

# Automated detection of Child Sexual Abuse Materials (CSAM)

Introduction and objective of the workshop

Moderator: Jean-Christophe Le Toquin

Rapporteur: Katarzyna Staciwa



# Independent experts' report...

- 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;
- Collaborative work by: **Liora Lazarus, Jean-Christophe Le Toquin, Manuel Magriço Aires, Francisco Nunes, Katarzyna Staciwa** (acting also as support to the lead expert), **Gert Vermeulen** and **Ian Walden**, led by **Linos-Alexandre Sicilianos**, the former President of the European Court of Human Rights and assisted by the Council of Europe Secretariat (special thanks to **Gioia Scappucci**, the Lanzarote Committee Executive Secretary);
- The report: 'Respecting human rights and the rule of law when using automated technology to detect online child sexual exploitation and abuse' was released on the 28<sup>th</sup> of June 2021;
- The opinions expressed in this report are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe;



# 9 recommendations...

- **Recommendation 1:** *Successful prevention and combating of the current forms of OCSEA require State actors to stay up to date and react to constant technological developments in this area, facilitated especially by the prevalent use of continuously evolving ICTs. The use of automated technology in the fight against OCSEA is, in this regard, essential.*
- **Recommendation 2:** *To ensure a proper balance between privacy and protection of children against sexual exploitation and abuse fostering a dialogue between private sector companies and policymakers/regulators is of the utmost importance. Such dialogue should primarily aim at securing adequate transparency on the choice of the technology used and processes around its use.*
- **Recommendation 3:** *Initiatives aiming at improving coordination in this area should be indicated and supported as they are vital to the reliability of the reference databases. In this regard, it is also necessary to secure more clarity on how the accountability mechanisms are managed, including the recruitment and training of individuals employed by private sector companies who are responsible for the assessment of illegal content, such as CSAM.*



(...)

- **Recommendation 4:** *To better maintain a balance between privacy and protection of children against sexual exploitation and abuse, defining the proper level of safeguards should take place as early as possible in the process of development of technology. Policymakers and regulators should place particular focus on the dataset used by that technology to train complex combinations of algorithms.*
- **Recommendation 5:** *In order to enhance privacy while prioritizing protection of children against sexual exploitation and abuse it is necessary to promote technological solutions that are the most efficient for the purpose considered.*
- **Recommendation 6:** *Initiatives oriented at cross-sectional dialogue should be identified and supported.*
- **Recommendation 7:** *The weight that is accorded to positive obligations against OCSEA under international and European human rights law, bearing in mind the best interest of the child, needs adequate appreciation in the legislative debate going forward.*
- **Recommendation 8:** *Acknowledging the current legal lacunae, consideration should be given by CoE Member States to the need for a harmonised and sustainable legal framework which can provide legal certainty to SPs and address future technological developments.*
- **Recommendation 9:** *The CoE Member States are strongly encouraged, in line with their positive obligations to protect children against OCSEA, to establish a public interest-based framework grounded in the Lanzarote Convention, enabling SPs to automatically detect, remove, report and transfer OCSEA-related information under data protection and privacy conditions and safeguards listed in section 3.4.*