Joint ECLAG - DOT Europe Position paper on Artificial Intelligence generated Child Sexual Abuse Material

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The ECLAG* Steering Group and DOT Europe are **deeply alarmed by article 5(10) of the Council's General Approach of 5 December 2024** regarding the proposed Recast Directive on combating the sexual abuse and exploitation of children. **Article 5(10) would effectively decriminalise the production and possession of Artificial Intelligence generated Child Sexual Abuse Material (AI-CSAM) for personal use**. This approach severely compromises child protection efforts at a critical juncture when the EU is grappling with a Child Sexual Abuse Crisis. Viewing AI-CSAM differently than other forms of CSAM undermines child protection efforts and emboldens offenders. The production, possession or consumption of any form of CSAM must be criminalised, whatever the purpose or provenance, for the reasons outlined below.

Key ECLAG and DOT Europe positions :

1) All AI-CSAM is child sexual abuse material, regardless of how it was produced and which use it is intended for.
2) AI-CSAM, even if not depicting a 'real' child, stimulates sexual interest in children and other forms of child sexual abuse.
3) The consumption of any CSAM normalises sexual violence against children.
4) AI-CSAM can affect any child and perpetuate trauma and re-victimisation.

For these reasons, ECLAG and DOT Europe call on Members of the European Parliament to ensure their report does not replicate such language, and that this Council position be argued against during Trilogues. We propose the following amendments to address this gap:

- Article 5(2) of the Directive: '***including possessing material as referred to in Article 2(3)(d) for private use'*** and,
- Article 5(6): ***'including producing material as referred to in Article 2(3)(d) for private use'.***

Alternatively, Article 5(10) should be modified to read: "***Member States shall ensure that the production and possession of child sexual abuse material as referred to in Article 2, point (3)(d) including for private use shall be punishable by a maximum term of imprisonment of at least 2 years***".

1) CSAM is a crime, regardless of its use-case or production

The EU must criminalise AI-CSAM as any other form of CSAM. Regardless of how they are produced or their use, such materials remains child sexual abuse.

Research shows that technological advancements have contributed to a blurring of the boundaries between reality-based materials and virtual contents.[1] In 2023 and 2024, NCMEC's CyberTipline received more than 7,000 reports related to AI-generated child exploitation.[2] AI images or videos of child sexual abuse compromise the inherent **dignity of children**, reducing them to sexual object and normalising violence against them (see point 3).[3] AI-CSAM can also be created by modifying pictures or videos of actual children, and is therefore violative of their **right to privacy, integrity and protection from violence**.

The virtual nature of these images can lead to a false belief that the harm is less severe, as the victims are perceived as fictional. Presuming that the production and possession of AI-CSAM for personal use does not involve actual children constitutes a perilous assumption that fails to prioritise children's safety and well-being.[4] While AI-CSAM may feature fictitious children, offenders can manipulate images and videos of actual child victims to appear fictional (e.g., cartoon-like).

➔ 11% of reports of sexual extortion to NCMEC included threatening children with fake or inauthentic sexual imagery.[5]

AI-CSAM is shown to **facilitate serious crimes** such as financial and sexual **extortion, grooming, livestreaming sexual abuse, harassment,** or defamation of the children depicted in the AI-CSAM.[6] Furthermore, the consumption of AI-CSAM, even when depicting fictional children, may contribute to an increased demand for CSAM involving actual children.

2) Access to AI-CSAM stimulates sexual interest in children and other forms of sexual abuse

The assumption that the use of AI-CSAM would prevent sex offenders future offending is not empirically proven. Many experts caution that AI-CSAM may have unintended consequences. Similar to pornography, the stimulation arising from watching CSAM, including AI-CSAM, **is proven to often increase CSAM addiction and even fuel existing fantasies of in-person child sexual abuse**.[7]

Research on CSAM consumption demonstrates a significant correlation between CSAM use and contact offending, despite the absence of a direct causal link.

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[1] Christensen, L.S., Moritz, D. & Pearson, A. Psychological Perspectives of Virtual Child Sexual Abuse Material. Sexuality & Culture 25, 1353–1365 (2021). Available at https://link.springer.com/article/10.1007/s12119-021-09820-1

[2] NCMEC, The Growing Concerns of Generative AI and Child Sexual Exploitation, (2024). Available at https://www.missingkids.org/blog/2024/the-growing-concerns-of-generative-ai-and-child-sexual-exploitation

[3] Christensen, L.S., Moritz, D. & Pearson, n.1 (2021).

[4] Fondation pour l'enfance, L'IA générative, nouvelle arme de la pédocriminalité (2024). Available at https://www.fondation-enfance.org/2024/10/29/rapport-alarmant-sur-lia-generative-et-la-pedocriminalite/

[5] Thorn and NCMEC, Trends in Financial Sextortion: An investigation of sextortion reports in NCMEC CyberTipline data (2024). Available at https://info.thorn.org/hubfs/Research/Thorn_TrendsInFinancialSextortion_June2024.pdf

[6] Christensen, L.S., Vickery, N. The Characteristics of Virtual Child Sexual Abuse Material Offenders and the Harms of Offending: A Qualitative Content Analysis of Print Media. Sexuality & Culture 27, 1813–1827 (2023). Suojellaan Lapsia ry. (Protect Children),CSAM Users in the Dark Web: Protecting Children Through Prevention ReDirection Survey Report (2021). Available at https://www.suojellaanlapsia.fi/en/redirection.

[7] Thiel, D., Stroebel, M., and Portnoff, R, Generative ML and CSAM: Implications and Mitigations, (2023). Available at https://purl.stanford.edu/jv206yg3793 . Maras, M. H., & Shapiro, L. R. (2017). Child sex dolls and robots: More than just an uncanny valley. Journal of Internet Law, 21(5), 3–21.

- ➔ **52%** of CSAM viewers reported fearing that viewing CSAM might lead to sexual acts against a child.
- ➔ **44%** reported that viewing CSAM made them think about seeking direct contact with children.
- ➔ **37%** admitted to having initiated contact with a child following exposure to CSAM.[8]

The frequency of CSAM consumption commonly emerges as the **strongest predictor of in person child sexual abuse**[9], challenging the misconception that individuals who view CSAM pose less danger than hands-on offenders.

Research suggests that repetitive CSAM use can exhibit characteristics similar to substance addictions, with many users displaying compulsive behaviours and describing their consumption as intensely gratifying.[10] This addictive nature increases the risk of escalation, with individuals potentially seeking out more extreme and disturbing content and may be more likely to engage in more severe forms of abuse.[11] Creating legal loopholes for the possession of AI generated-CSAM could create a surge in the creation of **increasingly extreme child sexual abuse content**, further fueling violent sexual fantasies about children increasing the risk of transitioning to in-person abuse.[12]

Indeed, comparable to porn addiction, the thrill of novelty provided by AI-CSAM decreases over time. The continued engagement with similar content decreases dopamine in the synapses, contributing to the need to seek higher levels of content. **CSAM offenders have reported needing more severe material to create a similar level of dopamine**.[13] AI generated content could be then used to create more and more extreme content to satisfy the urge.

This addictive dynamic is closely linked to the **compulsive collection of CSAM**. Individuals often progress from passive consumption to active collection, as possessing such material facilitates interaction with other offenders and the acquisition of more extreme content.[14] Generative AI is likely to exacerbate this problem by facilitating the fast creation of new and more extreme material. The infinite creative potential of AI could enable offenders to satisfy their insatiable demand and further fuel their addiction.[15] Over time, the use of AI-CSAM may no longer satisfy the offender, who may consider CSAM involving real children and/or in-person offending to satisfy increased sexual desires.[16]

Considering that 70% of CSAM viewers were first exposed to it when being a child, normalising the consumption of AI-CSAM as a lesser form of CSAM eases access to this type

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[8] Suojellaan Lapsia ry. (Protect Children), n.6 (2021).
[9] Ibid.
[10] Nurmi, J. et al, Investigating child sexual abuse material availability, searches, and users on the anonymous Tor network for a public health intervention strategy (2024). Available at https://www.nature.com/articles/s41598-024-58346-7
[11] Christensen, L.S., Moritz, D. & Pearson, A. n.1 (2021).
[12] Fondation pour l'enfance, n.4 (2024).
[13] IPPPRI, Artificial intelligence-produced child sexual abuse material: Insights from Dark Web forum posts (2024). Available at https://www.aru.ac.uk/news/growing%20demand%20on%20dark%20web%20for%20ai%20abuse%20images.
[14] CIVISEE, Rapport annuel 'Violences sexuelles faites aux enfants : on vous croit' (2023). Available at https://www.ciivise.fr/le-rapport-public-de-2023
[15] Fondation pour l'enfance, n.4 (2024).
[16] Maras, M. H., & Shapiro, L. R, n.6 (2017).

of material by children, **risking creating more offenders**.[17] Criminalising private production or consumption of AI-CSAM is therefore not only a matter of protecting children involved directly or indirectly in the image generation but also a powerful offender prevention tool.

3) AI-CSAM normalises child sexual abuse

AI-CSAM poses a significant threat to child protection. The **ease of production and proliferation of AI CSAM** on the internet can lead to the normalisation of child sexual exploitation.[18] AI-generated content can depict fictional characters resembling children in sexually suggestive situations, further entrenching their sexual objectification and reducing them to objects of desire.[19]

Studies on sex offenders reveal that CSAM and pornography predisposes offenders to abuse, by reinforcing faulty beliefs legitimising abuse and reducing inhibitions to commit abuse.[20] **Viewing children as sexual objects is a common cognitive distortion used by child sex offenders to justify their abuse**.[21]

Individuals producing AI-CSAM not only escalate their own production to increasingly extreme content but also actively express a desire for others to do the same. This highlights a disturbing trend towards the normalisation and even encouragement of more graphic and extreme AI-CSAM.[22] In addition, online spaces **foster a dangerous sense of impunity**, creating echo chambers where individuals reinforce each other's harmful beliefs. Minimising statements like 'I'm not hurting anyone' are commonplace, further exacerbated by the AI-generated nature of the content. The argument that these are not 'real' children allows offenders to distance themselves, normalising child sexual abuse and eroding any sense of empathy for the victims.[23]

By normalising the viewing of AI-CSAM, society risks **desensitising individuals to the sexual abuse and exploitation of children.** This desensitisation contributes to a broader culture that undermines the protection of children from sexual abuse and violence.

4) AI-CSAM can affect any child and perpetuate trauma and re-victimisation

The pursuit of hyper realistic imagery in AI-generated content poses a significant risk to child safety, especially given that ill-intentioned actors may seek to alter AI models to create CSAM by using images of actual children or real child abuse victims. Technology allows for the mass production of AI-CSAM with minimal effort. Indeed, **anyone can become a victim**

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[17] Suojellaan Lapsia ry. (Protect Children), n.6 (2021).
[18] DW, How is AI being misused for child pornography? (2024). Available at https://www.dw.com/hr/kako-se-ai-zloupotrebljava-za-dje%C4%8Dju-pornografiju/a-67919290
[19] Christensen LS, Moritz D, Pearson A, n.1 (2021).
[20] Maras, M. H., & Shapiro, L. R, n.6 (2017). Holt, K., Kissinger, J., Spickler, C., & Roush, V, Pornography Use and Sexual Offending: An Examination of Perceptions of Role and Risk. International Journal of Offender Therapy and Comparative Criminology, 68(6-7), 613-637 (2024).
[21] Steel, C., Newman, E., O'Rourke, S. and Quayle, E, A systematic review of cognitive distortions in online child sexual exploitation material offenders. Aggression and Violent Behavior, Vol. 51, March–April (2020).
[22] IPPPRI, AI-produced child sexual abuse material: Insights from Dark Web forum posts (2024). Available at https://www.aru.ac.uk/news/growing%20demand%20on%20dark%20web%20for%20ai%20abuse%20images
[23] CIVISEE, n.13 (2023).

of AI-generated sexual abuse.[24] With children's own images readily accessible, whether through their own social media or their parents' social media, as well as the availability of child celebrities' images online, a wide pool of images can be used to create AI-CSAM, including through "nudifying" apps.[25]

➔ **56%** of law enforcement surveyed by UNICRI encountered "nudification" AI-tools used on minors.[26]

Research has documented numerous examples of 'shallowfakes' and deepfake images featuring these known individuals but we are now encountering entirely AI-generated images, further **blurring the lines between reality and fabrication**.[27] AI can be used to create countless new images of actual victims of child sexual abuse, perpetuating their trauma and re-victimising them. Overall, fine-tuned open source AI models, particularly those capable of generating images of specific children, likely extends far beyond what is currently observable on the clear web and the dark web.[28]

The generation of new CSAM through AI increases the potential for revictimisation of victims beyond the initial abuse. The continued existence of these images online creates a sense of **ongoing violation** and hinders their recovery.[29] Child victims and survivors endure ongoing trauma just from the knowledge that offenders can get, any time, sexual gratification from AI content based on them. The production and consumption of AI-CSAM, even for personal use, pose a serious threat to child safety, including victims. Robust legal frameworks and effective enforcement mechanisms are crucial to protect children from this emerging form of abuse.

Given the evidence demonstrating the increased risks of child sexual exploitation and abuse arising from producing and viewing AI-CSAM, **the criminalisation of personal production and use of AI-CSAM is essential to protect children**.

*This position paper was drafted by ECLAG Steering Group. The European Child sexual abuse Legislation Advocacy Group (ECLAG) is a coalition of over 70 child rights NGOs joining forces to fight to protect children from sexual violence and abuse. ECLAG Steering Group is formed by ECPAT International, Eurochild, Missing Children Europe, Internet Watch Foundation, Terre des Hommes and Thorn.

This position paper has been endorsed by DOT Europe, the voice of leading Internet companies in Europe. Its members are deeply committed to making the digital space safer for everyone and in particular to protecting children online.

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[24] Thiel, D., Stroebel, M., and Portnoff, R, n.6 (2023).
[25] BBC, AI-generated naked child images shock Spanish town of Almendralejo (2023). Available at https://www.bbc.com/news/world-europe-66877718
[26] UNICRI, Bracket Foundation, Value for Good GmbH, Generative AI: A New Threat for Online Child Sexual Exploitation and Abuse (2024). Available at https://unicri.it/Publication-Generative-AI-Threat-Child-Sexual-Exploitation-Abuse
[27] Internet Watch Foundation, How AI is being abused to create child sexual abuse imagery (2023). Available at https://www.iwf.org.uk/about-us/why-we-exist/our-research/how-ai-is-being-abused-to-create-child-sexual-abuse-imagery/
[28] Internet Watch Foundation, What has changed in the AI CSAM landscape? (2024).
[29] Fondation pour l'enfance, n.4 (2024).