



Commissioner Ylva Johansson

MEETING WITH CHARLOTTE CAUBEL FRENCH STATE SECRETARY FOR CHILDREN AND FAMILIES

27 September 2022, 15:00 – 16:00

Brussels

Table of contents

1. Scene setter
2. Main messages
3. Background
4. Annex – meeting reports and CV of State Secretary Caubel

SCENE SETTER

State Secretary Caubel has requested a meeting with you. She would like to discuss the proposal for a Regulation to prevent and combat child sexual abuse more generally, without any particular focus.

This is your first meeting with State Secretary Caubel. You met her predecessor, Adrian Taquet, twice in 2021, once together with Minister of Interior Gérald Darmanin during your visit in Paris on 6 October 2021, and again in December 2021 on the margins of the European Parliament high-level event on tackling child sexual exploitation and abuse. Secretary Taquet expressed French support for the Commission proposal to fight child sexual abuse, including the EU Centre, and identified this file as a priority for the French Government. This support was confirmed in a meeting between Director Laurent Muschel and State Secretary Caubel's Head of Cabinet Sébastien Gallois on 22 July 2022. State Secretary Caubel's visit serves in part to express the French support for the file, and we understand she has sought meetings also with Csr Reynders and selected MEPs.

Your meeting with her provides an opportunity to thank the State Secretary for the French support for the file, to provide an update on key developments in the discussions, and to identify opportunities to increase support for the initiative, perhaps also jointly.

[REDACTED]

[REDACTED]

Contact(s) – briefing coordination: MAGLIONE Monika (CAB)

[REDACTED]

MAIN MESSAGES

General

- I appreciate the support of France for the May 2022 proposal. The discussions are difficult, but we all agree that it is necessary to put in place stronger protections for our children. Nonetheless, there is strong opposition from within a few Member States.

Commission proposal for a Regulation to prevent and combat child sexual abuse

- We need to have strong legislation that will not allow perpetrators to find safe havens on the internet. Voluntary detection is insufficient – while some companies take decisive steps against this crime, others do not take any action at all.
- My proposal for a Regulation to prevent and combat child sexual abuse was adopted in May. The proposed rules will oblige providers of hosting and of communications services to assess the risk of child sexual abuse on their platforms and to take measures to limit that risk. If those measures are insufficient, providers may be obliged to detect, report and remove child sexual abuse online.
- The system of mandatory detection upon reception of a detection order will replace the current system of voluntary detection efforts, which will expire in 2024.
- This does not replace the important work that child sexual abuse hotlines do today, including the French Point de Contact. The proposal aims to preserve national tools and provisions that are in place and have shown their effectiveness, such as the Pharos platform in France, which offers citizens a reporting channel for illegal content. Those efforts can continue.
- Similarly, blocking or removal practices that are currently allowed under national law, such as blocking or removal of content by the police, can and will continue undisturbed. But we clearly need to do more as these efforts alone have proven insufficient by themselves.
- As part of the proposed system, an EU Centre should take responsibility in the EU for the work currently performed for the voluntary system by a US centre (NCMEC). The EU Centre will support Europol and the Member States but will not take on any law enforcement role.
- The EU Centre will filter out obvious false positives, i.e. reports which clearly have no investigative value and have been sent by mistake. This will allow Europol and national law enforcement authorities to focus on their core tasks. The EU Centre will also give feedback to providers on the quality of the reports sent, thereby improving the overall quality of the reporting process over time.
- The aim of the proposal is to create a balanced and targeted system, limited to what is strictly necessary and proportionate. In this respect, the Centre is a key component of the legislation, ensuring transparency and accountability and being an essential safeguard of the process to detect, report and remove child sexual abuse online.
- We have started the discussions within the Council in June, thanks to the immediate priority the French Presidency gave to this file. The dialogue between the

Commission and national delegates has been constructive and has allowed to clarify outstanding doubts and identify possible solutions to specific concerns. This includes, for example, the concern expressed also by France about preserving existing mechanisms established already to address terrorist content online, where I am confident that we can find a solution.

- Only last week, the responsible committee in the European Parliament (LIBE) has appointed a rapporteur for the file (Mr Zarzalejos, EPP/Spain). I will present the proposal before the LIBE committee on 10 October and technical work on the file will start soon thereafter. I understand you also intend to engage with other interlocutors in Brussels, and I welcome your strong engagement on this important file.

[If needed: more details on specific points of the legislation likely to be of interest]

The EU Centre

- The proposal paves the way for establishing the **EU Centre to prevent and combat child sexual abuse**, to facilitate the work of:
 - companies in detection, reporting and removal of CSA online;
 - law enforcement in following up with the reports from companies;
 - Member States in prevention and assistance to victims
 - partners outside of the EU, given the global nature of these crimes, working closely with similar centres around the world (e.g. US, Australia and Canada).
- The centre should support detection, by maintaining a **database** of CSA indicators (e.g. hashes) that would reliably enable the detection of what is defined as CSA **according to EU rules**. It would facilitate access to reliable tools for companies to use. And, most importantly, it would receive and swiftly analyse and allocate reports of CSA – a service for which we currently have to rely on the United States.
- The centre should also act as a hub of expertise to support Member States on **prevention and victim support**.
- The centre is a key component of the legislation, ensuring transparency and accountability and being an essential safeguard of the process to detect, report and remove child sexual abuse online.
- It could be a counterpart for similar entities around the world, boosting operation and sharing of experience and best practices globally.

Safety by design to safeguard children online

- I take note of the French initiative to oblige device manufacturers to install parental control systems, for devices sold in France.
- The EU Strategy further highlights the importance of **industry** taking responsibility for the protection of children in their products. I fully share your approach of '**safety by design**', in particular when it comes to online services that may be used by children.
- Companies are well-placed to invest in safety by design elements in existing and new services to make it difficult for bad users to identify and make contact with children. This approach may also be used to ensure that online environments in which children are interacting are supportive and limit the possibility of risky situations.

- As part of its work to develop a proposal for a Regulation to prevent and combat child sexual abuse, we took into consideration the inclusion of safety by design principles to continue supporting aspects on prevention.

Other relevant initiatives

- The **EU Internet Forum**, in which France participates actively, is an important initiative which brings together industry and ministers of interior of all Member States to coordinate action in this area. One key example is the expert process with industry, academia, public authorities and civil society organisations, to identify technical solutions that would allow companies to detect CSA in end-to-end encrypted electronic communications whilst still safeguarding fundamental rights. This is a process that still requires further exploration, and it remains a very sensitive issue.
- We are setting up a **prevention network** composed of experts and practitioners, which will have the Centre as its hub. We want experts to exchange what is working well, to learn from one another, and to all improve jointly when it comes to preventing these crimes.

BACKGROUND

1. The French legislative proposal to protect children

On 3 November 2021, a legislative proposal has been proposed in France (rapporteur Bruno STUDER, Member of National Assembly) by a group of parliamentarians, to **encourage the use of parental control over certain equipment and services sold in France** and providing access to the Internet. This legislative text aims at forcing device manufacturers to install parental control systems, for devices sold in France.

According to an Interview of Mr Adrien Taquet, on 22 November 2021, **the text has already been notified to the European Commission by the Government**, and more precisely by Mr. Adrien Taquet and Cédric O (Secretary of State for the Digital Economy, Digital Transition and Electronic Communications). Furthermore, in his interview, Mr Taquet expressed the wish, during the French Presidency, to **strengthen the cooperation of hotel and apartment reservation platforms, for EU-wide judicial requisitions** to fight against child prostitution.

2. More details on the State of Play in Council and EP - Commission proposal for a Regulation to prevent and combat child sexual abuse

- The proposal was discussed in the Council's Law Enforcement Working Party on 18 May, 22 June, 5 July, 20 July, 6 and 22 September. The Commission responded to each of the 240 questions sent by 12 Member States. The main themes were the obligations on companies (relationship with other EU legislation notably the Digital Services Act, Terrorist Content Online, and General Data Protection Regulation, general monitoring, encryption, and the possibility to continue with voluntary detection), and the EU Centre (choice of seat, tasks, relations with Europol, national law enforcement and Data Protection Authorities). The next meeting will take place on 5 October 2022.
- The proposal will be presented to the LIBE Committee of the European Parliament on 10 October. The rapporteur for the proposal is Javier Zarzalejos from the EPP, shadows informally confirmed thus far are Hilde Vautmans (RE, BE), Paul Tang (S&D, NL), Patrick Breyer (Greens, DE).

3. Recent statistics, court cases and investigations

- [Twitter was sued](#) for refusing to remove widely shared abuse images and videos of a teenage victim. The teenager was blackmailed into sending sexually graphic photos and videos, which resurfaced and were seen by his classmates, resulting in harassment at school. Twitter did not remove the material on victim's request, only when the US Department of Homeland Security intervened. This case shows that the burden of ensuring the take-down of child sexual material remains with survivors.

[Report slams German opposition to new child sexual abuse rules, France among top hosts of child sexual abuse material](#)

The amount of online child sexual abuse material hosted in Germany has risen by nearly 10-fold compared to 2020, a report found on Tuesday (5 July).

Figures from the UK-based Internet Watch Foundation (IWF) show that the Netherlands, France, Latvia and Germany are the countries hosting the largest amount of known child sexual abuse material in the EU.

ECPAT-Survey, Project Beacon, 2020

ECPAT carried out [a survey](#) in 8 Member States (DE, FR, IT, NL, PL, SE, ES, HU) where [a majority of respondents indicated that](#): Nearly 70 percent of Europeans would be willing to give up some of their privacy to tackle child sexual abuse online, according to child safety NGO.

- **Detection** (of CSA online) is perceived to be **as or more important than people's personal privacy** online (76% of respondents)
- There is **strong support for the upcoming legislative proposal** on CSA (mandatory detection by companies), even when people hear about the possible downsides (68%)
- People believe that **kids are not safe online** (73%)
- People believe that online privacy has gone (68%)
- "The research findings were broadly consistent across all eight countries. Most respondents in the qualitative research groups did not know that hash detection tools to address online child sexual abuse material existed or that anti-grooming tools had been developed. Once participants learnt about these tools, they were angry that they weren't being used and turned on at all times. Participants in these groups held to this view even when they were told that their data could be scanned to achieve this.
- Nearly 7 out of 10 people feel that there is not much, if any, privacy online anyway. Those who believe online privacy does not exist (68%) greatly outnumber those who believe it does (25%)
- Most respondents in the qualitative research groups did not know that hash detection tools to address online child sexual abuse material existed or that anti-grooming tools had been developed. Once participants learnt about these tools, they were angry that they weren't being used and turned on at all times. Participants in these groups held to this view even when they were told that their data could be scanned to achieve this.
- Nearly 70 percent of respondents also said they would support a European law to make online platforms such as Facebook detect and report images of abuse and grooming — the way a sexual offender builds a relationship with a child — with technology scanning their photos and messages, even though this means giving up certain personal privacy.
- The survey conducted by YouGov was taken by nearly 9,500 people in France, Germany, Spain, Sweden, Italy, the Netherlands, Poland and Hungary. Among the respondents, 41 percent were aged 55 and over, 34 percent were between the ages of 35 and 54, and 25 percent were between the ages of 18 and 34.

Evidence from the Canadian Centre for Child Protection

The Canadian Centre for Child Protection gathered data on the distribution of CSAM corresponding to 3 victims. The findings are solid evidence in favour of our legislative proposal, in particular the detection, removal and blocking obligations:

- Contrary to popular belief, most CSAM is not physically found on the dark web. Rather, CSAM is primarily hosted on the servers of electronic service providers (ESP) operating on the clear web.

- In this context, the dark web is often then used as a major communication and advertising channel for directing offenders to areas on the clear web where CSAM is found, generally via the promotion of download links.
- These links are known to be downloaded, in some cases, tens of thousands of times.
- This explains why when German law enforcement shut down the dark web forum, BoysTown, in 2021, vast amounts of material publicized within that online community continued to exist online —the communication channel was disrupted, not the CSAM itself, which was often hosted elsewhere on the clear web.
- **They found more than 30k distribution points for the material, the majority of them located in the French server free.fr**
- 53 download links found to be hosting CSAM on this service facilitated the creation of more than 75.1 million new copies of CSAM or harmful images on local computers worldwide.
- In total, the 53 archives files were downloaded 628,883 times before Project Arachnid issued takedown notices.
- Some of the files had been live on the internet since 2015. The most downloaded archive file contained an hour-long video compilation of one of the most popular victims of CSAM on the internet, one of one of the 3 victims in the study. It was downloaded 61,250 times.

[French operation with Europol's support, November 2020](#)

- **A nation-wide operation led by the French Gendarmerie** (Gendarmerie nationale) **with the support of Europol** that targeted suspects who sexually exploited children online has netted 14 arrests. Code-named 'Horus', the operation took place between 16 and 20 November 2020. The alleged suspects used social media networks to approach minors aged between 12 and 13 and lured them into sharing intimate images and videos. The arrested suspects are said to have had no links between them and three have already been sentenced. With investigations still ongoing, operation Horus has contributed to identifying eight potential victims and the seizure of 1 058 illicit images.
- Coordinated by C3N, the French Gendarmerie's cybercrime centre, over 50 cyber-investigators tracked the online activities of a large volume of users. Suspected users often swapping pseudonyms made the investigations complex.
- Europol provided support during the action days with operational analysis and real-time database cross-checks to enable the identification of potential suspects and victims.

[Europol's Victim Identification Taskforce 2021 - Six child victims of child sexual abuse removed from harm](#)

Six victims of child abuse have been identified and removed from harm as a result of the 9th Victim Identification Taskforce organised by Europol's European Cybercrime Centre (EC3).

Between 14 and 25 June 2021, 41 victim identification specialists from across the world joined forces to identify as many victims of child sexual abuse as possible.

Europol is managing **more than 59 million unique images and video files in its dedicated repository**. To prepare for the action, Europol specialists selected footage of victims whose location and identity had not yet been established.

The participants combined their efforts to **assess over 300 series**. For 47 of these, the likely country of production was identified. The concerned EU Member States were immediately notified so that they could launch their own investigation at the national level. Europol is now providing support to these countries to help safeguard the children as quickly as possible and apprehend the offenders.

The following countries and agencies took part in this edition of the Victim Identification Taskforce: Australia, Belgium, Bosnia-Herzegovina, Canada, Denmark, Estonia, **France**, Georgia, Germany, Hungary, INTERPOL, Latvia, Moldova, the Netherlands, Norway, Portugal, Spain, Switzerland, Ukraine, US ICE and US FBI.

Reports from companies

The reports of child sexual abuse online by companies have been **instrumental** for years in **rescuing children in the EU from ongoing abuse**. They have led to, for example:

- the rescue of 11 children, some as young as 2 years old, who were exploited by a network of abusers in Sweden¹;
- the single largest operation ever against child sexual abuse in Denmark²;
- the rescue of a 9 year-old girl in Romania, who had been abused by her father for more than a year³;
- the rescue of a 4 year-old girl and her 10 year-old brother in Germany, who had been abused by their father⁴;
- **the arrest of an offender in France who groomed 100 children to obtain child sexual abuse material from them⁵**;
- the rescue of 2 girls in Czechia, abused by a 52 year-old man, who recorded the abuse and distributed it online⁶.

Sample cases in France

- Case # 1:
 - French police received in 2018 a NCMEC report submitted by Facebook alerting of the distribution of child sexual abuse material via **Facebook Messenger**.
 - The investigation revealed that the offender provided **PlayStation codes** to young boys in exchange of child sexual abuse material.
 - The offender was arrested. There were around **100 victims**.
- Case # 2:
 - French police has received a number of cases from NCMEC submitted by KIK alerting of the distribution of child sexual abuse material via **KIK Messenger**.
 - The cases typically involve multiple offenders (up to **20 offenders** per case).
 - The cases have led to **multiple arrests**.

Initiatives

¹ Swedish Cybercrime Centre SC3, Swedish Police.
² [2018 Internet Organised Crime Threat Assessment](#), Europol, page 32.
³ As reported in the Romanian media, see [here](#) and [here](#).
⁴ As reported by the German Federal Police (BKA).
⁵ As reported by the French police.
⁶ As reported by the Czech police.

- **Stop Child Abuse – Trace an Object** is an online campaign by Europol that shows objects which appear in the background of child sexual abuse material footage. Until early July 2021, the Stop Child Abuse – Trace an Object has helped remove 12 children from harm and arrest 4 offenders with over 26 800 tips received.

Annex

Report – Meeting between Commissioner Johansson and Adrien Taquet, 7/12/2021

Participants

- COM: Commissioner Johansson, Monika Maglione (CAB), [REDACTED]
- FR: Adrien Taquet (State Secretary for Children and Families), [REDACTED]

Main takeaways

This brief meeting took place right after the high level event on preventing and combatting child sexual abuse organised by the European Parliament’s Intergroup on Children’s Rights, where both the Commissioner and Mr Taquet participated.

Mr Taquet reiterated FR’s support for the upcoming legislation on preventing and combatting child sexual abuse, including the obligations on companies to detect, report, and remove child sexual abuse online, and to put in place safety by design, and the creation of an independent EU Centre.

The Commissioner described the main points that the proposal under preparation should address, including the detection of child sexual abuse online, prevention and assistance to victims.

Mr Taquet reiterated the interest of France to host the possible EU Centre.

The Commissioner mentioned the upcoming summit of the WeProtect Global Alliance to end child sexual exploitation online that will take place in Brussels next year, and invited France to co-host it with the Commission.

Report: Meeting with Sébastien Gallois, Head of Cabinet to State Secretary for Children Caubel, on the CSA Proposal, 22 July 2022

Participants: Sébastien Gallois, Laurent Muschel, [REDACTED]

Director Muschel and HoC Gallois exchanged on the proposed Regulation to prevent and combat child sexual abuse. Director Muschel explained the aspects of particular importance from the point of view of the portfolio of the Secretary for Children. He welcomed France’s positive engagement on the proposal. In terms of timing, the proposal was a priority for the Czech presidency, which hoped to come to a common position at the end of the year. He also explained that on the EP side, rapporteurs were still to be appointed.

HoC Gallois indicated that Minister Caubel may visit Brussels in the autumn, and he and Director Muschel discussed possible meetings with Commissioners Johansson and Reynders and selected MEPs. HoC Gallois also indicated openness to hosting expert visits to relevant French bodies in order to help illustrate the challenges and opportunities.



Charlotte Caubel

Secrétaire d'État auprès de la Première ministre, chargée de l'Enfance

Formation

- Diplômée de [l'Institut d'études politiques \(IEP\) de Paris](#),
- Titulaire d'un diplôme d'études approfondies (DEA) de droit public
- Diplômée de [l'École nationale de la magistrature \(ENM\)](#).

Parcours professionnel

- Substitut du procureur de la République près le [tribunal de grande instance \(TGI\) de Meaux](#) (1998-2001).
- Rédactrice au bureau de la Protection des victimes et de la politique de la ville (2001-03), puis adjointe au chef du bureau de l'Entraide pénale internationale (2003-2005) à la [Direction des affaires criminelles et des grâces du ministère de la Justice](#).
- Juge (2005-2006), puis vice-présidente (2006-2009) au [TGI de Bobigny](#).
- Secrétaire générale du président du TGI de Bobigny (2006-2009).
- Conseillère juridique (2009-2013), puis sous-directrice chargée des fonctions de conseillère juridique (2013-2014) du directeur du [service à compétence internationale Tracfin](#).
- 1ère vice-procureure de la République près le [TGI de Paris](#) et cheffe de la section Affaires économiques, financières et commerciales du [parquet de Paris](#) (2014-2017).
- Conseillère au cabinet d'[Édouard Philippe](#), Premier ministre (mai-août 2017).
- Conseillère, cheffe du pôle justice au cabinet d'Édouard Philippe, Premier ministre (2017-2020).
- Directrice de la protection judiciaire de la jeunesse au [ministère de la Justice](#) (2020-2022).
- [Secrétaire d'État auprès de la Première ministre, chargée de l'Enfance](#) (depuis mai 2022).

Mission

[Décret n° 2022-867 du 8 juin 2022 relatif aux attributions de la secrétaire d'État auprès de la Première ministre, chargée de l'Enfance](#)