

# 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

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- English
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- Finnish
- French
- German
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- Hungarian
- Irish
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\* I am giving my contribution as

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

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\* Surname

Malcolm

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jeremy@prostasia.org

\* Organisation name

*255 character(s) maximum*

Prostasia Foundation

\* Organisation size

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

Transparency register number

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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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- British Indian Ocean Territory
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- Bulgaria
- Burkina Faso
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- Clipperton
- Cocos (Keeling) Islands
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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.

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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.

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## 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

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.

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Known child sexual abuse material, that has been verified as illegal by trained analysts and entered into a database of hash values, is the only such material that can be reliably and rapidly evaluated by automatic means. However the well-established technologies that exist for performing this evaluation, such as PhotoDNA, are currently only used by a small number of Internet platforms: in 2019, only a dozen of the largest tech companies were responsible for 99% of the abuse images reported to NCMEC.[1] There is ample scope to improve the uptake of these well-tested technologies by smaller platforms on the open web.

This should be prioritized before any consideration is given to tackling new images or grooming, which do not have such well-tested and reliable automatic detection technologies. The technologies used for detecting new images and grooming are new, proprietary, experimental, and raise additional civil liberties concerns that render them unsuitable to production use at this time.[2] Similarly, addressing the distribution of known or new material via darknets also presents an entirely different set of technical obstacles and civil liberties issues that are not ripe to be addressed through a legislative instrument at this time.[3]

[1] <https://prostasia.org/blog/csam-filtering-options-compared/>

[2] <https://www.circleid.com/posts/20210227-future-of-europes-fight-against-child-sexual-abuse/>

[3] <https://prostasia.org/blog/should-the-tor-network-be-shut-down/>

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

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*

Providing prevention services such as peer support services for people who may be at a higher risk of perpetrating abuse,[1] and funding research into child sexual abuse prevention.[2] Our technology for the detection of child sexual abuse online is available for the RocketChat communication software.[3]

[1] <https://prostasia.org/project/map-support-club/>

[2] <https://prostasia.org/project/research-fund/>

[3] <https://prostasia.org/project/csam-scanning-plugins/>

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*

From our own perspective, although we would welcome their cooperation, we have received no interest from law enforcement authorities in cooperating with us on the prevention of child sexual abuse. At a public event in November 2018, our suggestion that online forums could be used to prevent offending by people with a sexual interest in children, was received dismissively by a U.S. Department of Justice representative. This is indicative of the broader unwillingness of law enforcement representatives to treat child sexual abuse as a preventable public health problem, rather than simply as a criminal justice problem.[1]

As to other civil society organisations, we are concerned at the lack of safeguards and transparency in their dealings with law enforcement authorities, such as INHOPE passing on the personal data of people who may have accessed cartoon images.[2]

[1] <https://twitter.com/ProstasiaInc/status/1060224378145828864?s=20>

[2] [https://prostasia.org/?na=archive&email\\_id=62#](https://prostasia.org/?na=archive&email_id=62#)

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

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*

Although we initially received some cooperation from service providers—for example, we were instrumental in the removal of a notorious clearweb CSAM gateway from search engines Bing and DuckDuckGo[1]—we have encountered difficulty in establishing reliable channels to communicate with providers since then. Although there is the potential for networks such as INHOPE, the WeProtect Global Alliance, or the Technology Coalition to be used as a forum for civil society organisations and technology companies to communicate on these issues, these have been equally inaccessible in practice, with none of those organizations being receptive towards our attempts at engagement with them.[2]

It seems that a "club mentality" has developed among service providers and organizations dedicated to the removal of CSAM, that excludes the perspectives of other impacted stakeholders and the civil society organizations that represent them, including civil liberties groups. This is reflected in the fact that laws that target adult sex workers (such as FOSTA/SESTA in the USA) have been supported both by established child protection nonprofits (such as NCMEC) and service providers (such as Facebook), even though these laws were not supported by child sexual abuse prevention professionals,[3] and that human rights impacts that sex worker advocacy groups warned about were ignored.

Aside from our proactive prevention focus, Prostasia Foundation also acts as a human rights watchdog for the child protection sector to ensure that the perspectives of minorities are not excluded from these discussions. As such we would welcome the establishment of a more inclusive forum to promote the cooperation of platforms and stakeholders on child protection issues.

[1] [https://prostasia.org/?na=archive&email\\_id=16#](https://prostasia.org/?na=archive&email_id=16#)

[2] [https://prostasia.org/?na=archive&email\\_id=37#](https://prostasia.org/?na=archive&email_id=37#)

[3] <https://prostasia.org/letter-to-judiciary-committee-on-earn-it>

[4] [https://www.lambdalegal.org/blog/20191217\\_safe-sex-workers-study-act](https://www.lambdalegal.org/blog/20191217_safe-sex-workers-study-act)

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*

We do not agree with the way that this question has been phrased. There is no conflict between victims' rights and the rights of all users. Victims have a right to see justice done for any abuse that was committed upon them personally, and this right is fully compatible with, and indeed depends upon, the rule of law and the protection of fundamental human rights. Only if the concept of "victims' rights" is wrongfully interpreted as providing a justification for mass censorship and surveillance, does an apparent conflict emerge.

We do, however, believe that current efforts mistakenly conflate victims' rights and children's rights, and that this has resulted in an underemphasis on prevention efforts. Our aim should always be to ensure that fewer children are ever abused to begin with, not only to serve the interests of those who have already been abused and who are now seeking justice. We cannot talk about balancing the rights of victims and all users without addressing prevention.

### 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?

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The current situation, which centers the role of service providers in fighting against child sexual abuse online, has been shaped by a strong coalition of governments, media, anti-porn activist groups, and organizations dedicated to the removal of CSAM. But this emphasis has been to the exclusion of public health interventions that could prevent child sexual abuse from being posted online in the first place.

Child sexual abuse is a human problem, not a technological one. This means that technological interventions will only ever be a small part of solving it.[1] We have previously drawn a comparison between the fight against child sexual abuse online and the fight against copyright piracy—because even though there is no comparison between the gravity of the conduct in each case, there are parallels in how our society has responded, by prioritizing censorship and criminalization over prevention. As we wrote:

"To actually make progress towards solving the problem of child abuse online, we need to do what the music industry eventually did: we need to build a better pathway for people who are drawn towards it. Erecting border walls and surveillance posts around the Internet sends the wrong message to these people, and will only encourage them to circumvent these measures. Rather than trying to ensure that abuse images can't be accessed or shared, instead, we need to focus on ensuring that there are better alternatives, so that fewer people feel the need to seek those images out." [2]

The stigma that surrounds the topic of child sexual abuse gives significant power to special interest groups who would see human rights safeguards loosened. Europe must resist this pressure, and follow an evidence-based, public health approach to this problem, that respects the human rights of all.

[1] <https://prostasia.org/blog/internet-companies-alone-cant-prevent-online-harms/>

[2] <https://www.circleid.com/posts/20200819-how-the-war-against-child-abuse-material-was-lost/>

### 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

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

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*

On the one hand, there is a clear need for international coordination in this area. However, a de facto international coordination role is already being performed by NCMEC, with support from major platforms. To be clear, we don't think that this arrangement is by any means perfect; NCMEC is not sufficiently transparent or accountable and its privacy practices do not reflect European human rights standards. There has also been concern expressed that NCMEC's reports include many false positives.[1] While this points towards the need for a more transparent and accountable reporting framework, such a framework would enjoy greater global legitimacy if it were developed on a voluntary, non-legislative, multi-stakeholder basis rather than through European legislation.

[1] <https://epaper.sonntagszeitung.ch/index.cfm/epaper/1.0/share/email?defid=10000&publicationDate=2019-09-29&newspaperName=SonntagsZeitung&pageNo=12,13&articleId=-1&signature=3F239AF877D76F35F6A0B26CF9D84330BAA559BA>

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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
New (unknown) child sexual abuse material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Online grooming	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Live-streaming of child sexual abuse



## Comments

*2000 character(s) maximum*

As stated above, there are currently no reliable, public tools for the detection of new (unknown) CSAM or grooming. It would be premature for legislation to encourage the use of proprietary and experimental tools that have significant impacts on civil liberties. However, there is scope for Europe to invest in the development of such tools as free and open source software (FOSS) so that one day, more reliable and open alternatives to existing proprietary tools may become available.

Meanwhile, Europe should encourage the greater adoption and use of technologies for the detection of known CSAM, and legislation could provide a framework for the lawful use of these technologies in ways that respect the privacy and other fundamental rights of users of these platforms.

As to whether this framework should be mandatory, the incentives that Internet companies have to remove CSAM from their platforms already exist; the existence of such material is abhorrent to most of their users, and a platform that becomes known for such material will face both reputational harm, and legal risk.

Large platforms already have advanced workflows for the detection and removal of CSAM: as mentioned above, it is smaller platforms that are lagging behind. But it would be a mistake to assume that this means that these platforms tolerate CSAM. Rather, it points towards the need to make reporting and removal mechanisms more accessible for smaller platforms, and in this regard a "carrot" rather than a "stick" may be most effective.

As we have pointed out, existing tools can be both complex and expensive for smaller platforms to integrate into their systems.[1] Providing technical assistance for smaller platforms to detect and remove CSAM has the potential to increase their uptake. On the other hand, threatening them with additional penalties may simply cause some platforms to shut down, or to move outside of the EU.

[1] <https://prostasia.org/blog/csam-filtering-options-compared/>

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*

Absolutely not. Either Europe continues to support a free and open Internet which includes access to end-to-end encrypted services, or else it opts for a network without end-to-end encryption in which all communications are subject to surveillance. There is no in-between option. Furthermore, the choice between



these two options should be crystal clear: prohibiting end-to-end encryption would infringe the fundamental human right of privacy as guaranteed by Articles 7 and 8 of the EU Charter of Fundamental Rights, as well as Article 8 of the European Convention on Human Rights.

Although the Commission has been studying ways in which it might "have its cake and eat it too,"[1] the recommendations that this study has produced all involve compromising the confidentiality of image and video content on an end-user's device to enable surveillance of that content. Such a "backdoor" mandate could be used by a repressive government to track files shared by whistleblowers and dissidents. Similarly, a security hole could instantly transform millions of devices into unrestricted spying tools, with potentially sensitive user data being sent over the Internet unencrypted. The resulting surveillance regime still would not achieve the desired objective, as abusers would only have to shift away from European platforms to the many other encryption apps and services that are already freely available, in order to bypass the surveillance of their communications.

The frustration that policymakers have about being unable to simultaneously uphold two sets of values is understandable, but it points towards the fact that surveillance and censorship can only go so far in addressing the problem of child sexual abuse. Rather than putting all its eggs in one basket, it is time to recognize the limitations of an approach that depends upon limiting access to encryption, and to prioritize prevention instead.

[1] [https://www.politico.eu/wp-content/uploads/2020/09/SKM\\_C45820090717470-1\\_new.pdf](https://www.politico.eu/wp-content/uploads/2020/09/SKM_C45820090717470-1_new.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 checked="" type="radio"/>	<input 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 type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input 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</b>					

<b>consults the supervisory authority</b> , if necessary	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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 type="radio"/>	<input type="radio"/>	<input checked="" 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*

The "maximum extent possible" is not a strong enough safeguard. In the case of tools that rely on artificial intelligence algorithms, the "maximum extent possible" might still be a low level of accuracy, and we know that such tools tend to be biased against minorities, meaning that most false positives will disproportionately impact LGBTQ+ people, BIPOC people, and sex workers, who are already face discrimination and over-censorship.[1]

Rather than "maximum extent possible", legislation should quantify the proportion of acceptable false positives, require algorithms and training data to be openly documented, and tools must be independently evaluated through an open process that includes the use of data sets from marginalized populations. Earlier a "1 in 50 billion" false positive rate was touted, but we do not insist on such a rigorous standard. However, when the negative outcome of a false match is that a person's private (and possibly sensitive) communications or photographs will be flagged to human moderators and possibly forwarded to law enforcement authorities, it should not be unreasonable to demand a 1 in 100,000 false positive rate or better. Current AI tools cannot offer anything like this level of accuracy, especially when assessing content from marginalized groups.

Furthermore, an additional safeguard should be that materials that do not depict real minors (such as

cartoons or stories) should not be reported to law enforcement, or to organisations acting in the public interest against child sexual abuse. These are not equivalent to abuse images. In 2010, Prostasia Foundation was joined by the National Coalition Against Censorship, Article 19, and the Comic Book Legal Defense Fund in asking INHOPE to cease accepting such reports.[2]

[1] <https://www.asisonline.org/security-management-magazine/articles/2020/05/facial-recognition-error-rates-vary-by-demographic/>

[2] <https://prostasia.org/wp-content/uploads/2020/01/Letter-to-Internet-hotlines.pdf>

## 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 type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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*

Companies already face legal sanctions for knowingly hosting images of child sexual abuse. Under the Child Sexual Abuse Directive (Directive 2011/93), distribution, dissemination or transmission of child pornography is punishable by a maximum term of imprisonment of at least 2 years. Although, there is no general monitoring obligation (Article 16 of the eCommerce Directive), a platform that gains knowledge that it is hosting CSAM does not enjoy any legal protection from liability. This supports a "notice and takedown" model for the removal of CSAM, which represents an industry best practice.[1]

Beyond this, we consider that the CSAM detection and reporting regime should remain voluntary, and that it

would be counter-productive to mandate participation, especially if Europe's would be a separate regional system that would operate in parallel to the quasi-international reporting system managed by NCMEC. Rather, European efforts should be targeted towards diplomatic efforts to more effectively internationalize this existing voluntary regime, and to improve its transparency, accountability, and human rights safeguards.

Strengthening the capability and trustworthiness of this existing voluntary system will do more to encourage the participation of platforms (especially smaller platforms) than forcing them into compliance with two separate regimes, which risks resulting in regulatory overlap, inconsistency, and a "checkbox" approach to compliance.

Once a more transparent and accountable international system for CSAM reporting and removal is in place, and when barriers to the participation in that system by smaller platforms have been effectively eliminated, then it may be appropriate to revisit whether sanctions against companies who fail to participate in good faith may be appropriate. However at this stage, additional criminal or financial sanctions are inappropriate and would not achieve the desired outcome.

[1] <https://manilaprinciples.org>

### 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 type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Evaluated</b> by an independent entity	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Other (please specify):

*500 character(s) maximum*

We strongly support transparency reporting, and note that major platforms have been improving their transparency reporting standards year after year. Even so, since service providers can be very small, it remains most appropriate for transparency reporting to be encouraged as a best practice, rather than being a regulatory requirement. Obligatory reporting would disproportionately burden smaller providers such as SMEs, nonprofits, and even home servers operated by hobbyists, with little benefit.

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

Please specify:

*1000 character(s) maximum*

It is also important to capture how the instances of child sexual abuse online were detected: were they detected by technological tools, and if so which tools (eg. PhotoDNA), through user reporting, or through reporting by trusted flaggers or other third parties?

### 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

Please specify:

*1000 character(s) maximum*

Number of false positives.

## 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*

Like much other online activity, child sexual abuse often crosses national borders and involves multiple public and private actors. Coordinating the response of these actors, and ensuring that national authorities complement rather than compete with each other, is a significant and important challenge. Now is the right time for Europe to consider what part it can play in promoting greater coordination of the activities of these actors and stakeholders to make the fight more effective.

As we have mentioned elsewhere, it would be optimal if coordination efforts were not merely regional, but global. As such, ideally Europe would be a key partner in these efforts, rather than directing them independently. We encourage the Commission to consider the role that the possible European centre could have as a complement rather than as a competitor to existing organizations such as NCMEC. Otherwise, the most likely outcome is that there will still be some inefficiency and duplication.

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 type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Monitor the take down of child sexual abuse material by different stakeholders	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

*1000 character(s) maximum*

As indicated above, there is a need for a more transparent, accountable, and rights-respecting mechanism for the reporting of CSAM, but we have reservations about the idea that Europe should create its own regional mechanism for this, in competition to the existing NCMEC regime. It would make much more sense for efforts to concentrate on improving the international regime through diplomatic and multistakeholder engagement.

In due course this may lead towards moving the functions of NCMEC into a body that serves not only the United States or Europe, but the whole world, and is accountable to all stakeholders rather than just to the European or U.S. governments. But there is no good reason why the proposed new European center to prevent and counter child sexual abuse should be this same body. Indeed, there are good reasons to keep them separate, in order to avoid the European center becoming captured by law enforcement interests and diminishing its focus on prevention.

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*

INHOPE is, unfortunately, a good example of the risk of capture that we referred to in our previous response. INHOPE has not acted with the transparency and accountability that should be expected of a body executing such important public functions, but has allowed its government members to order the exclusion of civil society participants for expressing human rights concerns.[1]

Additionally, INHOPE has failed to engage with the international human rights community over concerns that

some of its members are misusing their powers to criminalize members of marginalized communities for sharing artistic materials.[2] We asked that artistic images should not be added to image hash lists that INHOPE members maintain, and should not be reported to authorities, unless required by the law where the hotline operates. INHOPE declined to accept this call.

[1] [https://prostasia.org/?na=archive&email\\_id=37#](https://prostasia.org/?na=archive&email_id=37#)

[2] <https://prostasia.org/wp-content/uploads/2020/01/Letter-to-Internet-hotlines.pdf>

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 checked="" type="radio"/>	<input 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Receive complaints from users who feel that their content was mistakenly removed by a service provider	<input type="radio"/>	<input type="radio"/>	<input checked="" 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"/>

Comments (including other possible functions to ensure transparency and accountability, if any):

*1000 character(s) maximum*

As indicated above, we have reservations about another regional body being tasked with receiving abuse reports, where it would be more appropriate for an international body to undertake this task. Having said that, it would be more appropriate for the European center to evaluate the tools used for CSAM detection,

and their use by European platforms. We view this role as facilitating best practices, rather than enforcing hard regulatory requirements; hence we do not support the center being empowered to sanction service providers who do not comply.

As for the development of codes of conduct and complaint handling, the appropriateness of these functions being performed by the centre depends largely on whether it is a government organization, or a more independent organization with multi-stakeholder composition and accountability. In the latter case, these roles could be appropriate, but otherwise, they would amount to legislative and judicial functions and would be inappropriate.

#### 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*

Currently, Interpol has established a set of international "baseline" factors that are used to classify images that are deemed illegal worldwide. However, individual national hotlines also have their own national baseline standards used for classifying reported images, many of which are not published, and the legal basis for these classifications is in many cases unknown. To improve transparency in this regard, the possible centre should provide a mechanism for these baseline standards to be published and revised, and to receive public comments on any proposed revisions.

#### 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*

Child sexual abuse is a preventable public health problem, not just a criminal justice problem. A public health approach involves primary, secondary, and tertiary prevention. Primary prevention involves an array of interventions targeted at the entire community that can reduce risk factors, or boost protective factors, resulting in less child sexual abuse overall. Secondary prevention is similar, but targets at-risk groups, and tertiary prevention focuses on harm reduction where abuse has already occurred.

As an organization devoted to prevention at all of three levels, the biggest obstacles that we have faced are stigma (addressed below), and lack of funding. Because prevention has not factored as the main focus for the child protection sector, donors that support this sector rarely fund prevention work, and are especially unlikely to fund prevention research. If the centre aims to support prevention efforts, this should include measures to boost available prevention funding.

## 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*

Much of the most essential and groundbreaking work in this field is not being conducted by large or established institutions, but by smaller organizations and researchers who have been promoting prevention and harm reduction in their communities, even in the face of overwhelming public disinterest or open hostility, and a lack of resources to support their work.

Examples include Prostasia Foundation ourselves, the Global Prevention Project, B4UAct, the Association for the Treatment of Sexual Abusers (ATSA), the Association for Sexual Abuse Prevention (ASAP), Stop It Now, the National Adolescent Perpetration Network (NAPN), the Lucy Faithfull Foundation, StopSO, and Kein Täter Werden Präventionsnetzwerk, among others.

The European center should ensure small groups are consulted and included, and avoid privileging larger, established groups who for many years have failed to prioritize prevention and who are only now reacting to increased public interest in prevention interventions.

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

*1000 character(s) maximum*

Industry has shown little interest in prevention interventions, and has failed to engage with or to support prevention groups, as they have engaged with and supported law enforcement linked groups that focus on CSAM removal. Worse, platforms have repeatedly deplatformed prevention groups, experts, and resources, including a peer support group that we host,[1] the Global Prevention Project,[2] and a member of our Advisory Council.[3]

As mentioned above, we would welcome the establishment of a more inclusive forum to promote the cooperation of platforms and stakeholders on child protection issues in general, and specifically on prevention. The possible European centre could serve as such a forum.

[1] <https://www.psychologytoday.com/us/blog/articles-heterodoxy/202009/twitter-wrongly-enforces-its-own-rule-child-protection>

[2] <https://twitter.com/ProstasiaInc/status/134647479>

[3] <https://prostasia.org/blog/tumblr-is-censoring-prevention-messages-and-amplifying-harmful-ones/>

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

*1000 character(s) maximum*

Prevention experts are constantly contending with what is known as "courtesy stigma," which attaches to them by reason of the fact that their prevention work requires them to engage with and to understand people who have offended, or who are at risk of offending. Since prevention interventions are falsely[1] perceived by the public as being a "softer" option than the incarceration of offenders, this leads to the stigmatization and online harassment of professionals for doing their job.[2] This problem is exacerbated by inaccurate media reporting, especially that which conflates all causes of sexual offending into the blanket category of "pedophilia." [3] The center could help to correct such misunderstandings through online and offline public outreach and education efforts.

[1] <https://prostasia.org/blog/child-sexual-abuse-prevention-isnt-a-soft-option/>

[2] <http://theglobalpreventionproject.org/blog?offset=1541006230888>

[3] <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7460489/>

### 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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

Among the lesser-recognised impacts of surviving child sexual abuse are that survivors may be stigmatised, censored, and even criminalized for talking about their abuse.[1] Many survivors report that fantasy can be a safe and cathartic way of making sense of their complex feelings in the aftermath of a sexually abusive experience. Yet they they are themselves often harassed and reported for exploring these themes in art or fiction.[2] Indeed, some survivors even suffer from a condition called POCD, in which they are possessed by an obsessive fear that they might themselves be attracted to children or be condemned to commit abuse.[3]

These invisible survivors should be supported by ensuring that fictional and fantasy outlets remain outside of the scope of the centre's remit.

[1] <https://twitter.com/prostasiainc/status/1206598784089591809>

[2] <https://prostasia.org/blog/what-purity-policing-fans-get-wrong/>

[3] <https://prostasia.org/blog/serving-survivors-with-trauma-conditions/>

## 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

We recommend that the potential centre should avoid allowing any single organization or cluster of organizations to speak for survivors. Survivors are incredibly diverse, and have many different opinions. There is no single correct way to represent and support survivors.

Unfortunately, victimhood is often co-opted by actors who benefit from being seen as speaking with survivors' voices. Some high-profile "victim" advocates have actually being unmasked as having a hidden agenda against 18+ pornography or sex work,[1] or as acting on the behest of government or corporate sponsors.[2] On the other hand, there are also many legitimate individual survivor-activists[3] and legitimate organizations that represent or support them without having any hidden agenda.[4] The proposed center should be open to all.

[1] <https://prostasia.org/blog/the-war-on-porn-does-not-help-children/>

[2] [https://prostasia.org/?na=archive&email\\_id=66](https://prostasia.org/?na=archive&email_id=66)

[3] <https://jennaquinn.net/>

[4] <https://rainn.org>

## 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

Ensuring that participation in the centre's activities is open to all stakeholders means taking care that established organizations are not granted a "gatekeeper" role that can be used to exclude those who are disfavored, or who are not seen as having a "legitimate" interest in the subject matter.

For example, adults working in the sex industry are often survivors of childhood sexual abuse, yet are silenced and marginalized by child protection advocates who approach the topic from a "rescue" perspective. Since the sex industry is a popular common target of laws and policies putatively aimed at the

elimination of child sexual abuse, sex workers have a very real interest in contributing their unique and valuable perspective on these laws and policies.

The European centre should be structured on the premise that nobody should be categorically excluded from participating in its prevention mission.[1]

[1] <https://prostasia.org/blog/who-should-be-excluded-from-child-protection/>

## 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*

Children's right to be free from sexual abuse is a recognition of their bodily autonomy. About one-third of child sexual abuse is committed by other juveniles,[1] and this is frequently because they simply aren't aware of what is appropriate sexual behavior, or about the possible harms that they might cause by behaving inappropriately.[2] But adults, too, are often poorly informed about the consent issues. Child sexual abuse is not always the result of a deliberate attempt to harm—but mistakenly believing that minors can consent to sex is never an excuse for sexual abuse.

Comprehensive sex education that includes the topics of consent and pleasure are an important way of broadening awareness of the fundamental rights basis for protection from sexual abuse, and ensuring that juveniles and adults alike are well informed about responsible sexual behavior.

[1] <https://www.ojp.gov/pdffiles1/ojjdp/227763.pdf>

[2] <https://prostasia.org/vodcast/csa-prevention-as-a-public-health-issue/>

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

*1000 character(s) maximum*

As the center would support victims in removing their images and videos to safeguard their privacy, it should ensure that those victims who uploaded their own images while they were minors are not shamed for doing so. As minors enter puberty, it becomes normal for them to seek to express themselves sexually. Due to the impulsivity and lack of foresight that also characterises adolescence, some minors ill-advisedly upload their own sexual images, even without pressure from an adult abuser.

More broadly, victims should not be made to feel that they are to blame for their own abuse. The reason why they often may feel this way is due to the stigma that surrounds the topic. Victims often wrongly believe that if their abuser was a loved one, if they acquiesced in the abuse or kept silent about it, or if they felt any physical pleasure, then they carry some guilt or responsibility for their abuse. This is never the case: child sexual abuse is always solely the responsibility of the abuser.

### Governance and type of organisation

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

*1000 character(s) maximum*

Each of the existing networks involved in the right against child sexual abuse (such as WeProtect, the Lanzarote Committee, the CSO Forum to End Violence Against Children, the Child Dignity Alliance, the ITU Child Online Protection Steering Group, etc.) is highly imbalanced, with a prevalence of "invitation only" policies, or policies that are notionally open but which in practice exclude groups disfavored by incumbent members. This has resulted in the adoption of policies that harm minorities such as artists, sex educators, sex workers, small businesses, those who are seeking or providing support, etc.[1]

The proposed European centre must avoid this trap by adopting an open and balanced multi-stakeholder structure that is inclusive of all impacted stakeholders—and most particularly, civil society representatives should not be limited to established child safety groups, but must be open to groups that are traditionally excluded.

[1] [https://prostasia.org/?na=archive&email\\_id=75#](https://prostasia.org/?na=archive&email_id=75#)

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*

The Internet Governance Forum, and its European equivalent EuroDIG, provide a model of multi-stakeholder organisations that deal with Internet-related public policy issues in an open and inclusive fashion. EuroDIG has also demonstrated some success in producing non-binding recommendations for the guidance of policymakers. Participation in their discussions is open to all, rather than only to invited or vetted participants, unlike most of the existing organizations and networks that operate in this sector. Although their functions are not the same as the possible centre, their open model of stakeholder engagement is a good one.

18. Other comments:



Because child sexual abuse is such a heinous crime, it is tempting to view it as a criminal justice problem, and that has been the dominant approach taken by Europe until now. However, viewing it as a criminal justice problem can result in a myopic focus on the investigation and prosecution of offenders after they have already offended—by which time a child has already been harmed, and the opportunity to save them has been missed.

Increasingly, stakeholders are recognizing that this approach has failed, and that we can't simply arrest our way out of the problem or rely on after-the-fact interventions.[1] Likewise, reacting to child sexual abuse images only by censoring evidence that they ever existed is simply fighting fires.[2] It is unsustainable and will not help to prevent new offending. Rather, we need to balance law enforcement with evidence-based interventions that can prevent offending and reoffending in the first place.

Viewing child sexual abuse as a preventable public health problem is a more holistic approach. Unlike most child protection groups, this is the approach that ProStasia Foundation has focused on from the outset. We promote this approach by raising funds for research into abuse prevention, and by promoting primary, secondary, and tertiary prevention interventions that can reduce the risk factors for offending, and boost the protective factors that keep children safe.

Until now, Europe has under-invested in the prevention of child sexual abuse, and has overestimated the capacity of technical interventions to solve the problem. We commend the European Commission for recognizing this imbalance and for taking steps to rectify it in its strategy for the future fight against child sexual abuse.

[1] <https://www.theguardian.com/commentisfree/2018/sep/05/protect-children-sexual-abuse-offenders>

[2] <https://www.iwf.org.uk/sites/default/files/reports/2019-04/Once%20upon%20a%20year%20-%20IWF%20Annual%20Report%202018.pdf>

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