirection Self-Help Program is currently available in English and Spanish, whilst Finnish and Portuguese translations are underway. The ReDirection Program is now offered through EUROPOL's helplinks.eu website to maximize reach and provide low threshold help at an early stage.⁵ It is Protect Children's aim to translate the Program to all EU languages, and thus effectively fulfill the duties of all Member States under Article 22 of Directive 2011/93/EU.

Protect Children believes that legislative amendments should be taken to broaden the scope of the Directive to account for technological developments and brought with it the new ways in which crimes of sexual violence can be committed against children. Through legislative amendments, the legislative framework would be more suitable to address the changing nature of crimes of sexual violence. Furthermore, Protect Children strongly supports further harmonization of legislation across the Member States to avoid impunity or perpetrators travelling to States with more lenient legislative frameworks.

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¹ Protect Children (Suojellaan Lapsia ry.) is a non-governmental organization focusing on the prevention of all forms of sexual violence, harassment, and grooming against all children everywhere.

² Art. 5(7) & 5(8).

³ Insoll, T., Ovaska, A. K., Nurmi, J., Aaltonen, M., & Vaaranen-Valkonen, N. (2022). Risk Factors for Child Sexual Abuse Material Users Contacting Children Online: Results of an Anonymous Multilingual Survey on the Dark Web. *Journal of Online Trust and Safety*, 1(2). <https://doi.org/10.54501/jots.v1i2.29>.

⁴ <https://suojellaanlapsia.fi/2022/02/15/feedback-from-users-suggests-that-redirection-self-help-program-successfully-decreases-csam-use/>

⁵ <https://helplinks.eu/>