

Public Consultation on a Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse

Submission of ECPAT International in consultation with ECPAT members in the EU

Summary

Together with over [90s organisations](#), ECPAT and its members commend the European Commission for its bold step for child safety online. In [our recent survey](#), EU citizens made it clear: [68 %](#) want technology to detect child sexual abuse materials (CSAM), and call on the EU to introduce legislation to keep children safe online.

Below we outline our priority areas of support and concerns regarding the proposal (see attached document for more details):

1. We stress that the **best interests of every child** should be the primary consideration of this Regulation.
2. We call on EU policy-makers to **involve children** in the drafting, implementation and evaluation of the Regulation.
3. We recall the need to **update the definitions of CSAM and solicitation of children**.
4. We support the **strong safeguards** put in place by the Regulation to ensure that online service providers and the technology used respect the fundamental rights of all users, including children. We emphasise the primacy of **every child's right to freedom from sexual exploitation and abuse as well as privacy**.
5. We commend the **horizontal obligation for all information society services to assess risks and adopt preventive measures** to avoid their service being used for child sexual abuse, hence supporting **safety by design**.
6. We equally support the **new transparency requirements**, such as annual public reporting.
7. We welcome the **mandatory use of safe technologies** and stress the importance to respond to **all forms of sexual exploitation and abuse - 'known CSAM', 'new CSAM' and 'grooming'**. A compromise will mean legislation that fails to protect children now and in the future.
8. The Regulation should ensure a **clear transition regime and address detection gaps**.
9. We urge that the Regulation provides a **clear legal basis and the required safeguards** for the continuation of **voluntary detection of CSAM** as a crucial prevention measure.
10. The Regulation must ensure a **clear legal framework that would allow companies to innovate and refine their detection technologies**.
11. We strongly support the creation of an **EU Centre** as a vital pillar to fighting CSAM in the EU. We urge greater clarity on the cooperation and integration with the **work of the existing ecosystem - including hotlines, victim support services, civil society organisations, and existing regulatory bodies** – as well as with Europol, other EU Institutions, national authorities, and international partners.
12. To ensure the effective independence of the EU Centre, we call for a **clear separation of human, logistical, administrative and IT resources from Europol**.

13. We call for robust procedures to ensure the **transparency and quality** of the data contained in the proposed **database of indicators**, including by stating minimum standards and processes required to ensure the quality and trustworthiness of the data.
14. We recommend providing more clarity on the conditions supporting the **availability of technology free of charge**.
15. The Regulation must ensure the efficient **co-existence between reporting obligations** under national, EU and other regional initiatives.
16. We stress the importance to ensure a **harmonised implementation of the Regulation** to avoid the emergence of different standards across the EU.
17. We commend the inclusion of formal **support and redress mechanisms for victims** of child sexual abuse in the EU. However, the Regulation should acknowledge the rights of **non-EU victims** who have their abuse spread and hosted by online service providers operating in the EU.
18. The Regulation should include **clearer obligations on the swift removal of CSAM** as part of the recognition of victims' rights in order to limit the potential revictimization.

ECPAT International is the world's largest network dedicated to ending the sexual exploitation of children, with a membership of 122 civil society organisations in 104 countries. A cross-cutting theme of its work is the evolving relationship between digital technology and child sexual exploitation and abuse.