



Eurochild
Putting children at
the heart of Europe



**Missing
Children
Europe**

Brussels, 22 January 2021

Dear Birgit Sippel MEP,

As European Parliament rapporteur on the *Temporary derogation from certain provisions of the ePrivacy Directive as regards the use of technologies by number-independent interpersonal communications service providers for the processing of personal and other data for the purpose of combatting child sexual abuse online*, you have a key role in the trilogue negotiations with the Council and European Commission. **We appreciated your flexibility to incorporate a number of amendments to your original report allowing the Commission's proposal for a temporary derogation to go forward with a number of additional safeguards.**

As Presidents of **Missing Children Europe** and **Eurochild**, together representing over 2000 children's organisations across Europe, we are extremely worried about the recent figures from the [US National Center for Missing and Exploited Children \(NCMEC\)](#) that show a 46% drop of reports of EU child sexual abuse-related cases in the last 3 weeks after the European Electronic Communication Code entered into force on 21 December, compared to the previous three weeks. This sharp decrease is a direct consequence of the new EU privacy legislation that entered into force without an agreement on the Temporary Derogation during the trilogue last December 17th. We are therefore very disappointed that no agreement was reached and left so many child victims unprotected.

To date 24 child rights and other human rights organisations, including 11 European and international networks¹ representing thousands of national organisations have signed the Statement '[The EU fails to uphold protection of children from sexual abuse online through technology](#)'. As child-rights based organizations we are well aware we cannot win this battle alone and that the fight against child sexual abuse requires a multi-stakeholder approach, where all play a role, including the private sector.

The use of specific technologies from online communication services providers to detect child sexual abuse and exploitation online is life saving for children. These technologies have proven extremely effective throughout the years to identify victims, bring perpetrators to justice, saving children from ongoing abuses and in certain instances, they have been instrumental in preventing the abuse from happening, as is the case with the anti-grooming technology. With the current technology, victims like Emma Holten, who experienced online abuse when she was 16 years old, could have been detected, while now in her late twenties her photos still circulate on the internet, states a recent article in Politico '[How Europe's privacy laws are failing victims of sexual abuse](#)'.

¹ Missing Children Europe, Eurochild, Save the Children, SOS Children's Villages Europe, Child Helpline International, Hope and Homes for Children, Child Fund Alliance, Alliance for Childhood European Network Group, IFM-SEI, Victim Support Europe, and Women Against Violence Europe



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Evidence shows that during the pandemic children spend more time online and are therefore even more likely to be victims of child abuse. Every day without an agreement on the Temporary Derogation to the ePrivacy Directive, countless numbers of children in Europe run enormous risks to be left unprotected and are at far greater jeopardy to get into the hands of sexual predators online.

We urge all negotiating parties in the current trilogues to find an agreement with the shortest delay possible and adopt the Temporary Derogation to the ePrivacy Directive to allow online communications services providers to resume using the technological tools to detect, report and remove child sexual abuse material - both known images and videos, as well as new material, including self-generated content, and detect and report instances of grooming.

The [EU strategy for a more effective fight against child sexual abuse](#), published by the Commission on July 24th, in which the Commission announced the long-term legislation which will replace this temporary and strictly limited derogation, will allow us to further cooperate to improve the transparency and accountability related to the use of these and new technologies by the companies.

Right now, children cannot wait any longer: every child victim that goes undetected due to the lack of an agreement is one child too many. The EU and its member states are bound to the UN Convention on the Rights of the Child which means children and their rights should be at the heart of their negotiations: protecting children from abuse and child safety should always be the primary consideration in all decisions and legislation concerning children. Children who have been victims of sexual abuse experience devastating long-term consequences with their health and well-being.

We call on you as negotiator for the European Parliament to step up your efforts to protect the rights of the most vulnerable children, who are victims or at risk of sexual abuse.

We count on you to put forward a child victim-centred approach in this legislation and ensure children are not left unprotected and put an end to the impunity of the perpetrators.

Yours sincerely,

Maud de Boer-Buquicchio
President Missing Children Europe
Former UN Special Rapporteur on the sale
of children, child prostitution and child pornography

Marie-Louise Coleiro-Preca
President Eurochild
Former President of Malta