



November 17, 2020

Member of the European Parliament

Re: European Parliament Consideration of the proposed Interim Regulation relating to the e-Privacy Directive to Enable the World to Combat Online Child Sexual Exploitation

Dear Member of the European Parliament:

As President & CEO of the National Center for Missing & Exploited Children (NCMEC), I am writing to urge you to support the proposed Interim Regulation relating to the e-Privacy Directive that will enable the world to continue using all available technical solutions to detect and remove online child sexual abuse material and prevent this abuse from happening whenever possible. The Interim Regulation is essential to maintain the voluntary use of hashing measures, including PhotoDNA, and must also include grooming identifiers that have been successfully used for years to protect children from online abuse. The decision you make this month with regard to the Interim Regulation will determine whether hundreds of thousands of children across Europe – and around the world – are protected from online sexual abuse or whether the European Parliament draws the curtain shut on detecting their abuse and abandons these children to suffer at the hands of offenders.

NCMEC operates the CyberTipline, which for over two decades has served as the global hotline for reports relating to child sexual exploitation. The constant, and ever-escalating volume of horrific child sexual abuse reported to NCMEC is staggering. So there is no uncertainty regarding the nature of this content – these are photos and videos of young children, many so young they cannot ask for help, being raped, sexually tortured, and exploited. Their anguish and abuse is memorialized and shared online with thousands – and often hundreds of thousands – of offenders.

In 2019, more than 69 million images, videos, and files related to child sexual abuse were reported to the CyberTipline. More than 3 million of these child sexual abuse images and videos originated from an offender in the EU. In the first nine months of 2020, more than 52 million child sexual abuse files have been reported to NCMEC, and more than 2.3 million of these files involve an offender or a child victim in the EU.

Significantly, over 95% of the child sexual abuse imagery shared by offenders in the EU was reported from an email, chat, or messaging service. Without your approval of the Interim Regulation, these

services will no longer be legally permitted to use hashing measures and grooming indicators to alert authorities to child victims or their abusers in the EU. These children will be left with no possibility for rescue or relief while millions of images and videos depicting their sexual abuse circulate unimpeded among EU offenders.

These statements are not theoretical. Authorities have informed NCMEC of more than 200 German children depicted in child sexual abuse material circulating online. Tech companies using PhotoDNA have detected and removed these images more than 400,000 times and reported them to the CyberTipline. Likewise, authorities have identified 70 Dutch children whose sexual abuse was filmed and shared online. Tech companies using PhotoDNA have detected and removed their sexually abusive images more than 80,000 times. If the Interim Regulation is not enacted, these children, and as the years pass, the adult survivors, will suffer knowing that the European Parliament chose to outlaw the only existing measures that can successfully remove the criminal imagery memorializing the most traumatic moments of their lives.

The problem is clear and the solution to enact the Interim Regulation is simple, but the world needs your political resolve at this moment. NCMEC recognizes there are global concerns relating to the business operations of certain tech companies and also acknowledges the need for continuing policy discussions relating to data and personal privacy. However, these issues are not relevant to the use of hashing and grooming measures to combat child sexual exploitation. It would be a travesty to permit broader policy concerns to create distrust and misinformation around the urgent work that must be done to protect children from online abuse. Quite simply, combatting the online sexual abuse of children cannot become collateral damage of unrelated debates around the role of technology in our modern society. Additionally, while NCMEC supports the European Parliament's commitment to examine longer-term, more permanent solutions to combat online child sexual exploitation in 2021, we urge you not to allow the promise of future plans to derail voluntary measures that currently are the only available tools to help sexually abused children in the EU and around the world.

NCMEC has utilized hashing technology to combat online child sexual exploitation for nearly 20 years. Based on our experience, we can state unequivocally that hashing, and the newer grooming indicators, when used to detect child sexual exploitation do not monitor or profile unrelated online activity and always involve some level of human or secondary review. When an online service uses hashing technology to detect online child sexual abuse, it does not catalog or comprehend the content it scans, rather it only searches for specific child sexual abuse imagery it is trained to recognize. All other content passes by without recognition, cognizance, or cataloging. Grooming indicators operate similarly, except a combination of specific factors produce an alert. The use of grooming indicators to detect when a child is being groomed for sexual abuse is essential because it provides the only possible means to rescue a child before exploitation occurs. This ability to

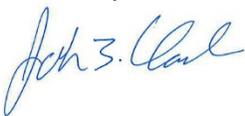
intervene based on a threat to a child can save the child from a lifetime of trauma and revictimization.

The Charter of Fundamental Rights of the European Union contains two concepts that highlight the prominence given to protecting children. Article 24 of the Charter provides that “[c]hildren shall have the right to such protection and care as is necessary for their well-being” and also that “[i]n all actions relating to children, whether taken by public authorities or private institutions, the child’s best interests must be a primary consideration.” These are not mere words, but a deep commitment to societal values that the European Union and the United States share. These words must serve as the guiding light for the European Parliament as it considers enacting the Interim Regulation.

As the world continues to fight the COVID-19 global pandemic, we have learned that geographical borders and political divisions are meaningless when combatting modern threats to our society. Like COVID-19, the insidious crime of online child sexual exploitation spreads across borders without regard for the nationality of a child or an offender or the political leadership of a country. The actions you take now with regard to the Interim Regulation will determine whether children can be rescued from sexual predators or whether the European Union will break from the rest of the world and facilitate the sexual victimization of children by providing a safe haven online for abusers. I urge you to approve the Interim Regulation and enable the world to continue using hashing measures and grooming indicators to detect and rescue children from online sexual exploitation.

Only by working together can we keep the world’s children safe from sexual offenders. As a global society we cannot allow children to be condemned to sexual exploitation online when we have the ability and the tools available to curtail this abuse.

Sincerely,



John F. Clark
President & CEO