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

Wednesday 8th 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 114 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.¹ 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

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”.
Royal College of Psychiatrists 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 114 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. Access Now – International
3. Agora Association – Turkey
4. APADOR-CH – Romania
5. ApTI Romania – Romania
6. ArGE Tübingen – Germany
7. ARTICLE 19 – International
8. Aspiration – United States
9. Associação Portuguesa para a Promoção da Segurança da Informação (AP2SI) – Portugal
10. Association for Support of Marginalized Workers STAR-STAR Skopje – Republic of North Macedonia
11. Attac Austria - Austria
12. Aufstehn.at – Austria
13. Austrian Chamber of Labour – Austria
14. Berlin Strippers Collective - Germany
15. Big Brother Watch – United Kingdom
16. Bits of Freedom – Netherlands
17. Bündnis für humane Bildung – Germany
18. Center for Civil and Human Rights (Poradňa) – Slovakia
19. Center for Democracy & Technology – Europe
20. Chaos Computer Club – Germany
21. Centrum Cyfrowe – Europe
22. Citizen D / Državljanc D – Slovenia
23. Civil Liberties Union for Europe – EU
24. CloudPirat – Germany
25. Committee to Protect Journalists – EU/International
26. comun.al – Latin America
27. COMMUNIA Association for the Public Domain – Europe
28. D64 – Zentrum für Digitalen Fortschritt – Germany
29. Dataskydd.net – Sweden
30. Defend Democracy – International
31. Defend Digital Me – United Kingdom
32. Democracy in Europe Movement 2025 (DiEM25) – Europe
33. Deutsche Vereinigung für Datenschutz (DV) – Germany
34. DFRI – Sweden
35. Digital Advisor – The Nederlands
36. Digitalcourage – Germany
37. Digitale Gesellschaft – Germany
38. Digitale Gesellschaft / Digital Society – Switzerland
39. Digital Rights Ireland – Ireland
40. European Digital Rights (EDRi) – Europe
41. European Sex Workers’ Rights Alliance (ESWA) – Europe and Central Asia
42. Electronic Frontier Finland – Finland
43. Elektronisk Forpost Norge (EFN) – Norway
44. Electronic Frontier Foundation (EFF) – United States
45. The Electronic Privacy Information Center (EPIC) – International
46. epicenter.works for digital rights – Austria
47. Equipo Decenio Afrodescendiente – Spain
48. Eticas Foundation – International
49. European Center for Not-For-Profit Law (ECNL) – Europe
50. The European Federation of Journalists (EFJ) – Europe
51. Fight for the Future – US / International
52. Fitug e.V. – Germany
53. Fundación Karisma – Colombia
54. The Foundation for Information Policy Research (FIPR) – UK/Europe
55. Global Forum for Media Development – International
56. GAT – Grupo de Activistas en Tratamientos – Portugal
57. Gesellschaft für Bildung und Wissen e.V. – Germany
58. Hermes Center for Transparency and Digital Human Rights – Italy
59. Homo Digitalis – Greece
60. Human Rights House Zagreb – Croatia
61. imaniti.org – Czech Republic
62. iNGO European Media Platform – Europe
63. International Press Institute (IPI) – International
64. Internet Governance Project – International
65. Internet Society – International
66. Interpeer gUG (gemeinnützig) – Europe
67. Irish Council for Civil Liberties – Ireland
68. ISOC Brazil – Brazilian Chapter of the Internet Society – Brazil
69. Internet Society Catalan Chapter (ISOC-CAT) – Europe
70. ISOC UK England – UK
71. IT-Pol – Denmark
72. iuridicum Remedium, z.s – Czech Republic
73. La Quadrature du Net – France
74. Ligue des droits humains – Belgium
75. LOAD e.V. – Germany
76. Lobby4kids – Kinderlobby – Austria
77. Medienkompetenz Team e.V. – Deutschland
78. Netherlands Helsinki Committee – The Netherlands
79. Nordic Privacy Center – Nordics
80. Norway Chapter of the Internet Society – Norway
81. Norwegian Unix User Group – Norway
82. Österreichischer Rechtsanwaltskammertag – Austria
83. Open Rights Group – United Kingdom
84. quintessenz – Verein zur Wiederherstellung der
Bürgerrechte im Informationszeitalter – Austria

85. Panoptykon Foundation – Poland
86. Peace Institute – Slovenia
87. PIC Amsterdam – Netherlands
88. Platform Burgerrechten – The Netherlands
89. Presseclub Concordia – Austria
90. Privacy First – Netherlands
91. Privacy International – International
92. Ranking Digital Rights – International
93. Red Umbrella – Sweden
94. SaveTheInternet – Europe
95. SekswerkExpertise – Netherlands
96. Sex Workers Alliance Ireland – Ireland
97. Sex Workers’ Empowerment Network – Greece
98. SMEX – MENA
99. Social Media Exchange – Middle East and North Africa (MENA)
100. SZEXE – Association of Hungarian Sex-Workers – Hungary
101. Statewatch EU – Europe
102. Stowarzyszenie Nasze Imaginarium – Poland
103. Teckids e.V. – Germany
104. S.T.O.P. – The Surveillance Technology Oversight Project – United States
105. Stichting Stop Online Shaming – the Netherlands
106. Voices4 Berlin – International
107. Vrijschrift.org – The Netherlands
108. Whistleblower-Netzwerk – Germany
110. Wikimedia – International
111. Wikimedia Deutschland e. V. – Germany
112. Women’s Link Worldwide – Europe
113. Worker Info Exchange – International
114. Xnet – Spain