

ECLAG Recommendations on the Danish Presidency Proposal for the Child Sexual Abuse Regulation

The ECLAG Steering Group* very much welcomes the start of the Danish Presidency and its swift proposal of a compromise on the Child Sexual Abuse Regulation. After 3 years of negotiations, we are pleased to see that the Danish Presidency is treating this file as a matter of urgency which needs a rapid conclusion. **We particularly welcome the fact that:**

- **mandatory detection is back on the table** as we need strong obligations to detect and remove child sexual abuse and to protect children equally everywhere online,
- **both known and unknown CSAM are included in the scope of the proposal** to prevent revictimisation and ensure holistic protections for both victims and survivors,
- **the inclusion of end-to-end encrypted services in the scope of detection** to avoid leaving any safe havens for offenders to harm children (for technical solutions please refer to our [Cybersecurity and Child Protection Paper](#)), and
- **the strengthened role of the EU Centre** which should play a central role in coordinating the EU's response to child sexual abuse online and ensure technologies used are compliant with fundamental rights.

To ensure the EU seizes this opportunity to fully address Europe's surging Child Sexual Abuse Crisis, we wish to raise a few important points to ensure the Regulation meets its objectives of protecting children against sexual abuse online and offline. We call on the negotiators in the Council to:

- **Include grooming in the scope of detection orders for all services including through text and audio**

While current proposals focus primarily on visual content, this alone will not be sufficient to fully protect children from sexual abuse. **Grooming does not always lead to the sharing of images and videos**; if it does, it is no longer an imminent harm as abuse has likely occurred and protection has failed. Grooming detection is pivotal to **prevent abuse from ever happening**. Cases of grooming and sexual extortion are exploding, having increased [by 300%](#) between 2021 and 2023. While we acknowledge the inclusion of a review clause allowing the later inclusion of grooming as an important foundational step, ECLAG calls for bolder laws to prevent and detect online grooming now.

- **Include a permanent legal basis for continued voluntary detection in all services and effective deployment of trusted technologies**

We welcome the proposed extension of the Temporary Derogation for a period of 72 months. We call, however, for the inclusion of a clear and permanent legal basis for continued voluntary detection in all services, regardless of their potential risk categorisation, alongside the effective deployment of trusted technologies.

We ask for any provider, regardless of their potential risk categorisation, to be entitled to notify any suspicion or evidence of their services being used for child sexual abuse that might require the issuing of detection orders. Excluding any form of voluntary detection from the scope of the Regulation would create clear loopholes for offenders and **significant gaps in the protection** of children from sexual abuse, while also disrupting over a decade of widespread deployment and development of highly reliable detection technology.

- **Guarantee new CSAM can be detected unconditionally**

A detection order for known CSAM being a prerequisite before a detection order for new CSAM can heavily delay intervention for new content. Databases of known CSAM only exist because unknown CSAM can be detected, identified and added to existing databases. With the rise of AIG-CSAM and therefore new content, this prerequisite does not reflect the reality of the evergrowing and fast evolving child sexual abuse crisis online. Article 8(6)(c) must be revised to ensure detection of unknown CSAM is not contingent upon prior action and reporting based on known CSAM detection.

- **Subject all platforms posing significant risks to mandatory mitigation measures**

The Regulation must provide strong requirements on child safety by design to ensure that platforms embed in service design the needed safeguards to prevent the proliferation of child sexual abuse in their services. For providers that display a significant risk of being used for the dissemination of child sexual abuse after risk assessment and mitigation exercises, the relevant Coordinating Authority should be empowered to mandate specific safeguards, under guidance of the EU Centre.¹ Those services and platforms that pose a *significant risk* should be mandated to deploy certain safeguards. Article 3 and 4 must be clarified to ensure that safety by design obligations are applicable across the border to all platforms and services posing significant risks.

The notion of *significant risk* should be defined in accordance with the objectives of the Regulation: to protect children from all sexual abuse and to remove all instances of child sexual abuse from online spaces. Platforms must therefore be assessed not only on the risk that they are used to groom children but also to exchange and share child sexual abuse materials. ECLAG recommends a methodology that combines both an objective risk analysis (factors/environment-based) and a real risk analysis (evidence-based).

We are encouraged by the Danish Presidency's proposal that prioritises advancing the work on the Regulation to prevent and fight child sexual abuse. We hope that negotiations will move forward and you will consider our calls to strengthen the current compromise. We need a regulation that effectively and comprehensively protects children now.

¹ To ensure a harmonised implementation of the Regulation across the EU, the EU Centre should be allowed to: (1) certify detection technologies that are effective in detecting child sexual abuse while respecting the rights of users, including children; (2) adopt guidelines on the evaluation of risk and possible methodologies; (3) advise on the deployment of detection technology in cooperation with the relevant Coordinating Authority.

*The [European Child sexual abuse Legislation Advocacy Group \(ECLAG\)](#) is a coalition of +70 child rights NGOs joining forces to fight to protect children from sexual violence and abuse. This feedback was drafted by ECLAG Steering Group, formed by [ECPAT International](#), [Eurochild](#), [Missing Children Europe](#), [Internet Watch Foundation](#), [Terre des Hommes](#) and [Thorn](#).