Re: 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

Information for the Commission from Ireland

Question 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;

An Garda Síochána (Ireland’s national police service) has received referrals from the National Center for Missing and Exploited Children (NCMEC).

The number of referrals received are as follows:

2021 = 6,187 NCMEC referrals

2022 = 9,168 NCMEC referrals

Not all referrals are actionable. Therefore, the number of referrals does not necessarily equate to the number of cases actioned on foot of NCMEC referrals.

An Garda Síochána does not keep a record of images or videos reported multiple times as the focus in such circumstances is on the person who downloads, accesses, or uploads the relevant material. Once the child abuse material is deemed to be "child pornography" or "sexual exploitation of a child", as defined in the Criminal Law (Sexual Offences) Act, 2017, an investigation commences in order to identify the person associated with downloading or
uploading same. Such investigations do not take into account whether the same image or video has been reported on other occasions.

An Garda Síochána works with Interpol in the population and interrogation of the International Child Sexual Exploitation (ICSE) database, which operates to identify victims of child sexual exploitation as identified in child abuse material online. In this way, repeat referrals of child abuse material are identified. An Garda Síochána has not previously recorded the service provider used to access child abuse material on a routine basis for statistical purposes. This information will be available from 2023 onwards.

**Question B**

*The number of children identified through actions pursuant to Article 3 differentiated by gender:*

2021 - 50 children; gender breakdown was not recorded in 2021.

2022 - 51 children; 26 males and 25 females.

**Question C**

*The number of perpetrators convicted;*

Regrettably, the data sought cannot be provided at this time due to the nature of the central database used to record crime. It has not previously been a requirement to record the nature of the initial referral to An Garda Síochána on the database. Complications also arise due to the different systems used to record outcomes of cases depending on the court in which the case is heard. It is acknowledged that reporting on this matter is an obligation under Article 8(1) of Regulation (EU) 2021/1232 and consideration is being given to how this information can be collated and provided in future. It should however be noted that, following a referral, the subsequent forensic examination of evidential material seized in the course of investigations of this type is a complex process which can take a considerable amount of time to progress. Court proceedings add to the length of time taken before a case can lead to a conviction. Consequently, it will in any case be some time before accurate information is available in respect of convictions arising from referrals made in 2021 and 2022.