

# Child sexual abuse online - detection, removal and reporting

Fields marked with \* are mandatory.

## Introduction

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The fight against child sexual abuse is a priority for the EU.

The European Commission published in July 2020 the [EU Strategy for a more effective fight against child sexual abuse](#). The Strategy sets out a comprehensive response to the growing threat of child sexual abuse both offline and online, by improving prevention, investigation, and assistance to victims. It includes eight initiatives for the 2020-2025 period to put in place a strong legal framework, strengthen the law enforcement response, and facilitate a coordinated approach across the many actors involved in protecting and supporting children.

In particular, the Commission committed in the Strategy to:

- propose the necessary legislation to tackle child sexual abuse online effectively including by requiring relevant online services providers to detect known child sexual abuse material and require them to report that material to public authorities; and
- start working towards the possible creation of a European centre to prevent and counter child sexual abuse, based on a thorough study and impact assessment. The centre would provide holistic support to Member States in the fight against child sexual abuse, online and offline, ensuring coordination to maximise the efficient use of resources and avoiding duplication of efforts.

### Purpose

The purpose of the present open public consultation is to gather evidence from citizens and stakeholders to inform the preparation of the above initiatives and it is part of the data collection activities that the related [inception impact assessment](#) announced in December 2020.

### Structure

Following a first set of questions to identify the type of respondent, the consultation has two sections, one for each of the initiatives in the Strategy that it covers:

1. Legislation to tackle child sexual abuse online effectively:

- Issue: what is the current situation and where are the gaps?
- Legislative solution: what should it include to tackle the above gaps effectively?

2. Possible European centre to prevent and counter child sexual abuse:

- Issue: what is the current situation and where are the gaps?

- Possible European centre: what features could it have to help tackle the above gaps effectively?

### Terminology:

The consultation uses the following terminology:

- 'Child sexual abuse material' ('CSAM'), refers to material defined as 'child pornography' in Article 2(c) of [Directive 2011/93/EU](#). The consultation uses 'child sexual abuse material' instead of 'child pornography', in accordance with the [Luxembourg Guidelines](#).
- 'Grooming' refers to the solicitation of children for sexual purposes.
- 'Child sexual abuse online' includes both 'child sexual abuse material' and 'grooming'.

'Public authorities' refers to e.g. regional, national or international government entity, including law enforcement.

### Privacy

All replies as well as position papers will be published online. Please read the privacy statement on how personal data and contributions will be processed.

The estimated time for completion is 30 minutes. Thank you for your contribution.

## About you

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### \* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian

- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

Diego

\* Surname

NARANJO

\* Email (this won't be published)

diego.naranjo@edri.org

\* Organisation name

*255 character(s) maximum*

European Digital Rights (EDRI)

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

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\* Country of origin

Please add your country of origin, or that of your organisation.

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| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti           | <input type="radio"/> Libya            | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein    | <input type="radio"/> Saint Pierre and Miquelon        |
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| <input type="radio"/> Aruba               | <input type="radio"/> Faroe Islands      | <input type="radio"/> Martinique       | <input type="radio"/> Sint Maarten                     |
| <input type="radio"/> Australia           | <input type="radio"/> Fiji               | <input type="radio"/> Mauritania       | <input type="radio"/> Slovakia                         |
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- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
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- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau

- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
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- Réunion
- Romania
- Russia
- Rwanda
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara

- Cyprus
- Latvia
- Saint Barthélemy
- Yemen
- Czechia
- Lebanon
- Saint Helena Ascension and Tristan da Cunha
- Zambia
- Democratic Republic of the Congo
- Lesotho
- Saint Kitts and Nevis
- Zimbabwe
- Denmark
- Liberia
- Saint Lucia

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, ‘business association, ‘consumer association’, ‘EU citizen’) country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

**\* Contribution publication privacy settings**

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

**Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

**1. Legislation to tackle child sexual abuse online effectively**

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a. Issue: what is the current situation and where are the gaps?

1. In your experience, what types of child sexual abuse online and related activities are most concerning and should be tackled in priority?

- Distribution of **known** child sexual abuse material by uploading it to the open web (e.g. by posting it in social media or other websites, uploading it to image lockers, etc)
- Distribution of **known** child sexual abuse material via messaging applications and e-mails
- Distribution of **known** child sexual abuse material via darknets
- Distribution **known** of child sexual abuse material in peer-to-peer networks
- Distribution of **new** child sexual abuse material by uploading it to the open web (e.g. by posting it in social media or other websites, uploading it to image lockers, etc).
- Distribution of **new** child sexual abuse material via messaging applications and e-mails
- Distribution of **new** child sexual abuse material via darknets
- Distribution of **new** child sexual abuse material in peer-to-peer networks
- Online grooming of children
- Children distributing self-generated material
- Other

Please specify:

*500 character(s) maximum*

As a digital rights organisation we do not have the specific knowledge or expertise to reply to this question.

2. Why do you consider the above activities most concerning? Please explain, also taking into account the current measures in place that you are aware of to tackle the above activities.

*2000 character(s) maximum*

Please specify:

*500 character(s) maximum*



3. Considering the current gaps in the fight against child sexual abuse online that in your view exist, which of the following outcomes should the new legislation aim to achieve in priority with regard to child sexual material and online grooming?

- Reduce the amount of **known** child sexual abuse material uploaded in the open web
- Reduce the amount of **known** child sexual abuse material distributed via messaging applications and emails
- Reduce the amount of **known** child sexual abuse material distributed via darknets
- Reduce the amount of **known** child sexual abuse material distributed via peer-to-peer networks
- Reduce the amount of **new** child sexual abuse material uploaded in the open web
- Reduce the amount of **new** child sexual abuse material distributed via messaging applications and emails
- Reduce the amount of **new** child sexual abuse material distributed via darknets
- Reduce the amount of **new** child sexual abuse material distributed via peer-to-peer networks
- Reduce the amount of sexual material self-generated by children distributed online
- Enable a swift takedown of child sexual abuse material after reporting
- Ensure that child sexual abuse material stays down (i.e. that it is not redistributed online)
- Reduce the number of instances of online grooming of children
- Other

Please specify:

*500 character(s) maximum*

We strongly suggest to remove practices such as grooming as one of the practices to be under the scope of any potential legislation that derogates certain aspects of the ePrivacy Directive or the future ePrivacy Regulation. The detection of grooming would require scanning of all conversations all the time, which cannot meet the requirements of necessity and proportionality that are required in order to limit fundamental rights according to Article 50.2 of the Charter of Fundamental Rights.

4. Considering the current gaps in the fight against child sexual abuse online that in your view exist, which of the following outcomes should the new legislation aim to

achieve in priority with regard to tackling child sexual abuse in general, including prevention and victim support aspects?

- Provide legal certainty for all stakeholders involved in the fight against child sexual abuse online (e.g. service providers, law enforcement and child protection organisations)
- Enable a swift start and development of investigations
- Improve transparency and accountability of the measures to fight against child sexual abuse online
- Ensure that the legislation is future proof, i.e. that it remains effective despite future technological developments
- Ensure a victim-centric approach in investigations, taking the best interests of the child as a primary consideration
- Improve prevention of child sexual abuse
- Improve assistance to victims of child sexual abuse
- Other

5. In which of the following ways do you cooperate **with law enforcement authorities** in the fight against child sexual abuse online?

- Forwarding reports of child sexual abuse online received from the public
- Forwarding reports of child sexual abuse online received from service providers
- Providing technology for the detection of child sexual abuse online
- Providing hash lists for the detection of child sexual abuse material
- None
- Other

Please specify:

*500 character(s) maximum*

Although we do not investigate such cases, we strongly believe that in order to protect children (and create the necessary legislation) it is vitally important to investigate what is the actual problem, rather than just being led by some statistics which by themselves do not provide any information.

6. Are there any areas of improvement in the cooperation between civil society organisations and law enforcement authorities in the fight against child sexual abuse online?

- Yes
- No

No opinion

If yes, what are the areas of improvement?

*1000 character(s) maximum*

More engagement with human rights groups, especially those with technical expertise.

7. In which of the following ways do you cooperate **with service providers** in the fight against child sexual abuse online?

- Sending notice-and-takedown requests to service providers
- Receiving reports of child sexual abuse online from service providers
- Providing technology for the detection of child sexual abuse online
- Providing hash lists for the detection of child sexual abuse material
- Advising service providers on policies to fight child sexual abuse online
- Other

Please specify:

*500 character(s) maximum*

The mere detection and removal of child sexual abuse material will not solve the underlying problem. In order to remedy the problem at its source, we need a more thorough and more broad approach. For example, the UN Committee on the Rights of the Child explains in the General comment No. 25 (2021) on children's rights in relation to the digital environment mentions, this would require providing law enforcement with enough capacity to actually investigate cases, etc (see paras. 47 and 56).

8. Are there any areas of improvement in the cooperation between civil society organisations and service providers in the fight against child sexual abuse online?

- Yes
- No
- No opinion

If yes, what are the areas of improvement?

*2000 character(s) maximum*

Civil society organisations (or the general public more generally) do not have a proper understanding of the ways in which the services providers are currently detecting, reporting and removing (alleged) child sexual abuse material. Service providers are far from transparent about the legal grounds of their actions, as well as the technical workings.

9. In your opinion, do current efforts to tackle child sexual abuse online strike an appropriate balance between the rights of victims and the rights of all users (e.g. privacy of communications)?

at most 1 choice(s)

- Yes, the balance is about right
- No, current efforts place too much emphasis on victims' rights and not enough emphasis on the rights of all users
- No, current efforts place too much emphasis on the rights of all users and not enough emphasis on victims' rights
- No opinion

## Comments

1000 character(s) maximum

10. Do you have any other comments in relation to the current situation and challenges in your actions to fight against child sexual abuse online?

2000 character(s) maximum

b. Legislative solution: what should it include to tackle the above gaps effectively?

### Scope

1. If online service providers were to be subject to a legal obligation to detect, remove and report child sexual abuse online in their services, providers of which of the following services should be subject to that legal obligation?

- Instant messaging
- Text-based chat (other than instant messaging)
- Webmail
- Voice chat
- Video chat
- Video streaming
- Audio streaming
- Web hosting
- Image hosting
- Social media
- Online gaming
- Cloud infrastructure
- Message boards

- No service provider should be subject to such legal obligation
- Other

Please specify:

*500 character(s) maximum*

No service provider should be obliged to monitor information of its users for the purpose of known material of child sexual abuse, unless such an obligation is based on a court order and limited to the monitoring of specific users that are suspected of sharing such material. When service providers are obliged to remove material, they should remove only the contested material and should provide for an appeal procedure. This ensures that the restrictions on fundamental rights are proportionate.

2. If legislation were to explicitly allow online service providers to take voluntary measures to detect, remove and report child sexual abuse online in their services, providers of which of the following services should be included?

- Instant messaging
- Text-based chat (other than instant messaging)
- Webmail
- Voice chat
- Video chat
- Video streaming
- Audio streaming
- Web hosting
- Image hosting
- Social media
- Online gaming
- Cloud infrastructure
- Message boards
- No service provider should be legally enabled to take such voluntary measures
- Other

Please specify:

*500 character(s) maximum*

3. If legislation was to either allow or oblige relevant online service providers to detect, remove and report child sexual abuse online in their services, should the

legislation apply to service providers that offer services within the EU, even when the providers themselves are located outside the EU?

- Yes
- No

**Comments**

*1000 character(s) maximum*

4. Which types of child sexual abuse online should the possible legislation cover and how?

	Mandatory detection and removal	Mandatory reporting	Voluntary detection and removal	Voluntary reporting	No need to cover this in the legislation
Known child sexual abuse material (i.e. material previously confirmed as constituting child sexual abuse)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New (unknown) child sexual abuse material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Online grooming	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Live-streaming of child sexual abuse	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Comments**

*2000 character(s) maximum*

In our opinion, law enforcement authorities and investigative judges, along with the support of child protection agencies and organisations, are the ones responsible to ensure that illegal material, including CSAM, is removed and not available by following usual legal procedures. We are adding here some explanations on why we selected the options above:

“Known child sexual abuse material”

Once a company or an individual is aware of a breach of the law, such as illegal content being shared in any form, they need to report it to the authorities. In case they are alerted by a third-party, they should be obliged, upon the receipt of a court order or any other mandatory legal request, to verify 1) the existence of such material in their servers, in case they have access to the information 2) prevent the content from being shared

further and only transmit via secure means the illegal content with the requesting authorities, in order for them to verify the legality of the content in question.

“New (unknown) child sexual abuse material”

Whilst analysing known CSAM stored in servers or shared in communications of suspects may be, in certain circumstances and with all the appropriate safeguards, legal, attempting to discover unknown CSAM can only occur by scanning all the communications of everyone all the time. It means that each piece of content is analysed individually to assess its legality. This practice would not be in line with the necessity and proportionality requirements.

“Online grooming”

Whilst analysing known CSAM in servers or communications of suspects may be, in certain circumstances and with all the appropriate safeguards, legal, attempting to discover grooming can only occur by scanning all the communications of everyone all the time, collecting them and analysing each conversation to assess the legality.

5. Some of the current tools that service providers use to voluntarily detect, report and remove child sexual abuse online do not work on encrypted environments. If online service providers were to be subject to a legal obligation to detect, remove and report child sexual abuse online in their services, should this obligation apply regardless of whether these services use encryption?

- Yes
- No

## Comments

*2000 character(s) maximum*

A legal requirement for service providers to scan electronic communications content for certain elements (e.g. detection of known CSAM), regardless of whether the service uses encryption or not, would be tantamount to a ban on services with secure end-to-end encryption. The entire purpose of end-to-end encryption is to make monitoring of communications between users technically impossible for every “man in the middle” adversary, including the service provider itself. As we consider a ban on offering encrypted communications services to be completely disproportionate with nothing less than disastrous consequences for privacy and security (for reasons explained below), legal requirements must necessarily stay within the boundaries of what the service provider is technically able to do, especially when end-to-end encryption is part of the design of the electronic communications service.

As we have explained in our dedicated paper (<https://www.edri.org/files/20160125-edri-crypto-position-paper.pdf>) the availability and use of high-grade encryption is essential for the protection of our digital infrastructures and communications. It is not only important for our democratic freedoms, but also vital for innovation and economic growth. Similar statements have been put forward by organisations such as Amnesty International ([https://www.amnestyusa.org/files/encryption\\_-\\_a\\_matter\\_of\\_human\\_rights\\_-\\_pol\\_40-3682-2016.pdf](https://www.amnestyusa.org/files/encryption_-_a_matter_of_human_rights_-_pol_40-3682-2016.pdf)) when they write that “[e]ncryption is a particularly critical tool for human rights defenders, activists and journalists, all of whom rely on it with increasing frequency to protect their security and that of others.”

That said, we understand the needs of law enforcement agencies to legally access to certain types of private communications or content which may be encrypted. We have also prepared a separate paper to investigate and find workarounds encryption: [https://edri.org/files/encryption/workarounds\\_edriposition\\_20170912.pdf](https://edri.org/files/encryption/workarounds_edriposition_20170912.pdf)

6. If yes, what should be the form of such legal obligation?

- Relevant online service providers who offer encrypted services should be obliged to maintain a technical capability to proactively detect, remove and report child sexual abuse online in their services
- Other

Safeguards

7. To be able to detect, remove and report child sexual abuse online, service providers need to carry out a series of actions.

To what extent do you agree that the following actions are proportionate, when subject to all the necessary safeguards?

	Fully agree	Partially agree	Partially disagree	Fully disagree	No opinion
To check whether images or videos <b>uploaded online</b> (e.g. to a social media platform, or a file hosting service) are copies of known child sexual abuse material	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



To assess whether images or videos <b>uploaded online</b> (e.g. to a social media platform, or a file hosting service) constitute <b>new</b> (previously unknown) child sexual abuse material	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To check whether images or videos sent in a <b>private communication</b> are copies of <b>known</b> child sexual abuse material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
To assess whether the images or videos sent in a <b>private communication</b> constitute <b>new</b> child sexual abuse material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
To assess whether the contents of a <b>text-based communication</b> constitute <b>grooming</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
To assess, based on data <b>other than content data</b> (e.g. metadata), whether the user may be abusing the online service for the purpose of child sexual abuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

8. The actions to detect, remove and report child sexual abuse online may require safeguards to ensure the respect of fundamental rights of all users, prevent abuses, and ensure proportionality.

To what extent do you agree that the legislation should put in place safeguards to ensure the following:

	Fully agree	Partially agree	Partially disagree	Fully disagree	No opinion
The tools used to detect, report and remove child sexual abuse online reduce the <b>error rate</b> to the maximum extent possible	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The tools used to detect, report and remove child sexual abuse online are the <b>least privacy intrusive</b>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The tools used to detect, report and remove child sexual abuse online comply with the <b>data minimisation principle</b> and rely on anonymised data, where this is possible	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The tools used to detect, report and remove child sexual abuse online comply with the <b>purpose limitation principle</b> , and use the data exclusively for the purpose of detecting, reporting and removing child sexual abuse online	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The tools used to detect, report and remove child sexual abuse online comply with the <b>storage limitation principle</b> , and delete personal data as soon as the purpose is fulfilled	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The online service provider conducts a <b>data protection impact assessment and consults the supervisory authority</b> , if necessary	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Online service providers are subject to the oversight of a <b>supervisory body</b> to assess their compliance with legal requirements	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reports containing <b>new material or grooming</b> are <b>systematically</b> subject to <b>human review</b> before the reports are sent to law enforcement or organisations acting in the public interest against child sexual abuse	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
All reports (including those containing <b>only previously known</b> child sexual abuse material) are <b>systematically</b> subject to <b>human review</b> before the reports are sent to law enforcement or organisations acting in the public interest against child sexual abuse	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A clear <b>complaint mechanism</b> is available to users	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Effective remedies</b> should be available to users that have been erroneously affected by the actions of the service provider to detect, report and remove child sexual abuse online	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Providers should make clear in the <b>Terms and Conditions</b> that they are taking measures to detect, report and remove child sexual abuse online	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify):

*2000 character(s) maximum*

Sanctions

9. To what extent do you agree with the following statements, in the context of possible future legislation allowing/obliging relevant online service providers to detect, report and remove child sexual abuse online in their services:

	Fully agree	Partially agree	Partially disagree	Fully disagree	No opinion
Companies should be subject to <b>financial sanctions</b> if they fail meet the legal obligations (including safeguards) related to the detection, reporting and removal of child sexual abuse online	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Companies should be subject to <b>criminal sanctions</b> if they fail meet the legal obligations (including safeguards) related to the detection, reporting and removal of child sexual abuse online	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Companies that erroneously detect, remove or report child sexual abuse online <b>in good faith</b> should not be subject to the relevant sanctions	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
There should be <b>no sanctions</b> for failure to meet the legal obligations (including safeguards) related to the detection, reporting and removal of child sexual abuse online	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify):

*2000 character(s) maximum*

We are in favour of sanctions for lack of safeguards but not for lack of pro-active detection of CSAM.

### Transparency and accountability

10. **Transparency reports** could refer to periodic reports by service providers on the measures they take to detect, report and remove child sexual abuse online.

These transparency reports should be:

	Yes	No	No opinion
<b>Obligatory</b> to ensure transparency and accountability	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Voluntary</b> : an obligation would incur an additional burden on the online service providers, especially when they are small and medium enterprises	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>Evaluated</b> by an independent entity	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Standardised</b> , to provide uniform quantitative and qualitative information to improve the understanding of the effectiveness of the technologies used as well as the scale of child sexual abuse online	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify):

**11. Transparency reports** should include the following information:

- Number of reports of instances of child sexual abuse online reported by type of service
- Number of child sexual abuse material images and videos reported by type of service
- Time required to take down child sexual abuse material after it has been flagged to/by the service provider
- Types of data processed to detect, report and remove child sexual abuse online
- Legal basis for the processing to detect, report and remove child sexual abuse online
- Whether data are shared with any third party and on which legal basis
- Number of complaints made by users through the available mechanisms and the outcome of those proceedings
- Number and ratio of false positives (an online event is mistakenly flagged as child sexual abuse online) of the different technologies used
- Measures applied to remove online child sexual abuse material in line with the online service provider's policy (e.g. number of accounts blocked)
- Policies on retention of data processed for the detecting, reporting and removal of child sexual abuse online and data protection safeguards applied
- Other

Performance indicators

**12. Which indicators should be monitored to measure the success of the possible legislation?**

- Number of reports of child sexual abuse online reported by company and type of service
- Number of child sexual abuse material images and videos reported by company and type of service
- Time required to take down child sexual abuse material after it has been flagged to/by the service provider

- Number of children identified and rescued as a result of a report, by company and type of service
- Number of perpetrators investigated and prosecuted as a result of a report, by company and type of service
- Number of related user complaints as a result of a report, by company and type of service
- Other

## 2) Possible European centre to prevent and counter child sexual abuse

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a. Issue: what is the current situation and where are the gaps?

1. Do you see a need for additional coordination and support at EU level in the fight against child sexual abuse online and/or offline to maximize the efficient use of resources and avoid duplication of efforts?

- Yes
- No
- No opinion

Comments

*1000 character(s) maximum*

2. Please specify the challenges in the fight against child sexual abuse that could benefit from additional coordination and support at EU level

- Law enforcement: lack of an EU approach (i.e. based on EU rules and/or mechanisms) to detect child sexual abuse online and in particular lack of a single **EU database** to detect known child sexual abuse material
- Law enforcement: lack of EU approach to **determine relevant jurisdiction (s)** of the instances of child sexual abuse online and to **facilitate investigations**
- Law enforcement: lack of an EU approach in the functioning of **hotlines** to report child sexual abuse online
- Law enforcement: lack of control mechanism at EU level to ensure **accountability and transparency** (e.g. in cases of erroneous takedown or abuse in the search tools to report legitimate content, including misuse of the tools for purposes other than the fight against child sexual abuse)

- Prevention: insufficient **research** into what motivates individuals to become offenders
- Prevention: lack of **evaluation** of effectiveness of prevention programmes
- Prevention: insufficient **communication and exchange of best practices** between practitioners (e.g. public authorities in charge of prevention programmes, health professionals, NGOs) and researchers
- Assistance to victims: insufficient **research** on the effects of child sexual abuse on victims
- Assistance to victims: lack of **evaluation** of effectiveness of programmes to assist victims
- Assistance to victims: insufficient **communication and exchange of best practices** between practitioners (e.g. public authorities, health professionals, NGOs) and researchers
- Other

b. Possible European centre: what features could it have to help tackle the above gaps effectively?

Roles

Law enforcement support

1. Should the centre be established, which of the following functions would be relevant to support law enforcement action in the fight against child sexual abuse in the EU?

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
Receive reports in relation to child sexual abuse, ensure the relevance of such reports, determine jurisdiction(s), and forward them to law enforcement for action	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintain a single EU database of known child sexual abuse material to facilitate its detection in companies' systems	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordinate and facilitate the takedown of child sexual abuse material identified through hotlines	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Monitor the take down of child sexual abuse material by different stakeholders	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments (including other possible functions to support law enforcement action, if any):

*1000 character(s) maximum*

2. What other roles, if any, could the possible centre, play in relation to the EU co-funded network of INHOPE hotlines in the Member States?

([INHOPE](#) is an international association of Internet hotlines co-funded by the European Commission. It focuses on the removal of illegal content, specifically child sexual abuse material online)

*1000 character(s) maximum*

3. Should the centre be established, which of the following functions would be relevant to ensure transparency and accountability regarding actions of service providers to detect, report and remove child sexual abuse online in their services?

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
Ensure that the tools employed are not misused for purposes other than the fight against child sexual abuse	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure that the tools employed are sufficiently accurate	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure that online service providers implement robust technical and procedural safeguards	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Draft model codes of conduct for service providers' measures to detect, report and remove child sexual abuse online	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Sanction service providers whose measures to detect, report and remove child sexual abuse online, including associated technical and procedural safeguards, do not meet legal requirements	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Receive complaints from users who feel that their content was mistakenly removed by a service provider	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Publish aggregated statistics regarding the number and types of reports of child sexual abuse online received	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Comments (including other possible functions to ensure transparency and accountability, if any):

*1000 character(s) maximum*

4. Please share any good practices or any other reflections with regard to the support to law enforcement investigations that the possible centre could provide.

*1000 character(s) maximum*

Prevention

5. Should the centre be established, which of the following functions would be relevant to **support prevention efforts** in the fight against child sexual abuse in the EU?

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
Support Member States in putting in place usable, rigorously evaluated and effective multi-disciplinary prevention measures to decrease the prevalence of child sexual abuse in the EU	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Serve as a hub for connecting, developing and disseminating research and expertise, facilitating the communication and exchange of best practices between practitioners and researchers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Help develop state-of-the-art research and knowledge, including better prevention-related data	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide input to policy makers at national and EU level on prevention gaps and possible solutions to address them	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments (including other possible functions to support prevention efforts, if any):

*1000 character(s) maximum*



6. What key stakeholders in the area of prevention should the possible centre cooperate with to stimulate the exchange of best practices and research?

*1000 character(s) maximum*

7. What role could the possible centre play to improve the cooperation with industry on prevention?

*1000 character(s) maximum*

8. What practical actions could the possible centre take to raise awareness on prevention issues?

*1000 character(s) maximum*

Assistance to victims

9. Should the centre be established, which of the following functions would be relevant to **support efforts to assist victims** of child sexual abuse in the EU?

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
Support implementation of EU law in relation to assistance to child victims of sexual abuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support the exchange of best practices on protection measures for victims	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Carry out research and serve as a hub of expertise on assistance to victims of child sexual abuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support evidence-based policy on assistance and support to victims	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support victims in removing their images and videos to safeguard their privacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure that the perspective of victims is taken into account in policymaking at EU and national level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments (including other possible functions to support efforts to assist victims of child sexual abuse, if any):

*1000 character(s) maximum*

10. Who are the potential key stakeholders in the area of victim support the possible centre should cooperate with to facilitate the exchange of best practices and research?

*1000 character(s) maximum*

11. What key actions could the possible centre undertake to ensure that the perspective of child victims is taken into account in policymaking at EU and national level?

*1000 character(s) maximum*

12. What practical actions could the possible centre take to raise awareness of children's rights and of child victims' needs?

*1000 character(s) maximum*

13. What good practices can you point out with regard to the potential centre's support for assistance to victims?

*1000 character(s) maximum*

*Governance and type of organisation*

14. Which stakeholders should be involved in the governance of the possible centre?

*1000 character(s) maximum*

15. What would be the most appropriate type of organisation for the possible centre?

- EU body

- Public-private partnership
- Not for profit organisation
- Other

16. How should the possible centre be funded? (please select as many options as appropriate)

- Direct funding from the Union budget
- Mandatory levies on industry
- Voluntary contributions from industry
- Voluntary contributions from not-for-profit organisations
- Other

17. Are you aware of any organisations which you believe could serve as suitable models/references or which could provide best practices/lessons learned for the possible centre? Please specify.

*1000 character(s) maximum*

18. Other comments:

*2000 character(s) maximum*

**If you would like to submit a document completing your answers to this consultation you can do that here.**

Please upload your file

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

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