

German Bundesrat: Statement on Proposal to Combat Child Sexual Abuse Online

News

Anna Pingen

On 5 October 2022, the German Bundesrat (a legislative body representing the 16 federal states (Länder) at Germany's federal level) published an [opinion](#) on the Commission's proposal to prevent and combat child sexual abuse online (→ [eucrim 2/2022, 91-92](#)). The Bundesrat welcomed a number of measures contained in the proposal (such as the establishment of a new, independent EU center to facilitate its implementation) and generally supports the Commission's goal of improving the protection of young people from sexual violence. However, it took also a critical stance to some regulations:

- Interference by the new law with the freedoms of expression, communication, and the media, given the widespread use of technology to identify child sexual abuse;
- Danger of creating a "chilling effect" on media freedoms, as the regulations offer the possibility to check and thus monitor the content concerning and communication of children if there is a significant risk to their integrity;
- Dangerous impact of restrictions on journalists' and whistleblowers' ability to communicate and conduct research;
- Fundamental rights concerns regarding the use of technology to detect child sexual abuse material (Art. 10 of the proposal) - this pertains particularly to the intended legal obligation of service providers to search the private communications of their users for suspicious patterns using technical aids ("chat control").

In addition, the Bundesrat welcomes the fact that Arts. 14 and 15 of the proposed Regulation also focus on the prompt removal of depictions of child sexual abuse from the Internet, but the process is seen critically. The Bundesrat prefers a deletion obligation that arises directly from the Regulation and takes effect immediately after the hosting service becomes aware of the misuse.

The Bundesrat's opinion follows numerous critical statements on the Commission's initiative which is seen as a too broad attack on the rights to privacy (→ [eucrim 2/2022, 91-92](#)).

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