



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

Wednesday 8<sup>th</sup> 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 118 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](#).<sup>1</sup> 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

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".

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 118 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. **Agora Association** – Turkey
3. **Alternatif Bilisim** (AiA-Alternative Informatics Association) – International
4. **APADOR-CH** – Romania
5. **ApTI Romania** – Romania
6. **ArGE Tübingen** – Germany
7. **ARTICLE 19** – International
8. **Aspiration** – United States
9. **Associação Nacional para o Software Livre (ANSOL)** – Portugal
10. **Associação Portuguesa para a Promoção da Segurança da Informação (AP2SI)** - Europe
11. **Association for Support of Marginalized Workers STAR-STAR Skopje** – Republic of North Macedonia
12. **Attac Austria** - Austria
13. **Aufstehn.at** – Austria
14. **Austrian Chamber of Labour** – Austria
15. **Berlin Strippers Collective** - Germany
16. **Big Brother Watch** – United Kingdom
17. **Bits of Freedom** – Netherlands
18. **Bündnis für humane Bildung** – Germany
19. **Center for Civil and Human Rights** (Poradňa) - Slovakia
20. **Center for Democracy & Technology** – Europe
21. **Chaos Computer Club** – Germany
22. **Centrum Cyfrowe** – Europe
23. **Citizen D / Državljan D** – Slovenia
24. **Civil Liberties Union for Europe** – EU
25. **CloudPirat** – Germany
26. **Committee to Protect Journalists** – EU/International
27. **comun.al** – Latin America
28. **COMMUNIA Association for the Public Domain** – Europe
29. **D3 Defesa dos Direitos Digitais** – Portugal
30. **D64 – Zentrum für Digitalen Fortschritt** – Germany
31. **Dataskydd.net** – Sweden
32. **Defend Democracy** – International
33. **Defend Digital Me** – United Kingdom
34. **Democracy in Europe Movement 2025 (DiEM25)** - Europe
35. **Deutsche Vereinigung für Datenschutz (DVD)** – Germany
36. **DFRI** – Sweden
37. **Digital Advisor** – The Netherlands
38. **Digitalcourage** – Germany
39. **Digitale Gesellschaft** – Germany

40. **Digitale Gesellschaft / Digital Society** – Switzerland
41. **Digital Rights Ireland** – Ireland
42. **European Digital Rights (EDRi)** – Europe
43. **European Sex Workers' Rights Alliance (ESWA)** – Europe and Central Asia
44. **Electronic Frontier Finland** – Finland
45. **Elektronisk Forpost Norge (EFN)** – Norway
46. **Electronic Frontier Foundation (EFF)** – United States
47. **The Electronic Privacy Information Center (EPIC)** – International
48. **epicenter.works for digital rights** – Austria
49. **Equipo Decenio Afrodescendiente** – Spain
50. **ESOP Associação de Empresas de Software Open Source Portuguesas** – Portugal
51. **Eticas Foundation** – International
52. **European Center for Not-For-Profit Law (ECNL)** – Europe
53. **The European Federation of Journalists (EFJ)** – Europe
54. **Fight for the Future** – US / International
55. **Fitug e.V.** – Germany
56. **Fundación Karisma** – Colombia
57. **The Foundation for Information Policy Research (FIPR)** – UK/Europe
58. **Global Forum for Media Development** – International
59. **GAT - Grupo de Ativistas em Tratamentos** – Portugal
60. **Gesellschaft für Bildung und Wissen e.V.** – Germany
61. **Hermes Center for Transparency and Digital Human Rights** – Italy
62. **Homo Digitalis** – Greece
63. **Human Rights House Zagreb** – Croatia
64. **imaniti.org** – Czech Republic
65. **iNGO European Media Platform** – Europe
66. **International Press Institute (IPI)** – International
67. **Internet Governance Project** – International
68. **Internet Society** – International
69. **Interpeer gUG (gemeinnützig)** – Europe
70. **Irish Council for Civil Liberties** – Ireland
71. **ISOC Brazil - Brazilian Chapter of the Internet Society** – Brazil
72. **Internet Society Catalan Chapter (ISOC-CAT)** – European
73. **ISOC Portugal Chapter** – Portugal
74. **ISOC UK England** – UK
75. **IT-Pol** – Denmark
76. **Iuridicum Remedium, z.s** – Czech Republic
77. **La Quadrature du Net** – France
78. **Ligue des droits humains** – Belgium
79. **LOAD e.V.** – Germany
80. **Lobby4kids - Kinderlobby** – Austria
81. **Medienkompetenz Team e.V.** – Deutschland
82. **Netherlands Helsinki Committee** – The Netherlands
83. **Nordic Privacy Center** – Nordics
84. **Norway Chapter of the Internet Society** – Norway
85. **Norwegian Unix User Group** – Norway

86. **Österreichischer Rechtsanwaltskammertag** – Austria
87. **Open Rights Group** – United Kingdom
88. **quintessenz - Verein zur Wiederherstellung der Bürgerrechte im Informationszeitalter** – Austria
89. **Panoptykon Foundation** – Poland
90. **Peace Institute** – Slovenia
91. **PIC Amsterdam** – Netherlands
92. **Platform Burgerrechten** – The Netherlands
93. **Presseclub Concordia** – Austria
94. **Privacy First** – Netherlands
95. **Privacy International** – International
96. **Ranking Digital Rights** – International
97. **Red Umbrella** – Sweden
98. **SaveTheInternet** – Europe
99. **SekswerkExpertise** – Netherlands
100. **Sex Workers Alliance Ireland** – Ireland
101. **Sex Workers' Empowerment Network** – Greece
102. **SMEX** – MENA
103. **Social Media Exchange** – Middle East and North Africa (MENA)
104. **SZEXE - Association of Hungarian Sex-Workers** – Hungary
105. **Statewatch EU** – Europe
106. **Stowarzyszenie Nasze Imaginarium** – Poland
107. **Teckids e.V.** – Germany
108. **S.T.O.P. - The Surveillance Technology Oversight Project** – United States
109. **Stichting Stop Online Shaming** – the Netherlands
110. **Voices4 Berlin** – International
111. **Vrijschrift.org** – The Netherlands
112. **Whistleblower-Netzwerk** – Germany
113. **Whose Knowledge?** – International
114. **Wikimedia** – International
115. **Wikimedia Deutschland e. V.** – Germany
116. **Women's Link Worldwide** – Europe
117. **Worker Info Exchange** – International
118. **Xnet** – Spain