

Combating child sexual abuse online

2022/0155(COD) - 16/11/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted a report by Javier ZARZALEJOS (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter and scope

The proposed Regulation lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse, in order to contribute to the proper functioning of the internal market and to create a safe, predictable and trusted online environment that facilitates innovation and in which fundamental rights enshrined in the Charter are effectively protected. It establishes, inter alia, obligations on providers of online games.

It should not apply to audio communications.

Detection obligations

Concerning detection orders and its consequent detection obligations, Members considered that they should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (known material), but also material not previously detected that is likely to constitute child sexual abuse material but has not yet been confirmed as such (new material), as well as activities constituting the solicitation of children (grooming).

In the adopted text, Members excluded end-to-end encryption from the scope of the detection orders to guarantee that all users' communications are secure and confidential. Providers would be able to choose which technologies to use as long as they comply with the strong safeguards foreseen in the law, and subject to an independent, public audit of these technologies.

In order to stress detection orders as a mechanism of **last resort**, Members proposed reinforcing **prevention as part of the mitigation measures** to be taken by relevant society communication services. Mitigation measures may include targeted measures to protect the rights of the child, including safety and security design for children by default, functionalities enabling age assurance and age scoring, age-appropriate parental control tools, allowing flagging and/or notifying mechanisms, self-reporting functionalities, or participating in codes of conduct for protecting children.

Detection orders should contain information about the **right to appeal** to a court of law according to the national legislation.

Reporting obligations

Providers of hosting services and providers of number-independent interpersonal communication services should establish and operate an easy to access, age-appropriate, child-friendly and user-friendly mechanism that allows any users or entity to flag or notify them of the presence on their service of specific items of information that the individual or entity considers to be potential online child sexual abuse, including self-generated material.

EU centre for child protection

Under the amended text, the European Union Agency to prevent and combat child sexual abuse, the EU Centre for child protection, is established. It should gather and share anonymised information, gender-, and age-disaggregated statistics, and expertise, educational materials and best practices and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online. It should promote and ensure the appropriate support and assistance to victims.

Victims' Rights and Survivors Consultative Forum

Members proposed to create a Victim's Rights and Survivors Consultative Forum to make sure that victims' voices are heard.

Establishment of an online European Child Protection Platform

Members proposed that the EU Centre should create, maintain and operate an online platform for the presentation of information about Member States hotlines and helplines ('Child Protection Platform'). That platform may also be used for the promotion of awareness-raising and prevention campaigns. The platform should be accessible 24 hours a day and seven days a week in all Union languages and shall be child-friendly, age-appropriate and accessible.

Seat

The choice of the location of the seat of the EU Centre should be made in accordance with the ordinary legislative procedure, based on specific criteria. The Commission had initially proposed the Netherlands.

Review

Within three years from the entry into force of the Regulation, the Commission should submit a report to the European Parliament and to the Council on the necessity and feasibility of including the solicitation of children in the scope of the detection orders, taking into account in particular the reliability and accuracy of the state of art of the detection technologies. Where appropriate, the report should be accompanied by legislative proposals.