



Automated detection of online child sexual exploitation and abuse: what safeguards?

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Public online event to present
the Council of Europe independent experts' report

**"Respecting human rights and the rule of law when
using automated technology to detect online child
sexual exploitation and abuse"**

Programme

- Ms Snežana SAMARDŽIĆ-MARKOVIĆ, Director General of Democracy
- Mr Linos-Alexandre SICILIANOS, former President of the European Court of Human Rights
- Ms Katarzyna STACIWA, Independent expert
- Ms Christel DE CRAIM, Chairperson of the Lanzarote Committee

The need to detect online child sexual abuse

The scale of online child sexual exploitation and abuse is increasing at an alarming rate. This most worrying trend calls for innovative countering techniques.

To date, the response to this challenge consists largely of voluntary actions involving the use of automated detection technologies by private sector actors in order to detect, report and remove child sexual abuse material as well as text-based threats, such as grooming.

While this is vital to help rescue child victims, investigate crimes and stop circulation of abuse material, the use of automated technology may impact on the confidentiality of communications' content and related traffic data, which service providers must ensure. It therefore may constitute an interference with the right to private and family life and protection of personal data of those involved.

In September 2020, the European Commission proposed a temporary derogation to provisions in the e-Privacy Directive to allow for the processing of personal and other data for the purpose of combating child sexual abuse online. The debate generated by this proposal over eight months illustrates well the complexity of the issues at stake.

States have a positive obligation to protect children from sexual abuse and exploitation. To do so, they must however take into account a complex and evolving environment both from the technological and legal points of view. In December 2020, the States Parties to the Lanzarote Convention on the protection of children against sexual exploitation and sexual abuse, asked the Council of Europe to bring together the Organisation's expertise to support them in exploring appropriate solutions to reconcile the various human rights at stake while integrating safeguards in actions carried out in the public interest.

The first answer to the Lanzarote Committee's call was the preparation of the report "Respecting human rights and the rule of law when using automated technology to detect online child sexual exploitation and abuse".

A report setting the frame for action by States and the private sector

The report is based on the individual submissions and the collective effort of a group of independent experts in the fields of human rights, child protection, data protection and the fight against cybercrime. The group was led by Linos-Alexandre Sicilianos, the former President of the European Court of Human Rights and assisted by the Council of Europe Secretariat.

After referring to the sheer volume of child abuse content online and the added value of automatically detecting it, the experts describe the technology used, its limitations and potential. They also outline the applicable legal framework describing the relevant key international standards (UN, Council of Europe, EU) and relevant caselaw of the European Court of Human Rights and the European Court of Justice.

The report contains nine recommendations covering issues such as the need to match the pace of technological evolution, to increase transparency and accountability, to coordinate efforts and reinforce the dialogue between the private sector and policy makers/regulators, to embed safeguards at early stages of the development of technology, to give due weight to the positive obligation to protect children from sexual violence and to define a legal framework that provides legal certainty to service providers and addresses future technological developments. The experts also call for the establishment of a public interest-based framework grounded in the Lanzarote Convention, enabling service providers to automatically detect, remove, report and transfer online sexual exploitation and abuse content under the data protection and privacy conditions and safeguards described in the report.

The report is a "must read" for anyone active and interested in the protection of children against sexual violence. The experts put special care in making the content accessible to most readers, despite the complexity of the issue.

The presentation of the report will be the opportunity to discuss the challenges identified by the experts, the solutions proposed and the next steps.