



European Commission: uphold privacy, security and free expression by withdrawing new law

Wednesday 8th of June 2022

Dear European Commissioners,

When you fundamentally undermine how the internet works, you make it less safe for everyone.

We write to you as 73 civil society and professional (trade union) organisations working across human rights, media freedom, technology and democracy in the digital age. Collectively, we call on you to withdraw the 'Regulation laying down rules to prevent and combat child sexual abuse' (CSA Regulation) and to pursue an alternative which is compatible with EU fundamental rights.

It is not possible to have private and secure communications whilst building in direct access for governments and companies. This will also [open the door for all types of malicious actors](#). **It is not possible to have a safe internet infrastructure which promotes free expression and autonomy** if internet users can be subjected to generalised scanning and filtering, and denied anonymity.

The proposed CSA Regulation has made a political decision to consider scanning and surveillance technologies safe despite [widespread expert opinion](#) to the contrary. If passed, this law will turn the internet into a space that is [dangerous for everyone's privacy, security and free expression](#).¹ This includes the very children that this legislation aims to protect.

These rules will make social media companies liable for the private messages shared by their users. It will force providers to use risky and inaccurate tools **in order to be in control of what all of us are typing and sharing at all times**. The Impact Assessment accompanying the proposal encourages companies to deploy Client-Side Scanning to surveil their users despite recognising that service providers will be reluctant to do so over security concerns. This would constitute an unprecedented attack on our rights to private communications and the presumption of innocence.

It is not just adults that rely on privacy and security. As the [United Nations](#) and [UNICEF](#) state, online privacy is vital for young people's development and self-expression, and they should not be subjected to generalised surveillance. The UK Royal College of

¹ Former UN Special Rapporteur on Freedom of Expression, [David Kaye, reaffirms that](#): "encryption and anonymity enable individuals to exercise their rights to freedom of opinion and expression in the digital age".

Psychiatrists highlights that [snooping is harmful for children](#), and that policies based in empowerment and education are more effective.

The CSA Regulation will cause severe harm in a wide variety of ways:

- **A child abuse survivor** who wants to confide in a trusted adult about their abuse could have their private message flagged, passed on to a social media company employee for review, then to law enforcement to investigate. This could disempower survivors, infringe on their dignity, and strongly disincentivise them from taking steps to seek help at their own pace;
- **Whistleblowers** and sources wanting to anonymously share stories of government corruption would no longer be able to trust online communications services, as end-to-end encryption would be compromised. Efforts to hold power to account would become much more difficult;
- **A young-looking adult** lawfully sending intimate pictures to their partner could have those highly-personal images mistakenly flagged by the AI tools, revealed to a social media employee, and then passed on to law enforcement;
- These [inevitable false flags](#) will over-burden **law enforcement** who [already lack the resources to deal with existing cases](#). This would allocate their limited capacities towards sifting through huge volumes of lawful communications, instead of deleting abuse material and pursuing investigations into suspects and perpetrators;
- Secure messenger service (like Signal) would be forced to technically alter their services, with users unable to access secure alternatives. This would put anyone that relies on them at risk: **lawyers, journalists, human rights defenders, NGO workers (including those who help victims), governments and more**. If the service wanted to keep its messages secure, it would be fined 6% of its global turnover; or would be forced to withdraw from the EU market;
- By undermining the end-to-end encryption that journalists rely on to communicate securely with sources, the regulation will also seriously jeopardise source protection, weaken digital security for journalists and have a severe chilling effect on **media freedom**;
- Once this technology has been implemented, governments around the world could pass laws forcing companies to scan for evidence of **political opposition, of activism, of labour unions that are organising, of people seeking abortions in places where it is criminalised**, or any other behaviours that a government wants to suppress;
- These threats pose an even greater risk to disenfranchised, persecuted and **marginalised groups** around the world.

In recent years, the EU has fought to be a beacon of the human rights to privacy and data protection, setting a global standard. But with the proposed CSA Regulation, the European Commission has signalled a U-turn towards authoritarianism, control, and the destruction of online freedom. This will set a dangerous precedent for mass surveillance around the world.

In order to protect free expression, privacy and security online, we the undersigned 73 organisations call on you as the College of Commissioners to withdraw this Regulation.

We call instead for tailored, effective, rights-compliant and technically feasible alternatives to tackle the grave issue of child abuse. Any such approaches must respect the [EU Digital Decade commitment](#) to a “safe and secure” digital environment for everyone – and that includes children.

Signed,

1. **Access Now** – International
2. **Alternatif Bilisim (AiA-Alternative Informatics Association)** – International
3. **APADOR-CH** – Romania
4. **ApTI Romania** – Romania
5. **ARTICLE 19** – International
6. **Aspiration** – United States
7. **Attac Austria** - Austria
8. **Aufstehn.at** – Austria
9. **Austrian Chamber of Labour** – Austria
10. **Big Brother Watch** – United Kingdom
11. **Bits of Freedom** – Netherlands
12. **Center for Civil and Human Rights (Poradňa)** - Slovakia
13. **Center for Democracy & Technology** – Europe
14. **Chaos Computer Club** – Germany
15. **Centrum Cyfrowe** – Europe
16. **Citizen D / Državljan D** – Slovenia
17. **Civil Liberties Union for Europe** – EU
18. **Committee to Protect Journalists** – EU/International
19. **COMMUNIA Association for the Public Domain** – Europe
20. **D64 – Zentrum für Digitalen Fortschritt** – Germany
21. **Dataskydd.net** – Sweden
22. **Defend Digital Me** – United Kingdom
23. **Deutsche Vereinigung für Datenschutz (DVD)** – Germany
24. **DFRI** – Sweden
25. **Digitalcourage** – Germany
26. **Digitale Gesellschaft** – Germany
27. **Digitale Gesellschaft / Digital Society** – Switzerland
28. **Digital Rights Ireland** – Ireland
29. **European Digital Rights (EDRi)** - Europe
30. **Electronic Frontier Finland** – Finland
31. **Elektronisk Forpost Norge (EFN)** - Norway
32. **Electronic Frontier Foundation (EFF)** - United States
33. **The Electronic Privacy Information Center (EPIC)** - International
34. **epicenter.works for digital rights** – Austria
35. **Equipo Decenio Afrodescendiente** – Spain
36. **Internet Society Catalan Chapter (ISOC-CAT)** – Europe
37. **Eticas Foundation** – International
38. **European Center for Not-For-Profit Law (ECNL)** – Europe
39. **The European Federation of Journalists (EFJ)** – Europe
40. **Fitug e.V.** – Germany
41. **The Foundation for Information Policy Research (FIPR)** – UK/Europe
42. **Global Forum for Media Development** – International

43. **Hermes Center for Transparency and Digital Human Rights** – Italy
44. **Homo Digitalis** – Greece
45. **Human Rights House Zagreb** – Croatia
46. **iNGO European Media Platform** – Europe
47. **International Press Institute (IPI)**– International
48. **Irish Council for Civil Liberties** – Ireland
49. **IT-Pol** – Denmark
50. **Iuridicum Remedium, z.s** – Czech Republic
51. **La Quadrature du Net** – France
52. **Ligue des droits humains** – Belgium
53. **Lobby4kids – Kinderlobby** - Austria
54. **Netherlands Helsinki Committee** – The Netherlands
55. **Nordic Privacy Center** – Nordics
56. **Norway Chapter of the Internet Society** – Norway
57. **Norwegian Unix User Group** – Norway
58. **Österreichischer Rechtsanwaltskammertag** – Austria
59. **Open Rights Group** – United Kingdom
60. **quintessenz - Verein zur Wiederherstellung der Bürgerrechte im Informationszeitalter** – Austria
61. **Panoptykon Foundation** – Poland
62. **Peace Institute** – Slovenia
63. **Presseclub Concordia** – Austria
64. **Privacy First** – Netherlands
65. **Privacy International** – International
66. **Ranking Digital Rights** – International
67. **Statewatch EU** – Europe
68. **Vrijschrift.org** – The Netherlands
69. **Whistleblower-Netzwerk** – Germany
70. **Wikimedia** – International
71. **Women's Link Worldwide** – Europe
72. **Worker Info Exchange** – International
73. **Xnet** – Spain