Dear colleagues,

Please find below EE reply.

Kind regards,

[Signature]

From: [Email Address]
Sent: jeudi 19 janvier 2023 05:00
To: [Email Address]
Cc: [Email Address]
Subject: RE: Reminder on Interim Regulation obligation to submit statistics (ddl 20/01)

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Hello [Name]

Notifications received from service providers originate mainly from NCMEC. Most of the Cyber Tipline (CT) reports received from NCMEC in 2021 were related to the following numberless interpersonal communication service providers: Google and Facebook Messenger. From the surface of the registered crimes of 2021, it can be said that the indication that the information has been transmitted by the service provider can be seen primarily from the Cyber Tipline reports received from NCMEC. In most cases, service providers are not the ones who transmit information to the police about crimes committed against children on the Internet.

- From organizations fighting against the sexual abuse of children in the public interest (Child Helpline 116 111) - registered cases are related to crimes against sexual self-determination.
- From the surface of registered crimes, it can be said that the crimes committed on the Internet in 2021 were related to more common environments for exchanging private messages, conversations and file sharing by children themselves, such as - Facebook Messenger, Snapchat and Instagram.
- We were not sure whether in the context of this article it is intended to explain the number of identified children also in the procedures initiated on the basis of these reports, if the information a) does not come from the service provider (service provider), in particular from the providers of numberless interpersonal communication services and b) from the organization representing the interests of children - most child victims are identified on the basis of information received from natural persons or during police work. This also applies to convictions.
- Since your letter below refers to the disclosure of statistics (make publicly available) then the Ministry of Justice statistics are official and public statistics. The statistics of Police and Border Guard, including NCMEC, are not public.
And the asked questions:

a) In total, in 2021, 360 non-contact sexual crimes (pornography and child sexual enticement, i.e. § 175', § 178-179 of the Criminal Code) against a child. 74% of cases of child sexual attraction and 86% of all non-contact sexual crimes were committed in the Internet environment or using information technology tools. The order of the platforms in the following Picture is in a random order. The statistics was taken from here: 

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*www.facebook.com
*kiirsuhtlustarkvara Telegram
*www.vk.com
*kiirsuhtlussprogramm Viber
*Messenger
*interneti suhtluskeskkond Discord
*Youtube
*Whatsapp
*Snapchat
*iCloud
*Instagram
*Google Drive
*"Likee"
*www.armastusesaal.ee
*www.vk.ru
*TikTok
*Google Photos
*www.google.com

b) Children who have been identified on the basis of information received from service providers (providers) have mostly produced and uploaded this material themselves (self-generated material). The number of children identified from these materials is mostly not reflected in criminal statistics, unless the account-related contact information provided by the service providers is not sufficient to identify the child without criminal proceedings. 2021 On the basis of the reports received by the NCMEC Cyber Tipline, both male and female children were identified in Estonia in 2021, whose need for assistance was explained. They had mainly uploaded material about themselves to YouTube (at least 12 male and 6 female children were identified).

We could not find the number of child victims in non-contact sexual crimes in the Ministry of Justice 2021 crime statistics.

c) As of 31.07.2022, the proceedings initiated on the basis of CT reports received by 2021 NCMEC had resulted in a guilty verdict against 2 persons. Related ISP’s: Google (Drive, Photos). In the rest, either the criminal proceedings have been completed or the criminal proceedings are continuing.
The Commission would like to draw your attention to the fact that Member States have to fulfil their obligation under Article 8(1) of Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse. The Article in question requires that the Member States, by 3 August 2022, and on an annual basis thereafter, shall make publicly available and submit to the European Commission reports with statistics referring to online child sexual abuse on the following:

a) the total number of reports of detected online child sexual abuse that have been submitted by providers and organisations acting in the public interest against child sexual abuse to the competent national law enforcement authorities, differentiating, where such information is available, between the absolute number of cases and those cases reported several times and the type of provider on whose service the online child sexual abuse was detected;

b) the number of children identified through actions pursuant to Article 3, differentiated by gender;

c) the number of perpetrators convicted.

Therefore, we would like to ask the relevant authorities in your Member States to submit the required statistics or, if it has been published, share that information with the European Commission as soon as possible, preferably by 20 January 2023.

The Commission would like to extend its thanks the Member States that already submitted their contributions, namely: AT, CY, CZ, DE, HR, LT, LV, MT, PT, SE, SL, SK.

Starting in February, the Commission will prepare a report on the implementation of the Interim Regulation based on the statistics received by then. This report is of particular importance as it will also contribute to inform the ongoing negotiations of the CSA proposal.

The required statistics and information should be sent to EC-CSA@ec.europa.eu.

Please do not hesitate to contact the Commission at the above-mentioned e-mail address in case of need for more information.

The Commission would like to draw your attention to the fact that, in the absence of a satisfying reply, the Commission may have to use the enforcement power it holds under the Treaties.

Yours faithfully,

CSA team at DG HOME