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 133 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.

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".*

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 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 133 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. **5th of July Foundation** – Sweden
2. **Access Now –** International
3. **Agora Association** – Turkey
4. **AlgoRace** – Spain
5. **Alternatif Bilisim (AiA-Alternative Informatics Association)** – International
6. **APADOR-CH** – Romania
7. **ApTI Romania** – Romania
8. **ArGE Tübingen** – Germany
9. **ARTICLE 19** – International
10. **Aspiration** – United States
11. **Associação Nacional para o Software Livre (ANSOL)** – Portugal
12. **Associação Portuguesa para a Promoção da Segurança da Informação (AP2SI)** – Europe
13. **Association for Support of Marginalized Workers STAR-STAR Skopje** – Republic of North Macedonia
14. **Attac Austria** – Austria
15. **Aufstehn.at** – Austria
16. **Austrian Chamber of Labour** – Austria
17. **Berlin Strippers Collective** – Germany
18. **Big Brother Watch** – United Kingdom
19. **Bits of Freedom** – Netherlands
20. **Bündnis für humane Bildung** – Germany
21. **Center for Civil and Human Rights (Poradňa)** – Slovakia
22. **Center for Democracy & Technology** – Europe
23. **Chaos Computer Club** – Germany
24. **Centrum Cyfrowe** – Europe
25. **Citizen D / Državljan D** – Slovenia
26. **The Civil Affairs Institute (Instytut Spraw Obywatelskich)** – Poland
27. **Civil Liberties Union for Europe** – European
28. **CloudPirat** – Germany
29. **Committee to Protect Journalists** – EU/International
30. **comun.al** – Latin America
31. **COMMUNIA Association for the Public Domain** – Europe
32. **Council of European Informatics Societies (CEPIS)** – Europe

33. **D3 Defesa dos Direitos Digitais** – Portugal
34. **D64 – Zentrum für Digitalen Fortschritt** – Germany
35. **Dataföreningen västra kretsen (The Swedish Computer Society)** – Sweden
36. **Dataskydd.net** – Sweden
37. **Defend Democracy** – International
38. **Defend Digital Me** – United Kingdom
39. **Democracy in Europe Movement 2025 (DiEM25)** – Europe
40. **Deutsche Vereinigung für Datenschutz (DVD)** – Germany
41. **DFRI** – Sweden
42. **Digital Advisor** – The Nederlands
43. **Digitalcourage** – Germany
44. **Digitale Gesellschaft** – Germany
45. **Digitale Gesellschaft / Digital Society** – Switzerland
46. **Digital Rights Ireland** – Ireland
47. **The Document Foundation** – Global
48. **European Digital Rights (EDRi)** – Europe
49. **European Sex Workers' Rights Alliance (ESWA)** – Europe and Central Asia
50. **Electronic Frontier Finland** – Finland
51. **Elektronisk Forpost Norge (EFN)** – Norway
52. **Electronic Frontier Foundation (EFF)** – United States
53. **The Electronic Privacy Information Center (EPIC)** – International
54. **epicenter.works for digital rights** – Austria
55. **Equipo Decenio Afrodescendiente** – Spain
56. **ESOP Associação de Empresas de Software Open Source Portuguesas** – Portugal
57. **Eticas Foundation** – International
58. **European Center for Not-For-Profit Law (ECNL)** – Europe
59. **The European Federation of Journalists (EFJ)** – Europe
60. **Fight for the Future** – US/International
61. **Fitug e.V.** – Germany
62. **Fundación Karisma** – Colombia
63. **The Foundation for Information Policy Research (FIPR)** – UK/Europe
64. **Free Software Foundation Europe** – European
65. **Global Forum for Media Development** – International
66. **GAT – Grupo de Ativistas em Tratamentos** – Portugal
67. **Gesellschaft für Bildung und Wissen e.V.** – Germany
68. **Hermes Center for Transparency and Digital Human Rights** – Italy
69. **Homo Digitalis** – Greece
70. **Human Rights House Zagreb** – Croatia
71. **imaniti.org** – Czech Republic
72. **iNGO European Media Platform** – Europe
73. **International Press Institute (IPI)** – International
74. **Internet Governance Project** – International
75. **Internet Society** – International
76. **Interpeer gUG (gemeinnützig)** – Europe
77. **Institute of Communication Studies** – Republic of Macedonia

78. **Irish Council for Civil Liberties** – Ireland
79. **ISOC Brazil** – Brazilian Chapter of the Internet Society – Brazil
80. **Internet Society Catalan Chapter (ISOC-CAT)** – Europe
81. **ISOC Portugal Chapter** – Portugal
82. **ISOC UK England** – UK
83. **IT-Pol** – Denmark
84. **Iuridicum Remedium, z.s** – Czech Republic
85. **JAKKLAC iniciativa** – Latin America
86. **La Quadrature du Net** – France
87. **Legal Legion (loyalty) NPO** – Cyprus
88. **Ligue des droits humains** – Belgium
89. **LOAD e.V.** – Germany
90. **Lobby4kids** – Kinderlobby– Austria
91. **Medienkompetenz Team e.V.** – Deutschland
92. **MetaGer, SUMA-EV** – German
93. **National Ugly Mugs (NUM)** – United Kingdom
94. **Netherlands Helsinki Committee** – The Netherlands
95. **Nordic Privacy Center** – Nordics
96. **Norway Chapter of the Internet Society** – Norway
97. **Norwegian Unix User Group** – Norway
98. **Österreichischer Rechtsanwaltskammertag** – Austria
99. **Open Rights Group** – United Kingdom
100. **Open Knowledge Foundation** – International
101. quintessenz – Verein zur **Wiederherstellung der Bürgerrechte im Informationszeitalter** – Austria
102. **Panoptykon Foundation** – Poland
103. **Peace Institute** – Slovenia
104. **PIC Amsterdam** – Netherlands
105. **Platform Burgerrechten** – The Netherlands
106. **Presseclub Concordia** – Austria
107. **Privacy First** – Netherlands
108. **Privacy International** – International
109. **Ranking Digital Rights** – International
110. **Red Umbrella** – Sweden
111. **SaveTheInternet** – Europe
112. **SekswerkExpertise** – Netherlands
113. **Sex Workers Alliance Ireland** – Ireland
114. **Sex Workers' Empowerment Network** – Greece
115. **Social Media Exchange** – Middle East and North Africa (MENA)
116. **SZEXE** – Association of Hungarian Sex-Workers – Hungary
117. **StatewatchEU** – Europe
118. **Stowarzyszenie Nasze Imaginarium** – Poland
119. **Teckids e.V.** – Germany
120. **The Commoners** – Spain
121. **S.T.O.P.** – The Surveillance Technology Oversight Project – United States
122. **Stichting Stop Online Shaming** – the Netherlands
123. **Voices4 Berlin** – International
124. **West Africa ICT Action Network** – Liberia / West Africa
125. **Vrijschrift.org** – The Netherlands
126. **Whistleblower-Netzwerk** – Germany
127. **Whose Knowledge?** – International
128. **Wikimedia** – International
129. **Wikimedia Deutschland e.V.** – Germany

130. **Women's Link Worldwide** – Europe
131. **WorkerInfoExchange** – International
132. **Xnet** – Spain
133. **Gesellschaft für Informatik / German Informatics Society (GI)** – Germany/EU