

CHILD HELPLINE INTERNATIONAL FEEDBACK ON THE REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN RULES TO PREVENT AND COMBAT CHILD SEXUAL ABUSE

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1. Organisational Information

Child Helpline International is a network organisation for child helplines, registered as a foundation ("stichting") in The Netherlands. Our child helpline members are independent organisations, and our membership comprises more than 160 members from over 140 countries and territories around the world. This includes 30 members in 27 EU member states. Child helplines are free and confidential services for children and young people, where they can talk about anything they want, via phone, chat and other methods of communication. The main reasons for contacting a child helpline in the EU are issues relating to mental health and violence.

Child helplines promote children's rights in accordance with the United Nations Convention on the Rights of the Child (UNCRC). Child helplines promote children's rights to access information about their rights (Article 42), provide safe platforms for children to receive and share information (Article 13), ensure children are being listened to and empowered in decision-making (Article 12), and are being protected against harm (Article 19, Article 34). More recently, the EU Strategy on the Rights of the Child (2021-2025) outlines multiple areas where child helplines can play a key role in implementing EU policy in the area of children's rights, including protection against violence, mental health and children's views and participation.

Child Helpline International coordinates data, knowledge and viewpoints from our child helpline members, from our partners and from external sources. This exceptional resource is used to help our members build capacity to improve their services, advocate for the rights of children and amplify their voices with the goal to improve child protection systems and strengthen children's rights globally, regionally and nationally.

2. Introduction

Child Helpline International and our network of child helpline members in the EU welcome the objectives of the Regulation to provide a robust approach to preventing and combating child sexual abuse. Child Helpline International supports the increased obligation on interpersonal communication services to act in the fight against child sexual abuse. We welcome the strong emphasis on the preventative approach referred to as child safety by design, including the obligation for all information society services to assess risks and adopt preventative measures to avoid their service being used for child sexual abuse. We also support the establishment of an EU centre, which will serve as a vital pillar to fighting CSAM. The development of the knowledge hub and the collaboration with key stakeholders will be key to the success of the EU centre.

In this document, we present our feedback on the proposal. Child Helpline International acknowledges the technical complexity of the Regulation and therefore we will focus our feedback on the aspects where we hold expertise. This includes:



- Enhancing reference to children’s universal and fundamental rights in all actions and processes in the Regulation, in particular commitment to child participation in the review and evaluation of the Regulation.
- Clarify the framework of establishing partnerships with the EU centre and national coordinating authorities to ensure the continuation of high-quality services, minimisation of transition gaps and that existing organisational expertise is fully harnessed.
- Further recognition of the importance and resourcing of child helplines as a child-friendly reporting mechanism and a core victim support service in the fight against child sexual abuse online, as referenced in the WeProtect Model National Response
- Ensure that there are no gaps in protection through a clear transition regime, as well as ensuring the continuation of voluntary and public reporting and presenting substantial, legal frameworks for such reporting.

3. Protect children's universal and fundamental rights

First and foremost, the respect for children's universal and fundamental rights as enshrined in the United Nations Convention on the Rights of the Child must be at the forefront of all decisions and actions related to the Regulation. This includes children's right to protection against violence and right to survival and development, but also right to privacy, access to information about their rights on digital platforms, freedom of expression, right to education and participation in matters that concern them. The components of the Regulation are complex, and it is clear that there are differences in the interpretation of children’s and human fundamental rights between different stakeholders. Therefore, Child Helpline International recognises a need for ongoing critical evaluation of the Regulation's measures against children's universal rights. The Regulation should outline steps for development of such methodology, which should include national and regional children's rights actors, including children and youth and child helplines.

Ensure the participation of children and young people in the review of impact of the regulation

Child Helpline International would like to further highlight the importance of involving children and young people in all matters that concern them (Article 12, UNCRC). Children are among those who spend the most time online and should have an ongoing seat at the table to ensure choices made continue to be in the best interest of the child. We recommend that child participation initiatives to assess the effectiveness of the Regulation are explicitly mentioned as part of the evaluation methodology in the Regulation.

Education directed to children

Furthermore, Child Helpline International would like to highlight the importance of digital education¹ for children related to sexuality and relationships as an additional preventative

¹ Education is mentioned by youth as key to protect children's rights in the digital environment by the European Network for Ombudspersons for Children; ENOC-2019-Statement-on-Childrens-Rights-in-the-Digital-Environment.pdf



measure. As an important focus of the Regulation is gathering data and development of shared knowledge, this is an opportunity to invest in accurate, continuously updated relationship and sexuality education that considers issues related to the digital environment. We recommend that the knowledge hub function of the EU centre also helps coordinate education initiatives for children with relevant partners.

4. The role of the EU Centre

We support the creation of an EU Centre which will serve as a vital pillar to fighting CSAM. The success of the new centre will require sustained collaboration between all sectors from the start. We welcome the stated focus on data collection and learning, as well as the role of the EU Centre as a hub of knowledge. We recommend that the EU centre increase clarity regarding the EU Centre's cooperation with partner organisations, see more below.

Increase clarity regarding the EU Centre's cooperation with partner organisations

Child Helpline International would like to see the Regulation further clarify the EU Centre's cooperation with partner organisations. The Regulation states that the EU Centre is allowed to cooperate with organisations and networks with information and expertise on matters related to CSAM, but there is a lack of clarity regarding how partnerships are established and maintained, causing uncertainty as to how existing knowledge can be harnessed.

Therefore, Child Helpline International recommends that the Regulation should develop a more detailed framework around the creation of partnerships between the EU Centre and other external organisations, including child helplines and relevant hotlines². The role of child helplines is further elaborated on below.

5. Enhancing the key role of child helplines in protecting children against sexual abuse online

Child Helpline International requests that the status of child helplines as a key partner to the EU centre and national coordinating authorities should be further recognised in the Regulation. Child helplines are identified in the impact assessment report (SWD(2022)209) as victim support practitioners who are the first line of contact for victims and perpetrators of child sexual abuse. Child helplines provide children with reporting channels that are child-friendly, free, safe, confidential and accessible, as well as immediate psycho-social and referral assistance. Child helplines are specifically highlighted in the Preventing and Tackling Child Sexual Exploitation and Abuse (CSEA): A Model National Response³ as key for victim support as core for victim reporting and support, as well as referrals for services for ongoing assistance.

Ensure efficient and accurate knowledge sharing

Child Helpline International recommends that structured partnerships for knowledge-sharing between child helplines, the EU centre and national coordinating authorities should be

² Notably, but not limited to, CSAM, child safety, anti-trafficking, missing, travel and tourism.

³ [The Model National Response - WeProtect Global Alliance](#)



further outlined to ensure knowledge and data is shared efficiently to the benefit of children. The impact assessment report states that the Regulation will increase the impact of the work of child helplines and other victim support practitioners through giving access to expertise and lessons learned. Whilst this is likely accurate, child helplines are also in a strong position to contribute with expertise and data. Child helplines have deep expertise around child-friendly victim reporting and support structures. Child helplines also collect essential data on child sexual abuse contacts from children (and adults) that should be used to help accurate monitoring and impact assessment of the Regulation as well as contribute to the collective knowledge hub.

Ensure sufficient resourcing for child helplines as victim support practitioners

Lastly, we request that the European Commission should strongly recommend that member states mobilise resources to support victim support organisations such as child helplines in the fight against CSA and mobilise grants to ensure the full resourcing of organisations that provide high-quality support for children who are victims and survivors of CSA. This recommendation is based on information in the impact assessment report that states that the identification of additional victims that is expected to result from increased detection may put a strain on child helpline and other victim support organisations' resources.

6. Ensure no gaps in protection

Child Helpline International has some concerns regarding gaps in protection during the transition period and related to voluntary and public reporting.

Avoid transition gaps

Child Helpline International welcomes the legal obligation of companies providing interpersonal communication services to prevent and protect children from CSA, but there is currently no transition plan outlined in the regulation. We request a clear transition regime to avoid detection gaps.

The process foreseen to mandate the use of technology is likely to take at least a year as it requires a risk assessment and the implementation of mitigation measures before the start of the procedure to issue detection orders, which itself involves national courts, national coordinating authorities, the European Data Protection Agency Board and the EU centre. The Regulation should allow and provide structures for the continuation of voluntary detection to ensure victims are not further revictimised during the transition period.

Provide clear legal basis and the required safeguards for the continuation of voluntary detection of child sexual abuse

Child Helpline International request that the Regulation provides a clear legal basis and the required safeguards for the continuation of voluntary detection of child sexual abuse.

We welcome the mandatory use of safe technologies to detect, report and remove child sexual abuse materials online, as we have learned over time that voluntary actions alone will not solve this problem. At the same time, in line with the Commission's emphasis on prevention, we request that the Regulation provides a clear legal basis and the required



safeguards for the continuation of voluntary detection of child sexual abuse. All relevant information society services (including, specifically, messaging and email services, who are in scope of the European Electronic Communications Code) should be entitled to continue to take steps to voluntarily prevent the spread of CSAM on their platforms before being required to, through a Detection Order, using the same safe technologies and provide the respect of strong safeguards similar to those imposed for detection orders (including, but not limited to, human oversight, users right to information and redress, data collection and transparency and requirements, use of least intrusive technologies approved by the Technology Committee and the European Data Protection Board).

Public Reporting of CSAM

The Regulation should outline the approach to public reporting, taking into account the trusted relationship that child helplines, helplines and hotlines have had for decades with children and the rest of the public.

According to expert organisation INHOPE, current technology is more efficient in detecting 'known or previously identified' CSAM when deployed by online platforms. Public reporting is currently the primary source of 'new or previously unidentified CSAM', yet the Regulation does not include information related to public, anonymous reporting of CSAM. Furthermore, INHOPE proposes that the public may be hesitant to directly contact law enforcement. Children who are exposed to or victims of CSA may also be hesitant to contact law enforcement directly, but will use trusted support services. Our members are also concerned that the workflow will be more complex if a child or adult reports CSA to a child helpline. It is currently not clear what this will look like in practice (also see comments regarding partnerships above). Based on this, the approach to public reporting needs to be further addressed.

7. Contact

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