EUROPOL

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> Joint Parliamentary Scrutiny Group Secretariat
> To the attention of the JPSG Co-Chairs
>
> *By email only:*
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Europol answer to written questions from the Members of the European Parliament (MEPs), **Mr Patrick Breyer**, **Ms Gwendoline Delbos-Corfield and Ms Saskia Bricmont**, **to the Joint Parliamentary Scrutiny Group (JPSG)**

Dear Co-Chairs,

In accordance with Article 4.2 of the JPSG Rules of Procedure and Article 51 of the Europol Regulation, Europol would like to respond to the questions raised by **the Members of the European Parliament (MEPs)**, **Mr Patrick Breyer**, **Ms Gwendoline Delbos-Corfield and Ms Saskia Bricmont**, received by Europol on 15 March 2022 as follows:

Written questions

1. **Since Europol was involved in the "Boystown" investigation, is it correct to assume that Europol is not reporting known hyperlinks to child sexual exploitation content to the relevant hosting services?**

Europol's answer

Within the remit of its mandate, Europol supported this operation by organising operational meetings, providing analytical, technical and victim identification support and by disseminating criminal information packages produced from data contributed by the law enforcement competent authorities in the framework of this operation, which was initiated and led by the respective authorities in Germany.

Europol does not report the hosting of child sexual exploitation material directly to online service providers. This is an activity within the mandate of, and carried out by, national competent authorities, with Europol contributing relevant information from its operational analysis and support activities to these authorities. The foreseen amendments to the Europol Regulation contain specific provisions for Europol to support Member States' actions in addressing the dissemination of online child sexual abuse material, as well as to facilitate the corresponding exchange of personal data with private parties.

2. **How can ongoing child sexual abuse be detected and victims be rescued if investigators do not have sufficient capacities to screen known child sexual exploitation material such as was hyperlinked via the "Boystown" platform?**

Europol's answer

Increasing the effectiveness of the detection, reporting and removal of Child Sexual Exploitation Material (CSEM) circulated online, along with undertaking investigative actions for the identification and safeguarding of the victims, require continuous efforts to make use of and refine respective legal competencies, supported by the required technical and human resources. Europol is actively providing support to its

partners in accordance with the current Europol Regulation, and the technical tools and expertise available. In this respect, a victim identification group within the Agency performs continuous analysis and assessment of CSEM. This work is complemented by specific Europol led initiatives. For instance, Europol regularly organises the so called Victim Identification Taskforce (VIDTF)[1] which brings together specialists from agencies in the EU and relevant partner countries to identify victims and offenders depicted in CSEM. In November 2021, the VIDTF held its 10th edition. Since 2014, more than 530 children have been safeguarded and 182 offenders were arrested as a result of VIDTF operations.

The Trace an Object[2] initiative is also an important public online tool, aimed at helping Europol and national law enforcement authorities to identify objects related to CSE investigations with the help of the general public. Suitable details of images extracted from child sexual abuse 'cold' cases are regularly made public, in the hoop that a member of the general public recognises a detail that will help narrow down the location of the victim. Around 27 000 tip-offs have already been sent to Europol, leading to the identification of 23 children and to the prosecution of 5 offenders.

3. **Since perpetrators typically shared hyperlinks to encrypted file storages containing child sexual exploitation material, can you confirm that indiscriminately monitoring private communications for known imagery would fail to detect such hyperlinks?**

Europol's answer

The detection of CSEM in communication platforms or storage environments is dependent on the type of identifiers used for detection and the level of access to the encrypted communications and storage environments. Such measures are subject to full judicial control.

4. **Have police standards or guidelines for sexual abuse investigations been developed?**

Europol's answer

Europol's operational activities in the area of online CSE are subject to internal standard operating procedures. Competent national authorities develop their own procedures and standards, including based on their national legal framework. Europol provides specific capacity-building support by organising trainings in area of CSE investigations, and also supports other partners in similar activities.

5. **Have Member States put centralized controlling of the number of investigations, their status and police capacities for investigating of child sexual abuse cases into place?**

6. **Have Member States centralized the processing and evaluation of seized image and video material or is this task assigned to local investigators?**

Europol's answers to questions 5 and 6

National competent authorities implement a diverse range of approaches with respect to obtaining an overview (strategic and statistical) of, and conducting investigations pertaining to online CSEM, in line with the respective legal and operational environments. While relevant contributions from the national level have been made to the

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[1] https://www.europol.europa.eu/media-press/newsroom/news/global-europol-taskforce-identifies-18-child-victims-of-sexual-abuse
[2] https://www.europol.europa.eu/stopchildabuse

Serious Organised Crime Threat Assessment (SOCTA) 2021[3], highlighting, in particular, that there has been a continuous increase in activities related to online child sexual abuse, in particular during the COVID-19 pandemic, Europol does not hold a detailed overview of practises in handling CSE investigations and processing CSEM per Member State.

7. Have police standards for carefully evaluating confiscated data with a view to identifying new material and victims been developed?

Europol's answer

Europol has internal operating procedures for analysing the operational data contributed by the partners, both for text and media files, in order to develop criminal intelligence packages, focused on the identification of victims and suspects in CSE investigations. Accordingly, operating procedures are developed at national level, tailored to the specific environment applicable (legal competences, available technical tools etc.).

8. Can you and national investigators rely on sufficient hardware and software for data preparation and evaluation, technical tools for automated selection and reduction of data (AI), police hash databases and sufficient IT capacities to process seized data storage materials?

Europol's answer

The steady increase of data seized and contributed by the competent authorities raises challenges for Europol in providing rapid support for managing and analysing the data in order to provide operational assistance in ongoing operations and for disseminating new criminal intelligence packages. Europol continuously takes actions to address these challenges. The use of AI tools can offer an important tool to Europol's work in CSE investigations, within the remit of Europol's mandate and in compliance with the highest standards of data protection which require significant time for implementation, as all new technologies undergo prior consultation from a data protection perspective under Article 39 of the Europol Regulation before deployment by Europol. As an example, the prior consultation under Article 39 of the Europol Regulation for the use of machine learning tools to support operational analysis was completed in December 2021, after initial contacts on the dossier started in October 2020.

Against this background, the envisaged amendments to the Europol Regulation foresee an urgency procedure on data protection, for preventing and fighting an immediate threat of a criminal offence in respect of which Europol is competent and to protect vital interests of a person. In such cases, Europol may start the data processing, while the observations of the EDPS will be addressed and followed up in parallel.

9. Are national child sexual abuse investigators trained specifically for this task and are they offered psychological support if needed?

Europol's answer

Since 2000, Europol has provided 20 sessions of the annual training "Combatting Online Sexual Exploitation of Children" to law enforcement agencies from the Member States and third partners. The main objective is equipping investigators with the appropriate tools to investigate CSE online. Protection of the rights and the safety of the children involved are the key priority and the course provides thorough victim identification training to investigators. In addition to lectures ranging from perpetra-

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[3]   https://www.europol.europa.eu/publication-events/main-reports/european-union-serious-and-organised-crime-threat-assessment-socta-2021

tor psychology and the latest online investigation techniques to international cooperation, the course programme also includes a wide range of exercises to provide practical guidance.

Europol will continue organising these trainings in the future. Since 2016, in cooperation with CEPOL and INTERPOL, Europol has also supported the yearly delivery of the advanced training for victim identification in CSE investigations to LEAs from Member States.

Europol staff working in the operational area of combating CSE is provided with psychological support on a regular basis, and on request. The same approach is exercised at national level.

I hope that this answer will prove satisfactory. Europol remains available for further clarifications.

Yours sincerely,

Jürgen Ebner
Deputy Executive Director in charge of Governance