

## Eurochild response to European Commission consultation on the proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse (COM(2022)209)

As Europe's leading child rights umbrella network with almost 200 member organisations, including 23 national child rights coalitions, [Eurochild](#) brings the experiences and knowledge of children's rights organisations and children and young people themselves to the proposed regulation to prevent and combat child sexual abuse.

We are at a **watershed moment**, and applaud the development by the European Commission of a proposal to regulate the prevention and combating of child sexual abuse. Eurochild supports the child rights' approach that the European Commission has taken in the development of its proposal.

One of the recommendations from "[Our Europe, Our Rights, Our Future](#)", a report based on consultations with over 25.000 children on the EU Strategy on the Rights of the Child is for the European Commission to place stronger emphasis on urging online platforms, games and apps to address children's rights, including privacy and safety by design. We commend the Commission for putting prevention through safety-by-design at the heart of the proposal.

The tech industry is heavily vested in influencing EU legislative files with regard to children in the digital environment, including the adopted Digital Services Act, the proposed Better Internet for Kids and the proposed regulation laying down rules to prevent and combat child sexual abuse. It is therefore essential that **children's rights organisations working for and with children are heard in the development of these legislative initiatives**, including the proposed regulation to prevent and combat child sexual abuse. Eurochild believes that the best interests of children need to be at the heart of the newly proposed legislation.

The development of the digital environment, and the use of new technologies, have opened up many opportunities for children and have allowed them to be part of global movements and engage as active citizens. The EU Strategy on the Rights of the Child has stressed the importance of a digital and information society, which can be safely navigated by children.<sup>1</sup> Children are using digital devices from an increasingly younger age. In fact, every third user of digital services is under 18. We acknowledge there are risks and opportunities in this transformation and regarding this, we stress the importance to assess the impacts of this regulation on children, in particular those coming from disadvantaged backgrounds. Children, in particular vulnerable children, are very poorly represented in consultations in public decision-making, including on the digital environment<sup>2</sup>. The tech industry, on the other hand, is throwing large sums of money at public affairs to influence legislation in their interest. The EU is playing

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<sup>1</sup> [EU Strategy on the Rights of the Child COM \(2021, 142 final\), 24.3.2021](#)

<sup>2</sup> Problems in relation to accessing the internet were highlighted by 43 per cent of child respondents in the EU in consultations on the EU Strategy on the Rights of the Child, '[Our Europe, Our Rights, Our Future](#)', 2021.



a critically important legislative role, including by listening to and taking into account children's perspectives.

### **Child-Rights Based Approach**

Eurochild believes that children are not only victims in need of protection. They are individuals with their own human rights. The proposed regulation and the EU Centre will need to have a strong child rights focus, based on the UN Convention on the Rights of the Child and ensure the protection of children's rights both online and offline. The regulation should not only see children as victims that need to be protected, but take a holistic approach as participation and provision rights are equally important. We believe that **child protection cannot take place without giving the opportunity to children to have their say in online and offline safety.**

At the same time, child-rights based approach means that businesses cannot put profit above the rights of children and need to be held accountable for this by the proposed regulation. The **UN General Comment no 25 (2021) on children's rights in relation to the digital environment** states that the business sector should be required to undertake child rights due diligence, in particular to carry out child rights impact assessments and disclose them to the public, with special consideration given to the differentiated and, at times, severe impacts of the digital environment on children. It then adds that State Parties should take appropriate steps to prevent, monitor, investigate and punish child rights abuses by businesses.

Similarly, the **EU Centre on Child Sexual Abuse** needs to integrate a child-rights-based approach, which means that child rights experts need to be involved and strong links with national child protection mechanisms need to be established. It needs to operate fully independently. It also needs to create a safe space for children to participate, which involves obligatory child protection and victim support training for all staff working with children within the Centre's remit.

The rights of every child must be respected, protected and fulfilled in the digital environment. Meaningful access to digital technologies can support children to realize the full range of their civil, political, cultural, economic and social rights. However, if digital inclusion is not achieved, existing inequalities are likely to increase, and new ones may arise.

### **Contextual Safeguarding Approach**

The EU needs to take a **contextual safeguarding approach** of children, which is an approach of understanding, and responding to children's experiences of significant harm beyond their family and home. This approach recognises the different relationships children have in their schools, in peer groups, in their community, and online. Parents and carers may have little influence over these contexts and children's exposure to extra-familial abuse can affect negatively a parent-child relationship. Understanding the risks of engaging with children can help to mitigate these.

The **UN General Comment no 25 (2021) on children's rights in relation to the digital environment** states that children's online protection should be integrated within national child protection policies. States parties should implement measures that protect children from risks, including cyber aggression



and digital technology-facilitated and online child sexual exploitation and abuse, ensure the investigation of such crimes, and provide remedy and support for children who are victims. They should also address the needs of children in disadvantaged or vulnerable situations, including by providing child-friendly information. This equally applies to the EU and its proposed regulation.

The EU should ensure that member states operate effective child protection mechanisms online, while also respecting children's other rights, in all settings where children access the digital environment, which includes the home, educational settings, cybercafés, youth centres, libraries and health and alternative care settings<sup>3</sup>.

### Key asks:

1. We commend the **child-rights based approach** of the proposed regulation. We, however, urge that the Regulation does not only see children as victims that need to be protected, but take a holistic approach to the rights of children, including their right to have a say in online and offline safety. Eurochild calls on the European Commission to ensure children, including those from disadvantaged backgrounds, are involved in the drafting, implementation and evaluation of the proposed Regulation.
2. We commend the **horizontal obligation for all information society services to assess risks and adopt preventive measures** to avoid their service being used for child sexual abuse, hence supporting **safety by design**. This includes that businesses cannot put profit above the rights of children and need to be held accountable for this by the proposed Regulation.
3. We salute the **creation of an EU Centre on Child Sexual Abuse**, as it will serve as a vital pillar to fight CSAM. The EU Centre needs to operate fully **independently and should integrate a child rights-based approach**. There need to be child rights experts involved, notably by cooperating with civil society organisations with an expertise in children's rights and the digital environment and **ensure strong links with national child protection systems**. Next to bringing in the experiences and evidences brought in by child rights organisations, involving children and young people themselves is crucial, including child-led groups.

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<sup>3</sup> [UN General Comment no 25 \(2021\) on children's rights in relation to the digital environment](#)

Eurochild advocates for children's rights and well-being to be at the heart of policymaking. We are a network of organisations working with and for children throughout Europe, striving for a society that respects the rights of children. We influence policies, build internal capacities, facilitate mutual learning and exchange practice and research. The United Nations Convention on the Rights of the Child is the foundation of all our work.

