

The Hague, 28 April 2021

Joint Parliamentary Scrutiny Group Secretariat

To the attention of the JPSG Co-Chairs

By email only:

jpsg.libesecretariat@europarl.europa.eu

Europol answer to the written question from the Member of the European Parliament, Mr Patrick Breyer, to the Joint Parliamentary Scrutiny Group (JPSG)

Dear Co-Chairs,

In accordance with Article 4.2 of the JPSG Rules of Procedure and Article 51 of the Europol Regulation, Europol would like to respond to the question raised by Mr Patrick Breyer, JPSG Member of the European Parliament, received by Europol on 11 March 2021, as follows:

Questions

- 1) *The Swiss federal police reports that 90% of the child sexual exploitation material reported by NCMEC are not criminally relevant. Europol also maintains a hash database of child sexual exploitation material. Which are the sources of the entries in Europol's database (please list)? Where entries have been provided by national authorities, which were their sources?*

Europol's answer:

Europol maintains the Image and Video Analysis System (IVAS) for the purpose of identifying victims of child sexual abuse and exploitation. Its primary purpose is not as a hash database although those identifiers are used within the workflow of IVAS. These identifiers are not distributed to non-law enforcement partners. The sources of data are contributions of seized data by EU Member States and third country partners with operational agreements, in accordance with Europol's legal basis.

- 2) *Has Europol or another European law enforcement agency reviewed every entry and made sure it is criminally relevant in the EU? If this is not the case, what proportion of the database has been reviewed by European law enforcement officials for criminal relevance?*

Europol's answer:

The purpose of IVAS is for victim identification. All the material in IVAS is child sexual abuse material or directly linked to the sexual abuse of children, therefore criminally relevant.

- 3) *What are the effects of insufficient law enforcement capacities on children?
For which purposes are additional capacities needed most urgently?*

Europol's answer

With additional resources, the law enforcement community could develop faster and more efficient investigations in order to save more children from being abused. The effect of law enforcement action in countering child sexual exploitation and abuse is to ensure the safeguarding of children and identify the location of those who abuse them. Such abuse takes place either directly through contact sexual abuse, grooming, sexual extortion and coercion or through the redistribution of child sexual abuse and exploitation material through various online channels and applications. It is worth highlighting that child sexual exploitation investigations rely on other law enforcement areas that would require also additional resources (e.g. digital forensics). The European Strategy for a more effective fight against child sexual abuse and exploitation¹ sets out the capacities that are required by law enforcement to counter this crime area including law enforcement international cooperation, training and capacity building, and forensics. Forensics capabilities are crucial in order to identify in a timely manner the vast amount of child abuse material; this includes the capacity to develop and use machine learning tools to analyse the data. Europol hopes to be granted with additional resources in the context of the legislative proposal for the amendments to the Europol Regulation (currently discussed in the European Parliament as well as within the Council working group formations), which could also support the fight against child sexual exploitation.

- 4) *Are there indications that the increasing number of NCMEC reports on the circulation of CSEM is diminishing law enforcement capacities for investigating the production of CSEM and other kinds of (physical) child sexual abuse?*

Europol's answer:

Information and feedback provided to Europol in relation to criminal investigations from NCMEC referrals, obtained by Europol through law enforcement authorities, indicates that this data leads to a significant safeguarding of children and location of offenders.

- 5) *Considering limited capacities of law enforcement agencies for investigating child sexual abuse and CSEM, which kind of investigations should be prioritised to protect children?*

Europol's answer:

Europol has heavily invested in working to identify the victims of child sexual abuse as a reflection of the approach of law enforcement partners that the identification of children through investigation must be the priority. Ensuring the safety of children who are believed to be immediately in danger of abuse

¹ COM(2020) 607 final

or are being continually abused is always the priority of law enforcement in this area.

6) *Does Europol share the view of a German investigator who declared: "Child pornography on the Internet is like the Hydra. If you cut off one of its heads, two new ones grow back. We have lost the battle against child pornography. We only ever catch the stupid consumers or those who send the pictures from A to B. Those who make the big money remain undetected." (<https://www.spiegel.de/netzwelt/web/kinderpornografie-wir-haben-den-kampf-verloren-a-483586.html>)*

Europol's answer:

Based on Europol's experience, the protection of children through their identification and safeguarding is always worthwhile. Similarly, law enforcement have effectively targeted, through intelligence led efforts, those who produce child abuse material² and who host, administer, moderate and support relevant platforms on clearnet and darknet. Countering child sexual exploitation online is a societal responsibility involving law enforcement, non-governmental organisations, private industry including service providers and those building and providing tools for this purpose.

7) *How could the identification of victims of recorded child sexual abuse be improved?*

Europol's answer:

The European Strategy for a more effective fight against child sexual abuse and exploitation specifies the importance of establishing national teams with responsibility for the identification of victims of child sexual abuse and exploitation with the appropriate resources allocated to them. The development and implementation of technologies to support these teams and coordinated through the EU Innovation Hub and Lab will also bring additional support to this. Finally, the secure international sharing of such information through Europol should lead to coordination of investigations leading to more victims being identified.

8) *(Physical) child sexual abuse is mostly unreported. What should be done to improve reporting?*

Europol's answer According to Europol's views, the use of structural preventive and educative programmes in formal education and throughout society should enhance reporting. Additionally, creating and enhancing easily available resources for children through which they can identify how to report and what support they can expect to receive should contribute to encouraging reporting (e.g. preventive campaign).

9) *How could the primary prevention of child sexual abuse be improved? Is there evidence on which measures have proven successful?*

² Note: Europol encourages the use of the term child sexual abuse and exploitation material in accordance with the "Luxembourg Terminology Guidelines For The Protection Of Children From Sexual Exploitation And Sexual Abuse" .

Europol Public Information

Europol's answer:

Europol has been involved in the prevention of child sexual abuse through the Police2Peer Project. The aim of the project is deter those that distribute images and videos of children being sexually abused. Peer-to-Peer (P2P) file sharing has been one of the easiest ways to access child sexual abuse material for a very long time. The applications used are free and readily available on the internet, requiring nothing more than a standard internet connection. The users on these file sharing networks, sharing all kinds of files, have felt protected by being just one of a huge number of computers/users interconnected this way. The same has been the case for those that have a sexual interest in children and actively seek out, share and download images and videos depicting the sexual abuse of children.

Latest figures from the Police2Peer Project show results, indicating a drop of identified child sexual abuse P2P activities to by more than 55%.

More traditional primary prevention, such as the one delivered through education, achieved through safeguarding programmes and other methods, is difficult to quantify in terms of effectiveness and is not an area that Europol has direct statistics on.

I hope that this answer will prove satisfactory. Europol remains available for further clarifications.

A handwritten signature in blue ink, appearing to be 'J. Ebner', with a long horizontal stroke extending to the right.

Yours sincerely,

Jürgen Ebner
Deputy Executive Director of Governance