



FAFCE

FÉDÉRATION DES ASSOCIATIONS
FAMILIALES CATHOLIQUES EN EUROPE

FÖDERATION DER KATHOLISCHEN
FAMILIENVERBÄNDE IN EUROPA

FEDERATION OF CATHOLIC FAMILY
ASSOCIATIONS IN EUROPE

Contribution to the Commission questionnaire on “Fighting child sexual abuse: detection, removal and reporting of illegal content online”

The Federation of Catholic Family Associations in Europe (FAFCE), is an umbrella organisation of 28 national and local family associations. FAFCE holds participatory status with the Council of Europe since 2001 and is a member of the Fundamental Rights Platform of the European Union. We represent families from all over Europe on issues related to family policy, work-life balance, demographic challenges, support for the elderly, child protection and intergenerational solidarity.

We welcome the European Commission’s commitment to fighting child sexual abuse. As a Federation of families, parents and children, we would like to call the attention of the Commission to several key elements when it comes to the protection of children online.

The World Health Organisation (WHO) in its [1999 Consultation on Child Abuse Prevention](#) defined “child sexual abuse” as “*the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society.*” The WHO underlined the various forms that can take this crime: “*Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to: the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of a child in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performance and materials.*”

The main areas of online child sexual abuse are as follows: child grooming, in which the perpetrator creates a relationship with a child in order to sexually abuse him or her either online or offline; the production and dissemination of child sexual abuse material, often referred to as child pornography; physical sexual abuse; the livestreaming of sexual abuse, in which the victim transmits the abuse he or she commits through online communication tools either domestically or internationally; and the use of any or all of the above to blackmail the victim or extort the victim and/or his or her family or friends. Child sexual abuse occurs both online and offline, but is increasingly facilitated through online communication tools, especially in making initial contact.

When it comes to online child sexual abuse, most of the content produced and shared is linked to child pornography. Pornography is still today an overlooked, underground and taboo phenomenon. According to a Columbia University study, 4% of all internet websites are pornographic, but 13% of web searches and 20% of mobile searches are for pornography.¹ A study from the cloud security and artificial intelligence company Webroot, the numbers are much higher, with 35% of all internet downloads involving pornography, 25% of all daily searches online pertaining to pornography, including 116,000 daily queries about child pornography.²

¹ Buchholz, K. (2019, February 11). *How Much of the Internet Consists of Porn?* Statista Infographics. <https://www.statista.com/chart/16959/share-of-the-internet-that-is-porn/>

² *Internet Pornography by the Numbers: A.* (2021). © Copyright 2004 - 2021 Webroot Inc. All Rights Reserved. <https://www.webroot.com/us/en/resources/tips-articles/internet-pornography-by-the-numbers>

A study by MetaCert found that 28% of pornographic sites are hosted in the European Union.³ **The European Union has thus a responsibility, and an opportunity, to be a major player in the fight against online child sexual abuse.**

Legal framework: a legal obligation for relevant service providers

We welcome the initiative of the Commission to set out the responsibilities of relevant online service providers in the fight against child sexual abuse, by requiring them to detect and report child sexual abuse online and to report that material to public authorities. We call for a **comprehensive definition of “relevant service providers”, including not only internet services providers, but also domain name marketplaces, website hosting services, and internet media companies.** In effect, any company that is involved in providing access to the internet, allocating property in cyberspace, or providing tools for creating and distributing online content must fall under these responsibilities.

We call for the Commission to **create a legal obligation for internet service providers and internet media companies to detect, report, and remove child sexual abuse from their platforms.** The economic costs related to the administrative and compliance costs created by this new legislation is far outweighed by the seriousness of the crime that constitutes child sexual abuse, as well as the costs to victims calculated in terms of trauma. This obligation must be mandatory and not voluntary. Large companies have the resources to tackle this problem, and this measure will force them to improve the integrity of their platforms. Smaller companies could however be financially supported to acquire the required infrastructure and staff training. Moreover, the foreseen increase in reporting to law enforcement authorities should also be met with additional funds granted by public authorities. Last, the potential clash of this new reporting requirement with the fundamental rights to data protection and privacy should not undermine the efficacy of the fight against child sexual abuse online. Yet, the obligation to detect and report child sexual abuse online should be strictly limited to what is necessary and proportionate and protects users' privacy to the maximum extent.

We call for the application of the legal obligation to detect, report and remove child sexual abuse **to include any kind of content that could lead anyone to threaten the physical or mental integrity of children.** This includes both known and new material, text-based threats (grooming, online harassment), self-produced content (sexting), and the pornographic portrayal, even fictive, of any degrading sexual treatment against children. The media that ought to fall under this obligation include, but are not limited to, audio, video, text, or image-based, including animated pornography, that depicts children outright or portrays characters in a childlike manner.

Scope of application in various examples of child sexual abuse content

First, **the removal of illegal online content is highly connected to the implementation of “the right to be forgotten” online.** Every person in the EU should be able to delete or have deleted compromising personal content, especially if that content is published without his or her consent, as in the case of revenge porn. We strongly call on the Commission to implement emergency procedures for the deletion of sexually explicit content involving minors, be it authentic or defamatory content.

³ Richter, F. (2013, August 21). *60% of Porn Websites Are Hosted in the United States*. Statista Infographics. <https://www.statista.com/chart/1383/top-10-adult-website-host-countries/>

One emerging trend to which we must call attention is so-called “**deepfake**” **technology**. In essence, it allows for the digital editing of video content to a high degree of faux authenticity. Deepfake technology allows abusers to edit identifying characteristics, such as the face, of victims onto existing videos. Already deployed in political contexts as elements of disinformation campaigns, deepfake technology can deceive viewers into thinking they are watching an act that truly took place. The implications for provocation, character assassination, and even blackmail and extortion, are manifold. We strongly call on the European Commission to include content generated by deepfake technology in the scope of application.

Secondly, we call for a **large-scale investigation into the content of pornographic websites, in order to identify, delete, and report any content including minors**. This must include any content that portrays, even if fictive, minor look-alike adults engaging in sexual acts, or acting in child-like environments (school, household). We also call for the inclusion of incestuous content which directly implies an adult-child sexual relation.

Thirdly, we call on the European Commission to take serious **measures to limit the access of minors to pornography**. The EU must include in its fight against child sexual abuse an effective, EU-wide legal obligation to prevent the access of minors to online pornography, as the viewing of pornography, especially for young children, constitutes cognitive rape. As noted by French Sexual Advisor and Expert Anne-Sixtine Pérardel in a conference on the 9th of December 2020 at the European Parliament on “Protection of the Innocent: Combating the Over-sexualisation of Children and Harmful Internet Access”, *“professionals in psychology and psychiatry agree on the use of the term “rape of the imaginary” for children early-exposed to pornography. For instance, we find the same feelings or symptoms as after a sexual assault: the child feels dirty and guilty, he or she experiences shame and sadness, often with a feeling of disgust and a difficulty to dare to talk about what he or she saw.”* There already exist provisions for the restriction of access to pornographic content to only those consumers who are eighteen years of age or older. However, the lack of enforcement of this provision means that children have easy access to pornographic content. **One fix for this circumvention of age requirements is to put all pornography behind a nominal paywall that requires the consumer to provide an information that can confirm the age of the consumer.**

As children turn to pornography as a form of sexual education, sexual aggression is normalised. The internet security firm CovenantEyes found that 49% of pornographic scenes contain verbal aggression and 88% contain physical aggression.⁴ A study on the link between pornography consumption and the incidence of sexual violence in seven countries found a strong association between pornography consumption and increases in sexual aggression amongst both males and females.⁵

Fourthly, we encourage the European Commission to **conduct an assessment of the issue raised by adults accessing online children’s games and social platforms**. Internet tools allow perpetrators of child sexual abuse to pose as children themselves and so envelop their victims in a false sense of security that enables the perpetrator to lure their victims into meeting them, either online or in person. Such meetings are essential to the exploitation of victims, who often feel obligated to maintain their relationship with the perpetrator of abuse because of an emotional dependency created previously. The Commission should investigate how it can create child-friendly online spaces and to limit the access of

⁴ *The Most Up-to-Date Pornography Statistics*. (2021, January 25). Covenant Eyes. <https://www.covenanteyes.com/pornstats/>

⁵ Wright, P. J., Tokunaga, R. S., & Kraus, A. (2016). A Meta-Analysis of Pornography Consumption and Actual Acts of Sexual Aggression in General Population Studies. *Journal of Communication*, 66(1), 183–205. <https://doi.org/10.1111/jcom.12201>

adults to online games and tools marketed to and used by children. In the same way that we urge age requirements to ensure that minors do not have access to internet pornography, we also urge age requirements to ensure that adults cannot access online spaces created primarily for children.

Fifthly, the Commission can **allocate the EU budget through the InvestEU Programme to researching the various channels through which predators and perpetrators of child sexual abuse gain access to victims**. Then the Commission ought to publish a list of policy recommendations to prevent the online child sexual abuse. This research should consider basic measures such as how child pornography websites operate, the verification of the ages of users of mobile phones and online communication tools, and the monitoring of online messaging platforms, among other things.

The online protection of children must be a top priority of the European Union, in order to create a welcoming environment where children can learn, play, and have access to useful services, away from such dreadful risks.

[More information](#) on the work of the Federation of Catholic Family Associations in Europe.