



# European Commission: uphold privacy, security and free expression by withdrawing new law

Wednesday 8<sup>th</sup> of June 2022

Dear European Commissioners,

When you fundamentally undermine how the internet works, you make it less safe for everyone.

We write to you as 134 civil society and professional (trade union) organisations working across human rights, media freedom, technology and democracy in the digital age. Collectively, we call on you to withdraw the 'Regulation laying down rules to prevent and combat child sexual abuse' (CSA Regulation) and to pursue an alternative which is compatible with EU fundamental rights.

**It is not possible to have private and secure communications** whilst building in direct access for governments and companies. This will also [open the door for all types of malicious actors](#). **It is not possible to have a safe internet infrastructure which promotes free expression and autonomy** if internet users can be subjected to generalised scanning and filtering, and denied anonymity.

The proposed CSA Regulation has made a political decision to consider scanning and surveillance technologies safe despite [widespread expert opinion](#) to the contrary. If passed, this law will turn the internet into a space that is [dangerous for everyone's privacy, security and free expression](#).<sup>1</sup> This includes the very children that this legislation aims to protect.

These rules will make social media companies liable for the private messages shared by their users. It will force providers to use risky and inaccurate tools **in order to be in control of what all of us are typing and sharing at all times**. The Impact Assessment accompanying the proposal encourages companies to deploy Client-Side Scanning to surveil their users despite recognising that service providers will be reluctant to do so over security concerns. This would constitute an unprecedented attack on our rights to private communications and the presumption of innocence.

It is not just adults that rely on privacy and security. As the [United Nations](#) and [UNICEF](#) state, online privacy is vital for young people's development and self-expression, and they should not be subjected to generalised surveillance. The UK Royal College of Psychiatrists

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1 Former UN Special Rapporteur on Freedom of Expression, [David Kaye](#), reaffirms that: "encryption and anonymity enable individuals to exercise their rights to freedom of opinion and expression in the digital age".

highlights that [snooping is harmful for children](#), and that policies based in empowerment and education are more effective.

The CSA Regulation will cause severe harm in a wide variety of ways:

- **A child abuse survivor** who wants to confide in a trusted adult about their abuse could have their private message flagged, passed on to a social media company employee for review, then to law enforcement to investigate. This could disempower survivors, infringe on their dignity, and strongly disincentivise them from taking steps to seek help at their own pace;
- **Whistleblowers** and sources wanting to anonymously share stories of government corruption would no longer be able to trust online communications services, as end-to-end encryption would be compromised. Efforts to hold power to account would become much more difficult;
- **A young-looking adult** lawfully sending intimate pictures to their partner could have those highly-personal images mistakenly flagged by the AI tools, revealed to a social media employee, and then passed on to law enforcement;
- These [inevitable false flags](#) will over-burden **law enforcement** who [already lack the resources to deal with existing cases](#). This would allocate their limited capacities towards sifting through huge volumes of lawful communications, instead of deleting abuse material and pursuing investigations into suspects and perpetrators;
- Secure messenger service (like Signal) would be forced to technically alter their services, with users unable to access secure alternatives. This would put anyone that relies on them at risk: **lawyers, journalists, human rights defenders, NGO workers (including those who help victims), governments and more**. If the service wanted to keep its messages secure, it would be fined 6% of its global turnover; or would be forced to withdraw from the EU market;
- By undermining the end-to-end encryption that journalists rely on to communicate securely with sources, the regulation will also seriously jeopardise source protection, weaken digital security for journalists and have a severe chilling effect on **media freedom**;
- Once this technology has been implemented, governments around the world could pass laws forcing companies to scan for evidence of **political opposition, of activism, of labour unions that are organising, of people seeking abortions in places where it is criminalised**, or any other behaviours that a government wants to suppress;
- These threats pose an even greater risk to disenfranchised, persecuted and **marginalised groups** around the world.

In recent years, the EU has fought to be a beacon of the human rights to privacy and data protection, setting a global standard. But with the proposed CSA Regulation, the European Commission has signalled a U-turn towards authoritarianism, control, and the destruction of online freedom. This will set a dangerous precedent for mass surveillance around the world.

**In order to protect free expression, privacy and security online, we the undersigned 134 organisations call on you as the College of Commissioners to withdraw this Regulation.**

We call instead for tailored, effective, rights-compliant and technically feasible alternatives to tackle the grave issue of child abuse. Any such approaches must respect the [EU Digital Decade commitment](#) to a "safe and secure" digital environment for everyone – and that includes children.

Signed,

1. **5th of July Foundation** – Sweden
2. **Access Now** – International
3. **Agora Association** – Turkey
4. **AlgoRace** – Spain/ Europe
5. **Alternatif Bilisim (AiA-Alternative Informatics Association)** – International
6. **APADOR-CH** – Romania
7. **ApTI Romania** – Romania
8. **ArGE Tübingen** – Germany
9. **ARTICLE 19** – International
10. **Aspiration** – United States
11. **Associação Nacional para o Software Livre (ANSOL)** – Portugal
12. **Associação Portuguesa para a Promoção da Segurança da Informação (AP2SI)** – Europe
13. **Association for Support of Marginalized Workers STAR-STAR Skopje** – Republic of North Macedonia
14. **Attac Austria** – Austria
15. **Aufstehn.at** – Austria
16. **Austrian Chamber of Labour** – Austria
17. **Berlin Strippers Collective** – Germany
18. **Big Brother Watch** – United Kingdom
19. **Bits of Freedom** – Netherlands
20. **Bündnis für humane Bildung** – Germany
21. **Center for Civil and Human Rights (Poradňa)** – Slovakia
22. **Center for Democracy & Technology** – Europe
23. **Centrum Cyfrowe** – Europe
24. **Chaos Computer Club** – Germany
25. **Citizen D / Državljan D** – Slovenia
26. **Civil Liberties Union for Europe** – Europe
27. **CloudPirat** – Germany
28. **Committee to Protect Journalists** – EU/International
29. **COMMUNIA Association for the Public Domain** – Europe
30. **comun.al** – Latin America
31. **Council of European Informatics Societies (CEPIS)** – Europe
32. **D3 Defesa dos Direitos Digitais** – Portugal
33. **D64** – Zentrum für Digitalen Fortschritt – Germany
34. **Danes je nov** – Slovenia
35. **Dataföreningen västra kretsen (The Swedish Computer Society)** – Sweden
36. **Dataskydd.net** – Sweden
37. **Defend Democracy** – International
38. **Defend Digital Me** – United Kingdom
39. **Democracy in Europe Movement 2025 (DiEM25)** – Europe
40. **Deutsche Vereinigung für Datenschutz (DVD)** – Germany
41. **DFRI** – Sweden
42. **Digital Advisor** – The Netherlands
43. **Digital Rights Ireland** – Ireland
44. **Digitalcourage** – Germany
45. **Digitale Gesellschaft** – Germany
46. **Digitale Gesellschaft / Digital Society** – Switzerland
47. **Electronic Frontier Finland** – Finland
48. **Electronic Frontier Foundation (EFF)** – United States
49. **Elektronisk Forpost Norge (EFN)** – Norway
50. **epicenter.works for digital rights** – Austria
51. **Equipo Decenio Afrodescendiente** – Spain
52. **ESOP Associação de Empresas de Software Open Source Portuguesas** – Portugal
53. **Eticas Foundation** – International
54. **European Center for Not-For-Profit Law (ECNL)** – Europe
55. **European Digital Rights (EDRi)** – Europe

56. **European Sex Workers' Rights Alliance (ESWA)** – Europe and Central Asia
57. **Fight for the Future** – US/International
58. **Fitug e.V.** – Germany
59. **Free Software Foundation Europe** – European
60. **Fundación Karisma** – Colombia
61. **GAT – Grupo de Ativistas em Tratamentos** – Portugal
62. **Gesellschaft für Bildung und Wissen e.V.** – Germany
63. **Gesellschaft für Informatik / German Informatics Society (GI)** – Germany/EU
64. **Global Forum for Media Development** – International
65. **Hermes Center for Transparency and Digital Human Rights** – Italy
66. **Homo Digitalis** – Greece
67. **Human Rights House Zagreb** – Croatia
68. **imaniti.org** – Czech Republic
69. **iNGO European Media Platform** – Europe
70. **Institute of Communication Studies** – Republic of Macedonia
71. **International Press Institute (IPI)** – International
72. **Internet Governance Project** – International
73. **Internet Society** – International
74. **Internet Society Catalan Chapter (ISOC-CAT)** – Europe
75. **Interpeer gUG (gemeinnützig)** – Europe
76. **Irish Council for Civil Liberties** – Ireland
77. **ISOC Brazil – Brazilian Chapter of the Internet Society** – Brazil
78. **ISOC Portugal Chapter** – Portugal
79. **ISOC UK England** – UK
80. **IT-Pol** – Denmark
81. **Iuridicum Remedium, z.s** – Czech Republic
82. **JAKKLAC iniciativa** – Latin America
83. **La Quadrature du Net** – France
84. **Legal Legion (loyalty) NPO** – Cyprus
85. **Ligue des droits humains** – Belgium
86. **LOAD e.V.** – Germany
87. **Lobby4kids** – Kinderlobby– Austria
88. **Medienkompetenz Team e.V.** – Deutschland
89. **MetaGer, SUMA-EV** – German
90. **National Ugly Mugs (NUM)** – United Kingdom
91. **Netherlands Helsinki Committee** – The Netherlands
92. **Nordic Privacy Center** – Nordics
93. **Norway Chapter of the Internet Society** – Norway
94. **Norwegian Unix User Group** – Norway
95. **Open Knowledge Foundation** – International
96. **Open Rights Group** – United Kingdom
97. **Österreichischer Rechtsanwaltskammertag** – Austria
98. **Panoptikon Foundation** – Poland
99. **Peace Institute** – Slovenia
100. **PIC Amsterdam** – Netherlands
101. **Platform Burgerrechten** – The Netherlands
102. **Presseclub Concordia** – Austria
103. **Privacy First** – Netherlands
104. **Privacy International** – International
105. **quintessenz – Verein zur Wiederherstellung der Bürgerrechte im Informationszeitalter** – Austria
106. **Ranking Digital Rights** – International
107. **Red Umbrella** – Sweden
108. **SaveTheInternet** – Europe
109. **SekswerkExpertise** – Netherlands
110. **Sex Workers Alliance Ireland** – Ireland
111. **Sex Workers' Empowerment Network** – Greece
112. **Social Media Exchange** – Middle East and North Africa (MENA)
113. **StatewatchEU** – Europe
114. **Stichting Stop Online Shaming** – the Netherlands

115. **Stowarzyszenie Nasze Imaginarium** – Poland
116. **SZEXE – Association of Hungarian Sex-Workers** – Hungary
117. **Teckids e.V.** – Germany
118. **The Civil Affairs Institute (Instytut Spraw Obywatelskich)** – Poland
119. **The Commoners** – Spain
120. **The Document Foundation** – Global
121. **The Electronic Privacy Information Center (EPIC)** – International
122. **The European Federation of Journalists (EFJ)** – Europe
123. **The Foundation for Information Policy Research (FIPR)** – UK/Europe
124. **The Surveillance Technology Oversight Project – S.T.O.P.** – United States
125. **Voices4 Berlin** – International
126. **Vrijschrift.org** – The Netherlands
127. **West Africa ICT Action Network – Liberia / West Africa**
128. **Whistleblower-Netzwerk** – Germany
129. **Whose Knowledge?** – International
130. **Wikimedia** – International
131. **Wikimedia Deutschland e.V.** – Germany
132. **Women's Link Worldwide** – Europe
133. **WorkerInfoExchange** – International
134. **Xnet** – Spain