

Child sexual abuse online: detection, removal & reporting TikTok Technology Ltd's consultation response

Introduction

The fight against child sexual abuse is a priority for the EU.

The European Commission published in July 2020 the [EU Strategy for a more effective fight against child sexual abuse](#). The Strategy sets out a comprehensive response to the growing threat of child sexual abuse both offline and online, by improving prevention, investigation, and assistance to victims. It includes eight initiatives for the 2020-2025 period to put in place a strong legal framework, strengthen the law enforcement response, and facilitate a coordinated approach across the many actors involved in protecting and supporting children.

In particular, the Commission committed in the Strategy to:

- propose the necessary legislation to tackle child sexual abuse online effectively including by requiring relevant online services providers to detect known child sexual abuse material and require them to report that material to public authorities; and
- start working towards the possible creation of a European centre to prevent and counter child sexual abuse, based on a thorough study and impact assessment. The centre would provide holistic support to Member States in the fight against child sexual abuse, online and offline, ensuring coordination to maximise the efficient use of resources and avoiding duplication of efforts.

Purpose

The purpose of the present open public consultation is to gather evidence from citizens and stakeholders to inform the preparation of the above initiatives and it is part of the data collection activities that the related [inception impact assessment](#) announced in December 2020.

Structure

Following a first set of questions to identify the type of respondent, the consultation has two sections, one for each of the initiatives in the Strategy that it covers:

Legislation to tackle child sexual abuse online effectively:

- Issue: what is the current situation and where are the gaps?
- Legislative solution: what should it include to tackle the above gaps effectively?

Possible European centre to prevent and counter child sexual abuse:

- Issue: what is the current situation and where are the gaps?
- Possible European centre: what features could it have to help tackle the above gaps effectively?

Terminology:

The consultation uses the following terminology:

- 'Child sexual abuse material' ('CSAM'), refers to material defined as 'child pornography' in Article 2(c) of [Directive 2011/93/EU](#). The consultation uses 'child sexual abuse material' instead of 'child pornography', in accordance with the [Luxembourg Guidelines](#).

- 'Grooming' refers to the solicitation of children for sexual purposes.
- 'Child sexual abuse online' includes both 'child sexual abuse material' and 'grooming'.
- 'Public authorities' refers to e.g. regional, national or international government entity, including law enforcement.

Privacy

All replies as well as position papers will be published online. Please read the privacy statement on how personal data and contributions will be processed.

The estimated time for completion is 30 minutes. Thank you for your contribution.

About you

* Language of my contribution

[English](#)

* I am giving my contribution as

- Academic/research institution
- Business association
- [Company/business organisation](#)
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

*Organisation name

[TikTok Technology Ltd](#)

*Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- [Large \(250 or more\)](#)

Transparency register number

[165202837974-32](#)

***Country of origin.**

[Ireland](#)

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- **Anonymous:** only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.
- **Public:** organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

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Legislation to tackle child sexual abuse online effectively

Issue: what is the current situation and where are the gaps?

1. In your experience, what types of child sexual abuse online and related activities are most concerning and should be tackled in priority?

- Distribution of **known** child sexual abuse material by uploading it to the open web (e.g. by posting it in social media or other websites, uploading it to image lockers, etc)
- Distribution of **known** child sexual abuse material via messaging applications and e-mails
- Distribution of **known** child sexual abuse material via darknets
- Distribution **known** of child sexual abuse material in peer-to-peer networks
- Distribution of **new** child sexual abuse material by uploading it to the open web (e.g. by posting it in social media or other websites, uploading it to image lockers, etc).
- Distribution of **new** child sexual abuse material via messaging applications and e-mails

- Distribution of **new** child sexual abuse material via darknets
- Distribution of **new** child sexual abuse material in peer-to-peer networks
- Online grooming of children
- Children distributing self-generated material
- Other

If other, please specify:

2. Why do you consider the above activities most concerning? Please explain, also taking into account the current measures in place that you are aware of to tackle the above activities.

TikTok has a zero tolerance stance in relation to all forms of child sexual exploitation and abuse. As WeProtect Global Threat Assessment 2019 highlights, the nature, scale and complexity of this challenge requires a holistic response and for stakeholders to tackle all aspects of the abuse ecosystem. We are therefore wary of prioritising certain activities.

However, we note:

- Detecting known and new child sexual abuse material on the open web are the categories where most progress has been made to date. For example, at TikTok, the systems and measures we have put in place include our machine-learning models which are designed to detect new child sexual abuse material and the integration of photoDNA which is designed to detect known child sexual abuse material. If we become aware of child sexual abuse material, we take immediate action to remove content, terminate accounts, and report cases to NCMEC and law enforcement as appropriate.
- The majority of surface-web sharing takes place via private messaging and peer-to-peer services which suggest these areas merit particular attention. TikTok offers a direct messaging function but it is only a minor and ancillary feature of our service with limited functionality/availability (we are primarily a video sharing, entertainment platform). We have also taken a safety by design approach to mitigating the risk of CSAM being shared via our direct messaging function and users cannot share video or image attachments privately on TikTok.
- Rapid and proactive detection of new child sexual abuse material creates opportunities for rescue that do not exist for known (and previously assessed) child sexual abuse material. This makes identifying new material especially critical.
- We welcome the Commission's focus on grooming as well as the distribution of child sexual abuse material. We are committed to creating a hostile environment for those who seek to exploit and abuse children. For example, for under 16s, we have made accounts private by default, only existing connections (or nobody, if the user prefers) can comment on their videos and direct messaging is disabled. Irrespective of age, users cannot send unsolicited private messages on TikTok.
- The rise in self-generated material (as reported by the Internet Watch Foundation) is an emerging issue. Understanding how it manifests and what interventions are effective in preventing and detecting it is urgent work.

3. Considering the current gaps in the fight against child sexual abuse online that in your view exist, which of the following outcomes should the new legislation aim to achieve in priority with regard to child sexual material and online grooming?

- Reduce the amount of known child sexual abuse material uploaded in the open web
- Reduce the amount of known child sexual abuse material distributed via messaging applications and emails
- Reduce the amount of known child sexual abuse material distributed via darknets
- Reduce the amount of known child sexual abuse material distributed via peer-to-peer networks
- Reduce the amount of new child sexual abuse material uploaded in the open web
- Reduce the amount of new child sexual abuse material distributed via messaging applications and emails
- Reduce the amount of new child sexual abuse material distributed via darknets
- Reduce the amount of new child sexual abuse material distributed via peer- to-peer networks
- Reduce the amount of sexual material self-generated by children distributed online
- Enable a swift takedown of child sexual abuse material after reporting
- Ensure that child sexual abuse material stays down (i.e. that it is not redistributed online)
- Reduce the number of instances of online grooming of children
- Other

If other, please specify:

Whilst solutions and approaches may differ, when tackling child sexual abuse, it's appropriate for the Commission to be ambitious and comprehensive in the outcomes it seeks to achieve.

4. Considering the current gaps in the fight against child sexual abuse online that in your view exist, which of the following outcomes should the new legislation aim to achieve in priority with regard to tackling child sexual abuse in general, including prevention and victim support aspects?

- Provide legal certainty for all stakeholders involved in the fight against child sexual abuse online (e.g. service providers, law enforcement and child protection organisations)
- Enable a swift start and development of investigations
- Improve transparency and accountability of the measures to fight against child sexual abuse online
- Ensure that the legislation is future proof, i.e. that it remains effective despite future technological developments
- Ensure a victim-centric approach in investigations, taking the best interests of the child as a primary consideration
- Improve prevention of child sexual abuse
- Improve assistance to victims of child sexual abuse
- Other

If other, please specify:

Legislative solution: what should it include to tackle the above gaps effectively?

Scope

1. If online service providers were to be subject to a legal obligation to detect, remove and report child sexual abuse online in their services, providers of which of the following services should be subject to that legal obligation?

- Instant messaging
- Text-based chat (other than instant messaging)
- Webmail
- Voice chat
- Video chat
- Video streaming
- Audio streaming
- Web hosting
- Image hosting
- Social media
- Online gaming
- Cloud infrastructure Message boards
- No service provider should be subject to such legal obligation
- Other

If other, please specify:

For clarity, TikTok is committed to preventing, detecting and reporting child sexual abuse and exploitation in accordance with applicable laws. We have endorsed the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse and will continue in our zero tolerance approach - irrespective of whether we are mandated to do so by law.

Whilst we see value in requiring service providers to develop and implement a strategy to combat child sexual abuse and exploitation, prescriptive mandatory obligations are likely to lead to unintended consequences such as over moderation and a bias toward removal over efficacy and compliance over innovation. A 'one size fits all' approach would also not fully account for the range of services offered by providers in scope. Instead service providers should be empowered to develop bespoke solutions that reflect each service's unique risk profile and which can be adapted in response to new or evolving threats.

2. If legislation were to explicitly allow online service providers to take voluntary measures to detect, remove and report child sexual abuse online in their services, providers of which of the following services should be included?

- Instant messaging
- Text-based chat (other than instant messaging)
- Webmail
- Voice chat
- Video chat
- Video streaming
- Audio streaming
- Web hosting
- Image hosting
- Social media
- Online gaming
- Cloud infrastructure Message boards

- No service provider should be legally enabled to take such voluntary measures
- Other

If other, please specify:

TikTok supports the adoption of a legal framework that establishes a clear legal basis under which relevant service providers could choose to implement voluntary measures for the detection, reporting and removal of child sexual exploitation and abuse on their services. Legislation in this area can put service providers on an optimum footing to detect child sexual abuse and exploitation by:

- clarifying legal definitions and consistently defining child sexual abuse to include grooming as well as the distribution of child sexual abuse material.
- ensuring services who take voluntary steps in good faith to proactively detect, remove and report suspected child sexual abuse online are not exposed to legal liability relating to these voluntary steps.
- anticipating and supporting future innovation. Nascent technology must be allowed to reach its full potential and legislation should be technology neutral.
- anticipating evolving predatory strategies. As technology evolves, so do the strategies deployed by predators. Any legislative framework must anticipate the determination, ingenuity and technical expertise of those who seek to exploit children and empower online services to respond to new and evolving threats.

In selecting all services above, TikTok is recognising that the fight against child sexual abuse and exploitation online is a multistakeholder one, and that all actors within the tech ecosystem have a role to play.

3. If legislation was to either allow or oblige relevant online service providers to detect, remove and report child sexual abuse online in their services, should the legislation apply to service providers that offer services within the EU, even when the providers themselves are located outside the EU?

- Yes
- No

Comments

4. Which types of child sexual abuse online should the possible legislation cover and how?

	Mandatory detection and removal	Mandatory reporting	Voluntary detection and removal	Voluntary reporting	No need to cover this in the legislation
Known child sexual abuse material (i.e. material previously confirmed as constituting child sexual abuse)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
New (unknown) child sexual abuse material	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Online grooming



Live-streaming of child sexual abuse



Comments

We welcome the proposals in the draft DSA regulation to preserve the e-Commerce Directive's prohibition on mandatory general monitoring whilst giving service providers legal certainty so as "not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis." For example, TikTok leverages PhotoDNA and we've continued to invest in our own systems that work to identify CSAM. These efforts have further improved our ability to remove and report content and accounts to the National Center for Missing & Exploited Children (NCMEC) and relevant legal authorities. As a result, we made 22,692 reports to NCMEC in 2020 compared to 596 in 2019.

Legislation should focus on:

- providing legal certainty so companies can continue to innovate to improve existing technology, bring nascent solutions to maturity and respond to new challenges as they emerge.
- clarifying what is included in the definition of online child sexual abuse so it includes grooming as well as child sexual abuse material.
- leveraging a broad definition of service provider so a wide set of services and product features are in scope of voluntary initiatives. Limitations set by existing service definitions such as "electronic communications service" may prove unhelpful.
- clarifying and resolving conflicts and fragmentation in existing, pending, and proposed legislation across Member States as well as at EU level (including the GDPR, the draft ePrivacy Regulation, the CSAM derogation and the draft Digital Services Act).
- creating a future-proofed, technology neutral framework that nurtures innovation rather than putting up barriers.

5. Some of the current tools that service providers use to voluntarily detect, report and remove child sexual abuse online do not work on encrypted environments. If online service providers were to be subject to a legal obligation to detect, remove and report child sexual abuse online in their services, should this obligation apply regardless of whether these services use encryption?

- Yes
- No

Comments

For the reasons set out above, we consider that any legislation should focus on the issues set out in our response to question 4 above rather than creating legal obligations.

6. If yes, what should be the form of such legal obligation?

- Relevant online service providers who offer encrypted services should be obliged to maintain a technical capability to proactively detect, remove and report child sexual abuse online in their services
- Other

If other, please specify:

Safeguards

7. To be able to detect, remove and report child sexual abuse online, service providers need to carry out a series of actions.

To what extent do you agree that the following actions are proportionate, when subject to all the necessary safeguards?

	Fully agree	Partially agree	Partially disagree	Fully disagree	No opinion
To check whether images or videos uploaded online (e.g. to a social media platform, or a file hosting service) are copies of known child sexual abuse material	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To assess whether images or videos uploaded online (e.g. to a social media platform, or a file hosting service) constitute new (previously unknown) child sexual abuse material	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To check whether images or videos sent in a private communication are copies of known child sexual abuse material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
To assess whether the images or videos sent in a private communication constitute new child sexual abuse material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
To assess whether the contents of a text-based communication constitute grooming	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To assess, based on data other than content data (e.g. metadata), whether the user may be abusing the online service for the purpose of child sexual abuse	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

We have answered 'no opinion' to the two questions on checking and assessing videos and pictures sent via private messaging. This is because it is not possible to send attachments via TikTok's direct messaging feature.

Our 'partially agree' responses to 'least privacy intrusive' in question 8 below, and to the text-based grooming detection in question 7, reflect the need to consider the impact of such measures on users' privacy and other fundamental rights and freedoms.

8. The actions to detect, remove and report child sexual abuse online may require safeguards to ensure the respect of fundamental rights of all users, prevent abuses, and ensure proportionality.

To what extent do you agree that the legislation should put in place safeguards to ensure the following: *

	Fully agree	Partially agree	Partially disagree	Fully disagree	No opinion
The tools used to detect, report and remove child sexual abuse online reduce the error rate to the maximum extent possible	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The tools used to detect, report and remove child sexual abuse online are the least privacy intrusive	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The tools used to detect, report and remove child sexual abuse online comply with the data minimisation principle and rely on anonymised data, where this is possible	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The tools used to detect, report and remove child sexual abuse online comply with the purpose limitation principle , and use the data exclusively for the purpose of detecting, reporting and removing child sexual abuse online	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The tools used to detect, report and remove child sexual abuse online comply with the storage limitation principle , and delete personal data as soon as the purpose is fulfilled	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The online service provider conducts a data protection impact assessment and consults the supervisory authority , if necessary	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Online service providers are subject to the oversight of a supervisory body to assess their compliance with legal requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Reports containing new material or grooming are systematically subject to human review before the reports are sent to law enforcement or organisations acting in the public interest against child sexual abuse	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
All reports (including those containing only previously known child sexual abuse material) are systematically subject to human review before the reports are sent to law enforcement or organisations acting in the public interest against child sexual abuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
A clear complaint mechanism is available to users	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Effective remedies should be available to users that have been erroneously affected by the actions of the service provider to detect, report and remove child sexual abuse online	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Providers should make clear in the **Terms and Conditions** that they are taking measures to detect, report and remove child sexual abuse online



Other (please specify):

On error rate, we agree platforms should strive for efficacy and accuracy, but services must be empowered to test new solutions and to enhance them through an iterative process and in a proportionate manner. A legal requirement that does not allow for this would inhibit progress.

As explained above, our 'partially agree' responses to 'least privacy intrusive' in question 8, and to the text-based grooming detection in question 7, reflect the need to consider the impact of such measures on users' privacy and other fundamental rights and freedoms.

On data processing, we agree the data principles set out are important considerations. Whilst it may be appropriate to provide clarity on the specific application in this instance, GDPR principles would already apply and we believe a separate framework specifically for data processing for the monitoring, detecting and reporting of child sexual abuse is unnecessary and risks creating legal uncertainty.

On the supervisory body, we do not have enough information on the Commission's proposal to provide a view.

On human oversight, mindful of the wellbeing of moderators, we do not support the proposal for a compulsory layer of human review where no additional evaluation or input is required for example, where an image is known and has already been hashed, but new images or suspected grooming behaviours are likely to require human oversight.

On a complaint mechanism, we agree this should be available to users but not where such a mechanism might 'tip off' a user and fetter law enforcement's ability to investigate including, potentially, rescuing an exploited child.

On effective remedies, we do not have enough information on the Commission's proposal to provide a view. However, if such a provision were included, we ask the Commission to ensure that services cannot be held liable for actions taken in good faith.

Sanctions

9. To what extent do you agree with the following statements, in the context of possible future legislation allowing/obliging relevant online service providers to detect, report and remove child sexual abuse online in their services:*

	Fully agree	Partially agree	Partially disagree	Fully disagree	No opinion
Companies should be subject to financial sanctions if they fail meet the legal obligations (including safeguards) related to the detection, reporting and removal of child sexual abuse online	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Companies should be subject to criminal sanctions if they fail meet the legal obligations (including safeguards) related to the detection, reporting and removal of child sexual abuse online	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Companies that erroneously detect, remove or report child sexual abuse online **in good faith** should not be subject to the relevant sanctions



There should be **no sanctions** for failure to meet the legal obligations (including safeguards) related to the detection, reporting and removal of child sexual abuse online



Other (please specify):

For the reasons above, detecting, reporting and removing child sexual abuse should continue on a voluntary basis with legal certainty that good faith efforts will not expose service providers to legal liability.

Transparency and accountability

10. Transparency reports could refer to periodic reports by service providers on the measures they take to detect, report and remove child sexual abuse online. These transparency reports should be*

Yes No No opinion

Obligatory to ensure transparency and accountability



Voluntary: an obligation would incur an additional burden on the online service providers, especially when they are small and medium enterprises



Evaluated by an independent entity



Standardised, to provide uniform quantitative and qualitative information to improve the understanding of the effectiveness of the technologies used as well as the scale of child sexual abuse online



Other (please specify):

We note that the draft Digital Services Act requires some level of transparency reporting for certain online platforms and as such, coherence is necessary.

11. Transparency reports should include the following information:

- Number of reports of instances of child sexual abuse online reported by type of service
- Number of child sexual abuse material images and videos reported by type of service
- Time required to take down child sexual abuse material after it has been flagged to/by the service provider
- Types of data processed to detect, report and remove child sexual abuse online
- Legal basis for the processing to detect, report and remove child sexual abuse online
- Whether data are shared with any third party and on which legal basis
- Number of complaints made by users through the available mechanisms and the outcome of those proceedings

- Number and ratio of false positives (an online event is mistakenly flagged as child sexual abuse online) of the different technologies used
- Measures applied to remove online child sexual abuse material in line with the online service provider's policy (e.g. number of accounts blocked)
- Policies on retention of data processed for the detecting, reporting and removal of child sexual abuse online and data protection safeguards applied
- Other

If other, please specify:

We believe that accountability and transparency are essential to facilitating trust with our community – and we're committed to leading the way when it comes to being transparent in how we operate, moderate and recommend content, and secure our platform. In our most recent Transparency Report, we published figures for the number of reports it made to NCMEC. We are committed to continuing to enhance the information we provide.

However, given the range of services that would be subject to such an obligation, there are likely to be significant differences in what data points are most meaningful. We are concerned that standardised reporting obligations may have unforeseen consequences:

- it may encourage services to focus on areas where reporting is required rather than areas that are highest risk.
- a requirement to report on false positives could deter innovation.
- standardised reporting could be misleading - for example, an increase in reports to NCMEC could be interpreted as an escalating problem when in fact indicates improved detection rates.
- It would potentially inhibit innovation in the area of transparency reports instead of incentivising providers to look at new data sets and different forms of presentation
- transparency on detection strategies may undermine efficacy.

Performance indicators

12. Which indicators should be monitored to measure the success of the possible legislation?

- Number of reports of child sexual abuse online reported by company and type of service
- Number of child sexual abuse material images and videos reported by company and type of service
- Time required to take down child sexual abuse material after it has been flagged to/by the service provider
- Number of children identified and rescued as a result of a report, by company and type of service
- Number of perpetrators investigated and prosecuted as a result of a report, by company and type of service
- Number of related user complaints as a result of a report, by company and type of service
- Other

If other, please specify:

Detection and prevention strategies are most effective when they are bespoke. Accordingly, reporting on efficacy should also be service specific to be meaningful. We would also caution against including metrics that are beyond service providers' control such as the number of rescues made or perpetrators investigated. Furthermore, measuring against quantitative metrics

such as the number of reports or time to remove content risks incentivising over reporting and over removal.

2. Possible European centre to prevent and counter child sexual abuse

A. Issue: what is the current situation and where are the gaps?

1. Do you see a need for additional coordination and support at EU level in the fight against child sexual abuse online and/or offline to maximize the efficient use of resources and avoid duplication of efforts?

- Yes
- No
- No opinion

Comments

2. Please specify the challenges in the fight against child sexual abuse that could benefit from additional coordination and support at EU level

- Law enforcement: lack of an EU approach (i.e. based on EU rules and/or mechanisms) to detect child sexual abuse online and in particular lack of a single EU database to detect known child sexual abuse material
- Law enforcement: lack of EU approach to determine relevant jurisdiction (s) of the instances of child sexual abuse online and to facilitate investigations
- Law enforcement: lack of an EU approach in the functioning of hotlines to report child sexual abuse online
- Law enforcement: lack of control mechanism at EU level to ensure accountability and transparency (e.g. in cases of erroneous takedown or abuse in the search tools to report legitimate content, including misuse of the tools for purposes other than the fight against child sexual abuse)
- Prevention: insufficient research into what motivates individuals to become offenders
- Prevention: lack of evaluation of effectiveness of prevention programmes
- Prevention: insufficient communication and exchange of best practices between practitioners (e.g. public authorities in charge of prevention programmes, health professionals, NGOs) and researchers
- Assistance to victims: insufficient research on the effects of child sexual abuse on victims
- Assistance to victims: lack of evaluation of effectiveness of programmes to assist victims
- Assistance to victims: insufficient communication and exchange of best practices between practitioners (e.g. public authorities, health professionals, NGOs) and researchers
- Other

Please specify:

B. Possible European centre: what features could it have to help tackle the above gaps effectively?

Roles

Law enforcement support

1. Should the centre be established, which of the following functions would be relevant to support law enforcement action in the fight against child sexual abuse in the EU?*

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
Receive reports in relation to child sexual abuse, ensure the relevance of such reports, determine jurisdiction(s), and forward them to law enforcement for action	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintain a single EU database of known child sexual abuse material to facilitate its detection in companies' systems	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordinate and facilitate the takedown of child sexual abuse material identified through hotlines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Monitor the take down of child sexual abuse material by different stakeholders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Comments (including other possible functions to support law enforcement action, if any):

We welcome the proposal to establish a European centre to focus on law enforcement, prevention and victim support.

We welcome the proposal that such a centre might also receive reports in a harmonised way and forward them to law enforcement on a centralised basis. A centralised approach would be more efficient and effective than the current patchwork of national systems which can be complex to navigate.

Child sexual abuse and exploitation is a global challenge and a borderless crime. If the Commission is minded to require EU-based reporting, we hope the new centre would work closely with NCMEC to avoid duplication of reporting and ensure a harmonised approach to reviewing and actioning cases. We also ask that in the event of mandatory reporting within the EU, the Commission also provides clarity on when the obligation applies so that, on the basis that services should only be required to make one report, it is clear when to report to the European Centre.

We agree a single EU database is preferable to national-level databases but, again, to avoid duplication and to minimise dataflows, such a database should be aligned, to the extent feasible, with NCMEC's existing approach given its success to date.

2. What other roles, if any, could the possible centre, play in relation to the EU co-funded network of INHOPE hotlines in the Member States?

([INHOPE](#) is an international association of Internet hotlines co-funded by the European Commission. It focuses on the removal of illegal content, specifically child sexual abuse material online)

3. Should the centre be established, which of the following functions would be relevant to ensure transparency and accountability regarding actions of service providers to detect, report and remove child sexual abuse online in their services? *

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
Ensure that the tools employed are not misused for purposes other than the fight against child sexual abuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Ensure that the tools employed are sufficiently accurate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Ensure that online service providers implement robust technical and procedural safeguards	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Draft model codes of conduct for service providers' measures to detect, report and remove child sexual abuse online	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Sanction service providers whose measures to detect, report and remove child sexual abuse online, including associated technical and procedural safeguards, do not meet legal requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Receive complaints from users who feel that their content was mistakenly removed by a service provider	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Publish aggregated statistics regarding the number and types of reports of child sexual abuse online received	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Comments (including other possible functions to ensure transparency and accountability, if any):
[There is a tension between the Centre's proposed role as a facilitator of collaboration and best-practice sharing amongst stakeholders and a regulatory remit. The latter may prevent the Centre from reaching its full potential in relation to the former.](#)

4. Please share any good practices or any other reflections with regard to the support to law enforcement investigations that the possible centre could provide.

Prevention

5. Should the centre be established, which of the following functions would be relevant to support prevention efforts in the fight against child sexual abuse in the EU?*

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
Support Member States in putting in place usable, rigorously evaluated and effective multi-disciplinary prevention measures to decrease the prevalence of child sexual abuse in the EU	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Serve as a hub for connecting, developing and disseminating research and expertise, facilitating the communication and exchange of best practices between practitioners and researchers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Help develop state-of-the-art research and knowledge, including better prevention-related data	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide input to policy makers at national and EU level on prevention gaps and possible solutions to address them	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments (including other possible functions to support prevention efforts, if any):

TikTok strongly supports the proposal to establish a prevention network of relevant and reputed practitioners and researchers to support Member States in putting in place usable, rigorously evaluated and effective prevention measures to decrease the prevalence of child sexual abuse in the EU and facilitate the exchange of best practices.

6. What key stakeholders in the area of prevention should the possible centre cooperate with to stimulate the exchange of best practices and research?

The centre should seek to cooperate with a wide range of stakeholders both within the EU and globally including online services, NGOs (for example the Insafe and INHOPE networks, NCMEC, the Canadian Centre for Child Protection, the Internet Watch Foundation and the Australian Centre to Counter Child Exploitation), academics, human rights experts, behavioral scientists, technologists, data analysts, clinicians, law enforcement, educators, governments, policy makers, industry bodies, parents, children and those with lived experience of abuse (both as victims and perpetrators). We particularly welcome the Commission's proposal to collaborate with the WeProtect Global Alliance as its membership (including TikTok) reflects so many of these stakeholders.

7. What role could the possible centre play to improve the cooperation with industry on prevention?

Organisations such as the WeProtect Global Alliance and the Tech Coalition are already critical conveners of industry on this subject so it would be important to work closely to leverage the existing, shared commitment of industry members to collaborating to advance prevention strategies. The centre could further enhance cooperation by, for example, convening workshops and roundtable discussions, facilitating the sharing of best practice solutions, offering a sandbox or incubator service for new solutions and putting industry in touch with relevant expertise.

8. What practical actions could the possible centre take to raise awareness on prevention issues?

Again, it would be valuable for the centre to play a convening role - for example, it could collate best practice digital literacy resources and hold these in a central database so that those wishing to deliver prevention messaging have access to information and advice.

Assistance to victims

9. Should the centre be established, which of the following functions would be relevant to support efforts to assist victims of child sexual abuse in the EU?*

	Very relevant	Relevant	Somewhat relevant	Not relevant	No opinion
Support implementation of EU law in relation to assistance to child victims of sexual abuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Support the exchange of best practices on protection measures for victims	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Carry out research and serve as a hub of expertise on assistance to victims of child sexual abuse	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support evidence-based policy on assistance and support to victims	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support victims in removing their images and videos to safeguard their privacy	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure that the perspective of victims is taken into account in policymaking at EU and national level	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments (including other possible functions to support efforts to assist victims of child sexual abuse, if any):

TikTok strongly supports the proposal to enhance support provided to victims of child sexual abuse.

10. Who are the potential key stakeholders in the area of victim support the possible centre should cooperate with to facilitate the exchange of best practices and research?

The key stakeholders are the same as those set out in question 6 above but of course victims are the most critical stakeholders in discussions about the support they need.

11. What key actions could the possible centre undertake to ensure that the perspective of child victims is taken into account in policymaking at EU and national level?

The testimony of those with lived experience as victims/survivors of abuse is critical in understanding what support is needed to enable them to process and (as far as possible) move past their trauma. From a prevention perspective, we also have much to learn from those who have experienced an abuse cycle. However, the ethics and safeguarding responsibilities when asking a victim to share their experiences are onerous. The centre could play a role in commissioning such research and overseeing strict compliance with best practice. It could also

be a repository for research insights to avoid unnecessary duplication and help identify knowledge gaps.

12. What practical actions could the possible centre take to raise awareness of children's rights and of child victims' needs?

In addition to holding a digital library of research and testimony, the actions it could take to raise awareness of children's rights and of child's victim's needs include (for example) hosting conferences, disseminating insights to European and Member States policy makers, contributing to consultations and hosting workshops.

13. What good practices can you point out with regard to the potential centre's support for assistance to victims?

Governance and type of organisation

14. Which stakeholders should be involved in the governance of the possible centre?

It is for the Commission to determine the appropriate governance structure.

15. What would be the most appropriate type of organisation for the possible centre?

- EU body
- Public-private partnership
- Not for profit organisation
- Other

Please specify:

It is for the Commission to determine the appropriate type of organisation.

16. How should the possible centre be funded? (please select as many options as appropriate)

- Direct funding from the Union budget
- Mandatory levies on industry
- Voluntary contributions from industry
- Voluntary contributions from not-for-profit organisations
- Other

Please specify:

It is for the Commission to determine the appropriate funding structure.

17. Are you aware of any organisations which you believe could serve as suitable models/references or which could provide best practices/lessons learned for the possible centre? Please specify.

18. Other comments:

If you would like to submit a document completing your answers to this consultation you can do that here.

[Attached.](#)

