

We support the draft Regulation to prevent and combat child sexual abuse

Dear Members of the European Parliament

Dear Representatives of Member States in the Council of the European Union

The undersigned express our very strong support for the proposal for a [Regulation](#) currently being considered by the EU to prevent and combat child sexual abuse.

We need to remind all concerned that major parts of the Regulation merely seek to make permanent, more transparent and accountable, child protection practices which have been carried out by a number of internet companies on a voluntary basis since at least 2009. The Regulation brings these child protection practices and the use of any associated technical tools within a clearly defined, transparent and accountable legal framework.

The child protection practices referred to were specifically endorsed by the EU in the [Temporary Derogation](#), agreed on 14th July, 2021. The Derogation expires on 3rd August 2024.

Prior to the adoption of the Temporary Derogation several internet companies temporarily suspended the measures they had previously been taking to detect child sexual abuse. This resulted in a 58% drop in the overall number of reports being made.

If the Regulation does not complete its passage by 3rd August 2024, we know with a high degree of certainty what will happen. The continued use of child protection tools to detect child sexual abuse online in communication services will be banned across the EU. These are the very services most used by offenders to exchange child sexual abuse material and groom children. The reports generated in this way account for at least 80% of all reports of child sexual abuse received within the EU. In 2022 that amounted to 1.5 million individual reports. If the Regulation is not passed huge numbers of children will therefore be left exposed to or put in danger. This must not happen.

The reports are essential to find and prevent children from ongoing or imminent abuse, to prevent re-victimisation through the continued circulation of still pictures or videos, and to help law enforcement apprehend offenders. If the reports are lost it will have terrible consequences for children not just in every EU Member State but also far beyond.

- ***Prevention is a major focus of the Regulation***

By requiring risk assessments and mitigation measures linked to child safety by design, a major part of the Regulation aims to prevent children from being harmed by sexual abuse, facilitate the detection of online grooming behaviours and reduce the risk of victimization.

Mandatory detection orders are a last resort, to be used only when the risk mitigation measures put in place are seen to be insufficient.

- ***Detection by the companies is essential to protect children***

Child sexual abuse material (CSAM) is evidence of a crime against children and, in the online world, companies are critical partners for detecting and reporting it to law enforcement.

It is well-established that children often do not disclose their abuse, ever, or not until they are adults, by which time the damage they have experienced in childhood may have become magnified and taken on complex forms. Children often do not realise they are being groomed or they do not fully appreciate the harms associated with sexualised images of themselves being published on the internet. Parents and carers, likewise, may not recognise the signs and symptoms of child sexual abuse, or they may themselves be the

abusers. Thus, while expanding abuse report options for children and online safety education for parents and the public are welcome and necessary they are insufficient.

- ***Obligations to prevent and combat child sexual abuse are crucial***

Because prevention, detection and reporting currently are voluntary, they are made with little or no legally grounded transparency. Moreover, too many companies have chosen not to act at all to protect children or there are significant inconsistencies in their approach.

The Regulation will herald a substantial uptick in online child protection because all relevant online businesses will be subject to a carefully defined, publicly stated legal regime.

- ***Mandatory detection will result in technological improvements by companies***

Every item of software, every programme, can be improved iteratively. But the improvements come about through careful monitoring, feedback loops and through the mandatory transparency mechanisms which the Regulation will introduce. Improvements never come about if the programmes or tools are never deployed.

- ***Some of the available, effective tools have been in use for over a decade***

PhotoDNA was the first perceptual hashing tool to be deployed at scale to identify child sexual abuse material. It became available in 2009 and has been extremely successful in identifying tens of millions of child sexual abuse images all over the world.

None of the apocalyptic visions painted during the debate on the Temporary Derogation, or in the debate on the Regulation, have materialised. Neither will they.

- ***Law Enforcement agencies welcome reports from companies***

The police have not been flooded with false positives. On the contrary, law enforcement agencies have been highly appreciative of the way in which PhotoDNA and other tools have helped them in the vital task of protecting children.

- ***Rapid action is vital***

Police agencies cannot always respond immediately to the reports they receive but, within a victim-centred holistic framework, the speediest possible identification and removal from the internet of CSAM is essential and the same is true in relation to acting swiftly to alert a child to the dangers of grooming. It can prevent untold harm being done to the child. Removing illegal material and preventing grooming complement and assist police action.

- ***Accuracy rates are exceptionally high and will continue to improve***

PhotoDNA works with an accuracy rate estimated to be 1 in 50 billion. For the detection of new, previously unseen child sexual abuse material, the capabilities of new forms of AI are already at a threshold of 99.9% and will very likely improve even further, given the AI revolution we are experiencing.

In the new arrangements anticipated by the Regulation, the new European Centre will have a specific responsibility to ensure false positives are eliminated and are not passed on to law enforcement agencies. This is a vastly superior arrangement to the status quo, where those few companies who choose to implement automated detection measures are not obliged to ensure or improve the accuracy of reports.

- ***End-to-end encryption is not threatened in any way whatsoever***

None of the child protection tools currently in use or anticipated have the ability to see, read, comprehend or identify anything other than CSAM or activity highly likely to be associated with child sexual abuse.

What the tools can do is identify patterns which indicate child abuse prior to the offending items or behaviour entering the encrypted tunnel. Such or similar tools have been used for many years in connection with end-to-end encrypted services in relation to other types of threats, for example to warn users that a potential link may have come from a scammer.

- ***We must not undermine the Rule of Law***

To forbid the use of the child protection tools in association with apps which utilise end-to-end encryption would be the same as announcing the EU is happy to allow the creation of an enormous virtual space that is beyond the reach of the law, law enforcement agencies, and the courts.

Because of the scale of the challenge, forbidding the use of child protection tools in association with end-to-end encrypted environments therefore threatens the very idea of the Rule of Law. Offenders will step up their activity on encrypted apps in the belief they can act with impunity. And in the vast majority of cases they will be right. They can.

- ***It's not all about the dark web***

Offenders go where children go. Children are not on the dark web. For this reason, perpetrators have not all moved to the dark web in response to expanded child protection measures on the open web. It is definitely true that large volumes of CSAM are exchanged using dark web services, but a high proportion of these images originated on or through the open web or ended up on the open web. The choice is not between tackling the open web or the dark web. Both need to be addressed.

- ***Public opinion backs the Regulation very strongly***

We all accept our personal belongings, even our bodies, being scanned or inspected on a mass basis at airports or at the entrance to sensitive buildings. We do this because we understand and accept the underlying social purpose for universal protection. In like manner, there is no doubt at all that the [mass of public opinion](#) in EU Member States supports the kind of measures outlined in the draft Regulation.

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