

Combating child sexual abuse online

2022/0155(COD) - 11/05/2022 - Legislative proposal

PURPOSE: to set out a clear and harmonised legal framework on preventing and combating child sexual abuse.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: information society services have become very important for communication, expression, gathering of information and many other aspects of present-day life, including for children but also for perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences that need to be prevented and combated effectively in order to protect children's rights and well-being, as is required under the Charter of Fundamental Rights of the European Union, and to protect society at large.

In the absence of harmonised rules at EU level, social media platforms, gaming services, other hosting and online service providers face divergent rules. Certain providers voluntarily use technology to detect, report and remove child sexual abuse material on their services. Measures taken, however, vary widely and voluntary action has proven insufficient to address the issue.

The protection of children, both offline and online, is a Union priority.

CONTENT: in order to address the abovementioned challenges, the Commission proposed to establish a clear and harmonised legal framework on preventing and combating online child sexual abuse. It seeks to provide legal certainty to providers as to their responsibilities to assess and mitigate risks and, where necessary, to detect, report and remove such abuse on their services in a manner consistent with the fundamental rights laid down in the Charter and as general principles of EU law.

This proposal therefore lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse in the internal market. It establishes, in particular:

An EU Centre

The proposal seeks to establish the EU Centre on Child Sexual Abuse (EUCSA) as a decentralised agency to enable the implementation of the new Regulation. It aims to help remove obstacles to the internal market, especially in connection to the obligations of providers under this Regulation to detect online child sexual abuse, report it and remove child sexual abuse material. The Centre will create, maintain and operate databases of indicators of online child sexual abuse that providers will be required to use to comply with the detection obligations. These databases should therefore be ready before the Regulation enters into application. To ensure that, the Commission has already made funding available to Member States to help with the preparations of these databases.

Mandatory risk assessment and risk mitigation measures

Providers of hosting or interpersonal communication services will have to assess the risk that their services are misused to disseminate child sexual abuse material or for the solicitation of children, known as grooming. Providers will also have to propose risk mitigation measures.

Targeted detection obligations, based on a detection order

Member States will need to designate national authorities in charge of reviewing the risk assessment. Where such authorities determine that a significant risk remains, they can ask a court or an independent national authority to issue a detection order for known or new child sexual abuse material or grooming. Detection orders are limited in time, targeting a specific type of content on a specific service.

Strong safeguards on detection

Companies having received a detection order will only be able to detect content using indicators of child sexual abuse verified and provided by the EU Centre. Detection technologies must only be used for the purpose of detecting child sexual abuse. Providers will have to deploy technologies that are the least privacy-intrusive in accordance with the state of the art in the industry, and that limit the error rate of false positives to the maximum extent possible.

Clear reporting obligations

The proposal obliges providers that have detected online child sexual abuse to report it to the EU Centre.

Effective removal

National authorities can issue removal orders if the child sexual abuse material is not swiftly taken down. Internet access providers will also be required to disable access to images and videos that cannot be taken down, e.g., because they are hosted outside the EU in non-cooperative jurisdictions.

Reducing exposure to grooming

The rules require software application stores to ensure that children cannot download applications that may expose them to a high risk of solicitation of children.

Solid oversight mechanisms and judicial redress

Detection orders will be issued by courts or independent national authorities. To minimise the risk of erroneous detection and reporting, the EU Centre will verify reports of potential online child sexual abuse made by providers before sharing them with law enforcement authorities and

Europol. Both providers and users will have the right to challenge any measure affecting them in Court.