



**PROSTASIA**  
FOUNDATION

# The Future of Europe's Fight Against Child Sexual Abuse

March 15, 2021



# Panelists

- **Patrick Breyer MEP**
  - Digital freedom fighter and MEP for the Pirate Party
- **Crystal Mundy**
  - Doctoral student in Clinical Psychology at the University of British Columbia
- **Christian Dawson**
  - i2Coalition Co-Founder & Executive Director
- **Jeremy Malcolm**
  - Prostasia Foundation Executive Director



# Responding to the consultation

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## Fighting child sexual abuse: detection, removal and reporting of illegal content online

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### About this consultation

Feedback period	11 February 2021 - 15 April 2021 (midnight Brussels time)
Topic	Home affairs

### Target audience

The consultation aims to ensure that citizens and stakeholders, including those who will be directly affected by this initiative, can provide their views and input. This will also improve the evidence base underpinning the initiative.

The Commission is inviting all interested stakeholders, including industry, civil society and public authorities, and citizens, to contribute to this consultation.

### Why we are consulting

<https://bit.ly/38vPCKC>

# About Prostasia

- Formed in 2018 as a response to FOSTA
- Holistic, multidisciplinary and multistakeholder
- Has zero tolerance for child sexual abuse
- But we don't believe it's necessary to abandon our core values to protect children
- Demands child protection measures be fair, effective, and human rights compliant
- Has a positive agenda for child protection



# The consultation in a nutshell

- The existing CSAM reporting regime is:
  - incompatible with the ePrivacy Directive
  - ad hoc and uncoordinated
  - inconsistently complied with
- The consultation could result in:
  - a new European regime for reporting known (and perhaps new) CSAM (and perhaps grooming)
  - a new European centre to support member states in fighting CSA online and offline



# Platform regulation and CSAM

- In the United States, platforms are required to report CSAM that comes to their attention to NCMEC.
- They are not required to look for CSAM because this could be a warrantless search and seizure that could make the evidence worthless.
- The EARN IT Act is an attempt to change this by removing safe harbor protections for platforms that negligently or recklessly allow users to upload CSAM.



# Problems with the NCMEC regime

- NCMEC is a government actor (10<sup>th</sup> circuit)
- But it isn't subject to freedom of information
- There is no way to review its secret hash lists
- Regime works on trust... but is it trustworthy?
- European standard-setting could create:
  - Greater accountability and transparency
  - Minimum standards for effectiveness of tools
  - Less duplication and greater efficiency
  - Uphold fundamental human rights standards

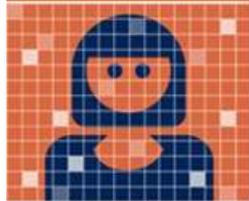


# What is hash scanning?



1

Known child exploitation images identified by trusted sources such as NCMEC.



2

PhotoDNA Cloud Service hashes and converts images into numerical values which are matched against databases of hashes from known illegal images.

584030542412...



3

This hashing and matching process makes it possible to distinguish and flag harmful images from the billions that are uploaded daily.

584030542412...



4

The hash represents a unique digital identifier for each image, making it possible to distinguish and flag harmful images — even if the images have been altered.



5

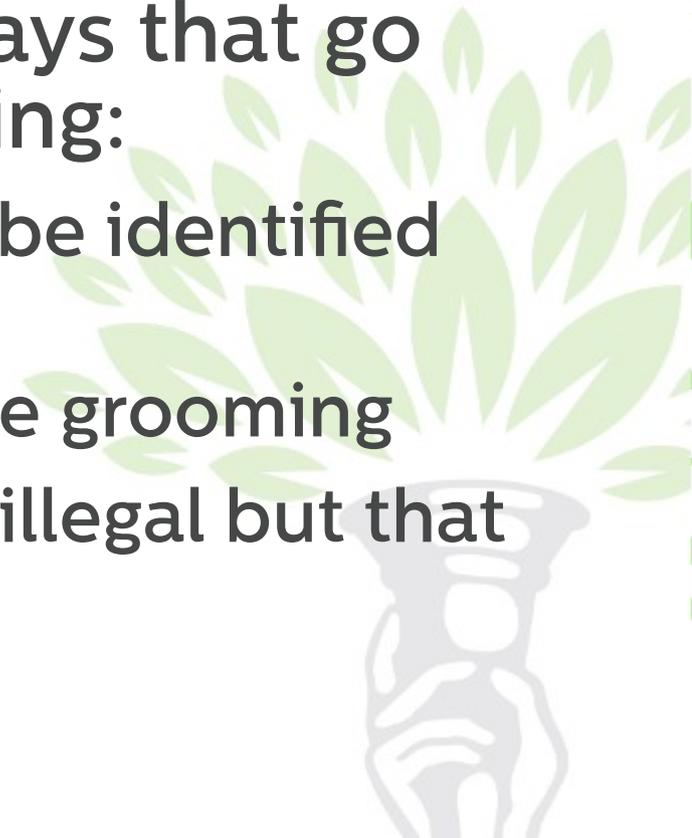
If a match is found, the images are automatically flagged for reporting to the appropriate authorities.

**MATCH**

- Known CSAM images are transformed into numerical hash values using algorithms such as PhotoDNA.
- These are added to databases that are maintained by reporting hotlines NCMEC and the Internet Watch Foundation (IWF).
- Internet platforms scan uploaded files and compare them against these hashes.
- If a match is found the image can be quarantined and reported.

# Voluntary Principles on CSEA

- In March 2020 the Five Eyes governments introduced Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse
- The principles urge technology companies to attempt to address CSAM in ways that go above and beyond hash scanning:
  - Identifying new CSAM that can't be identified using PhotoDNA hash scanning
  - Identifying and combatting online grooming
  - Acting against material that isn't illegal but that “may be connected” to CSAM



# Expanding scanning to include AI

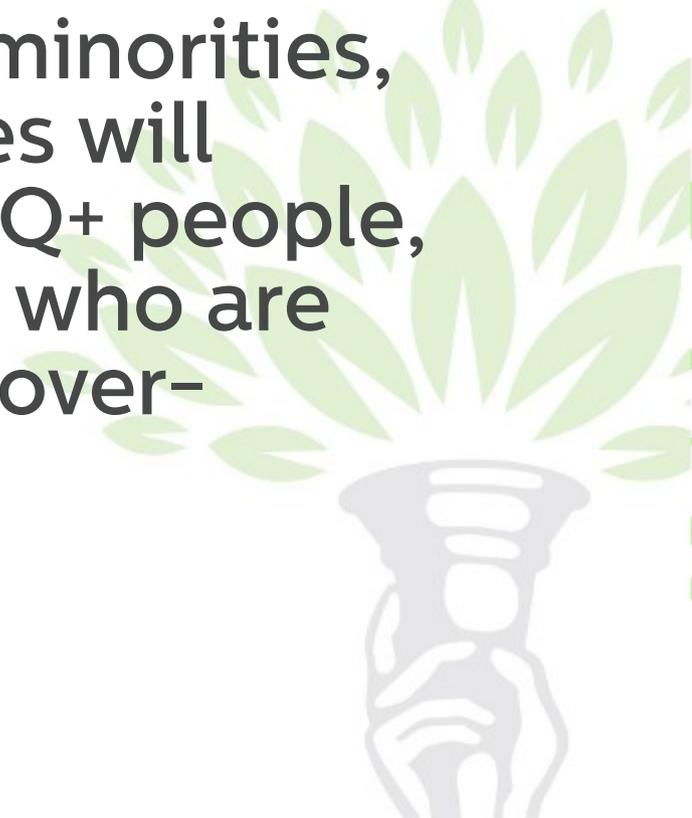


	Keyword filtering	Hash filtering	Artificial intelligence	User reporting*
Accuracy (images)	★	★★★★	★	★★★★
Accuracy (text)	★★	★	★★	★★★★
Speed	★★★★★	★★★★★	★★★★★	★★
Transparency	★	★	★	★★★★★
Preventative	★	★	★★	★★★★

- Governments have encouraged platforms to use AI tools to detect grooming and nudity
- These tools are proprietary, discriminatory, and inaccurate

# From Prostasia's submission

“ 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.



# Limits of censorship and arrests

“ In the long term, we can't continue to just censor and arrest our way out of the problem of image-based child sexual exploitation. This requires a serious and long-term investment in prevention as well as co-operation and resources from government, the charitable sector and the industry itself. As a society we always tend to favor intervention once a crime has been committed (or the illness incurred) rather than in the less glamorous and longer process of prevention. But until we take this approach, we will always be fighting fires.

— Andrew Puddephatt, Chair, Internet Watch Foundation



# Prevention and stigma don't mix

- Understanding how abuse happens matters



**95%** of sexual offenses are committed by someone with no criminal history



**77%** of CSA is committed in a residence



**90%** of CSA is perpetrated by someone the child knows and trusts



**73%** of CSA is committed by those who are primarily attracted to adults



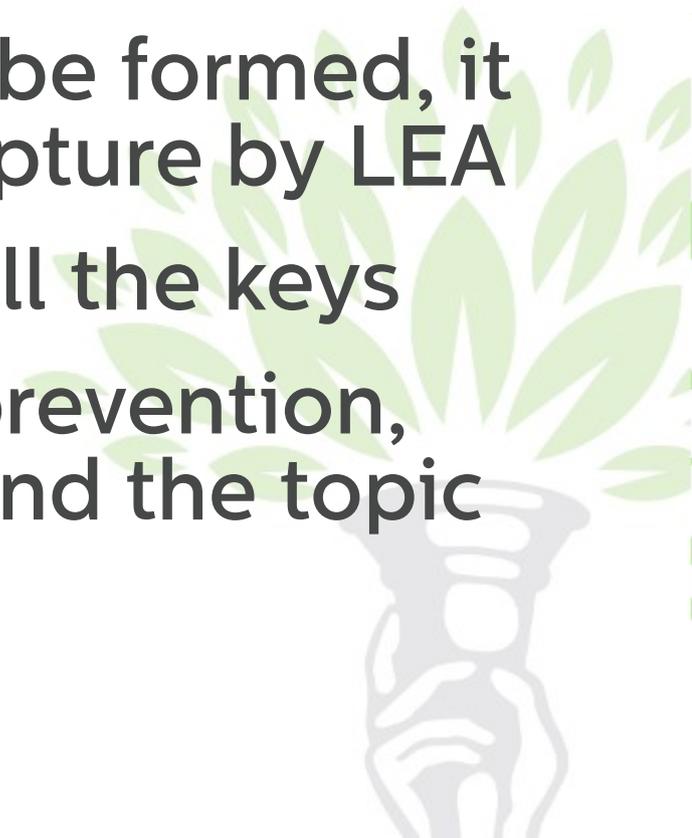
**35%** of CSA is committed by juveniles

- Nobody is condemned to become an abuser
- Prevention works!



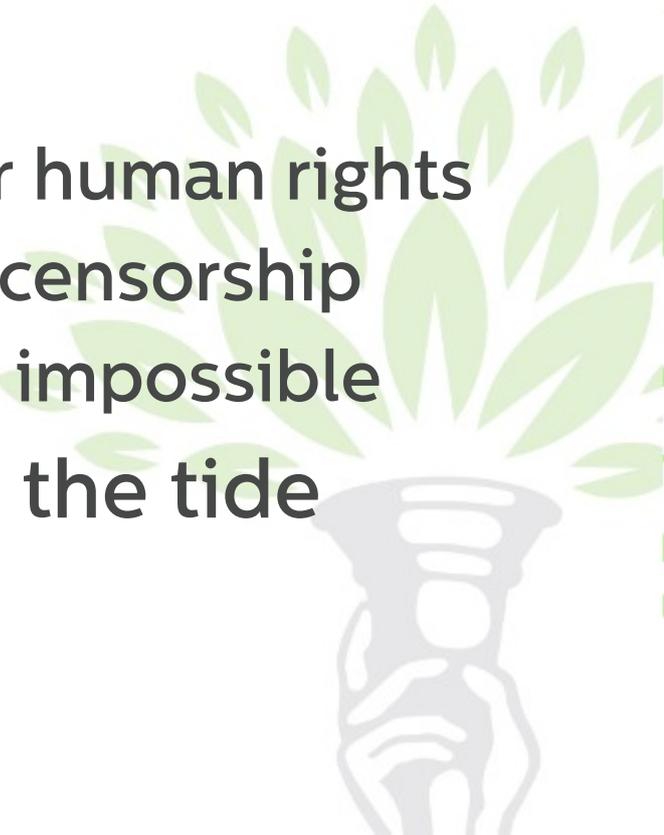
# Points to cover in your submission

- If CSAM scanning is to be legalized, it should be limited to voluntary hash scanning
- Europe could promote better accountability and transparency of this system globally
- If a centre to combat CSA is to be formed, it must be inclusive and avoid capture by LEA
- Internet platforms don't hold all the keys
- More needs to be invested in prevention, including reducing stigma around the topic



# Conclusion

- Child sexual abuse is:
  - not just a technology issue
  - not just a criminal justice issue
  - but a preventable public health issue
- The stigma around CSA:
  - makes it challenging to stand up for human rights
  - favors criminal justice and big tech censorship
  - makes us believe that prevention is impossible
- This consultation could help turn the tide



# Don't forget to respond!

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# Q&A

- Please pose your questions to the panel
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