Child sexual abuse online - detection, removal and reporting

> Fields marked with * are mandatory.

Introduction

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

* Language of my contribution

- ○ Bulgarian
- ○ Croatian
- ○ Czech
- ○ Danish
- ○ Dutch
- ● English
- ○ Estonian
- ○ Finnish
- ○ French
- ○ German
- ○ Greek
- ○ Hungarian
- ○ Irish
- ○ Italian
- ○ Latvian
- ○ Lithuanian

○ Maltese

○ Polish

○ Portuguese

○ Romanian

○ Slovak

○ Slovenian

○ Spanish

○ Swedish

* I am giving my contribution as

○ Academic/research institution

○ Business association

○ Company/business organisation

○ Consumer organisation

○ EU citizen

○ Environmental organisation

○ Non-EU citizen

● Non-governmental organisation (NGO)

○ Public authority

○ Trade union

○ Other

* First name

| Melinda |

* Surname

| Tankard Reist |

* Email (this won't be published)

| lyn@collectiveshout.org |

* Organisation name

255 character(s) maximum

| Collective Shout |

*Organisation size

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

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

[   ]

*Country of origin

Please add your country of origin, or that of your organisation.

○ Afghanistan	○ Djibouti	○ Libya	○ Saint Martin
○ Åland Islands	○ Dominica	○ Liechtenstein	○ Saint Pierre and Miquelon
○ Albania	○ Dominican Republic	○ Lithuania	○ Saint Vincent and the Grenadines
○ Algeria	○ Ecuador	○ Luxembourg	○ Samoa
○ American Samoa	○ Egypt	○ Macau	○ San Marino
○ Andorra	○ El Salvador	○ Madagascar	○ São Tomé and Príncipe
○ Angola	○ Equatorial Guinea	○ Malawi	○ Saudi Arabia
○ Anguilla	○ Eritrea	○ Malaysia	○ Senegal
○ Antarctica	○ Estonia	○ Maldives	○ Serbia
○ Antigua and Barbuda	○ Eswatini	○ Mali	○ Seychelles
○ Argentina	○ Ethiopia	○ Malta	○ Sierra Leone
○ Armenia	○ Falkland Islands	○ Marshall Islands	○ Singapore
○ Aruba	○ Faroe Islands	○ Martinique	○ Sint Maarten
⦿ Australia	○ Fiji	○ Mauritania	○ Slovakia
○ Austria	○ Finland	○ Mauritius	○ Slovenia

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○ Azerbaijan	○ France	○ Mayotte	○ Solomon Islands
○ Bahamas	○ French Guiana	○ Mexico	○ Somalia
○ Bahrain	○ French Polynesia	○ Micronesia	○ South Africa
○ Bangladesh	○ French Southern and Antarctic Lands	○ Moldova	○ South Georgia and the South Sandwich Islands
○ Barbados	○ Gabon	○ Monaco	○ South Korea
○ Belarus	○ Georgia	○ Mongolia	○ South Sudan
○ Belgium	○ Germany	○ Montenegro	○ Spain
○ Belize	○ Ghana	○ Montserrat	○ Sri Lanka
○ Benin	○ Gibraltar	○ Morocco	○ Sudan
○ Bermuda	○ Greece	○ Mozambique	○ Suriname
○ Bhutan	○ Greenland	○ Myanmar /Burma	○ Svalbard and Jan Mayen
○ Bolivia	○ Grenada	○ Namibia	○ Sweden
○ Bonaire Saint Eustatius and Saba	○ Guadeloupe	○ Nauru	○ Switzerland
○ Bosnia and Herzegovina	○ Guam	○ Nepal	○ Syria
○ Botswana	○ Guatemala	○ Netherlands	○ Taiwan
○ Bouvet Island	○ Guernsey	○ New Caledonia	○ Tajikistan
○ Brazil	○ Guinea	○ New Zealand	○ Tanzania
○ British Indian Ocean Territory	○ Guinea-Bissau	○ Nicaragua	○ Thailand
○ British Virgin Islands	○ Guyana	○ Niger	○ The Gambia
○ Brunei	○ Haiti	○ Nigeria	○ Timor-Leste
○ Bulgaria	○ Heard Island and McDonald Islands	○ Niue	○ Togo
○ Burkina Faso	○ Honduras	○ Norfolk Island	○ Tokelau

- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao

- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos

- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda

- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
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◎ Cyprus	◎ Latvia	◎ Saint Barthélemy	◎ Yemen
◎ Czechia	◎ Lebanon	◎ Saint Helena Ascension and Tristan da Cunha	◎ Zambia
◎ Democratic Republic of the Congo	◎ Lesotho	◎ Saint Kitts and Nevis	◎ Zimbabwe
◎ Denmark	◎ Liberia	◎ Saint Lucia	

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.

◉ **Public**

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

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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One of the most disturbing types of child sexual abuse is the growth in the trade of live distant child abuse, which we wrote about for the ABC. See https://www.abc.net.au/religion/why-are-australian-telcos-and-isps-enabling-a-child-sexual-abuse/10095644. Read more in our Submissions to the Modern Slavery Bill 2018 (Provisions): https://www.collectiveshout.org /collective_shouts_submission_to_the_modern_slavery_bill_2018_provisions and Anti-Money Laundering and Counter-Terrorism Financing Inquiry : https://www.collectiveshout.org /submission_to_anti_money_laundering.

Given the damaging impacts of revictimisation for child sexual abuse survivors each time their content is viewed, we believe all of the above-listed activities aimed at preventing distribution of new and known CSAM must be prioritised in legislation.

In our investigations of Instagram and joint global #WakeUpInstagram campaign, we documented widespread exploitation of underage girls. Instagram serves as a gateway for child exploitation, providing a steady supply of content (often not CSAM but CSAM-adjacent) which is copied and shared to other platforms (eg porn sites, messaging platforms, web based forums) to create new CSAM. We documented the production of new CSAM on Twitter for example - in so-called 'cum tributes' - where men take images of underage girls from Instagram and film themselves masturbating/ejaculating over the images, then post the videos. On a web based forum, we documented men sharing images of Instagram child 'models' - over 600 of them were under 16. The men used the content as stimuli for child sexual abuse fantasy discussions. Even when a victim's content is removed after reporting, it is often re-uploaded from a new account. Instagram is normalising and sanitising the sexualisation and exploitation of underage girls and facilitating predators and offenders. See our submission to Australian Online Safety Bill Legislation Reform https://www. collectiveshout.org/online_safety

Please specify:

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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

Please specify:

500 character(s) maximum

> - Prevent adults from soliciting connections with children on social media and gaming platforms, messaging services and other forums
> - Hold ISPs liable for hosting and profiting from child sexual exploitation - including pay-per-view-torture/live distant child abuse. We know these are long-standing problems which have only worsened with the COVID pandemic.
> - Greater penalties with standardised minimum sentencing for abusers

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

Please specify:

500 character(s) maximum

> 1. Expand education programs on the negative impact of pornography in shaping attitudes and behaviours, contributing to sexual harassment and coercion, and on consent and respectful relationships.
> 2. Provide clear, concise safety advice for all apps and online platforms so that consumers (including parents, guardians, educators and young people) are properly informed of risks including sexual exploitation and abuse, and grooming.

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

> Provide information about child exploitation/grooming we've documented on Instagram; Provide information about child sex abuse dolls and replica body parts sold online, including on major e-commerce platforms.

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

> We commend the stakeholder engagement activities of the Australian Centre to Counter Child Exploitation to you. See here for more information: https://www.collectiveshout.org/_national_child_protection_week
>
> We also commend to you the activities of WePROTECT which draws together the efforts of Government agencies, corporates and civil society organisations to combat online child sexual exploitation. We have published our statement of support for the Five Governments' Voluntary Principles which are backed by the WePROTECT Global Alliance. See here for more information: https://www.collectiveshout.org/11_principles

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

Please specify:

500 character(s) maximum

> Participant in service provider safety research

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

We are part of a joint global campaign which calls on Facebook/Instagram executives to put a stop to the sexual exploitation, sexualisation, harassment and grooming of underage girls on Instagram. Together with our campaign partners, the National Center on Sexual Exploitation (NCOSE, USA) and Defend Dignity (Canada), we have developed a working relationship with Instagram executives to identify gaps in policies and procedures, and enforcement of these which has allowed for widespread sexual exploitation and predatory activity on the platform. We also participated in safety research to assist Instagram's efforts to improve safety of minors on the platform.

Locally, we have a working relationship with Facebook Australia executives and report all child exploitation content activity and content directly to them. This allows for expedited takedown of almost 100 per cent of content we report. We believe this is a significant example of improved cooperation between civil society organisations and service providers - to the benefit of victims of child sexual exploitation. Prior to this, we documented a takedown rate of just 10 per cent when we used Instagram's in-app reporting system to report child exploitation activity and content.

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

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?

2000 character(s) maximum

Age Verification for Online Pornography

We have long highlighted the links between pornography and the normalisation of child sexual abuse. (See https://www.collectiveshout.org/we_need_to_talk_about_teen_porn, https://www.collectiveshout.org /belle_delphine_culture_eroticises_children, https://www.smh.com.au/opinion/the-dark-world-of-paedophilia-exposed-20140413-zqu8v.html).

As highlighted by Movement Director Melinda Tankard Reist, child sexual abuse offenses are getting worse, younger. Boys' sexual templates are being shaped by the world's largest sex educator: online porn - much of it violent - depicting rape, torture, incest and child abuse. See https://www.abc.net.au/religion/consent-education-does-not-stand-a-chance-against-pornography/13231364.

Exposing children to pornography is itself an act of abuse. We've called for an age verification system as part of a multi-pronged approach to protect children from online porn. See more in our Submission to the Australian Inquiry into Age Verification for Online Wagering and Pornography: https://www.collectiveshout.org /submission_to_inquiry_into_age_verification_for_online_pornography
We're waiting for the Government to respond to the Inquiry Committee's report 'Protecting the Age of Innocence', released over a year ago. We've also called for Age Verification for online porn to be applied globally (see https://www.collectiveshout.org/submission_ethi_mindgeek) and urge the EU to introduce mandatory age verification for online pornography across its jurisdictions.

Burden of reporting CSAM on citizens

While we have seen announcements of improvements on social media platforms like Instagram-with more to be rolled out later this year- we have continued to document the sexualisation of underage girls on the platform. It is unreasonable for wealthy and well-resourced tech companies to place the onus of monitoring and reporting child exploitation and predatory activity on their platforms on citizens like us.

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

> We note the limitations of proposed Australian legislation which provides for takedown of locally hosted content only by the Office of the eSafety Commissioner. Takedown of content hosted elsewhere - which is the bulk of offending CSAM content - depends on negotiations with international agencies. We believe applying EU legislation to service providers which operate in the EU - even when they are located outside the EU - would best serve the interests of the victims of CSAM, removing the need for successful negotiations with host countries to have content removed and hold service providers to account.

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)	○	●	○	○	○
New (unknown) child sexual abuse material	○	●	○	○	○
Online grooming	○	●	○	○	○
Live-streaming of child sexual abuse	○	●	○	○	○

Comments

2000 character(s) maximum

> We had hoped to be able to select 'Mandatory detection and removal' AND 'Mandatory reporting' for each of the categories in the above table. We believe detection, removal and reporting are all essential to efforts to end child sexual exploitation and abuse.

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

We have joined the calls made by governments and child safety advocates to block Facebook's plans for end to end encryption (E2EE) across all its messaging services for this very reason: child exploitation will go undetected. In the weeks following the enactment of EU's ePrivacy Directive in December 2020, NCMEC (National Center for Missing and Exploited Children, US) reported a drop of 46 per cent in reports of child exploitation material from tech companies (https://www.missingkids.org/blog/2020/we-are-in-danger-of-losing-the-global-battle-for-child-safety). This is deeply concerning and is expected to drop further if Facebook proceeds with its plans. (See our submission to Online Safety Bill Exposure Draft here for more information: https://www.collectiveshout.org/submission_exposure_draft_online_safety_bill_2020).

We understand that even with E2EE, tech companies are able to screen certain features of accounts for child exploitation material and activity. We urge that all obligations to detect, remove and report CSAM must apply to all service providers, regardless of their employment of E2EE.

We urge that legislation must not serve to incentivise service providers to hide under the cover of E2EE for exemption from mandatory CSAM detection, removal and reporting requirements.

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 **uploaded online** (e.g. to a social media platform, or a file hosting service) are copies of known child sexual abuse material	⦿	○	○	○	○
To assess whether images or videos **uploaded online** (e.g. to a social media platform, or a file hosting service) constitute **new** (previously unknown) child sexual abuse material	⦿	○	○	○	○
To check whether images or videos sent in a **private communication** are copies of **known** child sexual abuse material	⦿	○	○	○	○

To assess whether the images or videos sent in a **private communication** constitute **new** child sexual abuse material	◉	○	○	○	○
To assess whether the contents of a **text-based communication** constitute **grooming**	◉	○	○	○	○
To assess, based on data **other than content data** (e.g. metadata), whether the user may be abusing the online service for the purpose of child sexual abuse	◉	○	○	○	○

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 **error rate** to the maximum extent possible	○	◉	○	○	○
The tools used to detect, report and remove child sexual abuse online are the **least privacy intrusive**	○	○	◉	○	○
The tools used to detect, report and remove child sexual abuse online comply with the **data minimisation principle** and rely on anonymised data, where this is possible	○	○	◉	○	○
The tools used to detect, report and remove child sexual abuse online comply with the **purpose limitation principle**, and use the data exclusively for the purpose of detecting, reporting and removing child sexual abuse online	◉	○	○	○	○
The tools used to detect, report and remove child sexual abuse online comply with the **storage limitation principle**, and delete personal data as soon as the purpose is fulfilled	◉	○	○	○	○
The online service provider conducts a **data protection impact assessment and consults the supervisory authority**, if necessary	○	○	○	○	◉

Online service providers are subject to the oversight of a **supervisory body** to assess their compliance with legal requirements	●	○	○	○	○
Reports containing **new material or grooming** are **systematically** subject to **human review** before the reports are sent to law enforcement or organisations acting in the public interest against child sexual abuse	○	○	○	●	○
All reports (including those containing **only previously known** child sexual abuse material) are **systematically** subject to **human review** before the reports are sent to law enforcement or organisations acting in the public interest against child sexual abuse	○	○	○	●	○
A clear **complaint mechanism** is available to users	●	○	○	○	○
Effective remedies 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	●	○	○	○	○
Providers should make clear in the **Terms and Conditions** that they are taking measures to detect, report and remove child sexual abuse online	●	○	○	○	○

Other (please specify):

2000 character(s) maximum

While we agree with some protections and safeguarding, we believe that to date the scales have been weighted in favour of abusers. See for example this piece by our Movement Director Melinda Tankard Reist re live distant child abuse which documents low penalties for predators and predator networks which solicit the live sexual abuse and torture of children for sexual gratification: https://www.abc.net.au/religion/why-are-australian-telcos-and-isps-enabling-a-child-sexual-abuse/10095644.

We are not sure what is intended re 'ensure proportionality' but our work in this field for a decade would indicate that so far global victims of child sexual exploitation and abuse have been treated unjustly whereas large numbers of predators and abusers have got off lightly - a contributing factor behind the growth in this type of abuse. We note further the increased activities of groups which lobby for the 'right' of adults to engage in sexual acts with children, without penality, and urge EU resistance to these malign vested interests.

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 **financial sanctions** if they fail meet the legal obligations (including safeguards) related to the detection, reporting and removal of child sexual abuse online	●	○	○	○	○
Companies should be subject to **criminal sanctions** if they fail meet the legal obligations (including safeguards) related to the detection, reporting and removal of child sexual abuse online	●	○	○	○	○
Companies that erroneously detect, remove or report child sexual abuse online **in good faith** should not be subject to the relevant sanctions	○	○	○	○	○
There should be **no sanctions** for failure to meet the legal obligations (including safeguards) related to the detection, reporting and removal of child sexual abuse online	○	○	○	●	○

Other (please specify):

2000 character(s) maximum

Voluntary codes have limited capacity for procuring corporate behaviours which place the safety, needs and rights of children above profit. In our decade of experience advocating for an end to sexual exploitation we have documented the widespread failings of corporates to exercise social responsibility voluntarily and outside of legislated mandates.

For example, Australia's self-regulated advertising industry has no capacity to rein in repeat offenders which breach the advertising industry's voluntary Code of Ethics, and instead facilitates displays of harmful, sexist, degrading and porn-style advertising in the public space. (See https://www.collectiveshout.org /reasons_why_ad_industry_self_regulation_is_a_disaster and our submission to the Australian Human Rights Commission inquiry:https://www.collectiveshout.org /submission_on_national_inquiry_into_workplace_sexual_harassment.)

Despite Facebook being signatory to the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse we have continued to document the widespread sexualisation and harassment of underage girls on its content sharing platform Instagram. We believe that only when legislation and sanctions are applied will tech companies finally take appropriate and adequate action to prevent the exploitation of children on their platforms.

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
Obligatory to ensure transparency and accountability	●	○	○
Voluntary: an obligation would incur an additional burden on the online service providers, especially when they are small and medium enterprises	○	●	○
Evaluated by an independent entity	●	○	○
Standardised, 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	●	○	○

Other (please specify):

500 character(s) maximum

Regular audits should be conducted by an independent body to ensure that transparency reports properly recognise the serious nature of child exploitation and CSAM. These reports should provide qualitative and quantitative data, describing the amount and type of content detected, removed and reported.

Read about discrepancies we documented in Facebook's CSAM 'transparency data' here: https://www.collectiveshout.org/facebook_sexploitation

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

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

2) Possible European centre to prevent and counter child sexual abuse

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

We commend the combined roles of the Australian Centre to Counter Child Exploitation (ACCCE) and the Office of the eSafety Commissioner (eSafety) as models for a centralised EU organisation for countering online child sexual exploitation. See their websites for more information:

eSafety https://www.esafety.gov.au/
ACCCE https://accce.gov.au/

We also commend the Five Eyes Security Alliance global cooperation to address child sexual exploitation and the work of the WePROTECT Global Alliance.

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	◉	○	○	○	○
Maintain a single EU database of known child sexual abuse material to facilitate its detection in companies' systems	◉	○	○	○	○
Coordinate and facilitate the takedown of child sexual abuse material identified through hotlines	◉	○	○	○	○
Monitor the take down of child sexual abuse material by different stakeholders	◉	○	○	○	○

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

1000 character(s) maximum

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

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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	●	○	○	○	○
Ensure that the tools employed are sufficiently accurate	●	○	○	○	○
Ensure that online service providers implement robust technical and procedural safeguards	●	○	○	○	○
Draft model codes of conduct for service providers' measures to detect, report and remove child sexual abuse online	●	○	○	○	○
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	●	○	○	○	○
Receive complaints from users who feel that their content was mistakenly removed by a service provider	●	○	○	○	○
Publish aggregated statistics regarding the number and types of reports of child sexual abuse online received	●	○	○	○	○

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

1000 character(s) maximum

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

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	●	○	○	○	○
Serve as a hub for connecting, developing and disseminating research and expertise, facilitating the communication and exchange of best practices between practitioners and researchers	●	○	○	○	○
Help develop state-of-the-art research and knowledge, including better prevention-related data	●	○	○	○	○
Provide input to policy makers at national and EU level on prevention gaps and possible solutions to address them	●	○	○	○	○

Comments (including other possible functions to support prevention efforts, if any):

1000 character(s) maximum

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

> Grass roots community based organisations with frontline experience in child sexual abuse prevention, education and victim/survivor support and advocacy.

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

1000 character(s) maximum

- Connecting industry players with community stakeholders to ensure all gaps in detection, removal and reporting of CSAM are closed.
- Work to improve in-app and platform reporting systems so that users can report CSAM quickly and easily. We refer you to the work of the Canadian Child Protection Centre which identified the inadequacies of current reporting systems across a number of popular apps/platforms and made recommendations for improvements. See here for more information: https://protectchildren.ca/en/resources-research/csam-reporting-platforms/

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

1000 character(s) maximum

- Establish a website where members of the public can easily access information and report abuse
- Supply/support education programs which help people understand the criminal nature and prevalence of child sexual abuse and how to identify signs of abuse and how to report abuse/CSAM
- Advertising campaigns which support the above including how to report and improving ease of reporting

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	●	○	○	○	○
Support the exchange of best practices on protection measures for victims	●	○	○	○	○
Carry out research and serve as a hub of expertise on assistance to victims of child sexual abuse	●	○	○	○	○
Support evidence-based policy on assistance and support to victims	●	○	○	○	○
Support victims in removing their images and videos to safeguard their privacy	●	○	○	○	○
Ensure that the perspective of victims is taken into account in policymaking at EU and national level	●	○	○	○	○

Comments (including other possible functions to support efforts to assist victims of child sexual abuse, if any):

1000 character(s) maximum

The growing global trade -including in the EU- in life-like, child-sized sex dolls modelled on the bodies of children and babies, and replica child body parts, warrants urgent action. Sellers offer custom-made dolls based on photos of real children. These products normalise and legitimise sexual abuse of children. There is a correlation between possession of child sex abuse dolls and possession of other CSAM. (see Australian Institute of Criminology report, 2019 https://www.aic.gov.au/publications/tandi/tandi570; https://www.collectiveshout.org/child_sex_abuse_dolls_not_victimless; https://www.abc.net.au/religion/spurious-logic-used-to-justify-child-sex-dolls/11856284 and our campaign to have these products removed from e-commerce platforms https://www.collectiveshout.org/etsy_selling_child_sex_abuse_dolls).

We urge the introduction of uniform legislation. In Australia and the UK child sex abuse dolls are included in definitions of CSAM. In other countries they are not.

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

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

- Give victims/survivors and groups opportunities to give input into the centre's activities (for example, brainstorming, recommendations, feedback) to ensure victim's voices are heard, perspectives taken into account and needs met.

- Establish national working groups who can focus on issues/perspectives pertinent at a national level.

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

We note the United Nation's recent adoption of the UN Committee on the Rights of the Child General Comment on children's rights in relation to the digital environment (Comment 25) which acknowledges that children's rights extend to the online realm. We believe education about children's rights in the digital environment should be incorporated into school curricula with a specific focus on Article 34, so that children understand their right to be safe from activities which harm them - both in the physical and online realms. Education should include instructions for identifying and reporting risks and harm, and for critically evaluating online experiences in terms of the right to be safe in the digital environment. Read more in our Submission on Comment 25 here: https://www.collectiveshout.org/un_sub_children_digital_rights

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

1000 character(s) maximum

Governance and type of organisation

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

1000 character(s) maximum

> Community based groups which are on the front line of child protection and care and advocacy for survivors. We believe these are best positioned to give child- and victim-centred guidance on operations and governance.

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

> ACCCE and eSafety (as per above), Five Eyes Alliance and WePROTECT Global Alliance.

18. Other comments:

2000 character(s) maximum

EU Investigation into alleged criminal activities of MindGeek/Pornhub including distribution of child sexual abuse material

In our brief to Canada's House of Commons Standing Committee on Access to Information, Privacy and Ethics submitted for its investigation into MindGeek/Pornhub for alleged criminal activity, we highlighted Pornhub's failures to moderate and remove CSAM Read more: https://www.collectiveshout.org /submission_ethi_mindgeek. We are joint signatories (along with 104 sex abuse survivors and 525 NGOs from 65 countries) to a letter calling for a criminal investigation of MindGeek executives for profiting from child exploitation. See https://www.collectiveshout.org /signs_global_letter_calling_for_mindgeek_pornhub_criminal_investigation.

Given MindGeek/Pornhub's significant presence in the EU (with headquarters and offices in Cyprus, Romania, Luxembourg) we urge the EU to conduct its own investigations into MindGeek/Pornhub for facilitating distribution of CSAM, and hold local owners and executives, including Bernard Bergemar, to account for criminal activity.

EU-wide implementation of the Nordic Model

Given the direct correlation between legalisation/decriminalisation of the sex trade and the increased risk to children of being trafficked into the trade to meet demand, we recommend consideration of an EU-wide implementation of the Nordic (Equality) Model which criminalises the sex buyer and provides support for victims of trafficking and sexual abuse. See our submission to the Australian National Action Plan to Combat Modern Slavery 2020-24 here: https://www.collectiveshout.org /submission_to_the_national_action_plan_to_combat_modern_slavery_2020_24.

If you would like to submit a document completing your answers to this consultation you can do that here.

Please upload your file

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

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