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# Fighting Child Sexual Abuse in the EU

Thorn's position on a long-term regulation for the detection, removal and reporting of CSAM online



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## ABOUT THORN & OUR CAUSE

Thorn is a US-based nonprofit organization that builds technology to defend children from sexual abuse and online exploitation.

We work globally to accelerate law enforcement's ability to identify child victims; to equip industry with the tools they need to detect, report, and remove child sexual abuse material from their platforms; and to lead cutting edge research and programming to build resilience in youth online. We are an independent organization that sits at the unique nexus between child advocacy, law enforcement, and technology. We are neither a tech company nor a government or law enforcement entity; we are a third-party, mission-centered non-profit organization. Thorn was founded by Demi Moore and Ashton Kutcher in 2012 with over 5,000 donors investing in our mission and supporting our work.

At Thorn, we believe in the power and potential of governments, law-makers, NGOs, and tech companies working together to eliminate child sexual abuse material (CSAM) online. This goal cannot be achieved by just one of these entities alone. We are grateful for the EU's leadership and dedication to this issue in the context of the **EU strategy for a more effective fight against child abuse**. Its efforts to shape a regulatory

framework allowing the use of effective and secure technology for the purpose of combatting child sexual abuse is an essential building block of a global ecosystem to protect children online.

In this paper we are sharing Thorn's perspective on:

- The urgency of fighting child sexual abuse online: why the fight against CSAM is timelier than ever and what hurdles we are facing today.
- The recently adopted temporary derogation from certain provisions of Directive 2002/58/EC, both in terms of aspects Thorn would like to uphold or clarify in the context of the future long-term legal framework.
- Our priorities for shaping a long-term framework for the detection, removal, and reporting of CSAM online.

We look forward to engaging with EU policymakers, leading national officials and third parties committed to finding effective solutions to end this crime.

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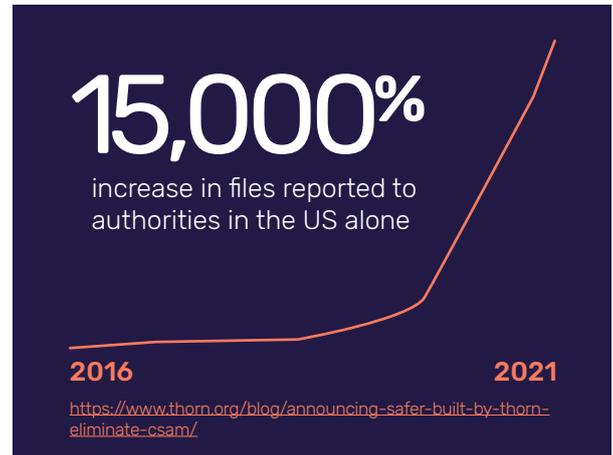
## THE URGENCY

## Fighting child sexual abuse online: needed today more than ever

A comprehensive approach is needed to establish an effective global ecosystem for child safety, both on and offline, to eradicate online child sexual abuse. The need for action is pressing. Child sexual abuse material found on content-hosting platforms has grown rapidly and continues to spread across the open web.

In debates around technological solutions, we must be very clear about what this issue truly represents: Child sexual abuse material (CSAM) is the documentation of the rape, torture, and sexual abuse of a child, many as young as infants and toddlers. Each image and video is a crime scene and must be treated as such. Additionally, the online recirculation of each image and video revictimizes the child depicted and can lead to lifelong trauma years after a child is recovered from an abusive environment. According to [research of the Canadian Centre for Child Protection](#), conducted in May 2021, 89% of child victims have had suicidal thoughts, 60% have attempted suicide, and 30% of child victims have been recognized by people who had seen their abuse material.

The volume of this material is overwhelming. Over the past 15 years, there has been a **15,000% increase in files reported to authorities in the US alone** according to The National Center for Missing and Exploited Children (NCMEC). Since 2019, Thorn's Safer community has identified [over 183,000 CSAM files](#) for removal and reporting to NCMEC. This increase represents both the real and alarming rise in CSAM dissemination online, and the improved ability and willingness of tech companies to be proactive in detecting, reporting, and removing this content from their platforms.



This is truly a global effort. The nature of online child sexual abuse is that it knows no borders, and the global ecosystem working to combat this crime has been deliberately designed with that ground truth in mind. A recent [German crime statistic](#) by the Federal Criminal Police Office on violence against children showed, social media drove a fivefold increase of self-generated CSAM in 2020 compared to 2018. Such material tends to go viral domestically and internationally. Therefore, any legislative or regulatory efforts made at the EU level not only have the potential to set global precedent on policy in this space, but they have immediate ripple effects for the existing stakeholders around the world - for NGOs, for law enforcement, for companies, and most importantly for children. Thorn stresses the need to create long-term legal certainty for actors involved in the detection, reporting, and removal of CSAM. We also want to increase the awareness about this issue and help develop the tools to tackle it. We welcome the proposals of the European Commission to aid in aligning Member States and to eliminate the fragmentation in the legislation on this crucial matter.

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## OUR VIEW

## Interim regulation legislation regarding the use of technologies by providers of online communications to continue voluntary detection, reporting, and removal of CSAM:

We are relieved that the reached agreement will lead to the restoration and preservation of online child sexual abuse detection in the EU. We thank the policymakers across the EU and its Member States who worked hard to push this agreement forward. This creates the legal basis for online service providers who may have interrupted the search and detection of CSAM because of the temporary legal uncertainty.

### Our perspective on the compromise reached:

#### **Appropriate definitions on hashing, classifiers, and anti-grooming technology**

- We welcome the balanced definitions reached that create legal certainty, yet also allow for the needed flexibility to reflect future technological advancements and innovation. We hope this is something that is maintained in the long term legislation.
- Effective grooming detection is a first crucial step in preventing child sexual abuse from happening. We will never end the spread of online child sexual abuse material if we are unable to create and deploy preventative tools and measures.

It is of paramount importance for anti-grooming technology to fall within the scope of CSAM regulation.

Europe must aim for a workable definition and regulation of grooming practices in order to foster technological development, which is a cornerstone in the work against child sexual abuse.

#### **Considerations and open questions**

- Thorn welcomes the transparency requirements included in the interim regulation. We would, however, caution that this transparency must not be used to the detriment of relevant detection, reporting, and removal algorithms in a way that can be misused by potential offenders.
- Thorn supports that mandatory reporting standards for providers of online communications on the amount of harmful material identified, reported, and removed are key to enhance the understanding of the breadth of the issue and develop even more effective solutions to tackle it.
- Mandatory reporting standards must be feasible for all providers who want to participate in the fight against sexual abuse of children. In the end, requirements must not lead to a situation where only the very big players with large administrators can participate. The scope of the reporting standards should therefore be scalable and reflect the size and capacity of a company.

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## THE WAY AHEAD

## How legal certainty for companies using technology to proactively detect child sexual abuse will help fighting CSAM effectively in the future:

As legislation progresses related to this issue, we must not lose sight of the children at the centre of this crime, nor permit child sexual abuse detection methods to be disrupted or curtailed. We therefore believe it is imperative for the EU to set up a long-term regulation that effectively tackles this epidemic. With regard to the policy options being considered in the EU Commission's impact assessment on a Regulation on the detection, removal and reporting of child sexual abuse online, and establishing the EU Centre to prevent and counter child sexual abuse, Thorn supports a legal framework which establishes a clear legal basis under which relevant providers of online communication services are allowed to implement voluntary detection of CSAM on their services including both previously known and new material and text based threats. Thorn supports a legal framework which establishes a clear legal framework for mandatory reporting on CSAM detected on relevant providers of online communication services.

### Grounding solutions in protecting children's rights and the privacy of child victims



ALLOW FOR INNOVATION AND FUTURE-PROOFING



PROVIDE LEGAL CERTAINTY FOR COMPANIES TO PROACTIVELY DETECT CHILD SEXUAL ABUSE



PROMOTE TRANSPARENCY



CONSIDERATIONS FOR A POSSIBLE EUROPEAN CENTRE TO COMBAT CHILD SEXUAL ABUSE

### Grounding solutions in protecting children's rights and the privacy of child victims

- The protection of children's rights and the privacy of child victims must be pursued with the same vigor as the human rights and privacy rights of general adult users. Targeted and surgical detection methods used solely to combat child sexual abuse and grooming represent the most comprehensive, innovative and effective solutions to protect child victims' privacy. The utilization of these protection methods must be preserved in the long-term legislation, through the preservation of hashing technology, classifiers, and the ability to apply anti-grooming technology to text analysis. It also needs to be expanded, future-proofed, and account for future technological innovations.
- Child sexual abuse detection technology is designed to detect this kind of abuse and this kind of abuse only. It was specifically designed this way because privacy has always been at the center of this work. Child advocates have worked for years with platforms to balance the protection of children's rights and privacy, and the privacy of their larger user base. We can and have had both, and that partnership and balance must continue.

### Allow for innovation and future-proofing

- Threats against children online evolve rapidly, and so must the technological interventions to combat them. Tech companies, NGOs, and law enforcement must retain the ability to be nimble and effective in the face of an increasingly urgent and constantly changing online landscape for children.

- The nature of technology is that it changes and improves with time, and any legislative framework must reflect that reality. It must also be technologically neutral and provide the necessary space for companies and child protection technologists to innovate. Without these elements, perpetrators will be able to utilize the most sophisticated technology to abuse children, but the child protection ecosystem will remain years behind.

### **Provide legal certainty for companies to proactively detect child sexual abuse**

- Thorn recommends that any legislative framework to tackle CSAM must first and foremost provide legal certainty for service providers and internet platforms to detect new and known child sexual abuse images, videos, livestreams, and grooming – utilizing specialized, surgically designed tools. This proactive detection is critical to recovering child victims in immediate harm, removing viral material that revictimizes survivors each time a file is reshared, and preventing abuse from occurring in the first place.
- We must encourage service providers of all sizes to continue to proactively implement these safeguards on their platforms, and not enact barriers to their adoption. For example, smaller companies who choose to proactively detect child sexual abuse, should be able to do so in a way that is not overburdened with legal requirements that can only be met by larger platforms.
- Further, we know that abusers use multiple platforms to abuse children and/or share CSAM, often smaller ones, and therefore creating high barriers of entry for detection is not only burdensome, it is dangerous.
- Encryption can be an important tool for secure communication. However, encryption is not intended to support the trading of child sexual abuse. Thorn believes that solutions are necessary to detect CSAM in privacy-forward environments, and that those solutions should be industry led in order to be trusted and effective. These solutions must balance both privacy and child safety.

### **Promote transparency**

- Thorn believes that tech companies must be more transparent about the steps they are taking to combat child sexual abuse on their platforms. We believe this transparency will help foster a cross-sector understanding of how service providers and internet platforms utilize child sexual abuse detection methods, and to learn how the ecosystem can better work together to improve those efforts and make progress.
- Specifically, we believe companies should be transparent about how these detection methods are deployed, and the results of their use in practice. At the very least, service providers and internet platforms should make public 1) the number of child sexual abuse reports they make to hotlines, both from proactive detection and from user reports, and 2) if companies utilize proactive detection methods, they should be open about which detection methods they use and on which pieces of their platforms.
- It is important to recognize that not all companies are at the same stage of maturity, and expectations should be viewed with that in mind. That said, more transparency about what can be done at varying stages of a company's growth will help create common knowledge and elevate industry's response to this crime as a whole.
- While transparency is incredibly important, we must simultaneously recognize that tech-savvy, well-informed offenders are at the center of this crime. We must balance the need for transparency with this alarming reality and ensure that sensitive algorithms and techniques cannot be reverse engineered or deliberately evaded.

### **Considerations for a possible European Centre to Combat Child Sexual abuse**

- It is crucial that any new legislative solutions and/or instruments in the EU build upon, fit seamlessly into, and enhance the existing ecosystem of global actors working to protect children online. The creation of a European Centre to Combat Child Sexual Exploitation (EU Centre) has immense potential to increase global collaboration, especially as it pertains to accelerating victim identification. Because this crime knows no borders, any EU-centered efforts to safely and responsibly share intelligence to help identify victims could dramatically improve the collective global response to this crime. Thorn is ready to proactively collaborate with the European Commission and to support with expertise and insights to establish a workable Centre.
- It is important that an EU Centre does not duplicate or disrupt any existing reporting protocols or processes currently in place, as the deduplication of child sexual abuse reports and intelligence is already a challenge for the global ecosystem. If a company is already reporting to a reputable organization in the global child protection ecosystem they should not be required to report to additional centres. Adding any additional reporting processes will impose another layer that could make it more difficult to streamline the system and could lead to delays in finding missing and exploited children.
- It will be important for an EU Centre to take into account the existing information flows to and from global law enforcement authorities, NGOs, and service providers that work under different legal frameworks, and ensure that the Centre's information flows collaborate seamlessly and in full transparency with the current, global system. To illustrate this point – it is entirely plausible that an offender in Germany sends an image of child sexual abuse to an offender in Australia using an internet platform headquartered in the United States, but the child victim is actually located in the Philippines. Each country and entity named in this overly simplified scenario must be able to communicate quickly and efficiently to recover the child in danger, suppress the illegal imagery, and bring the offenders to justice.
- Due to the complexity surrounding these elements, we recommend that the relevant parties working in this global ecosystem are consulted as part of an Advisory Board with regard to the development of policies and activities of a potential EU Centre.
- Additionally, a dedicated EU Centre could help create consistency in practices and policies to combat child sexual abuse across the EU. Important examples of this could be the formalization of best practices for law enforcement and survivor organizations across Member States, or the ability to ensure that all legislation proposed at the EU level remains consistent and reflective of the current child protection landscape through opinions and guidelines. Best practices from the US, Canada or New-Zealand could provide helpful insights for the establishment of the Centre.