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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 (https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20200724_com-2020-607-commission-communication_en.pdf). 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 (https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12726-Fighting-child-sexual-abuse-detection-removal-and-reporting-of-illegal-content-online) 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. (https://eur-lex.europa.eu/eli/dir/2011/93/oj) The consultation uses 'child sexual abuse material' instead of 'child pornography', in accordance with the Luxembourg Guidelines (http://luxembourgguidelines.org/wp-content/uploads/2017/06/Terminology-guidelines-396922-EN.pdf).

- '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

> English

I am giving my contribution as

> Other

First name

> Alessandro

Surname

> CALCAGNO

Email (this won't be published)

> alessandro@comece.eu

Organisation name

255 character(s) maximum

> Secretariat of COMECE (Commission of the Episcopates of the European
> Union)

Organisation size

> Small (10 to 49 employees)

Transparency register number

255 character(s) maximum

Check if your organisation is on the transparency register (http://ec.europa.eu
/transparencyregister/public/homePage.do?redir=false&locale=en). It's a voluntary database for
organisations seeking to influence EU decision-making.

> 47350036909-69

Country of origin

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

> Belgium

The Commission will publish all contributions to this public consultation. You can choose whether
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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
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○ **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
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regulation/specific-privacy-statement)

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.

2,000 character(s) maximum

> The National Board for Safeguarding Children in the Catholic Church in Ireland highlights that through its activities, the Church in Ireland has guidance and training to manage the risks associated with ministry with children online. This training includes access to resources providing best practice examples from the voluntary and community sectors. However, all initiatives should be led by government bodies statutory powers (NB). Furthermore, any abuse of a child including online is very concerning. All efforts should be made to find more and creative ways of tackling abuse of children online, in the knowledge that those who abuse children are one step ahead in terms of their knowledge and ability to manipulate technology in pursuit of their abuse of children. Therefore, technology experts should be consulted to ensure that legislators have access to the best advice (NB). The Catholic Church in Ireland considers online abuse of children is a public health issue and requires a multi-agency approach (NB). It is also important to highlight that offending behaviour can be viewed in the context of a cycle whereby some abusers progress/escalate their offending behaviour and seek ways to avoid detection (D&C).

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. Which of the following statements reflect the main challenges that you face in your work investigating child sexual abuse cases?

- ☐ The volume of child sexual abuse material detected online has increased dramatically in the last decade and there are insufficient human and technical resources to deal with it
- ☐ Lack of uniform reporting procedures, resulting in variable quality of reports from service providers
- ☐ Dependence on organisations located in non-EU countries
- ☐ Inefficiencies in public-private cooperation between service providers and public authorities (please specify below)
- ☑ Inefficiencies/difficulties with accessing evidence due to technical challenges
- ☑ The introduction of end-to-end encryption resulting in difficulties in accessing evidence of child sexual abuse

☐ Underreporting of instances of child sexual abuse online linked to the introduction of end-to-end encryption

☐ Differences between Member States' national laws (please specify below)

☐ Gaps in national and/or EU laws (please specify below)

☑ Issues connected to the level of the interference with the fundamental rights of the technologies used (please specify below)

☐ Cybersecurity vulnerabilities created by some of the technologies used (please specify below)

☐ Other (please specify below)

☐ We do not encounter particular challenges in investigations of child sexual abuse online

Comments (including additional information completing the answers above):

2,000 character(s) maximum

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The biggest issue is an inability to access information relating to who
abuses children online, because of the fundamental right to privacy of
each individual (NB).
```

6. Do you consider that the activities of service providers are sufficiently supervised by public authorities? Please provide a reasoning for your response and provide concrete examples of supervisory measures.

2,000 character(s) maximum

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There appears to be a lack of clarity around standards to manage abuse of
children online.  If these standards exist there appears to be a
reticence to respond in a way which puts the best interests of children
as the primary consideration (NB).
```

7. Do you have any other comments in relation to the current situation and challenges in your actions to fight against child sexual abuse online?

2,000 character(s) maximum

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This is a global issue and of particular significance for the European
context and presents a real threat to the well-being and protection of
children. It involves meaningful collaboration between public and private
entities (D&C).
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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
1,000 character(s) maximum

> Such legislation should be applied to all, given the global context
> (D&C).

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

2,000 character(s) maximum

> During discussions at the COMECE Legal Affairs Commission, particular
> concern was expressed on new trends in child abuse methods, such as live
> streaming. Among the key items identified in this regard: broad
> territorial scope to cover third countries; measures to ensure tracing;
> importance of international cooperation.

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

2,000 character(s) maximum

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):

2,000 character(s) maximum

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Concerning the use of automated means, COMECE has already stressed
previously, in various contexts, that in such cases "...human
intervention - submitted to the principles and mechanisms of the rule of
law and with assessing panels that reflect diversity - is necessary"; and
that "...expecting the relevant assessments to be performed by a machine
is deeply troubling".
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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):

2,000 character(s) maximum

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

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The Catholic Church, also on the basis of recent directives from the Holy
See, advocates the need for transparency. Therefore any efforts to
publicly report on detection, reporting and removal of child sexual abuse
online are to be welcomed (NB).
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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

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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

1,000 character(s) maximum

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Child abuse online knows no borders, therefore an EU centralised approach
which respects data protection laws but prioritises the needs of children
is to be welcomed (NB). There is a need for collaboration between Member
States to develop a consistent legislative framework and for greater
consistency/harmonisation between Member States in terms of definitions,
in the detection and removal of abuse, the sharing of information and the
legislative framework (D&C).
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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) <u>to detect child sexual abuse</u> 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	◉	○	○	○	○

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
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):

1,000 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 (https://www.inhope.org/EN) 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)

1,000 character(s) maximum

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):

1,000 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.

1,000 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):

1,000 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?

1,000 character(s) maximum

> We believe that the protection of children online is a public health
> issue, which requires a multi-agency approach involving law enforcement,
> social services, education and other key faith-based, voluntary and
> community stakeholder agencies (NB), as well as private technology
> companies/industries, governments/regulators (D&C).

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

1,000 character(s) maximum

> The Catholic Church in Ireland believes that the Centre has key roles in
> providing education, public awareness and research detection and
> prevention (NB), as well as information about advanced technology
> regarding detection (D&C).

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

1,000 character(s) maximum

> The Centre should provide a strategy on public health awareness
> initiatives including advertising, guidance documents, best practice
> initiatives (NB). Education and support should also be part of its
> practical actions in this regard (D&C).

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):

1,000 character(s) maximum

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?

1,000 character(s) maximum

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The Catholic Church believes in engaging directly with those that have
been abused, including children, their parents and carers along with any
victims' advocacy groups (NB). Key stakeholders such as law enforcement,
social care providers, specialised Church agencies, private technology
companies/industries, governments/regulators and voluntary organisations
should also be involved (D&C).
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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?

1,000 character(s) maximum

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In line with a Rights of the Child approach, the Centre should undertake
direct communication with children and allow them to participate fully in
the work of the Centre, by giving them space, a voice, an audience to
listen and to influence the work of the Centre through their engagement
(NB). The inclusion of a trauma-informed perspective at all levels of
policy making will be key (D&C).
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12. What practical actions could the possible centre take to raise awareness of children's rights and of child victims' needs?

1,000 character(s) maximum

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A key right of the UNCRC is Article 42, which encourages State parties to
raise awareness of the Rights of the Child. The Centre could do this
through its communication and engagement strategy to position itself as
Rights of the Child advocate and a voice for victims (NB). More
generally, engagement with Rights of the Child groups is paramount (D&C).
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13. What good practices can you point out with regard to the potential centre's support for assistance to victims?

1,000 character(s) maximum

Governance and type of organisation

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

1,000 character(s) maximum

> The involvement of governments/regulators is particularly relevant (D&C).
> COMECE would like to underline that specialised Church agencies should
> also be integrated in the governance of the Centre as specific dialogue
> partners, including through related entities that focus on child sexual
> abuse response.

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.

1,000 character(s) maximum

18. Other comments:

2,000 character(s) maximum

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This submission is mostly based on elements provided by the:

- National Board for Safeguarding Children in the Catholic Church in
Ireland ("NB"), an agency financed by the Church, but independent of it.
Website: https://www.safeguarding.ie/

- Safeguarding Office for the Diocese of Down & Connor ("D&C"), based in
the UK, but part of the Irish Bishops' Conference, which covers the
entire island of Ireland. Website: https://downandconnorsafeguarding.com/

With regard to the use of the terminology 'child sexual abuse material'
as a replacement for the expression 'child pornography' we would like to
highlight the following:

- While we understand concerns on the need to avoid associating child
victims with the concept of pornography - and the link of this wording
with consent - we wonder whether this may create risks of covering a
smaller number of cases.

- As stated at p. 39 of the Interpol Terminology guidelines for the
protection of children from sexual exploitation and sexual abuse with
regard to Directive 2011/93/EU: "child sexual abuse material" would
arguably encompass a narrower set of acts than "child pornography", since
the latter could go beyond the representation of an act of sexual abuse
against a child.

- In no case the expression 'child sexual abuse material' should lead to
a diminished protection compared to the one ensured by the expression -
and by the offences listed under - 'child pornography'. The wording
'child pornography' is still included in International, legally binding
contexts (e.g. UNCRC, Budapest Convention).

In general, among the best practices to be highlighted:

- The activities of the Centre for Child Protection (CCP) of the
Pontifical Gregorian University, dedicated to providing educational
resources for people working in the field of safeguarding minors.
Website: https://childprotection.unigre.it.

- The recommendations of the Declaration of Rome
(https://www.childdignity.com/blog/declaration-of-rome).
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If you would like to submit a document completing your answers to this consultation you can do that here.

Please upload your file

    COMECE_Secretariat_contribution_CSAM_integration.pdf

Contact

Contact Form (/eusurvey/runner/contactform/CSAonline)

Commission of the Episcopates
of the European Union

Public consultation on

Child sexual abuse online - detection, removal and reporting

<u>Integration</u>

to the contribution
of the
Secretariat of COMECE
(Commission of the Episcopates of the European Union)

The COMECE Secretariat would like to complete its answers with the following elements.

With regard to the types of child sexual abuse online and related activities that are most concerning and should be tackled in priority (Question 1.a.1.)

All types of child sexual abuse online and related activities indicated at Question 1.a.1. are relevant, as all these factors drive a cycle of offending behaviour whereby those with an interest in sexual abuse of children access online material. They learn how to groom children. This leads to further abuse of children which is then made available online (D&C)[1].

With regard to the current gaps in the fight against child sexual abuse online and the outcomes that the new legislation should aim to achieve in priority with regard to child sexual material and online grooming (Question 1.a.3.)

Particular emphasis should be placed on reducing the number of instances of online grooming of children; and on reducing the amount of sexual material self-generated by children distributed online. Self-generated content can include child sexual abuse content which has been made in a child's own home by the child who has been coerced/groomed to share (D&C). In its recent contribution to the consultation in view of the EU Strategy on the Rights of the Child, COMECE expressed concern, inter alia, on child self-generated content, particularly sexually explicit one, supporting the 18 November 2020 Statement of the Council of Europe Secretary General on risks associated with sexual images and videos self-generated by children.

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[1] The parts of this document marked with the acronym "D&C" refer to the elements provided by the Safeguarding Office for the Diocese of Down & Connor, based in the UK, but part of the Irish Bishops' Conference, which covers the entire island of Ireland.

With regard to the current gaps in the fight against child sexual abuse online and the outcomes that the new legislation should aim to achieve in priority with regard to tackling child sexual abuse in general, including prevention and victim support aspects (Question 1.a.4.)

The Catholic Church would advocate any initiatives and the planning of such initiatives to take a victim centric approach which upholds the principle of the needs of children as the primary consideration (NB)[2]. It is particularly important to improve prevention of child sexual abuse (D&C).

With regard to areas of improvement in the cooperation between civil society organisations and law enforcement authorities in the fight against child sexual abuse online

We believe that the protection of children online is a public health issue, which requires a multi-agency approach involving law enforcement, social services, education and other key faith-based, voluntary and community stakeholder agencies (NB). Areas requiring improvement with regard to cooperation between civil society organisations and law enforcement authorities are: a) Agreed definitions; b) The sharing of advanced technologies and improved investigative techniques that help to identify victims and offenders which will disrupt child sexual abuse (D&C).

With regard to areas of improvement in the cooperation between civil society organisations and service providers in the fight against child sexual abuse online

We believe that the protection of children online is a public health issue, which requires a multi-agency approach involving law enforcement, social services, education and other key faith-based, voluntary and community stakeholder agencies (NB). There is also the need for improvement in the sharing of best practice and education, advanced technology for detection (D&C).

With regard to striking an appropriate balance between the rights of victims and the rights of all users (e.g. privacy of communications)

The Catholic Church would advocate any initiatives and the planning of such initiatives to take a victim centric approach which upholds the principle of the needs of children as the primary consideration, above the rights of all users (NB). The focus on privacy laws is also making it more difficult to detect offenders and victims (D&C).

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[2] The parts of this document marked with the acronym "NB" refer to the elements provided by the National Board for Safeguarding Children in the Catholic Church in Ireland.

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With regard to the current situation and challenges in actions to fight against child sexual abuse online

There is a need for education for all to prevent children being abused online. This includes parents, social care providers to identify those most vulnerable, schools/charities/voluntary sector, as well the justice sector and governments. To ensure that those most vulnerable to abuse are supported with the aim of prevention. Any intervention/policy should be from a victim's perspective and ensure the voice of the child is considered and listened to (D&C).

With regard to the online service providers that should be subject to the legal obligation to detect, remove and report child sexual abuse online in their services (Question 1.b.1.)

We consider that all efforts to detect, remove and report should be a priority on all platforms (NB). During discussions at the COMECE Legal Affairs Commission, particular concern was expressed on new trends in child abuse methods, such as live streaming. Among the key items identified in this regard: broad territorial scope to cover third countries; measures to ensure tracing; importance of international cooperation.

With regard to the online service providers that should be included among those that are allowed to take voluntary measures to detect, remove and report child sexual abuse online in their services (Question 1.b.2.)

There appears to be a lack of clarity around standards to manage abuse of children online. If these standards exist there appears to be a reticence to respond in a way which puts the best interests of children as the primary consideration. Given the cases of absence of these standards, we do not believe that voluntary measures would be sufficient to protect children online, any measures should be underpinned by law (NB).

Brussels, 14 April 2021
COMECE Secretariat

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