

The Hague, 12 April 2023

Subject: Support EU regulation to prevent and combat child sexual abuse

Dear Ms Bruins Slot, Ms van Huffelen, Ms Yeşilgöz-Zegerius and members of the Parliamentary Committee on Justice and Security,

In the coming weeks, the Netherlands, like other European member states, will determine its position on the European Commission's proposed regulation to prevent and combat child sexual abuse. On behalf of 12 organisations, we would like to explain the relevance of this regulation, and why the support of the Netherlands is so important just now. We call on you to use your role and influence to support the regulation.

One in five children in Europe is a victim of sexual violence and abuse and one in three reported cases of child sexual abuse involves a child under the age of 10. Millions of images of child abuse circulate on the internet every year, most of which are hosted in the EU. It is high time for EU countries to take strong measures against this that are based on a thorough consideration of fundamental rights.

Preventive approach and sound safeguards

We welcome that the proposed regulation focuses on a preventive approach to online child abuse by all online service providers and requires them to identify and mitigate risks to children. This will have a substantial impact on reducing this serious form of crime. We welcome the fact that the weighting of proportionality and subsidiarity has a central role in the regulation and that a continuous balancing process is built in, by issuing detection orders for online service providers for 12 or 24 months and then having the impact on fundamental rights weighed again by independent authorities. The regulation thus ensures that everyone's interests are carefully weighed. The protection of children and privacy can go hand in hand.

Misunderstandings about regulation

There are many misunderstandings about the regulation. Opponents think the regulation imposes a general surveillance obligation. But this is not the case. Instead, it provides for supervision in specific cases determined by risk. Moreover, companies can take mitigating measures. The regulation also does not call for any form of encryption to be "broken" but rather stipulates that only detection technology can be used that passes due diligence. Detection technologies, such as homomorphic encryption, are already currently used on platforms that are end-to-end encrypted to ensure that viruses and malware cannot be shared on those platforms. To protect children from online sexual abuse and exploitation, all current and future technological solutions should be used, when they meet safeguards. The new regulation makes this possible.

Additional safeguards for specific risks

We identify several risks which require additional safeguards. We consider here the risk of prosecuting young people who voluntarily engage in sexual behaviour online with peers. For this, the revision of EU Directive 2011/93/EU (2023) offers opportunities. For all internet users - both children and adults - sharing intimate content online poses a risk. This can lead to later sharing without consent, or for revenge porn, sextortion, abuse or exploitation. The mandatory preventive approach in the regulation is needed to limit online sharing of such material.

Another risk we see is about human verification of detected signs of child abuse. We are concerned about the health of the people who have to review such material and the risk of companies outsourcing this check to countries with low hourly rates and limited health and safety measures. There should be rules for this.

Improving efficiency and scale of combating online child abuse

For the proposed legislation and procedures to be effective, it is necessary that the relevant services have sufficient capacity. However, limited capacity is never a reason not to comply with children's rights. High volumes of reports are an argument for innovation and increased resources. With the regulation, law enforcement agencies will receive more relevant reports that contain sufficient investigative information, as the EU centre filters the reports. Because mandatory preventive measures are taken by all online service providers and footage is removed by all providers in a short period of time, it can be expected that after an increase, the number of reports will decrease (especially of known material). This will give the police more and more room for and visibility into new victims and perpetrators.

Detection technology indispensable in holistic response

Detection technology is proven effective and is an indispensable part of a holistic response to online child abuse. That is why we ask you to insist that the regulation continues to have a broad scope. It should respond to all threats facing children online and cover known and unknown child abuse and grooming images. This will ensure that the regulation is future-proof and technologically neutral, without creating blind spots that will be exploited by perpetrators.

We are happy to make our expertise available in an interview or in a more comprehensive written document.

Sincerely,

On behalf of core members of the

KinderrechtenCollectief

J. Verhaar	Director Terre des Hommes
M. Blaak	Director Defence for Children - ECPAT
P. Crane	Director Save the Children Netherlands
A. Mulder	Head of Programmes and Inst. Fundraising Children's Stamps
F. Elmi	Board member National Youth Council

As well as:

S. Laszlo	Director UNICEF Netherlands
G. Reus-Deelder	Director Plan International
P. Krens	Director Child Helpline International
C. Dettmeijer	Chairman CHI / former National Rapporteur on trafficking in human beings and sexual violence against children
E. Hölksen	Founder Free a Girl
C. Houmes	Director International Justice Mission
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S. Landers	Head of Spine

