# European Commission proposal: Laying down rules to prevent and combat Child Sexual Abuse

## About IWF-

The Internet Watch Foundation (IWF) is an international hotline and the largest in Europe, whose vision is for an internet free of child sexual abuse material. We play our part in achieving this, by taking reports from members of the public of suspected child sexual abuse material, proactively searching the internet using the insight and expertise of our world class team of analysts, and, in offering technical services to the internet industry which are deployed globally to prevent the spread of known child sexual abuse material on their services.

## Background-

The IWF has seen in recent years large increases in the amount of child sexual abuse material (CSAM) online and this is reflected in the increased volume of content we remove from the internet each year. In 2021, we assessed **361,026 reports** and confirmed **252,194 reports** as containing child sexual abuse. This was a **64% increase** on the amount of content our analysts removed in 2020. Each one of these reports can contain anything from one to thousands of individual images. Behind each one of these images is a victim, a child that has suffered harm and the sharing of this imagery online is far from a victimless crime.

We are pleased to see the European Commission is bringing forward this much needed and important legislation and are of course, fully supportive of its aims and objectives. We remain particularly concerned about the large amount of CSAM material that is hosted in the European Union and welcome the steps the European Commission is taking to address this. In 2021, **62%** of the content the IWF actioned for removal was hosted in European Member state.

## In this submission we provide further details on areas we think the legislation could be further improved or clarified to better protect children online and prevent the dissemination of abuse.

## Key points related to the legislation-

1. **Clarity on voluntary detection-**

The IWF works closely with the internet industry to minimise the availability of child sexual abuse material online. We do this by providing technical services to the industry such as webpage blocking list (URL list), our image hash list, keywords list and other technical services. Members of the IWF currently deploy these services on a voluntary basis across the world.

Whilst we welcome the added legal certainty the current proposal provides through mandating companies obligations to detect CSAM using Detection Orders, we would like to stress ***the importance of tech companies’ voluntary efforts*** and would like to see clear legal certainty for all relevant information society service providers (including specifically email and messaging service providers) continuing to take steps on a voluntary basis to detect child sexual abuse material.

Greater clarity must be provided to ensure that the IWF’s member companies can continue to use the services we provide to detect CSAM on a voluntary basis and with clear legal certainty.

1. **Avoiding gaps in the transition between the two regimes**

The current system of voluntary detection is vital to the global efforts to removing and reporting large volumes of CSAM from the internet daily. It is vitally important that we do not impede on the voluntary measures whilst introducing the mandatory detection regime.

The IWF believes it is important that any regime which introduces mandatory detection, builds upon current voluntary efforts and that we avoid harmful gaps that may occur in legislation which may prevent some companies from taking voluntary measures.

The current proposal does not recognise the current gap between the Interim Regulation (temporary derogation from the e-privacy directive) ending and the entry into force of the newly proposed regulation. This could leave a potential gap in legal certainty for companies for several months, and we have previously seen the impact this will have when there was a **58% reduction in reports** from EU accounts to the National Center for Missing and Exploited Children (NCMEC), in the six-month gap between securing agreement on the temporary derogation from the e-privacy directive.

It is vitally important that we avoid any gaps in transition between the two regimes that allows the continuation of voluntary detection to prevent any possible gaps between the entry into force and the effective application of the mandatory measures, that depend on the process proposed in the planned regulation.

1. **Safety by design, innovation, and the role of Detection Orders-**

We are pleased to see that the European Commission’s proposal requires companies to establish the level of risk their services pose to their users. We believe this is an important part of a **safety by design** approach, ensuring that services have taken steps in the design of their services to mitigate the risks they may pose to users.

We believe it is important that companies are given space and are encouraged to **innovate** in how they respond to risk., However, where their innovation fails, there should be a clear **result orientated approach** and the ability to fall back on the detection order mechanism.

On issues **like End-to-End Encryption**, the IWF is supportive of strong encryption, however, we do believe it **should be possible to preserve privacy, whilst having child protection**. We encourage the European Commission to ensure that the proposal continues to be protecting children in these environments, encouraging, and incentivising the creation of solutions to these challenges.

Greater **transparency requirements**, including annual public reporting and the new data collection obligations that are contained within the proposal will be important parts of accessing the effectiveness of a company’s response to this issue.

1. **Role of the EU centre, National Co-ordinating Authorities, and hotlines-**

The IWF also supports the creation of the new **EU Centre** and will be a vital pillar in fighting child sexual abuse and exploitation online. Similar centres exist in various jurisdictions around the world and have demonstrated their value and utility in co-ordinating efforts to fight child sexual abuse.

The role of the EU Centre, will however, **require sustained collaboration** with all sectors from the start. The EU Centre and National Co-Ordinating Authorities should cooperate and work closely with all relevant helplines and hotlines, victim support services, civil society, and existing regulatory bodies. We also believe the proposal should make provision to establishing monitoring and evaluation mechanisms on the independence of the EU Centre and **establish checks and balances** to ensure that **data sharing** between organisations meets clear criteria.