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# National CSAM Legislation - European Focus -

# Legislative Overview of EU hotlines and EU Member States' national law on CSAM

*An overview of CSAM legislation when put in practice  
by INHOPE EU member hotlines.*

Created December 2022



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## Introduction

National Hotlines dedicated to combatting online child sexual abuse material (**CSAM**) have been established across the whole European Union (**EU**). These hotlines play an invaluable role in providing the public a way to report CSAM and have it rapidly removed from the digital world. Hotlines are also supporting EU law enforcement agencies in handling the high volume of CSAM online. EU hotlines cooperate closely with the national law enforcement agencies (**LEA**) to provide them with relevant intelligence so that victims of CSAM can be identified and safeguarded as fast as possible. All EU hotlines are part of the International Association of Internet Hotlines - **INHOPE**, the global network of 50 hotlines in 46 countries. The strength of the INHOPE network comes from its interconnected, global nature which allows for the exchange and rapid removal of CSAM in the EU and beyond.

One of the biggest challenges of the INHOPE network is to operate in different legal jurisdictions where hotlines have different legal rights to process CSAM and the legality of CSAM varies depending on the classification of material. These challenges are also relevant within the EU. While the EU has promoted the establishment of hotlines in all Member States, the operation of hotlines has not been explicitly regulated in EU law. This means that currently the legal capacity of hotlines varies across the EU depending on national laws and agreements concluded with national authorities. This document provides an overview of the current situation regarding hotlines' legal basis for operation, legal capacities and the scope of their work in all 27 EU Member States. Furthermore, the EU has obliged all Member States to criminalise all forms of sexual exploitation and sexual abuse of children, including the possession, distribution, and production of child pornography in Directive 2011/93/EU. This document also provides an overview of the relevant national legislations, demonstrating the legislative similarities and differences on CSAM related matters across the EU.

## European Union Legislation

Before diving into EU Member States national laws on CSAM and the operation of national hotlines, it is important to have a quick glance into the relevant EU judicial landscape. The EU has adopted a number of laws and policies to protect children from sexual exploitation and abuse, and to fight against CSAM online. In 2011, the EU adopted a [Child Sexual Abuse Directive \(2011/93/EU\)](#) which is currently the most important EU legislation on combatting child sexual abuse. In June 2020, the EU published its [EU strategy for a More Effective Fight Against Child Sexual Abuse](#), which sets out a comprehensive response to the growing threat of child sexual abuse both offline and online, by improving prevention, investigation and assistance to victims. In May 2022, the European Commission adopted new [European strategy for a better internet for kind](#), the BIK+ strategy with the aim of improving age-appropriate digital services and ensuring that every child is protected empowered and respected online. At the same time European Commission also proposed the [EU Regulation laying down rules to prevent and combat child sexual abuse](#) to intensify the EU fight against CSAM online.

## Directive 2011/93/EU

Currently the key EU legislation on child sexual abuse is 'Directive 2011/93/EU on the protection of children from sexual exploitation and sexual abuse.' This directive requires EU Member States to take a number of measures to prevent and combat child sexual abuse, including:

- Criminalising all forms of sexual exploitation and sexual abuse of children, including the possession, distribution, and production of child pornography.
- Providing support and assistance to victims of child sexual abuse, including access to medical and psychological care, legal aid, and other forms of support.
- Establishing reporting and referral systems to enable the identification and referral of children at risk of sexual exploitation and abuse.
- Ensuring that perpetrators of child sexual abuse are brought to justice, including through the use of effective law enforcement measures and the provision of adequate training for law enforcement and judicial authorities.

### Hotlines

Recital 34 of the Preamble stipulates that Member States should:

- establish and/or strengthen policies to prevent sexual abuse and sexual exploitation of children,
- include measures to discourage and reduce the demand that fosters all forms of sexual exploitation of children,
- put measures in place to reduce the risk of children becoming victims by means of information and awareness-raising campaigns, and research and education programmes.

"In such initiatives, Member States should adopt a child-rights based approach. Particular care should be taken to ensure that awareness-raising campaigns aimed at children are appropriate and sufficiently easy to understand. The establishment of helplines or hotlines should be considered. According to recital 36, the system of reporting sexual abuse and sexual exploitation of children and helping children in need, hotlines [...] should be promoted and experience regarding their functioning should be taken into account. The preamble also notes that the Safer Internet Programme has set up a network of hotlines. Their goal is identified as collecting information and ensuring coverage and exchange of reports on the major types of illegal content online."<sup>1</sup>

Article 25 of the Directive stipulates that Member States shall take the necessary measures to ensure the prompt removal of web pages containing or disseminating child pornography hosted in their territory and to endeavour to obtain the removal of such pages hosted outside of their territory. Member States may take measures to block access to web pages containing or disseminating child pornography towards the Internet users within their territory. These measures must be set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate, and that users are informed of the reason for the restriction. Those safeguards shall also include the possibility of judicial redress.

<sup>1</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.

According to Impact assessment report for the proposed EU Regulation laying down rules to prevent and combat child sexual abuse that the European Commission carried out in 2022, national hotlines are an important element of implementation of Article 25 of the Directive, as a majority of Member States have chosen to implement most of this article through their national hotlines.<sup>2</sup> This is reflected by the fact that there is a national hotline in all EU Member State.

## EC proposed Regulation laying down rules to prevent and combat child sexual abuse

On 11 May 2022, the European Commission proposed a new EU legislation to prevent and combat child sexual abuse online. The proposed rules oblige Hosting Providers (**HPs**) operating in the EU to detect, report and remove child sexual abuse material on their services. More specifically those rules will include:

- Establishing mandatory risk assessment and risk mitigation measures for all providers of hosting or interpersonal communication services offering services in the EU to assess the risk that their services are misused to disseminate child sexual abuse material or for grooming of children and to propose risk mitigation measures; including targeted obligations for certain providers to detect such abuse, to report it via the EU Centre, to remove or disable access to, or to block online child sexual abuse material when so ordered.
- Instructing Member States to designate national 'Coordinating authorities' who will be in charge of reviewing HP's risk assessments and authorising national 'Coordinating authorities' to request from national judicial authority to send a detection order to HPs in case of significant risk of of being misused for the purpose of online child sexual abuse.
- Guaranteeing the least privacy-intrusive measures for carrying out detection orders by allowing the detection of content using solely indicators of child sexual abuse verified material and which is provided by the EU Centre.
- Establishing reporting obligations for providers to report to the EU Centre once they have become aware of any instance of potential online child sexual abuse.
- Establishing an EU Centre to combat Child Sexual Abuse (EU Centre), which will facilitate the efforts of service providers. The Centre 1) will act as a hub of expertise, 2) will provide reliable information on identified material, 3) will receive and analyse reports from providers for identification of erroneous reports , 4) will swiftly forward relevant reports to law enforcement for investigations and 5) will provide support to victims.

### Hotlines

Recital 70 of the Preamble states that both INHOPE and its member hotlines will receive longstanding Union support. They are recognised as the frontline actors in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they work together effectively with

- the national Coordinating Authorities;
- providers of relevant information society services; and
- law enforcement authorities of the Member States.

<sup>2</sup> European Commission Staff Working Document: Impact assessment SWD(2022) 209 final Brussels, 11.05.22, p. 14



Hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

Furthermore, recital 69 stipulates that in order to allow for the effective and efficient performance of its tasks, the EU Centre should closely cooperate with /.../ relevant partner organisations, such as the US National Centre for Missing and Exploited Children or the International Association of Internet Hotlines ('INHOPE') network of hotlines for reporting child sexual abuse material. To facilitate such cooperation, the necessary arrangements should be made, including the designation of contact officers by Coordinating Authorities and the establishment of Memorandum of Understanding (MoU) with Europol and, where appropriate, with one or more of the relevant partner organisations.<sup>3</sup>

The legislative process of this draft regulation has been in progress throughout 2022 as the European Parliament and the Council of the European Union are analysing the proposed legislation.

<sup>3</sup> Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse (COM/2022/209 final).





## Overview of EU hotlines

An internet hotline dedicated to fighting CSAM online exists in every EU Member State. This has been encouraged by the EU through Directive 2011/93/EU and the EU strategy for a more effective fight against child sexual abuse. The operational legal basis, scope and mandate of these hotlines varies across the EU, depending on the national laws and agreements concluded between the hotline and its national authorities. The following information is based on the input provided by the national hotlines that can be found in this report (pages 12-146).

### Legal basis for operation

Twenty (20) EU hotlines have concluded an MoU with the national Law Enforcement that is considered as the main or additional legal basis for the hotlines to operate (BE, CY, CZ, DK, EE, FI, FR, DE, GR, HU, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK). These MoUs vary considerably in their legal mandate and the rights that are given to hotlines.

In five EU Member States (BE, ES, LT, PL, SE) hotlines have been recognised in the national legislation or legislative act. In Lithuania the national legislation provides a legal mandate and relevant procedures for the hotline 'Communications Regulatory Authority'.<sup>4</sup> More specifically, it includes 1) the obligation and right to report illegal content to the hotline, 2) the duty of the hotline to investigate reports, 3) the obligation of the hotline to cooperate with national authorities, 4) the right of the hotline to give mandatory orders to the HPs of Lithuania to take down illegal content hosted on their servers or to disable access to it and 5) the duty of the HPs to take down the reported content. The Polish hotline Dyżurnet.pl is part of NASK-PIB which has been recognised as one of the official Computer Security Incident Response Teams in the Parliament Act of the National Cyber Security System.<sup>5</sup> In Belgium and Spain, the hotlines are recognised in Royal Decrees. In Belgium, organisations other than the police are entitled to receive reports on CSAM if they meet the conditions laid down in the Royal Decree of 18 September 2016.<sup>6</sup> The Belgian hotline Child Focus is explicitly recognised as an organisation competent to receive and analyse online CSAM reports in the Royal Decree of 15 November 2016<sup>7</sup>. The Spanish hotline INCIBE is explicitly recognised as the official Computer Security Incident Response Team in the Spanish Royal Decree-Law 12/2018<sup>8</sup> and Royal Decree 43/2021<sup>9</sup>. The Swedish hotline, ECPAT Sweden is mentioned in the legislative history as an exception to the prohibition in section 16:10(a) in the penal code which regulates acts of child pornography.

<sup>4</sup> Lithuanian national Law on Education Article 232. Available in English: <https://eseimas.lrs.lt/portal/legalAct/lt/TAD/eedc17d2790c11e89188e16a6495e98c>.

<sup>5</sup> Cybersecurity in Poland: National Cybersecurity System Act 2021. Available at: [https://link.springer.com/chapter/10.1007/978-3-030-78551-2\\_7#Fn3](https://link.springer.com/chapter/10.1007/978-3-030-78551-2_7#Fn3)

<sup>6</sup> Government of Belgium. (2016). Royal Decree of 18 September 2016.

<sup>7</sup> Government of Belgium. (2016). Royal Decree of 15 November 2016.

<sup>8</sup> Royal Decree-Law 12/2018, of September 7, on network security and information systems. Available in Spanish: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2018-12257](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2018-12257)

<sup>9</sup> Royal Decree 43/2021, of January 26, which develops Royal Decree-Law 12/2018, of September 7, on network security and information systems. Available in Spanish: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2021-1192](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-1192)



EU hotlines have concluded an MoU with national ministries (BG, IT), the national Prosecutors Office (BE, NL, ES), the national Attorney General (DK) or other national authorities (RO - Authority for Child Rights Protection and Adoption). In Ireland, the hotline is recognised in the Government's Working Group Report and in the Government Action plan.<sup>10</sup>

There are three EU hotlines that do not have an official agreement with national law enforcement - Austria, Croatia and Slovenia. The Austrian hotline has an long-standing informal cooperation with their national LEAs. The Austrian hotline operates on the basis of its national Government support statement. The Slovenian hotline has an operational procedures manual that has been agreed upon between the hotline and the national LEA. The Croatian hotline has an informal cooperation with the national Law Enforcement.

## Mandate

The majority of EU hotlines have been provided with similar rights and responsibilities regarding the processing of online CSAM and sending a notice and takedown order to HPs about the illegal material on their platforms. Hotlines have the legal right to process CSAM in 21 Member States. This means that the hotline analysts can process the material reported to the hotline by the public, and are able to assess its illegality in accordance with the national laws before notifying the national LEA. In six Member States (HR, CY, EE, IT, SI, ES) hotline analysts must directly forward the public report to the national LEA for assessment of the content. Hotlines have the legal right to send out NTDs in 16 countries. This means that the hotlines can directly contact the national HPs once they have determined that the material is illegal or harmful and coordinated with the national LEA (depending on the national law). Hotlines do not send NTDs to HPs directly in 11 EU countries. In these countries the national law enforcement is responsible for sending a notice and takedown order to HPs and ensuring the removal of illegal/harmful material.

## Scope

While all hotlines focus on removing CSAM online, there is also other content that EU hotlines work with. The majority of EU hotlines cover the broader scope of 'the protection of children from sexual exploitation' and also work with cases of sexual harassment (FR, GR, PT, SK), solicitation and grooming (BG, CZ, EE, FI, FR, DE, GR, IE, IT, MT, PT, RO), intimate image abuse (IE) and human trafficking of children (EE, FI, SE). Numerous EU hotlines cover even a broader scope of 'children's rights' and work with cases of cyberbullying (BG, HU, IT, LV, LT, SK); harmful content for children (e.g. incitement to suicide, incitement to drug use, violent content) (BG, FR, DE, GR, HU, IT, LT, LV, PL, PT, SK), missing children (BE) and child-marriage (SE). Next to protection of children, 15 hotlines also process online reports of racism/hate speech/different ideologies (AT, HR, CY, FR, DE, GR, HU, IE, LV, LT, MT, PL, PT, RO, SK).

<sup>10</sup> Government of Ireland National Action Plan for Online Safety, 2018. Available at: <https://assets.gov.ie/162/120718132737-7082532-ONLINE SAFETY ACTION PLAN 2018-2019.pdf>.

# Overview of EU member states national legislation on CSAM

## International criteria

Firstly, it is important to note that when assessing content, hotlines utilise both international and national criteria. The international criteria stem from INTERPOL, which maintains a 'baseline' list of the digital signatures of some of the worst child abuse material. **'Baseline'** is the international standard that aims to isolate the worst of child abuse material that would be considered illegal in any country.

To be considered as baseline, the material has to show:

- A real child (not an artificially created image)
- A prepubescent child (no sign or very first signs of puberty, appearing to be younger than 12 or 13 years old)
- The child involved in/witness to sexual activities; and
- The media has a clear focus on the child's sexual/anal area.

Material that does not meet the standards of baseline, or internationally illegal, may still be considered nationally illegal, but this is contingent on the national legislation of the country in question.

## Content type of the material

Directive 2011/93/EU obliges Member States to criminalise all forms of sexual exploitation and sexual abuse of children, including the possession, distribution, and production of child pornography. Nevertheless, there are still relevant legal gaps and judicial differences between the Member States when analysing a more detailed content type of material related to CSAM. The following legislative overview is based on the input provided by the national hotlines that can be found in this report (pages 12-146).

## Sexualised modelling & images

In most Member States there is no legal definition of 'sexualised' which means that the legality of sexualised modelling of minors or sexualised images of children depends largely on the content and the context of the material. In such cases it is decided on case-by-case bases. The broader definition can be derived from the national legislation prohibiting CSAM. For instance, in Germany the material is considered CSAM under Sections 184b and 184c StGB, if it depicts unnaturally sexualized poses, or the sexually provocative reproduction of the naked buttocks or genitalia of children. An unnaturally sexualised posture is characterized by an atypical, inappropriate, artificial, or provocative character. For example, representations of naked children with legs spread in paddling pools or bathtubs therefore do not fall under the criminal liability if of a reasonable, age-typical and therefore natural attitude of the child. It must be decided on a case-by-case

basis whether there is an unnatural gendered posture, especially for the sexual arousal of the observer. In Estonia the law does not include terms 'sexualised modelling' or 'posing.' Instead the law stipulates that 'erotic situation' (not defined by law) is prohibited in case a person is less than 14 years of age. In France the terms 'sexualised' or 'sexual' are not found in French Criminal Code, however they are met in the jurisprudence and used by the LEA. According to the jurisprudence, content of a sexual nature includes images of children, naked, semi-naked or clothed, with focus on genitalia or the nudity or in sexually explicit positions, wearing age-inappropriate clothing or with age-inappropriate objects suggesting a sexually explicit setting. This excludes a priori images of nudism or naturism without a focus on the body of the child, as well as other images of naked and semi-naked children in a non-sexualised context. 'Sexualised child modelling' often refers to images/videos produced in a professional setting (professional studio or professional shooting outdoors with the logo of the agency attached) while 'sexualised child posing' is content produced in a non-professional environment.

## Artistically & digitally generated CSAM

Member States do not have a harmonised approach when it comes to criminalising drawings/mangas/artistic interpretation of CSAM. Such material is illegal in 16 countries, it is not illegal in 6 Member States (AT, FI, HU, DK, RO, SK) and it depends on the context in 5 Member States (CZ, ES, IT, NL, SE). For instance, in Germany, Greece and Ireland there is no legal difference between fictional and real content related to CSAM. Under Irish law, any video or audio representation that documents a child, or a depiction of a child is covered by the Child Trafficking and Pornography Act, (1998). In Czech Republic, Malta and Sweden however the legality of drawings/mangas/artistic interpretation of CSAM depends on the degree of reality of the image. In Czech Republic and Sweden also the intention of the perpetrator on how to use such material is relevant when analysing the legality of the material. When it comes to digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct, EU Member States take a more unified approach. In the vast majority of Member States it has been criminalised. In Italy, the Supreme Court has ruled that for comics (therefore unrelated to actual sexual activities involving minors) to be considered as CSAM, the drawings must be obtained with high quality digital technologies to make them appear as real. As the criminal offence is not directed towards an existing minor, the aim of the decision is to punish behaviours that encourage or seduce children into participating in such acts, and hence form part of a subculture favouring child abuse. The Finnish hotline has noted that digitally generated CSAM is not yet illegal under their national law, but the relevant legislative process is ongoing to change this.

## Textual CSAM

Another distinguished difference between Member States can be found in the criminalisation of text depictions and fictional text depictions. Text depictions of CSAM are illegal in 10 Member States, not illegal in 10 Member States (AT, BG, FI, GR, HU, PL, RO, SK, ES, SE), unknown in 1 Member State (NL - hotline doesn't work with such material) and it depends on the context in 6 Member States (CZ, FR, HR, DK, IT, PT). Fictional text depictions are illegal in 10 Member States, not illegal in 12 Member States (AT, BG, DK, FI, GR, HU, PL, RO, SK, ES, SE), unknown in 1 Member State (NL - hotline doesn't work with such material) and it depends on the context in 5 Member States (HR, FR, CZ, IT, PT). In Denmark a general text depiction of CSAM is not illegal under Danish law but there may be exceptions in cases where

the text refers to actual crimes against 'real' identifiable children. In Portugal on the other hand, it is only considered a crime if the text depictions of CSAM are in the context of a conversation with a minor. In Czech Republic the legality depends on the intention of the perpetrator and it is assessed on a case-by-case basis.

Member States take also different approaches regarding manuals on Child Sexual Abuse. Such manuals are illegal in 11 Member States, not illegal in 6 Member States (BG, FI, GR, RO, SK, SE), unknown in 1 Member State (NL - hotline doesn't work with such material) and in 9 Member States (AT, HR, CZ, DK, DE, HU, IE, PT, ES) it depends on the content and context of the manual. In Austria the legality depends on the purpose of the material - it is illegal for a manual to be written to convince others to commit such a crime. In Ireland the legality depends on the content of the material - the information manuals alone are not illegal but if these manuals include text that describes explicit sexual activity involving a child it is illegal. In Portugal it is only considered a crime if the text depictions of CSAM are in the context of a conversation with a minor.

## Child grooming

The Member States take a unified approach regarding the criminalisation of child grooming. While in some Member States (RO, SI) the term 'grooming' is specifically defined and criminalised, in other Member States the activity falls within a broad scope of activities related to CSAM that are criminalised. In Romanian law, grooming is defined as 'recruiting minors for sexual purposes' and is incriminated by Article 222 of the Penal Code: 'The act of the adult to propose to a minor who has not reached the age of 13 to meet, in order to commit an act of those provided in art. 220 or art. 221, including when the proposal was made by means of distance transmission, shall be punished by imprisonment from one month to one year or by a fine.' The Slovenian law defines child grooming as 'the act of sexual proposals by an adult to a minor under 18 years' or solicitation to manufacture or manufacture CSAM with a person under 18 years of age. In Denmark, 'Child grooming' is not a term used in Danish law. But it is illegal for an adult to try to lure/bribe/force a child under 15 to partake in sexual interaction with the adult. It is also illegal to ask the child to take photos/video of him/herself in a sexualised context. This is also the case in Estonia, France and Spain. For instance, the Spanish Penal Code establishes various crimes against sexual freedom and indemnity, in which the participation of minors acts as an aggravating factor: sexual abuse and assault (article 183, 183 bis, spec. 183 ter), sexual harassment (art. 184), exhibitionism and sexual provocation (art. 185 and art. 186 ) and corruption of minors (art. 188). In Poland, grooming concerns minors under 15 years of age.

## Apparent self-generated sexual material

Regarding the criminalisation of apparent self-generated sexual material, in most of the Member States the illegality depends on the content and context of the material. In Italy, self-generated sexting is not CSAM, however sexting represents a grey area of the law. For content to be CSAM, it is required that the image or video be taken by another party than the victim. In Czech Republic the legality depends on the intention of the perpetrator. In Estonia, self-generated material is not illegal for the child to produce. It is illegal to share with others, except if it is done voluntarily and consensually between the person under the age of 18 depicted in the work, and the person who committed the act. It is solely for their personal use and without payment; it is illegal for others to obtain, possess and distribute. In Hungary and Slovenia, it is not illegal if a minor takes a photo of himself/herself and keeps it for themselves. However, it might be

considered to be CSAM according to Hungarian law if the photo is sent to another person, who saves and distributes it. In accordance with Irish law, once material displays a child or a depiction of a child under the age of 18 years old the material is illegal regardless of how it was generated.

## Praise of CSAM & declaration of committing CSA

Praising paedophilia is illegal in 8 Member States, not illegal in 10 Member States (BE, BG, FI, FR, GR, IE, RO, SI, ES, SE), unknown in 1 Member State (NL - hotline doesn't work with such material) and dependant on the context/content in 8 Member States (HR, CZ, DK, EE, DE, HU, LU, PT). In Denmark if there is a positive mention of illegal sexual contact between adults and children that can be perceived as an invitation to live it out in reality, it may, after a specific assessment, be illegal. According to German law if 'praise' means advertising content, it is illegal. However, if it is just an unspecific endorsement, it is not necessarily illegal. In Czech Republic, it depends on the intention of the perpetrator and the content. Declaration of committing CSAM is not illegal in 4 Member States (AT, CZ, GR, RO), illegal in 10 Member States (CY, EE, FR, IT, LV, LT, LU, MD, PL, SK) and in 12 Member States it is dependent on the content as well as on the context. There are some Member States (IT) where a stricter but broader law regulates any incitement to commit any kind of felony related to the sexual abuse or exploitation of children and any form of apology, approval, glorification or exaltation of such criminal misconducts. These incitements according to the Italian national law are punishable and literary, artistic, historical, customary purposes cannot be invoked as self-defence.

## Context of the material

The legality of the material can also vary within the EU depending on the context of the material. While Member States have taken unified approach on the legality of images in a medical context, there are substantial differences when comparing the legality of 1) non-explicit images in a series of images that contain CSAM and 2) non-explicit images that have comments or captions of a sexual nature attached to them. The following legislative overview is based on the input provided by the national hotlines that can be found in this report (pages 12-146).

## Non-explicit images in a series of images that contain CSAM

Non-explicit images in a series of images that contain CSAM are illegal in 6 Member States (HR, CY, HU, NL, SK, SE), not illegal in 13 Member States (AT, BE, BG, CZ, DK, EE, FI, GR, IE, LU, MT, PT, SI) and it depends on the context or not known in 8 Member State. In France and Hungary 'series' means that the illegal activity is depicted in several pictures - even if some of the pictures would not be considered illegal if assessed separately, they become illegal because of the information available on other illegal pictures of the same series. Under the Danish law non-explicit images are not illegal even if the context is pornographic. However, a non-explicit image of a child will be illegal if it appears in a series where the same child appears in CSAM. In Germany, the non-explicit images in a series of images that contain CSAM are legal and outside hotline remit unless the images include children posing fully or partly clothed – in such case it is CSAM.

## Non-explicit images that have comments or captions of a sexual nature attached to them

Non-explicit images that have comments or captions of a sexual nature attached to them are illegal in 8 Member States (BE, HR, CZ, IT, LU, MT, PT, SE), not illegal in 9 Member States (AT, CY, DK, EE, FI, GR, IE, SK, SI) and it depends on the context or is unknown in 10 Member States. In France, Latvia and the Netherlands sexualised comments attached to/added on a picture/video make the content illegal. Comments/titles on a forum/page referring to and sexualising a picture/video but not attached to it are however under French law as well as under Greek law not a priori illegal. In Germany if the text is explicit, it might be considered as textual CSAM, and could be harmful to minors. In general, non-explicit images with comments or captions are not illegal in Ireland. However, depending on the nature of the comments or captions and the context of the image it may fall under the offences listed in the Irish Criminal Law (Sexual Offences) Act 2017. For example, if a child under the age of 17 uploaded an image of themselves and received explicitly sexual comments on that image, then it may constitute an offence. In Poland, if a comment praises paedophilia or CSA it's illegal, but it's not treated as CSAM.



NETWORK

# European Union hotlines



Austria

## ***Austria - Stopleveline***

### **Operated by:**

Internet Service Providers Austria - ISPA

### **Legal basis for operation:**

No formal legal basis - there is an informal cooperation with the national Law Enforcement which is supported by written statement from the Ministry of Justice.

### **Relationship with Law enforcement:**

Stopleveline has no MOU but various support letters; the hotline works together with national Law Enforcement very closely, with regular meetings at least twice a year. Stopleveline has two departments they work with regarding the scope of activities – Bundeskriminalamt (BK) and Direktion Staatssicherheit und Nachrichtendienst (DSN). The hotline sends them all reports for information and informs them whether they have informed the HP or partner hotline, so that they can take further steps in all other cases.

### **Relationship with hosting providers:**

As the hotline is run by the HP association, it has close contact with the HPs. The HPs are aware of the hotline procedures and the hotline contacts them directly in case of NTD. The notified HPs remove the content usually within a few working hours.

### **Other content dealt with:**

Stopleveline also investigates reports relating to endorsement of National Socialist ideology (Prohibition Act and Insignia Act as a basis)



| Content Type  | Legal Status                   | Actions Taken                         | Comments/Explanations   |
|---|--------------------------------|---------------------------------------|---|
| Drawings/manga/artistic interpretations of CSAM   | Not illegal                    | None                                  |   |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal                        | Notice to LEA.<br>NTD to HPs.         |   |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal                        |                                       | Hotline cannot take any actions if the age is not known.                            |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Illegal                        | Notice to LEA.<br>NTD to HPs.         |   |
| Child grooming  | Illegal                        | Notice to LEA.<br>NTD to HPs.         |   |
| Sexual extortion of children or soliciting children for sexual purposes                             | Illegal                        | Notice to LEA.                        |   |
| Apparent self-generated sexual material   | Illegal                        | Notice to LEA.<br>NTD to HPs.         |   |
| Sexualised modelling or posing  | Not illegal                    | None                                  |   |
| Sexualised images of children   | Illegal                        | Notice to LEA.<br>NTD to HPs.         |   |
| Text depictions of CSAM   | Not illegal                    | None                                  |   |
| Fictional text depictions of CSAM   | Not illegal                    | None                                  |   |
| Praise of paedophilia or CSA  | Illegal                        | Notice to LEA.                        |   |
| Manual on CSA   | Illegal (dependent on context) | Notice to LEA.<br>NTD to hosting HPs. | It is illegal for a manual to be written to convince others to commit such a crime. |
| Declaration of committing CSA   | Not illegal                    | None                                  |   |

| Context  | Legal Status | Actions Taken | Comments/Explanations |
|--|--------------|---------------|-----------------------|
| Images in a medical context  | Legal        | None          |                       |
| Non-explicit images in a series of images that contain CSAM                            | Legal        | None          |                       |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Legal        | None          |                       |

| Content Location | Legal Status | Actions Taken | Comments/Explanations |
|------------------|--------------|---------------|-----------------------|
|------------------|--------------|---------------|-----------------------|



|  |  |                               |   |
|--|--|-------------------------------|---|
| <b>Private site types<br/>(Password protected)</b> | Not allowed to access this location or send NTDs.    |                               |   |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Allowed to access                                    | Notice to LEA.                | If the content is accessible without password protection. |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access location.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. |   |
| <b>Tor/Onion</b>                                   | Allowed to access                                    | Notice to LEA.                | NTD is not possible.                                      |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access                                    | Notice to LEA.                | NTD is not possible.                                      |
| <b>File Transfer protocol (Ftp://)</b>             | Allowed to access location.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. |   |
| <b>Social media accounts</b>                       | Allowed to access location.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. |   |
| <b>Email</b>                                       | Not allowed to access this location or send NTDs.    |                               |   |
| <b>Usenet</b>                                      | Allowed to access location<br>Allowed to send NTDs.  | Notice to LEA.<br>NTD to HPs. |   |
| <b>Messengers (Telegram, WhatsApp)</b>             | Allowed to access                                    | Notice to LEA.                | If the content is accessible without password protection. |



## ***Belgium - Child Focus***

### **Operated by:**

Child Focus

### **Legal basis for operation:**

Article 417/48 of the Criminal Code (indirectly) forms the legal basis for Child Focus to receive and analyse CSAM reports; Royal Decree of 18 September 2016 prescribes the criteria that an organisation should fulfil in order to be able to receive and analyse CSAM reports; Royal Decree of 15 November 2016 explicitly recognises Child Focus as an Organisation competent to receive and analyse CSAM reports; MOU of 2017 with the Police and Crown Prosecutor.

### **Relationship with Law enforcement:**

Child Focus has an MoU in place. It sends the following reports to the police: illegal material hosted in Belgium, and illegal material hosted in a country where no INHOPE hotline is established. On a regular basis, Child Focus also transfers an overview of all reports, illegal and non-illegal. The Child Focus hotline only deals with CSAM. Other reports related to sexual exploitation online and offline (sexting, sextortion, grooming and exploitation in prostitution, in tourism) or missing children are transferred to Child Focus' colleagues operating the Helpline and 116000 hotline. The following steps are also guided by the MoU. The Helpline and 116000 hotline will take the necessary steps: contact the police, support parents of other persons affected, contact prosecutors, start a search and find campaign, finding the right psychological, medical, legal, and/or other types of help for the person in question, contact social media services, etc.

### **Relationship with hosting providers:**

Child Focus does not send NTD requests as they do not have the official mandate to do so. Child Focus does contact social media services as trusted flaggers.

### **Other content dealt with:**

Child Focus is the Belgian Center for Missing and Sexually Exploited Children. As the Belgian 116000 hotline for missing children, Child Focus takes on five different cases of disappearances: runaways, abduction by a third person, missing unaccompanied migrant minors, lost/injured or otherwise missing children and parental abductions. Child Focus is also a contact point for reports on sexual exploitation and runs alongside the civil hotline for child sexual abuse material on the

internet ([www.stopchildporno.be](http://www.stopchildporno.be)), a helpline for all questions related to e-safety for children ([www.clicksafe.be](http://www.clicksafe.be)). The Center for Missing and Sexually Exploited children holds an 'operational cell,' a 'study/policy advising cell,' and a team of 'project managers' (focusing on prevention), to ensure coherence between the operational reality and the theoretical input. Everything is based on an MoU, aside from the hotline's ability to receive and process CSAM reports, so no legislative basis is necessary.

### What age constitutes a child:

A child is a person under the age of 18. In any case 18 is also the benchmark when it comes to CSAM, as well as in the case of sexual exploitation vs. prostitution. When it comes to sexual contact, the age of consent is currently 16, but young people aged 14 to 16 can have sex with mutual consent. As long as there is no more than three years difference.

| Content Type  | Legal Status                   | Actions Taken                           | Comments/Explanations   |
|---|--------------------------------|---|---|
| Drawings/manga/artistic interpretations of CSAM   | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| Child grooming  | Illegal                        | Transfer to Helpline.<br>Notice to LEA. |   |
| Sexual extortion of children or soliciting children for sexual purposes                             | Illegal                        | Transfer to Helpline.<br>Notice to LEA. |   |
| Apparent self-generated sexual material   | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| Sexualised modelling or posing  | Illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. | No set definition of 'sexualised.' Decided on case-by-case bases. |
| Sexualised images of children   | Illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. | No set definition of 'sexualised.' Decided on case-by-case bases. |
| Text depictions of CSAM   | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| Fictional text depictions of CSAM   | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| Praise of paedophilia or CSA  | Not illegal                    |   |   |
| Manual on CSA   | Illegal                        | Notice to LEA.                          |   |
| Declaration of committing CSA   | Illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. |   |

| Context  | Legal Status | Actions Taken  |
|--|--------------|----------------|
| Images in a medical context  | Not illegal  |                |
| Non-explicit images in a series of images that contain CSAM                            | Not illegal  |                |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Illegal      | Notice to LEA. |

| Content Location                            | Accessibility                      | Actions Taken                           | Comments/Explanations   |
|---|------------------------------------|---|---|
| Private site types (Password protected)     | Not allowed to access or send NTD. |   | Child Focus can access all locations if it is open or if a person concerned allows it - cracking private messages or accounts are NOT allowed. Child Focus can check social media accounts if public. Child Focus can check pictures it receives from the public - related to peer to peer, private messages etc. But Child Focus can never conduct investigations. It must be able to access the content. If not, the hotline transfers it to LEA. |
| Peer to peer (torrent, emule, Kat)          | Not allowed to access or send NTD. |   |   |
| Dropbox/cloud/similar file hosting services | Allowed to access                  | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| Tor/Onion                                   |                                    | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| Livestreamed CSE/CSA                        | Allowed to access                  | Notice to LEA.                          |   |
| File Transfer protocol (Ftp://)             |                                    | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| Social media accounts                       | Allowed to access                  | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| Email                                       |                                    | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| Usenet                                      | Not allowed to access or send NTD  |   |   |
| Messengers (Telegram, WhatsApp)             | Allowed to access.                 | Notice to LEA.<br>LEA sends NTD to HPs. |   |

## ***Bulgaria - SafenetBG***

### **Operated by:**

ARC Fund

### **Legal basis for operation:**

Memorandum for cooperation signed with the Ministry of Interior.

### **Relationship with Law enforcement:**

Based on the MoU with the Ministry of Interior, SafenetBG has very good cooperation with the LEA in charge - Cybercrime Unit at the General Directorate for Combating Organised Crime. The hotline sends them reports via a specially established email channel: it sends high priority reports about CSAM hosted in the country, but also reports concerning cases of cyberbullying and “not illegal but harmful for minors” online content such as pro-ana, pro-suicidal, drugs use content, etc.

### **Relationship with hosting providers:**

The national Association of HPs is a member of SafenetBG's Advisory Board. However, LEA will contact a specific provider for NTD in cases of illegal (CSAM) content. SafenetBG contacts them directly about reports of not illegal but harmful content.

### **Other content dealt with:**

As for illegal content - only CSAM and sexual grooming. But SafenetBG also deals with content that is not illegal but harmful for minors.

### **What age constitutes a child:**

Child is any person under the age of 18. But the Penal code provides for different punishments based on under 18, under 16 and under 14 years of age.

| Content Type  | Legal Status                   | Actions Taken                           | Comments/Explanations  |
|---|--------------------------------|---|--|
| Drawings/manga/artistic interpretations of CSAM   | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |  |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. | LEA investigates who is disseminating if in national jurisdiction and charging; notice and takedown. |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. | Depending on the content - identifying the minor and transfer the case to social services.           |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |  |
| Child grooming  | Illegal                        | Notice to LEA.                          |  |
| Sexual extortion of children or soliciting children for sexual purposes                             | Illegal                        | Notice to LEA.                          |  |
| Apparent self-generated sexual material   | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |  |
| Sexualised modelling or posing  | Not illegal                    | None                                    |  |
| Sexualised images of children   | Not illegal                    | Notice to LEA.<br>LEA sends NTD to HPs. |  |
| Text depictions of CSAM   | Not illegal                    | Notice to LEA.<br>LEA sends NTD to HPs. |  |
| Fictional text depictions of CSAM   | Not illegal                    | Notice to LEA.<br>LEA sends NTD to HPs. |  |
| Praise of paedophilia or CSA  | Not illegal                    | Notice to LEA.<br>LEA sends NTD to HPs. |  |
| Manual on CSA   | Not illegal                    | Notice to LEA.<br>LEA sends NTD to HPs. |  |
| Declaration of committing CSA   | Illegal (dependent on context) | Notice to LEA.                          | Usually this will lead to an investigation.  |

| Context                     | Legal Status | Actions Taken | Comments/Explanations   |
|-----------------------------|--------------|---------------|---|
| Images in a medical context | Unknown      |               | The hotline has not received any reports of this kind, but the context will be crucial to consider whether to treat it as CSAM. |



|   |             |      |  |
|---|-------------|------|--|
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Not illegal | None |  |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Unknown     |      | Depending on the context, could be considered as CSAM. |

| <b>Content Location</b>                            | <b>Accessibility by Law</b> | <b>Actions Taken</b> | <b>Comments/Explanations</b>  |
|--|-----------------------------|----------------------|---|
| <b>Private site types (Password protected)</b>     | Allowed to access           | Notice to LEA.       | Based on the MoU and operational procedures confirmed by LEA there are no limitations to access any location. |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Allowed to access           | Notice to LEA.       |   |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access           | Notice to LEA.       |   |
| <b>Tor/Onion</b>                                   | Allowed to access           | Notice to LEA.       |   |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access           | Notice to LEA.       |   |
| <b>File Transfer protocol (Ftp://)</b>             | Allowed to access           | Notice to LEA.       |   |
| <b>Social media accounts</b>                       | Allowed to access           | Notice to LEA.       |   |
| <b>Email</b>                                       | Allowed to access           | Notice to LEA.       |   |
| <b>Usenet</b>                                      | Allowed to access           | Notice to LEA.       |   |
| <b>Messengers (Telegram, WhatsApp)</b>             | Allowed to access           | Notice to LEA.       |   |



## ***Croatia - Centar za nestalu i zlostavljanu djecu (CNZD)***

### **Operated by:**

CNZD – Centar za Nestalu i Dlostavljanu Djecu

### **Legal basis for operation:**

No formal legal basis - there is an informal cooperation with the national Law Enforcement.

The hotline is not allowed to assess and classify CSAM reports.

### **Relationship with Law enforcement:**

CNZD sends every report that is hosted in Croatia to Law Enforcement, without having opening the reports. The hotline merely detects the location of server where content is hosted. If content is placed outside of Croatia the hotline inserts the URL into ICCAM.

### **Relationship with hosting providers:**

CNZD has informal cooperation, but only police and court can order the removal of content.

### **Other content dealt with:**

Hate speech, racial and ethnic discrimination.

### **What age constitutes a child:**

Under 18.

| Content Type  | Legal Status                   | Actions Taken                           | Comments/Explanations |
|---|--------------------------------|---|-----------------------|
| Drawings/manga/artistic interpretations of CSAM   | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| Child grooming  | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| Sexual extortion of children or soliciting children for sexual purposes                             | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| Apparent self-generated sexual material   | Illegal                        | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| Sexualised modelling or posing  | Illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| Sexualised images of children   | Illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| Text depictions of CSAM   | Illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| Fictional text depictions of CSAM   | Illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| Praise of paedophilia or CSA  | Illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| Manual on CSA   | Illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. |                       |
| Declaration of committing CSA   | Illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. |                       |

| Context   | Legal Status | Actions Taken  |
|---|--------------|----------------|
| Images in a medical context                                 | Not illegal  |                |
| Non-explicit images in a series of images that contain CSAM | Illegal      | Notice to LEA. |



|   |         |                |
|---|---------|----------------|
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Illegal | Notice to LEA. |
|---|---------|----------------|

| <b>Content Location</b>                            | <b>Accessibility by Law</b>  | <b>Actions Taken</b> |
|--|--|----------------------|
| <b>Private site types (Password protected)</b>     | N/A (the hotline is not allowed to review reports; therefore the content location is irrelevant in its work. All reports are sent to LEA). | Notice to LEA.       |
| <b>Peer to peer (torrent, emule, Kat)</b>          | N/A  | Notice to LEA.       |
| <b>Dropbox/cloud/similar file hosting services</b> | N/A  | Notice to LEA.       |
| <b>Tor/Onion</b>                                   | N/A  | Notice to LEA.       |
| <b>Livestreamed CSE/CSA</b>                        | N/A  | Notice to LEA.       |
| <b>File Transfer protocol (Ftp://)</b>             | N/A  | Notice to LEA.       |
| <b>Social media accounts</b>                       | N/A  | Notice to LEA.       |
| <b>Email</b>                                       | N/A  | Notice to LEA.       |
| <b>Usenet</b>                                      | N/A  | Notice to LEA.       |
| <b>Messengers (Telegram, WhatsApp)</b>             | N/A  | Notice to LEA.       |



Cyprus

## Cyprus - Cybersafety

### Operated by:

Cyprus Institute of Education, Ministry of Education and Culture

### Legal basis for operation:

MOU with national Law Enforcement Agency.

### Relationship with Law enforcement:

In accordance with the MOU, the hotline forwards reports to law enforcement for further investigation. As the national law does not provide legal grounds for the hotline to assess CSAM, CyberSafetyCy cannot use all the features of the ICCAM system.

### Relationship with hosting providers:

There is no direct contact with host providers; NTDs are forwarded to HPs by law enforcement.

### Other content dealt with:

Hacking, network hijacking, cyber fraud, hate speech.

### What age constitutes a child:

Minors are considered to be under 18 years.



| Content Type  | Legal status | Actions Taken  | Comments/Explanations |
|---|--------------|----------------|-----------------------|
| Drawings/manga/artistic interpretations of CSAM   | Illegal      | Notice to LEA. |                       |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal      | Notice to LEA. |                       |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal      | Notice to LEA. |                       |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Unknown      | Notice to LEA. |                       |
| Child grooming  | Unknown      | Notice to LEA. |                       |
| Sexual extortion of children or soliciting children for sexual purposes                             | Illegal      | Notice to LEA. |                       |
| Apparent self-generated sexual material   | Illegal      | Notice to LEA. |                       |
| Sexualised modelling or posing  | Not illegal  | Notice to LEA. | For adults            |
| Sexualised images of children   | Illegal      | Notice to LEA. |                       |
| Text depictions of CSAM   | Illegal      | Notice to LEA. |                       |
| Fictional text depictions of CSAM   | Illegal      | Notice to LEA. |                       |
| Praise of paedophilia or CSA  | Illegal      | Notice to LEA. |                       |
| Manual on CSA   | Illegal      | Notice to LEA. |                       |
| Declaration of committing CSA   | Illegal      | Notice to LEA. |                       |

| Context  | Legal Status | Actions Taken |
|--|--------------|---------------|
| Images in a medical context  | Unknown      |               |
| Non-explicit images in a series of images that contain CSAM                            | Illegal      |               |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Not illegal  |               |

| Content Location                        | Accessibility by Law | Actions Taken |
|---|----------------------|---------------|
| Private site types (Password protected) | N/A                  |               |
| Peer to peer (torrent, emule, Kat)      | N/A                  |               |



|  |                   |  |
|--|-------------------|--|
| <b>Dropbox/cloud/similar file hosting services</b> | N/A               |  |
| <b>Tor/Onion</b>                                   | N/A               |  |
| <b>Livestreamed CSE/CSA</b>                        | N/A               |  |
| <b>File Transfer protocol (Ftp://)</b>             | N/A               |  |
| <b>Social media accounts</b>                       | Allowed to access |  |
| <b>Email</b>                                       | Allowed to access |  |
| <b>Usenet</b>                                      | Unknown           |  |
| <b>Messengers (Telegram, WhatsApp)</b>             | Allowed to access |  |



## ***Czech Republic - STOPonline.cz***

### **Operated by:**

CZ.NIC

### **Legal basis for operation:**

Declaration of Cooperation with Police Directorate of the Czech Republic. This document sets the operation of the illegal content reporting line.

### **Relationship with Law enforcement:**

Joint Declaration on Cooperation as part of the operation of the illegal content reporting line with Police Directorate of the Czech Republic.

### **Relationship with hosting providers:**

STOPonline.cz works under CSIRT.CZ and, thanks to that, has direct contact with the hosting provider to whom the hotline sends requests for content removal. The hotline receives feedback from the hosting provider.

### **Other content dealt with:**

STOPonline.cz is primarily intended for reporting content that depicts child abuse, inappropriate childhood nudity, cyber-grooming, or could involve the spread of pornography. If certain conditions are met cyber-grooming can be considered as these crimes: trafficking human beings (§ 168), illegal restraint (§ 171), extortion (§ 175), rape (§ 185), sexual abuse (§ 187), endangering a child's care (§ 201), fraud (§ 209), dangerous threatening (§ 353), dangerous pursuing (§ 354), establishing illicit contact with a child. (§ 193b) Reports on fake e-shops are also passed to the police. Fake e-shops can be considered a crime of fraud.

### **What age constitutes a child:**

A child is any human being under the age of 18, unless he or she has reached the age of majority before. According to the Civil Code, the age of majority is reached upon reaching 18 years of age. According to the Criminal Code, as a child shall be understood to be a person under 18 years of age, unless the Criminal Code provides otherwise.



| Content Type   | Legal status                   | Actions Taken                 | Comments/Explanations  |
|--|--------------------------------|-------------------------------|--|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | Depends on the intention of the perpetrator to use it for child pornography and the degree of reality of the image.  |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| <b>Child grooming</b>  | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| <b>Apparent self-generated sexual material</b>   | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | Depends on the intention of the perpetrator to use for child pornography and depends on the type of crime (it is not criminal, for example, in the case of the crime of abuse of a child for the production of pornography). |
| <b>Sexualised modelling or posing</b>  | Not illegal                    | None                          | In Czech law, there is no legal definition of "sexualised."  |
| <b>Sexualised images of children</b>   | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | Depends on the intention of the perpetrator and it is assessed on a case-by-case basis.  |
| <b>Text depictions of CSAM</b>   | Illegal (dependent on context) |                               | Depends on the intention of the perpetrator and it is assessed on a case-by-case basis.  |
| <b>Fictional text depictions of CSAM</b>   | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | Depends on the intention of the perpetrator and it is assessed on a case-by-case basis.  |
| <b>Praise of paedophilia or CSA</b>  | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | Depends on the intention of the perpetrator and it is assessed on a case-by-case basis.  |
| <b>Manual on CSA</b>   | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | Depends on the intention of the perpetrator and it is assessed on a case-by-case basis.  |
| <b>Declaration of committing CSA</b>   | Not illegal                    |                               | Depends on the intention of the perpetrator and it is assessed on a case-by-case basis.  |

| Context  | Legal Status | Actions Taken              |
|--|--------------|----------------------------|
| Images in a medical context  | Not illegal  | None                       |
| Non-explicit images in a series of images that contain CSAM                            | Not illegal  | None                       |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Illegal      | Notice to LEA<br>NTD to HP |

| Content Location                                   | Accessibility by Law                        | Actions Taken                 |
|--|---|-------------------------------|
| <b>Private site types (Password protected)</b>     | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA.<br>NTD to HPs. |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA.<br>NTD to HPs. |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA.<br>NTD to HPs. |
| <b>Tor/Onion</b>                                   | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA.<br>NTD to HPs. |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA.<br>NTD to HPs. |
| <b>File Transfer protocol (Ftp://)</b>             | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. |
| <b>Social media accounts</b>                       | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA.<br>NTD to HPs. |
| <b>Email</b>                                       | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA.<br>NTD to HPs. |
| <b>Usenet</b>                                      | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA.<br>NTD to HPs. |
| <b>Messengers (Telegram, WhatsApp)</b>             | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA.<br>NTD to HPs. |



## ***Denmark - Report It (AnmeldDet)***

### **Operated by:**

Save the Children Denmark (Red Barnet)

### **Legal basis for operation:**

MOU from Attorney General

### **Relationship with Law enforcement:**

MOU with the National Cyber Crime Center (NC3) at the National Police. AnmeldDet forwards information to NC3 if the content is CSAM and is hosted in Denmark, if the site owner appears to be Danish or the victims in the material have links to Denmark. URLs of foreign hosted websites with CSAM is forwarded to NC3 to be included in the Danish blocking list.

### **Relationship with hosting providers:**

The hotline sends Notice and Takedown requests to the Danish hosting providers after having contacted LEA. If content is not removed within 72 hours, a reminder is sent until content is removed. Some hosting providers provide feedback when removal is underway or content is down, some others do not. The hotline checks if content is down, regardless of the hosting providers' feedback.

### **Other content dealt with:**

In addition to the illegal material, the hotline also classifies other forms of sexually abusive material with children, e.g., erotic posing pictures and everyday pictures with children in explicit pornographic contexts. In addition, pornographic stories where children have sex with adults. The hotline addresses the site owner with an appeal to remove the content.

### **What age constitutes a child:**

In Denmark a person is a child until they turn 18. The age of sexual consent is 15 years, but it is forbidden to exploit persons under the age of 18 in pornographic material and in connection with prostitution.

| Content Type  | Legal status                       | Actions Taken              | Comments/Explanations   |
|---|------------------------------------|----------------------------|---|
| Drawings/manga/artistic interpretations of CSAM   | Not illegal                        | None                       |   |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal                            | Notice to LEA. NTD to HPs. | Illegality is defined as "pornographic visual representations or the like of persons under 18 years of age."  |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal (dependent on context)     | Notice to LEA. NTD to HPs. | It is handled as CSAM if hotline staff find it very likely that the person is a minor. Such information is included in ICCAM, in the notice to LEA as well as to HP.  |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Not illegal                        | None                       |   |
| Child grooming  | Illegal (dependent on context)     | Notice to LEA. NTD to HPs. | "Child grooming" is not a term used in Danish law. But it is illegal for an adult to try to lure/bribe/force a child under 15 to partake in sexual interaction with the adult. It is also illegal to ask the child to take photos/video of him/herself in a sexualised context. Action depends on severity. Content may be removed by HPs. Sometimes judicial processing of reports by LEA.   |
| Sexual extortion of children or soliciting children for sexual purposes                             | Illegal                            | Notice to LEA. NTD to HPs. | This is rarely reported to the hotline, but more often to the organization's helpline (Slet Det) Delete It.   |
| Apparent self-generated sexual material   | Illegal (dependent on context)     | Notice to LEA. NTD to HPs. | Self-generated material is not illegal for the child to produce and/or distribute. It is legal for people over the age of 15 to share their own pornographic material with a boy- or girlfriend. It is illegal for others to obtain, possess and distribute, because it is then considered as CSAM.   |
| Sexualised modelling or posing  | Not illegal (dependent on context) | Notice to LEA.             | "Sexualised" in this context includes children posing in positions and/or with clothing/make-up that clearly imitates adult sexualised posing i.e.. showing buttocks, bending over, putting finger in mouth etc. If genitalia are showing or if the child is engaged in real or imitated acts (i.e., intercourse, masturbation), the image is considered illegal. LEA logs the occurrence in their own system and in some cases notify HPs. HPs sometimes remove material, but as it is not illegal, they are not obligated to do so.   |
| Sexualised images of children   | Not illegal (dependent on context) | Notice to LEA.             | "Sexualised" in this context includes children posing in positions and/or with clothing/make-up that clearly imitates adult sexualised posing i.e., showing buttocks, bending over, putting finger in mouth etc. If genitalia are showing or if the child is engaged in real or imitated acts (i.e., intercourse, masturbation), the image is considered illegal. LEA logs the occurrence in their own system and in some cases notifies HPs. HPs sometimes remove material, but as it is not illegal, they are not obligated to do so. |

|  |                                    |                            |  |
|--|------------------------------------|----------------------------|--|
| <b>Text depictions of CSAM</b>           | Not illegal (dependent on context) | None                       | A general text depiction of CSAM is not illegal under Danish law. There may be exceptions in cases where the text refers to actual crimes against "real" identifiable children.                              |
| <b>Fictional text depictions of CSAM</b> | Not illegal                        | None                       |  |
| <b>Praise of paedophilia or CSA</b>      | Illegal (dependent on context)     | Notice to LEA.             | If there is a positive mention of illegal sexual contact between adults and children, and this can be perceived as an invitation to live it out in reality, it may, after a specific assessment, be illegal. |
| <b>Manual on CSA</b>                     | Illegal (dependent on context)     | Notice to LEA. NTD to HPs. |  |
| <b>Declaration of committing CSA</b>     | Illegal (dependent on context)     | Notice to LEA. NTD to HPs. | The declaration of committing CSA on a specific child is illegal under Danish law. The general declaration of wishing to commit CSA is not illegal.  |

| Context   | Legal Status                       | Actions Taken | Comments/explanation  |
|---|------------------------------------|---------------|---|
| <b>Images in a medical context</b>  | Not illegal but treated as CSAM.   |               | Images in a medical context in a textbook are not considered illegal under Danish law. It is however considered illegal if the images are removed from their medical context and are placed on a website.   |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Not illegal but treated as CSAM.   |               | Non-explicit images are not illegal even if the context is pornographic. However, the hotlines register this. A non-explicit image of a child will be illegal if it appears in a series where the same child appears in CSAM. The Danish hotline is lobbying to make the use of non-explicit pictures in a context of CSAM or adult porn illegal. |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Not illegal & not treated as CSAM. |               | The Danish hotline is lobbying to make the comments or captions of a sexual nature attached to pictures of children illegal.  |

| Content Location                               | Accessibility by Law                        | Actions Taken                 | Comments/Explanation  |
|--|---|-------------------------------|---|
| <b>Private site types (Password protected)</b> | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | The Danish hotline is not allowed to purchase access to private sites, but if a report includes a password, the hotline is allowed to use it. |

|  |  |                               |                     |
|--|--|-------------------------------|---------------------|
| <b>Peer to peer (torrent, emule, Kat)</b>          | Allowed to access location<br>Allowed to send NTDs | Notice to LEA.<br>NTD to HPs. |                     |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access location<br>Allowed to send NTDs | Notice to LEA.<br>NTD to HPs. |                     |
| <b>Tor/Onion</b>                                   | Allowed to access location<br>Allowed to send NTDs | Notice to LEA.<br>NTD to HPs. |                     |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access location<br>Allowed to send NTDs | Notice to LEA.<br>NTD to HPs. |                     |
| <b>File Transfer protocol (Ftp://)</b>             | Allowed to access location<br>Allowed to send NTDs | Notice to LEA.<br>NTD to HPs. | Occurs very rarely. |
| <b>Social media accounts</b>                       | Allowed to access location<br>Allowed to send NTDs | Notice to LEA.<br>NTD to HPs. |                     |
| <b>Email</b>                                       | Allowed to access location<br>Allowed to send NTDs | Notice to LEA.<br>NTD to HPs. |                     |
| <b>Usenet</b>                                      | Allowed to access location<br>Allowed to send NTDs | Notice to LEA.<br>NTD to HPs. | Occurs very rarely. |
| <b>Messengers (Telegram, WhatsApp)</b>             | Allowed to access location<br>Allowed to send NTDs | Notice to LEA.<br>NTD to HPs. |                     |

Estonia

## ***Estonia - Vihjeliin***

### **Operated by:**

Estonian Union for Child Welfare

### **Legal basis for operation:**

Signed MOU with the Estonian Police and Border Guard Board.

### **Relationship with Law enforcement:**

Vihjeliin has a MOU with the Estonian Police and Border Guard Board. According to the guidelines of the hotline and the MOU, Vihjeliin sends reports related to sexual abuse acts including child trafficking to the law enforcement.

### **Relationship with hosting providers:**

As per the above-mentioned MOU, the hotline does not notify service providers or send them NTD requests.

### **Other content dealt with:**

The following areas is covered by the Estonian Penal Code: § 175 - human trafficking with respect to minors; § 175' - requesting access to child pornography and watching thereof; § 178 - manufacture of works involving child pornography or making child pornography available; § 178' - agreement of sexual purpose for meeting with child; § 179 - Sexual enticement of children.

### **What age constitutes a child:**

According to Estonian legislation a child is a person below the age of 18 years. The age of consent regarding sexual activity is 16 years. Exception if the age difference between the adult person and the person between fourteen and sixteen years of age is not more than five years.



| Content Type   | Legal Status                   | Actions Taken                        | Comments/Explanations  |
|--|--------------------------------|--------------------------------------|--|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal                        | Notice to LEA. LEA sends NTD to HPs. |  |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal                        | Notice to LEA. LEA sends NTD to HPs. |  |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal                        | Notice to LEA. LEA sends NTD to HPs. |  |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Not illegal                    | None                                 |  |
| <b>Child grooming</b>  | Illegal                        | Notice to LEA. LEA sends NTD to HPs. | The law uses a stipulation of agreement of sexual purpose for meeting with the child. Making a proposal for meeting a person of less than 18 years of age who was not capable of comprehending the situation, or a person of less than 16 years of age, or concluding an agreement to meet him or her, and performance of an act preparing the meeting, if the aim of the meeting is to commit an offence of sexual nature provided in the specific sections of the Penal Code.  |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                        | Notice to LEA. LEA sends NTD to HPs. | The law uses the term “enticement” and stipulates that handing over, displaying or making otherwise pornographic works or reproductions thereof knowingly available to a person of less than 16 years of age, or showing sexual abuse to such person or engaging in sexual intercourse in the presence of such person or knowingly sexually enticing such person in any other manner/erotic situation is punishable.   |
| <b>Apparent self-generated sexual material</b>   | Illegal (dependent on context) | Notice to LEA. LEA sends NTD to HPs. | Self-generated material is not illegal for the child to produce. It is illegal to share or handing over to others, except it is done voluntarily on the basis of the mutual consent between the person under the age of eighteen years depicted in the work or in a reproduction thereof, and the person who committed the act, solely for their personal use, without payment of money or any other consideration for it, and their engaging in an act of sexual intercourse or any other act of a sexual nature is not punishable as a criminal offence. It is illegal for others to obtain, possess and distribute. |
| <b>Sexualised modelling or posing</b>  | Illegal (dependent on context) | Notice to LEA. LEA sends NTD to HPs. | The law doesn't include terms “sexualised modeling” or “posing.” The law stipulates erotic situation but doesn't specify the term. The law stipulates that it is prohibited in case a person is less than 14 years of age.   |
| <b>Sexualised images of children</b>   | Illegal (dependent on context) | Notice to LEA. LEA sends NTD to HPs. | The law stipulates that it is prohibited in the case a person is less than 14 years of age.  |



|  |                                   |   |  |
|--|-----------------------------------|---|--|
| <b>Text depictions of CSAM</b>           | Illegal                           | Notice to LEA.<br>LEA sends NTD to HPs. |  |
| <b>Fictional text depictions of CSAM</b> | Illegal                           | Notice to LEA.<br>LEA sends NTD to HPs. |  |
| <b>Praise of paedophilia or CSA</b>      | Illegal<br>(dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. | If illegal sexual contact between adult and child mentioned positively, and this can be perceived as an invitation to perform it in reality, it may be assessed illegal. |
| <b>Manual on CSA</b>                     | Illegal                           | Notice to LEA.<br>LEA sends NTD to HPs. |  |
| <b>Declaration of committing CSA</b>     | Illegal                           | Notice to LEA.<br>LEA sends NTD to HPs. | If it concerns specific child it is illegal.   |

| Context   | Legal Status                               | Actions Taken  | Comments/explanation  |
|---|--|----------------|---|
| <b>Images in a medical context</b>  | Not illegal                                | Notice to LEA. | These images are not illegal if these are provided in medical context. In case these images are taken out of context and are placed online then they are considered as illegal. |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Not illegal, but hotline treats it as CSAM | Notice to LEA. | If these images are part of the series which are accessible by the hotline and assessed as illegal, then these images are treated as illegal.                                   |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Treated as CSAM                            | Notice to LEA. |   |

| Content Location                                   | Accessibility by Law                | Actions Taken  | Comments/explanation  |
|--|-------------------------------------|----------------|---|
| <b>Private site types (Password protected)</b>     | Not allowed to access or send NTDs. | Notice to LEA. | In case the hotline receives such reports, these will be forwarded to the LEA.  |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Not allowed to access or send NTDs. | Notice to LEA. | The hotline sends reports which refer to Peer to Peer to police for assessment.   |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access                   | Notice to LEA. | If the site is not password-protected and does not require downloading, the hotline will assess it and forward all illegal material to LEA. All reports the hotline cannot access are forwarded to the LEA. |
| <b>Tor/Onion</b>                                   | Allowed to access                   | Notice to LEA. |   |

|  |   |                |  |
|--|---|----------------|--|
| <b>Livestreamed CSE/CSA</b>            | Allowed to access                               | Notice to LEA. |  |
| <b>File Transfer protocol (Ftp://)</b> | N/A   |                | No experience  |
| <b>Social media accounts</b>           | Not allowed to access or send NTDs.             | Notice to LEA. | The hotline sends reports containing links to social media accounts to the LEA for assessment. If the accounts are public and the hotline sees the content, it is assessed, and a report is sent to LEA in case of CSAM. |
| <b>Email</b>                           | Not allowed to access or send NTDs.             | None           |  |
| <b>Usenet</b>                          | Allowed to access                               | Notice to LEA. | If the hotline has access to the content, the hotline will assess it and if assessed illegal, notice sent to LEA.  |
| <b>Messengers (Telegram, WhatsApp)</b> | Not allowed to access.<br>Allowed to send NTDs. | Notice to LEA. | Notice to LEA for assessing.   |



Finland

## ***Finland - Nettivihje***

### **Operated by:**

Save the Children Finland

### **Legal basis for operation:**

Finnish Hotline has a MOU with LEA. The work of the hotline is within what is allowed by the Criminal Code. The Criminal Code's section on sexual offences is being amended.

### **Relationship with Law enforcement:**

Finnish hotline has a MOU with the National Bureau of Investigation (NBI) in Finland. The Finnish hotline is in contact with the NBI's child sexual exploitation team several times a week by phone and email. The hotline forwards (by email) reports assessed as illegal (e.g., CSAM, grooming) in addition to material that is assessed as doubtful. If the hotline receives other material assessed as illegal (e.g., material depicting adults and animals in sexual context or other forms of severe violence), it is also forwarded to NBI.

### **Relationship with hosting providers:**

The Finnish Hotline can send a notification to a hosting provider but cannot share URLs containing illegal material. The hotline instructs the hosting provider to contact the NBI.

### **Other content dealt with:**

After 01.01.2023 the hotline will cover the following areas: CSAM (Criminal Code, Chapter 20, Section 19-22) - Distribution of a picture depicting a child sexually, Section 19 - Aggravated distribution of a picture depicting a child sexually, Possession of a picture depicting a child sexually, Section 21 - Following of a performance depicting a child sexually, Section 22. GROOMING (Criminal Code, Chapter 20, Section 18 –Solicitation of a child for sexual purposes). In addition, we receive reports if a child's naked picture has spread online and reports on child trafficking for sexual purposes (Criminal Code Chapter 25, Section 3 Trafficking in human beings, Section 3(a) - Aggravated trafficking in human beings). OTHER (Criminal Code, Chapter 20, Section 9, 12-16, Chapter 17, Section 18).



Even though the hotline do not ask for reports of the following, the hotline might receive reports of e.g.: - Purchase of sexual services from a young person, Chapter 20, Section 9 – Rape of a child, Chapter 20, Section 12 – Aggravated rape of a child, Chapter 20, Section 13 – Encroachment of a child, Chapter 20, Section 14 – Aggravated encroachment of a child, Chapter 20, Section 15, Sexual Abuse of a Child, Chapter 20, Section 16 - Distribution of a sexually offensive picture, Chapter 17, Section 18. (Unofficial translations).

### What age constitutes a child:

A child is person below the age of 18 years. The age of consent regarding sexual activity is 16 years. There are special regulations that apply to children 16-18 years of age.

| Content Type   | Legal Status                       | Actions Taken                           | Comments/Explanations   |
|--|------------------------------------|---|---|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Not illegal                        | None                                    |   |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Not illegal                        | None                                    | The Ministry of Justice in Finland issued a draft (in July 2020) to the Minister of Justice to suggest amendments to the Criminal Code regarding sexual offences. The Finnish hotline gave a statement regarding the suggested changes in the legislation. The hotline encouraged the legislators to consider whether to criminalize this kind of material.   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal                            | Notice to LEA.<br>LEA sends NTD to HPs. | If the hotline has reasonable grounds to assume that the person in the picture is below the age of 18, it forwards the material to the LEA for further investigation. If the material is hosted in Finland, the hotline sends an email to inform the HP about the illegal material. The HP is requested to contact the LEA for further information. The hotline is not allowed to forward URLs to the HP. |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Not illegal                        | None                                    |   |
| <b>Child grooming</b>  | Illegal                            | Notice to LEA.                          | If the hotline has enough information on the child, it makes a child welfare report to the social services.   |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                            | Notice to LEA.                          | If the hotline has enough information on the child, it makes a child welfare report to the social services.   |
| <b>Apparent self-generated sexual material</b>   | Illegal                            | Notice to LEA.<br>LEA sends NTD to HPs. | The Criminal Code does not sufficiently define a sexually offensive picture of a child. The Finnish hotline has given a statement in this regard for the upcoming amended Criminal Code.  |
| <b>Sexualised modelling or posing</b>  | Not illegal (dependent on context) |   | The Criminal Code does not sufficiently define a sexually offensive picture of a child. The Finnish hotline has given a statement in this regard for the upcoming amended Criminal Code.  |
| <b>Sexualised images of children</b>   | Not illegal (dependent on context) |   | The Criminal Code does not sufficiently define a sexually offensive picture of a child. The Finnish hotline has given a statement in this regard for the upcoming amended Criminal Code.  |
| <b>Text depictions of CSAM</b>   | Not illegal                        | None                                    |   |

|  |                                    |                |  |
|--|------------------------------------|----------------|--|
| <b>Fictional text depictions of CSAM</b> | Not illegal                        | None           |  |
| <b>Praise of paedophilia or CSA</b>      | Not illegal                        | None           |  |
| <b>Manual on CSA</b>                     | Not illegal                        | Notice to LEA. | Depending on the context, the hotline can send material like this to the LEA for their information, even if not assessed as illegal. |
| <b>Declaration of committing CSA</b>     | Not illegal (dependent on context) | Notice to LEA. |  |

| Context   | Legal Status                      | Actions Taken  | Comments/explanation  |
|---|-----------------------------------|----------------|---|
| <b>Images in a medical context</b>  | Not illegal & not treated as CSAM |                | If the hotline receives a report on this type of material, it would assess it, but images in medical context are not illegal.   |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Not illegal & not treated as CSAM |                | These types of images are not sufficiently covered in the current Criminal Code. The Finnish hotline has given a statement in this regard for the upcoming amended Criminal Code suggesting that the legality of these images should be further considered. |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Not illegal                       | Notice to LEA. | The hotline would forward these types of reports to the LEA for their assessment.   |

| Content Location                                   | Accessibility by Law                              | Actions Taken                        | Actions Taken  |
|--|---|--------------------------------------|--|
| <b>Private site types (Password protected)</b>     | Not allowed to access or send NTDs                | Notice to LEA.                       | All reports the hotline cannot access are forwarded to the LEA.  |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Not allowed to access or send NTDs                | Notice to LEA.                       | All reports the hotline cannot access are forwarded to the LEA.  |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access location. Allowed to send NTDs. | Notice to LEA. LEA sends NTD to HPs. | If the site is not password-protected and does not require downloading, the hotline will assess it and forward all illegal material to LEA. All reports the hotline cannot access are forwarded to the LEA.                                    |
| <b>Tor/Onion</b>                                   | Allowed to access                                 | Notice to LEA.                       | Illegal material is forwarded to LEA.  |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access                                 | Notice to LEA.                       | Illegal material is forwarded to LEA.  |
| <b>File Transfer protocol (Ftp://)</b>             | Unknown   |                                      |  |
| <b>Social media accounts</b>                       | Allowed to access location. Allowed to send NTDs. | Notice to LEA. LEA sends NTD to HPs. | Public social media accounts publishing CSAM/CSEM are reported to the LEA and in some cases the social media platform for removal. If the hotline cannot access the report (e.g., private account), it is forwarded to the LEA for assessment. |

|  |                    |                |   |
|--|--------------------|----------------|---|
| <b>Email</b>                           | Allowed to access. | Notice to LEA. | Illegal material is forwarded to LEA.   |
| <b>Usenet</b>                          | Allowed to access. | Notice to LEA. | If the hotline has access to the content, the hotline will assess it and forward illegal material to LEA. |
| <b>Messengers (Telegram, WhatsApp)</b> | N/A                |                |   |



## France - Point de Contact

**Operated by:**

Point de Contact

**Legal basis for operation:**

MoU with LEA

**Relationship with Law enforcement:**

MoU with LEA since 2010. The hotline forwards to the LEA (PHAROS, reporting platform of France's national cybercrime investigation unit) any type of content within its remit assessed as manifestly illegal, no matter the hosting country. LEA may request further feedback. The MoU stipulates that the hotline shall forward content to the LEA when in doubt as per the legality of content. LEA and the hotline are regularly in contact and discuss various topics (legal assessment of specific content, handling of specific reports, identification of trends, statistics, technological developments) by phone and email, even daily, while operational meetings either at the hotline or at the LEA headquarters take place at least once per year. Reports are forwarded to LEA via a dedicated LEA reporting platform. The hotline is the first LEA's professional reporter in terms of volume and quality.

**Relationship with hosting providers:**

Three to six hours after having forwarded a report to the LEA, the hotline sends Notice and Takedown requests to the French hosting providers. If content is not removed within 48 hours, a reminder is sent until content is removed. Some hosting providers provide feedback when removal is underway or content is down, others do not. The hotline checks if content is down, regardless of the hosting providers' feedback. The hotline is a trusted partner of its members (French hosting providers and social media platforms operating in France) and uses dedicated reporting channels. The hotline members are encouraged to contact the hotline should they need assistance with legal assessment of content reported directly to them. Operational meetings take place between the hotline and its members occasionally.

**Other content dealt with:**

- CSAM/CSEM, Article 227-23 of the French Criminal Code
- Child grooming activities, Article 227-22-1 of the French Criminal Code

- Solicitation of children for sexual purposes (sexual extortion of children) and Sexual harassment, Article 222-33-2-2 of the French Criminal Code
- Violent content, pornographic content, content inciting to terrorism, content seriously violating human dignity, content inciting minors to play games putting them in physical danger, that is accessible to minors, 227-24 French Criminal Code
- Hate speech, Articles 24, 33 and 48 of the Act of 29 July 1881 on Freedom of the press
- Terrorist propaganda, Article 421-2-5 of the French Criminal Code and Incitement to bomb-making, Article 322-6-1 of the French Criminal Code
- Incitement to suicide, Articles 223-13 and 223-14 of the French Criminal Code
- Procuring (prostitution), Act n° 2016-444 of 13 April 2016
- Praise of war crimes/crimes against humanity, Article 24 of the Act of 29 July 1881 on Freedom of the press

### What age constitutes a child:

Child/minor is any person below the age of 18 years, Article 388 of the French Civil Code.

| Content Type   | Legal Status                   | Actions Taken                 | Comments/Explanations  |
|--|--------------------------------|-------------------------------|--|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal                        | Notice to LEA.<br>NTD to HPs. | This type is not defined by the law but is found in the jurisprudence.   |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal                        | Notice to LEA.<br>NTD to HPs. | This type is not defined by the law but is found in the jurisprudence.   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | It is handled as CSAM if there is evidence that the depicted person is a minor (age confirmed by LEA or by a partner hotline or the picture is a part of a series where the victim is clearly underage). Such information is included in ICCAM, in the notice to LEA as well as to HP. If there is doubt as per the depicted person's age, the context may guide the assessment.   |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | This case is defined by the law, which stipulates that "The provisions in the present article [227-23 of the French Criminal Code] shall also apply to pornographic images of any person whose physical appearance is that of a minor, unless it is proven that the person was over 18 years of age on the day the image was taken or recorded." Therefore, it is handled as CSAM if there is no evidence that the person is over 18 years old and if the person can easily be perceived as a minor.<br>Notice to LEA and HPs. |
| <b>Child grooming</b>  | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | Child grooming can be punished by several articles of the French criminal code:<br>- Article 227-22-1: the act of sexual proposals by an adult to a minor under fifteen years of age or to a person presenting themselves as such, by using a digital public communication service - while the punishment is more severe if a meeting is arranged.   |



|  |                                |                            |  |
|--|--------------------------------|----------------------------|--|
|  |                                |                            | <p>- Article 227-22-2: the act of inciting a minor to commit sexual acts on themselves or on/with a third party, even if the incitement is not followed by action.</p> <p>- Article 227-23-1: the act of sexual solicitation by an adult to a minor for the dissemination or transmission of sexual content. Child grooming is usually reported directly by the victim or their parents/carers. The age of the minor cannot always be assessed. Another typical case is reported accounts on social media that invite children to exchange CSAM in private messaging or invite children to contact the account owner for modelling purposes. In the majority of these cases, the hotline cannot assess any content online. The assessment is based on the context (description of the report, activity of the account on social media). If the report is assessed as illegal, the hotline specifies to LEA and HP that no assessment of content took place, that the reported activity/behaviour seems suspicious and probably illegal. The hotline also encourages the victim, if the report is not anonymous, to be addressed to LEA. If child grooming is accompanied by CSAM, both are reported to LEA and HP and CSAM is uploaded to ICCAM.</p> |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b> | Illegal (dependent on context) | Notice to LEA. NTD to HPs. |  |
| <b>Apparent self-generated sexual material</b>                                 | Illegal                        | Notice to LEA and HPs.     | There is no difference on how the hotline handles apparent self-generated and non-self-generated sexual material.  |
| <b>Sexualised modelling or posing</b>  | Illegal (dependent on context) | Notice to LEA. NTD to HPs. | The terms "sexualised" or "sexual" are not found in the Article 227-23 of the French Criminal Code related to CSAM, however they are met in the jurisprudence and used by the LEA. Content of a sexual nature includes images of children, naked, semi-naked or clothed, with focus on genitalia or the nudity or in sexually explicit positions, wearing age-inappropriate clothing or with age-inappropriate objects suggesting a sexually explicit setting. This excludes a priori images of nudism or naturism without a focus on the body of the child, as well as other images of naked and semi-naked children in a non-sexualised context. "Sexualised child modelling" often refers to images/videos produced in a professional setting (professional studio or professional shooting outdoors with the logo of the agency attached) while "sexualised child posing" is content produced in a non-professional environment.   |
| <b>Sexualised images of children</b>   | Illegal (dependent on context) | Notice to LEA. NTD to HPs. | As in the case of sexualised modelling or posing, content of this category is of a sexual nature. While they are handled the same way as CSAM, the difference in practice is that these pictures were initially produced in a non-illegal context (such as pictures of children wearing a bikini, at the beach, in gymnastics, child nudism) but they have been altered/photoshopped (often cropped so that focus is on genitalia/nudity, sexualised text or objects are added) in order to be of a sexual nature.   |
| <b>Text depictions of CSAM</b>   | Illegal (dependent on context) |                            | Pornographic or violent texts available to minors are illegal according to article 227-24 of the French Criminal Code.   |
| <b>Fictional text depictions of CSAM</b>                                       | Illegal (dependent on context) |                            | Pornographic or violent texts available to minors are illegal according to article 227-24 of the French Criminal Code.   |

|                                      |             |                               |  |
|--------------------------------------|-------------|-------------------------------|--|
| <b>Praise of paedophilia or CSA</b>  | Not illegal | None                          |  |
| <b>Manual on CSA</b>                 | Illegal     | Notice to LEA.<br>NTD to HPs. |  |
| <b>Declaration of committing CSA</b> | Illegal     | Notice to LEA.<br>NTD to HPs. |  |

| Context   | Legal Status         | Actions Taken                 | Comments/explanation   |
|---|----------------------|-------------------------------|--|
| <b>Images in a medical context</b>  | Not illegal          |                               | As such, these images are not illegal. Legality depends on the context. If a picture appears in another non-medical context, sexualising the child, it is illegal. If it remains in the medical context, it is not sexual, and thus not illegal.   |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Treated as CSAM      | Notice to LEA.<br>NTD to HPs. | If the hotline has access to the series or is informed that the image is part of a series, the image is assessed as illegal. Series means that the illegal activity is depicted in several pictures and some of them (if assessed separately could not justify illegality) become illegal because of information available on other illegal pictures of the same series. |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Dependent on context | Notice to LEA.<br>NTD to HPs. | Sexualised comments attached to/added on a picture/video make this content illegal (see sexualised images of children). Comments/titles on a forum/page referring to and sexualising a picture/video but not attached to it are not a priori illegal.  |

| Content Location                                   | Accessibility by Law                      | Actions Taken                 | Comments/explanation   |
|--|---|-------------------------------|--|
| <b>Private site types (Password protected)</b>     | Allowed to access.<br>Allowed to send NTD | Notice to LEA.<br>NTD to HPs. | Including online gaming chat. If illegal, notice to LEA and HPs.   |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Allowed to access<br>Allowed to send NTD  | Notice to LEA.<br>NTD to HPs. | If illegal, notice to LEA and HPs.   |
| <b>Dropbox/cloud/similar file hosting services</b> | Not allowed to access or send NTD         |                               | If illegal, notice to LEA and HPs.   |
| <b>Tor/Onion</b>                                   | Allowed to access                         | Notice to LEA.                | The hotline is allowed to access Tor and if reported content is illegal, it is forwarded to LEA. Often a URL accessible only on Tor (.onion) contains CSAM accessible on the clear web. In |

|  |   |                            |   |
|--|---|----------------------------|---|
|  |   |                            | this case, CSAM is traced and is forwarded to LEA/HPs/ICCAM.  |
| <b>Livestreamed CSE/CSA</b>            | Allowed to access<br>Allowed to send NTDs   | Notice to LEA<br>NTD to HP | If illegal, notice to LEA and HPs.  |
| <b>File Transfer protocol (Ftp://)</b> | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA<br>NTD to HP | If illegal, notice to LEA and HPs.  |
| <b>Social media accounts</b>           | Allowed to access<br>Allowed to send NTDs   | Notice to LEA<br>NTD to HP | Public social media accounts publishing CSAM/CSEM are reported to the LEA and the social media platform for removal. Public or private social media accounts that are reported to the hotline as publishing CSAM/CSEM or exchanging CSAM/CSEM in private or committing child grooming or sextortion are also reported to the LEA and the social media platform for investigation and possible removal/blocking depending on the circumstances (see child grooming and soliciting children for sexual purposes). |
| <b>Email</b>                           | Not allowed to access or send NTDs          |                            | None.   |
| <b>Usenet</b>                          | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA<br>NTD to HP | If illegal, notice to LEA and HPs.  |
| <b>Messengers (Telegram, WhatsApp)</b> | Allowed to access<br>Allowed to send NTDs   | Notice to LEA<br>NTD to HP | Access to private messaging is not allowed to the hotline. However, if Telegram/WhatsApp/Snapchat have been reported as exchanging CSAM/CSEM in private or committing child grooming or sextortion, they are reported to the LEA and the platform for investigation and possible removal/blocking depending on the circumstances (see child grooming and soliciting children for sexual purposes).  |

Germany

## Germany - eco

### Operated by:

eco – Verband der Internetwirtschaft e.V.

### Legal basis for operation:

eco has an MOU with the federal police (BKA).

Generally, everybody can report illegal content. Regarding CSAM, the law prohibits everybody from distributing and obtaining this kind of content. But there is an exception which allows the procurement of such content to acts which exclusively serve the performance of:

1. state functions
2. tasks resulting from agreements with a competent government agency or
3. official or professional duties. eco has a MOU with the federal police which allows eco's work under this exception.

### Relationship with Law enforcement:

eco has an MOU with the federal police (BKA) and works closely together with them. Meetings and quick exchanges occur regularly. eco sends reports about child sexual abuse material under the criminal code to the federal police. This material contains:

- a) sexual acts performed by, on or in the presence of a minor
- b) the reproduction of a minor posing
- c) the sexually provocative reproduction of a child's bare genitalia or bare buttocks

### Relationship with hosting providers:

eco is the internet industry association with over 1000 members. Most German HPs (hosters, access providers etc.) are members. The hotline was found due to members initiative. There are several opportunities for direct contact with the HPs, e.g., there is a competence/task group which meets several times a year and exchanges about trends in abuse handling. The hotline sends NTDs to HPs. Depending on the cases, some HPs give feedback and some just remove the content.



**Other content dealt with:**

- §§ 4 and 5 Interstate Treaty on the Protection of Minors in the Media (JMStV)

(Content endangering youth and impairing development) as well as their corresponding criminal law regulations

➤ §§ 184 et seq. German Criminal Code (StGB) (freely accessible adult pornography; violent, animal, child, and juvenile pornography)

➤ §§ 86, 86a StGB (distribution of symbols and propaganda materials of unconstitutional organizations)

➤ § 130 German Criminal Code (StGB) (Incitement to hatred)

➤ § 130a German Criminal Code (StGB) (Attempting to cause the commission of offences by means of publication)

➤ § 131 German Criminal Code (StGB) (Dissemination of extreme depictions of violence)

- § 174 German Criminal Code (StGB) (Grooming)

- § 201a German Criminal Code (StGB) (Distributing pictures of naked minors in return for payment)

- §§ 129, 129a German Criminal Code (StGB) (Supporting or advertising for criminal or terrorist organizations)

- § 111 German Criminal Code (StGB) (Public incitement to crime)

- § 7 Act Against Unfair Competition (UWG) (Unauthorized sending of advertising emails and newsletters)

**What age constitutes a child:**

The Law states that a person under 14 years of age is a child. From 14 to under 18 they are juveniles. The child sexual abuse laws apply to all minors.

| Content Type  | Legal Status                   | Actions Taken              | Comments/Explanations  |
|---|--------------------------------|----------------------------|--|
| Drawings/manga/artistic interpretations of CSAM   | Illegal                        | Notice to LEA. NTD to HPs. | There is no legal difference between fictional or real content in Germany.   |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal                        | Notice to LEA. NTD to HPs. |  |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal                        | Notice to LEA. NTD to HPs. |  |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Illegal                        | Notice to LEA. NTD to HPs. | It depends on the individual case. "Appearing" means the setting, the appearance must be intentional.  |
| Child grooming  | Illegal                        | Notice to LEA. NTD to HPs. | Grooming usually happens in 1on1 chats, therefore a notice and takedown is not always possible.  |
| Sexual extortion of children or soliciting children for sexual purposes                             | Illegal                        | Notice to LEA. NTD to HPs. |  |
| Apparent self-generated sexual material   | Illegal                        | Notice to LEA. NTD to HPs. | Content that is self-generated is also illegal if it is accessible to others. The creator might not be liable.   |
| Sexualised modelling or posing  | Illegal                        | Notice to LEA. NTD to HPs. | The law states: whereby pornographic material (section 11 (3)) is deemed to be child pornography if it relates to the reproduction of a child in a state of full or partial undress in an unnaturally sexual pose or the sexually provocative reproduction of a child's bare genitalia or bare buttocks, or genitalia of children. An unnaturally sexualised posture is characterized by an atypical, inappropriate, artificial, or provocative character. |
| Sexualised images of children   | Illegal (dependent on context) | NTD to HPs.                | This really depends on the content. Images that show minors posing are illegal (according to German media law) and must be removed. If they are sexualised by context, so sexual comments on images this might be illegal or harmful to children and thus be removed.  |
| Text depictions of CSAM   | Illegal                        | Notice to LEA. NTD to HPs. |  |
| Fictional text depictions of CSAM   | Illegal                        | Notice to LEA. NTD to HPs. |  |
| Praise of paedophilia or CSA  | Illegal (dependent on context) | Notice to LEA. NTD to HPs. | If "praise" means advertising content, it is illegal. If it is just an unspecific endorsement, it is not necessarily illegal, but if it is a specific endorsement, it can be illegal under another law.  |
| Manual on CSA   | Illegal (dependent on context) | Notice to LEA. NTD to HPs. | It depends on the content of the manual. If there is CSAM content or a clear incitement to crimes, it is illegal.  |
| Declaration of committing CSA   | Illegal (dependent on context) | Notice to LEA. NTD to HPs. | It depends on the content. Detailed descriptions of the CSA might be illegal.  |

| Context   | Legal Status                         | Actions Taken                 | Comments/explanation   |
|---|--------------------------------------|-------------------------------|--|
| <b>Images in a medical context</b>  | Not illegal and not treated as CSAM. |                               | It has to be just for this cause and may not be removed from the context.  |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Dependent on the content/context.    | Notice to LEA.<br>NTD to HPs. | If it includes children posing fully or partly clothed, the hotline considers it CSAM and reports it to the HP. Otherwise, it is not illegal and outside hotline remit.                              |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Dependent on the content/context.    | Notice to LEA.<br>NTD to HPs. | The action depends on the case. If the text is explicit, it might be considered as text CSAM, and could be harmful to minors. If so, the hotline informs the HP, otherwise it would be out of remit. |

| Content Location                                   | Accessibility by Law                        | Actions Taken                 | Comments/explanation  |
|--|---|-------------------------------|---|
| <b>Private site types (Password protected)</b>     | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | The hotline reports the content to LEA and to the HP for removal after a waiting period. Reminders are sent until takedown.   |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Allowed to access.                          | Notice to LEA.<br>NTD to HPs. | The hotline reports the content to LEA. Notice and takedown is not possible in these cases so no further action can be taken. |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | The hotline reports the content to LEA and to the HP for removal after a waiting period. Reminders are sent until takedown.   |
| <b>Tor/Onion</b>                                   | Allowed to access.                          | Notice to LEA.                | The hotline reports the content to LEA. Notice and takedown is not possible in these cases so no further action can be taken. |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | The hotline reports the content to LEA and to the HP for removal after a waiting period. Reminders are sent until takedown.   |
| <b>File Transfer protocol (Ftp://)</b>             | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA.<br>NTD to HPs. | The hotline reports the content to LEA and to the HP for removal after a waiting period. Reminders are sent until takedown.   |
| <b>Social media accounts</b>                       | Allowed to access.<br>Allowed to send NTDs  | Notice to LEA.<br>NTD to HPs. | The hotline reports the content to LEA and to the HP for removal after a waiting period. Reminders are sent until takedown.   |
| <b>Email</b>                                       | Allowed to access.                          | Notice to LEA.                | The hotline reports the content to LEA. Notice and takedown is not possible in these cases so no further action can be taken. |
| <b>Usenet</b>                                      | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | The hotline reports the content to LEA and to the HP for removal after a waiting period. Reminders are sent until takedown.   |
| <b>Messengers (Telegram, WhatsApp)</b>             | Allowed to access.                          | Notice to LEA.                | The hotline reports the content to LEA. Notice and takedown is not possible in these cases so no further action can be taken. |

## Germany - FSM

### Operated by:

FSM – Freiwillige Selbstkontrolle Multimedia-Diensteanbieter

### Legal basis for operation:

MoU with LEA, § 184b sec.5 no. 2 German Penal Code (StGB)

### Relationship with Law enforcement:

Excellent relationship, several meetings during the year to stay updated. MoU since 2007, renewed in 2011 and 2017 between the German Hotlines (eco, jugendschutz.net, FSM), the Federal Criminal Police Office (BKA) and the Federal Review Board for Media Harmful to Minors (BPjM). The Hotline forwards any kind of child- and youth pornography hosted in Germany and in countries without an Inhope Hotline. Since 2013 there is also a Report to the Parliament from the Federal Government on the measures taken for the purpose of deleting CSAM online which proves the effectiveness of the cooperation between the hotlines, the BPjM and the BKA for the purpose of combating CSAM.

### Relationship with hosting providers:

FSM does NTD with German host providers for any kind of illegal content, not only limited to CSAM. However, since eco is the association of host providers, there is an agreement with eco to send complains that are not related to CSAM to them first to allow them to contact their members first. If this is not successful within a given timeframe, we contact them by our own.

### Other content dealt with:

§ 4,5 Interstate treaty on the protection of minors and human dignity (JMStV) e.g. propaganda material, unconstitutional symbols, denying of holocaust, incitement to hatred, violation of human dignity, cruel or inhuman activities, glorification of war, animal pornography, violent pornography, child-and youth pornography, depiction of posing images of minors, indexed content, adult pornography, any other content harmful to minors.

### What age constitutes a child:

Person under 14 years, e.g., § 176 sec. 1 German Penal Code (StGB), § 1 no. 1 Youth Protection Act (JuschG).



| Content Type  | Legal Status                   | Actions Taken                 | Comments/Explanations   |
|---|--------------------------------|-------------------------------|---|
| Drawings/manga/artistic interpretations of CSAM   | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. |   |
| Child grooming  | Illegal                        | None                          | The hotline does not handle child grooming reports. However, if we receive a reasonable report, we forward the information to LEA. Additionally we also take action against such content if it violates the Interstate Treaty on the protection of minors – JMStV (e.g., if it is distributed in public chats).   |
| Sexual extortion of children or soliciting children for sexual purposes                             | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| Apparent self-generated sexual material   | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | In general illegal. If generated and shared by a minor only illegal under circumstances. If the material is shared online and the person appears to be a minor, FSM treats this as CSAM or youth pornography.   |
| Sexualised modelling or posing  | Illegal                        | Notice to LEA.<br>NTD to HPs. | Posing images are CSAM if they depict the children in unnaturally sexualised poses, or they expose their naked buttocks or genitalia in a sexually provocative way.<br><br>This material is considered CSAM under Sections 184b and 184c StGB, if it depicts unnaturally sexualized poses, or the sexually provocative reproduction of the naked buttocks or genitalia of children.<br>An unnaturally sexualised posture is characterized by an atypical, inappropriate, artificial, or provocative character. For instance, representations of naked children with legs spread in paddling pools or bathtubs therefore do not fall under the criminal liability if of a reasonable, age-typical and therefore natural attitude of the child. It must be decided on a case-by-case basis whether there is an unnatural gendered posture, especially for the sexual arousal of the observer. |
| Sexualised images of children   | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| Text depictions of CSAM   | Illegal                        | Notice to LEA.                |   |

|  |                                   |                               |  |
|--|-----------------------------------|-------------------------------|--|
|  |                                   | NTD to HPs.                   |  |
| <b>Fictional text depictions of CSAM</b> | Illegal                           | Notice to LEA.<br>NTD to HPs. |  |
| <b>Praise of paedophilia or CSA</b>      | Illegal<br>(dependent on context) | Notice to LEA.<br>NTD to HPs. |  |
| <b>Manual on CSA</b>                     | Illegal<br>(dependent on context) | Notice to LEA.<br>NTD to HPs. |  |
| <b>Declaration of committing CSA</b>     | Illegal<br>(dependent on context) | Notice to LEA.<br>NTD to HPs. |  |

| Context   | Legal Status              | Actions Taken | Comments/explanation   |
|---|---------------------------|---------------|--|
| <b>Images in a medical context</b>  | Not illegal               | None          |  |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Not illegal               | None          |  |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Dependent on the context. |               | It depends on the circumstances. If the comment is sexual with a direct relation to the picture in question, it might be considered illegal. In a project with jugendschutz.net as the coordinator, FSM collects URLs within the "No Grey Zones" project |

| Content Location                                   | Accessibility by Law                        | Actions Taken                 | Comments/explanation  |
|--|---|-------------------------------|---|
| <b>Private site types (Password protected)</b>     | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | Sent to LEA if hosted in Germany or in a country without an INHOPE Hotline, inserted into ICCAM, NTD sent to HP.                  |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Allowed to access.                          | Notice to LEA.                | FSM does not check or enter torrent or emule sites. However, it forwards every TOR URL to LEA according to an internal agreement. |
| <b>Dropbox/cloud/similar file hosting services</b> | Unknown                                     |                               |   |
| <b>Tor/Onion</b>                                   | Allowed to access.                          | Notice to LEA.                | FSM does not check or enter torrent or emule sites. However, it forwards every TOR URL to LEA according to an internal agreement. |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | Sent to LEA if hosted in Germany or in a country without an INHOPE Hotline, inserted into ICCAM, NTD sent to HP.                  |
| <b>File Transfer protocol (Ftp://)</b>             | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | Sent to LEA if hosted in Germany or in a country without an INHOPE Hotline, inserted into ICCAM, NTD sent to HP.                  |
| <b>Social media accounts</b>                       | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | Sent to LEA if hosted in Germany or in a country without an INHOPE Hotline, inserted into ICCAM, NTD sent to HP.                  |
| <b>Email</b>                                       | N/A   |                               |   |
| <b>Usenet</b>                                      | N/A   |                               |   |
| <b>Messengers (Telegram, WhatsApp)</b>             | N/A   |                               |   |



## Germany - jugendschutz.net

### Operated by:

Jugendschutz

### Legal basis for operation:

MoU with LEA, BPjM, eco and FSM

### Relationship with Law enforcement:

MoU with LEA and BPjM (Federal Review Board for Media Harmful to Minors) all three German hotlines (newest updated version dates back to 2017). The hotline forwards to the LEA any type of content within its remit assessed as manifestly illegal, no matter the hosting country (regarding CSAM only if hosted in Germany, any other cases regarding CSAM are only exchanged in numbers). LEA may request further feedback. LEA and the hotline are regularly in contact and discuss various topics (legal assessment of specific content, handling of specific report, identification of trends, statistics, technological developments) by phone and email, while operational meetings either at the hotline or at the LEA headquarters take place at least once per year. Reports are forwarded to LEA via email. If content is still online after four weeks, it will be forwarded to the BPjM by our LEA for the purpose of indexing it.

### Relationship with hosting providers:

Usually, it's not hotline policy to send NTD requests to German HPs. However, if content is still online five days after contacting LEA (or in some special cases, if requested by the LEA earlier, sometimes even 6 hours after contacting them) jugendschutz.net will also send NTD requests to the HPs. Some HPs send feedback, some don't.

### Other content dealt with:

- Relevant Laws: German Criminal Code (StGB) and Interstate Treaty for the Protection of Minors on the Internet (JMStV) - The List is not exhaustive:
- Anything that affects or endangers the development of children and adolescents (Article 5 (1) JMStV CSAM/CSEM, Article 184b, 184d StGB
- Child grooming activities, Article 176 (4) StGB
- Violent content (Article 131 StGB; Article 4 (1) Nr.5 JMStV), pornographic content (Art 184, 183 d StGB, Art. 4 (2) Nr. 1 JMStV), content inciting to terrorism (Article 4 (2) Nr. 3 JMStV), content seriously violating human dignity



(Article 4 (1) Nr. 8 JMStV), content inciting minors to play games putting them in physical danger, Incitement to suicide (Article 4 (2) Nr. 3 JMStV)

- Hate speech, (Article 130 StGB, Article 4 (1) Nr. 3 JMStV), Terrorist propaganda (Article 86 StGB, Article 4 (1) Nr. 1 JMStV)
- Praise of war, Article 4 (1) Nr. 7 JMStV

### What age constitutes a child:

Child/minor is any person below the age of 18 years, Article 176 (1) StGB (Child = under 14y) Article 182 (1) StGB (adolescent = under 18y).

| Content Type   | Legal Status                   | Actions Taken                 | Comments/Explanations   |
|--|--------------------------------|-------------------------------|---|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| <b>Child grooming</b>  | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| <b>Apparent self-generated sexual material</b>   | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | If distributed to others or possessed by adults, this content is illegal.     |
| <b>Sexualised modelling or posing</b>  | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| <b>Sexualised images of children</b>   | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| <b>Text depictions of CSAM</b>   | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| <b>Fictional text depictions of CSAM</b>   | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| <b>Praise of paedophilia or CSA</b>  | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | This could be illegal if the written text drifts into text depiction of CSAM. |

|                                      |                                |                               |   |
|--------------------------------------|--------------------------------|-------------------------------|---|
| <b>Manual on CSA</b>                 | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | This could be illegal if the written text drifts into text depiction of CSAM. |
| <b>Declaration of committing CSA</b> | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | This is considered illegal if the context is obviously serious.               |

| Context   | Legal Status                         | Actions Taken                 | Comments/explanation   |
|---|--------------------------------------|-------------------------------|--|
| <b>Images in a medical context</b>  | Not illegal and not treated as CSAM. | None                          |  |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Not illegal                          | Notice to LEA.<br>NTD to HPs. | The hotline reports these images to HPs and LEA, whilst providing the information that the depiction is part of an image series containing CSAM.   |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Treated as CSAM.                     | Notice to LEA.                | If the written text drifts into text depiction of CSAM (very explicitly) it is considered illegal. However, the hotline usually provides the information to LEA because it is considered as suspected even if the text appears not to be entirely illegal. |

| Content Location                                   | Accessibility by Law  | Actions Taken                 | Comments/explanation  |
|--|-----------------------|-------------------------------|---|
| <b>Private site types (Password protected)</b>     | Allowed to access.    | Notice to LEA.<br>NTD to HPs. |   |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Not allowed to access |                               |   |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access.    | Notice to LEA.<br>NTD to HPs. |   |
| <b>Tor/Onion</b>                                   | Allowed to access.    | Notice to LEA.<br>NTD to HPs. | The hotline is allowed to access Tor and if reported content is illegal, it is forwarded to LEA. Often a URL accessible only on Tor (.onion) contains CSAM accessible on the clear web. In this case, CSAM is traced and is forwarded to LEA/HPs/ICCAM. |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access.    | Notice to LEA.<br>NTD to HPs. |   |
| <b>File Transfer protocol (Ftp://)</b>             | Allowed to access.    | Notice to LEA.<br>NTD to HPs. |   |



|  |                                     |                               |  |
|--|-------------------------------------|-------------------------------|--|
| <b>Social media accounts</b>               | Allowed to access.                  | Notice to LEA.<br>NTD to HPs. | Public social media accounts publishing CSAM/CSEM are reported to the LEA and the social media platform for removal. Public or private social media accounts that are reported to the hotline as publishing CSAM/CSEM or exchanging CSAM/CSEM in private or committing child grooming or sextortion are also reported to the LEA and the social media platform for investigation and possible removal/blocking depending on the circumstances. |
| <b>Email</b>                               | Not allowed to access or send NTDs. |                               |  |
| <b>Usenet</b>                              | Allowed to access.                  | Notice to LEA.<br>NTD to HPs. | Notice to LEA and HPs.   |
| <b>Messengers<br/>(Telegram, WhatsApp)</b> | Allowed to access.                  | Notice to LEA.<br>NTD to HPs. | The hotline is not allowed access to private messaging. However, if Telegram/WhatsApp/Snapchat have been reported as exchanging CSAM/CSEM in private or committing child grooming or sextortion, they are reported to the LEA and the platform for investigation and possible removal/blocking depending on the circumstances.   |



## Greece - Safeline

### Operated by:

Institute of Computer Science, Foundation for Research and Technology – Hellas (FORTH)

### Legal basis for operation:

Signed MoU with the national law enforcement.

The national law does not clearly establish the role, function, or competence of the hotline regarding the handling of CSAM. SafeLine's operations are theoretically covered by Articles 10 and 12 of the Constitution. According to the provisions, anyone may send a written report to the authorities, regarding the protection of personal and social human rights. SafeLine acts as an intermediary between citizens and the Greek Police Authorities, receiving reports from citizens or groups and forwarding them to the police. The hotline can only view and determine the content as illegal or not in a preliminary level in order to forward it to competent authorities

### Relationship with Law enforcement:

The hotline cooperates with the Greek Police Cyber Crime Unit under the basis of an official MoU that regulates this cooperation. Hotline analysts are able to process and assess URLs containing potential CSAM. Consequently, the hotline staff can process potential CSAM and classify it, in order that the LEA are not overloaded with reports that do not actually constitute CSAM. Often, the LEA contacts SafeLine asking for further information on a report that has been forwarded to the Cyber Crime Unit.

### Relationship with hosting providers:

SafeLine does not have a MoU with the HPs. While the SafeLine can inform the Greek HPs of CSAM on their servers, the HPs are not obliged to remove the material upon the hotline's request. SafeLine can notify the HPs, leaving the choice of whether to remove the content to the discretion of the HPs.

### Other content dealt with:

CSAM/CSEM, Child grooming activities, Solicitation of children for sexual purposes (sexual extortion of children) and Sexual harassment, Violent content, Content inciting to terrorism, Hate speech, Terrorist propaganda, Incitement to suicide

**What age constitutes a child:**

Child/minor is any person below the age of 18 years. There is a distinction regarding Child Sexual Abuse to a minor under 15 and a minor over 15 in terms of imprisonment.

| Content Type  | Legal Status                   | Actions Taken                 | Comments/Explanations  |
|---|--------------------------------|-------------------------------|--|
| Drawings/manga/artistic interpretations of CSAM   | Illegal                        | Notice to LEA.<br>NTD to HPs. | Art.348A §3 PC   |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Not illegal                    | None                          |  |
| Child grooming  | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| Sexual extortion of children or soliciting children for sexual purposes                             | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| Apparent self-generated sexual material   | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. |  |
| Sexualised modelling or posing  | Illegal                        | Notice to LEA.<br>NTD to HPs. | Pornographic material consists of any representation or an actual or virtual depiction, in electronic or any other form of material, of the sexual organs or in general the body of a child aimed at causing sexual stimulation, as well as a recording or depiction of an actual or virtual carnal act that arises sexual stimulation by or with a minor. |
| Sexualised images of children   | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| Text depictions of CSAM   | Not illegal                    | Notice to LEA.                |  |
| Fictional text depictions of CSAM   | Not illegal                    | Notice to LEA.                |  |
| Praise of paedophilia or CSA  | Not illegal                    | Notice to LEA.                |  |
| Manual on CSA   | Not illegal                    | Notice to LEA.                |  |
| Declaration of committing CSA   | Not illegal                    | Notice to LEA.                |  |

| Context   | Legal Status         | Actions Taken | Comments/explanation   |
|---|----------------------|---------------|--|
| Images in a medical context                                 | Not treated as CSAM. | None          | As such, these images are not illegal. Legality depends on the context. If a picture is appeared in another non-medical context, sexualising the child, it is illegal. If it remains in the medical context, it is not sexual, and thus not illegal. |
| Non-explicit images in a series of images that contain CSAM | Not treated as CSAM. | None          |  |



|   |                      |      |   |
|---|----------------------|------|---|
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Not treated as CSAM. | None | Comments/titles on a forum/page referring to and sexualising a picture/video but not attached to it are not a priori illegal. |
|---|----------------------|------|---|

| Content Location                                   | Accessibility by Law                         | Actions Taken                 | Comments/explanation  |
|--|--|-------------------------------|---|
| <b>Private site types (Password protected)</b>     | Allowed to access.<br>Allowed to send NTDs.  | Notice to LEA.<br>NTD to HPs. | SafeLine is allowed to access all type of location mentioned if the content is not CSAM.  |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Allowed to access.<br>Allowed to send NTDs.  | Notice to LEA.<br>NTD to HPs. | Article 5 (3) of the Directive 2011/93/EU states that "Knowingly obtaining access, by means of information and communication technology, to child pornography shall be punishable by a maximum term of imprisonment of at least 1 year".  |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access.<br>Allowed to send NTDs.  | Notice to LEA.<br>NTD to HPs. | However, there is a relevant exception for the operation of hotlines in 17 recital of the Directive that states "It also allows activities carried out under domestic legal powers, such as the legitimate possession of child pornography by the authorities in order to conduct criminal proceedings or to prevent, detect or investigate crime. Furthermore, it does not exclude legal defences or similar relevant principles that relieve a person of responsibility under specific circumstances, for example where telephone or Internet hotlines carry out activities to report those cases." |
| <b>Tor/Onion</b>                                   | Allowed to access.<br>Allowed to send NTDs.  | Notice to LEA.<br>NTD to HPs. |   |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access.<br>Allowed to send NTDs.. | Notice to LEA.<br>NTD to HPs. |   |
| <b>File Transfer protocol (Ftp://)</b>             | Allowed to access.<br>Allowed to send NTDs.  | Notice to LEA.<br>NTD to HPs. |   |
| <b>Social media accounts</b>                       | Allowed to access.<br>Allowed to send NTDs.  | Notice to LEA.<br>NTD to HPs. | Despite the fact that European legislation acknowledges the operation of hotlines and protects the hotline analysts, when the EU Directive was transferred in the Greek legislation, it was not transferred completely. As a result, there is not such a provision of excepting hotlines.   |
| <b>Email</b>                                       | Allowed to access.<br>Allowed to send NTDs.  | Notice to LEA.<br>NTD to HPs. |   |
| <b>Usenet</b>                                      | Allowed to access.<br>Allowed to send NTDs.  | Notice to LEA.<br>NTD to HPs. | However, since November 2022 there is an official MoU with the Cyber Crime Unit of the Greek Police, which allows the hotline analysts to process reports.  |
| <b>Messengers (Telegram, WhatsApp)</b>             | Allowed to access.<br>Allowed to send NTDs.  | Notice to LEA.<br>NTD to HPs. |   |



Hungary

## ***Hungary - Biztonságosinternet***

### **Operated by:**

International Children's Safety Service (ICSS)

### **Legal basis for operation:**

(1) Act C of 2003 on electronic communications 149/B-D. § modified by law of Act LXXXV of 2020;

(2) MoU with LEA.

### **Relationship with Law enforcement:**

Internet Hotline is in daily contact with LEA (National Bureau of Investigation), and in-person meetings are held several times a year. MoU was signed in 2012. Hotline reports are forwarded to LEA if (1) criminal offence is suspected and (2) the proceeding does not require private prosecution. The following reporting categories are prioritised: CSAM, content promoting drug use, content inciting act of terrorism.

### **Relationship with hosting providers:**

There is no cooperation agreement with hosting providers. Based on Article 4/A., 7 and 10 of Act CVIII of 2001 on certain issues of electronic commerce activities and information society services, Internet Hotline sends requests to content and hosting providers in order to make the illegal content in question inaccessible, or to place appropriate warning signs of age limit onto a website. Based on experience of Internet Hotline, Hungarian service providers mostly cooperate and respond to the requests.

### **Other content dealt with:**

The hotline operates a web-based reporting site where illegal online content can be reported in nine reporting categories: (1) Child Sexual Abuse Material - CSAM, (2) data phishing, (3) cyberbullying, (4) content made accessible without permission, (5) content promoting drug use, (6) terrorism, (7) content involving racism, (8) violence, or (9) other content harmful to minors.



**What age constitutes a child:**

A person under the of 18 years is considered a child. The age of consent for sexual act is 14 years (Criminal Code Section 198 Sexual Abuse). Child pornography refers to a real person under the age of 18 years and since 2021 - due to change of definition of child pornography in the Criminal Code - the realistic depiction of a non-existing child can also be considered as CSAM.

| Content Type   | Legal Status                   | Actions Taken  | Comments/Explanations   |
|--|--------------------------------|----------------|---|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Not illegal                    | None           |   |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal (dependent on context) | Notice to LEA. |   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal                        | Notice to LEA. |   |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Not illegal                    | None           |   |
| <b>Child grooming</b>  | Illegal (dependent on context) | Notice to LEA. |   |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                        | Notice to LEA. |   |
| <b>Apparent self-generated sexual material</b>   | Illegal (dependent on context) | Notice to LEA. | If a minor takes a photo of himself/herself and keeps it for themselves, it is not illegal. However, if the photo is sent to another person, who saves and distributes it, that might be considered to be CSAM. |
| <b>Sexualised modelling or posing</b>  | Not illegal                    | None           | It is not regulated by the law.   |
| <b>Sexualised images of children</b>   | Not illegal                    | None           | It is not regulated by the law.   |
| <b>Text depictions of CSAM</b>   | Not illegal                    | None           | It is not regulated by the law.   |
| <b>Fictional text depictions of CSAM</b>   | Not illegal                    | None           | It is not regulated by the law.   |
| <b>Praise of paedophilia or CSA</b>  | Illegal (dependent on context) | Notice to LEA. |   |
| <b>Manual on CSA</b>   | Illegal (dependent on context) | Notice to LEA. |   |
| <b>Declaration of committing CSA</b>   | Illegal (dependent on context) | Notice to LEA. |   |

| Context  | Legal Status                   | Actions Taken              | Comments/explanation   |
|--|--------------------------------|----------------------------|--|
| Images in a medical context  | Not illegal                    | None                       |  |
| Non-explicit images in a series of images that contain CSAM                            | Illegal and treated as CSAM.   | Notice to LEA. NTD to HPs. | If the hotline has access to the series or is informed that the image is part of a series, the image is assessed as illegal. "Series" means that the illegal activity is depicted in several pictures and some of them, if assessed separately could not justify illegality, become illegal because of information available on other illegal pictures of the same series. |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Illegal (dependent on context) | Notice to LEA.             | Depending on context, such reports might be forwarded to LEA.  |

| Content Location                            | Accessibility by Law                | Actions Taken | Comments/explanation  |
|---|-------------------------------------|---------------|---|
| Private site types (Password protected)     | Not allowed to access or send NTDs. |               | If a report is highly likely to be illegal we forward it to LEA.  |
| Peer to peer (torrent, emule, Kat)          | Not allowed to access or send NTDs. |               | If a report is highly likely to be illegal we forward it to LEA.  |
| Dropbox/cloud/similar file hosting services | Not allowed to access or send NTDs. |               | If a report is highly likely to be illegal we forward it to LEA.  |
| Tor/Onion                                   | Not allowed to access or send NTDs. |               | Hotline analysts are not entitled to access password protected content. In cases where a reporter provides the hotline with a message sent, analysts may read it, but they are not entitled to enter any accounts, even if username + password are provided by the reporter.  |
| Livestreamed CSE/CSA                        | Allowed to access.                  |               | Hotline analysts are not entitled to record such Livestreamed content.  |
| File Transfer protocol (Ftp://)             | Allowed to access.                  |               | Hotline analysts are entitled to download such content (Ftp://)   |
| Social media accounts                       | Allowed to access.                  |               | Hotline analysts are not entitled to access password protected content. In cases where such an account is public (i.e., can be viewed without password), it may be assessed.  |
| Email                                       | Not allowed to access or send NTDs. |               | Hotline analysts are not entitled to access password protected e-mail accounts. In cases where a reporter provides the hotline with a message sent via Email analysts may read it, but they are not entitled to enter any accounts, even if username + password are provided by the reporter. Such reports are forwarded to LEA.        |
| Usenet                                      | N/A                                 |               |   |
| Messengers (Telegram, WhatsApp)             | Not allowed to access or send NTDs. |               | Hotline analysts are not entitled to access password protected accounts. In cases where a reporter provides the hotline with a message sent via Messenger/WhatsApp, analysts may read it, but they are not entitled to enter any accounts, even if username + password are provided by the reporter. Such reports are forwarded to LEA. |

## ***Hungary - Internet Hotline***

### **Operated by:**

National Media and Info-communications Authority

### **Legal basis for operation:**

(1) Act C of 2003 on electronic communications 149/B-D. § modified by law of Act LXXXV of 2020;

(2) MoU with LEA, signed 2012; and

(3) The 'Internet Hotline Rules of Procedure' included in the Organizational and Operational Regulation of the National Media and Infocommunications Authority Annex 4 of the Presidential Instruction Nr. 03/202.

### **Relationship with Law enforcement:**

Internet Hotline is in daily contact with LEA (National Bureau of Investigation), and in-person meetings are held several times a year. Hotline reports are forwarded to LEA if (1) criminal offence is suspected and (2) the proceeding does NOT require private prosecution. The following reporting categories are prioritised: CSAM, content promoting or encouraging the use of illegal psychoactive substances and data phishing.

### **Relationship with hosting providers:**

There is no cooperation agreement with hosting providers. Based on Article 4/A., 7 and 10 of Act CVIII of 2001 on certain issues of electronic commerce activities and information society services, Internet Hotline sends requests to content and hosting providers in order to make the illegal content in question inaccessible, or to place appropriate warning signs of age limit onto a website. Based on experience of Internet Hotline, Hungarian service providers mostly cooperate and respond to the requests.

### **Other content dealt with:**

The hotline operates a web based reporting site where illegal online content can be reported in eight reporting categories: (1) Child Sexual Abuse Material - CSAM, (2) data phishing, (3) cyberbullying, (4) content made accessible without permission, (5) content promoting or encouraging the use of illegal psychoactive substances or (6) content inciting or promoting illegal acts of violence, (7) racist content, content inciting hatred against the community (8) content harmful to minors. Internet users may file reports through the hotline's online interface (<http://nmhh.hu/internethotline/>) or the [internethotline@internethotline.hu](mailto:internethotline@internethotline.hu) email address.

### **What age constitutes a child:**

'Don't ignore it,  
Report it!'



**Funded by  
the European Union**

A person under the of 18 years is considered a child. The age of consent for sexual act is 14 years (Criminal Code Section 198 Sexual Abuse). Child pornography refers to a real person under the age of 18 years and since 2021 - due to change of definition of child pornography in the Criminal Code - the realistic depiction of a non-existing child can also be considered as CSAM.

| Content Type   | Legal Status                   | Actions Taken                               | Comments/Explanations  |
|--|--------------------------------|---|--|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Not illegal                    | None  |  |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal (dependent on context) | Notice to LEA & concerned hotline via ICCAM | LEA starts investigation and LEA requests removal from HP.   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal                        | Notice to LEA & concerned hotline via ICCAM | LEA starts investigation and LEA requests removal from HP.   |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Not illegal                    | None  | It is not regulated by the law.  |
| <b>Child grooming</b>  | Illegal (dependent on context) | Notice to LEA                               | The act of grooming is not included in the Hungarian Criminal Code. Anyone requesting minors for sending self-made sexually explicit images, might commit the crime of (online) harassment, child pornography, sexual violence, sexual abuse or indecent exposure. |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                        | Notice to LEA                               | LEA starts investigation and LEA requests removal from HP.   |
| <b>Apparent self-generated sexual material</b>   | Illegal (dependent on context) | Notice to LEA<br>NTD to HP                  | If a minor takes a photo of himself and keeps it for himself, it is not illegal. However, if the photo is sent to another person, who saves and distributes it, that might be considered to be CSAM.   |
| <b>Sexualised modelling or posing</b>  | Not illegal                    | None  | It is not regulated by the law.  |
| <b>Sexualised images of children</b>   | Not illegal                    | Notice to LEA                               | This in itself does not constitute a criminal offence.   |
| <b>Text depictions of CSAM</b>   | Not illegal                    | Notice to LEA                               | This in itself does not constitute a criminal offence.   |
| <b>Fictional text depictions of CSAM</b>   | Not illegal                    | Notice to LEA                               | This in itself does not constitute a criminal offence.   |
| <b>Praise of paedophilia or CSA</b>  | Illegal (dependent on context) | Notice to LEA                               | This in itself does not constitute a criminal offence.   |
| <b>Manual on CSA</b>   | Illegal (dependent on context) | Notice to LEA                               | This in itself does not constitute a criminal offence.   |
| <b>Declaration of committing CSA</b>   | Illegal (dependent on context) | Notice to LEA                               | This in itself does not constitute a criminal offence.   |

| Context  | Legal Status                | Actions Taken              | Comments/explanation   |
|--|-----------------------------|----------------------------|--|
| Images in a medical context  | Not illegal                 | None                       |  |
| Non-explicit images in a series of images that contain CSAM                            | Illegal and treated as CSAM | Notice to LEA. NTD to HPs. | If the hotline has access to the series or is informed that the image is part of a series, the image is assessed as illegal. "Series" means that the illegal activity is depicted in several pictures and some of them, if assessed separately could not justify illegality, become illegal because of information available on other illegal pictures of the same series. |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Not illegal                 | Notice to LEA.             | Depending on context, such reports might be forwarded to LEA.  |

| Content Location                            | Accessibility by Law                | Actions Taken | Comments/explanation  |
|---|-------------------------------------|---------------|---|
| Private site types (Password protected)     | Not allowed to access or send NTDs. |               | Such reports are forwarded to LEA.  |
| Peer to peer (torrent, emule, Kat)          | Not allowed to access or send NTDs. |               | Such reports are forwarded to LEA.  |
| Dropbox/cloud/similar file hosting services | Not allowed to access or send NTDs. |               | Such reports are forwarded to LEA.  |
| Tor/Onion                                   | Not allowed to access or send NTDs. |               | Such reports are forwarded to LEA.  |
| Livestreamed CSE/CSA                        | Allowed to access.                  |               | Hotline analysts are not entitled to keep a record of such livestreamed content.  |
| File Transfer protocol (Ftp://)             | N/A                                 |               | Should an incoming hotline report refer to content available on FTP, analysts are not entitled to download the content.   |
| Social media accounts                       | Allowed to access.                  |               | Hotline analysts are not entitled to access password protected content. In cases where such an account is public (i.e., can be viewed without password), it may be assessed.  |
| Email                                       | Not allowed to access or send NTDs. |               | Hotline analysts are not entitled to access password protected content. In case complainant provides hotline with an email message, analysts may read it, but they are not entitled to enter email accounts, even if username + password are provided by reporter.                                  |
| Usenet                                      | N/A                                 |               |   |
| Messengers (Telegram, WhatsApp)             | Not allowed to access or send NTDs. |               | Hotline analysts are not entitled to access password protected content. In cases where a reporter provides the hotline with a message sent via Messenger/WhatsApp, analysts may read it, but they are not entitled to enter any accounts, even if username + password are provided by the reporter. |

## Ireland

## *Ireland - Hotline.ie*

**Operated by:**

Internet Service Providers. Association of Ireland (ISPAI)

**Legal basis for operation:**

The backbone of the national operational framework is the Government's Working Group on the Illegal and Harmful Use of the Internet Report (1998): (<http://www.justice.ie/en/JELR/IllegalUseofInternet.pdf/Files/IllegalUseofInternet.pdf>), provisioning for, inter alia, (a) the establishment of an Internet Hotline Service where the public may anonymously report suspected illegal content online, particularly "child pornography" or activities relating to the sexual exploitation of children; (b) the development of an Industry Code of Practice and Ethics setting out the duties and responsibilities of online providers operating in/from Ireland and, common acceptable use policies. Furthermore, Hotline.ie has also been recognised and acknowledged under the first Government of Ireland National Action Plan for Online Safety ([https://assets.gov.ie/162/120718132737-7082532-ONLINE\\_SAFETY\\_ACTION\\_PLAN\\_2018-2019.pdf](https://assets.gov.ie/162/120718132737-7082532-ONLINE_SAFETY_ACTION_PLAN_2018-2019.pdf)) launched by the Taoiseach in July 2018. Hotline.ie also sits on the National Advisory Council for Online Safety (<https://www.gov.ie/en/publication/ebe58-national-advisory-council-for-online-safety-nacos/>)

For over 20 years (ISPAI) Hotline.ie has been managing and enforcing the Code of Practice (<https://www.hotline.ie/library/hotlineie-code-of-practice-2020.pdf>) and providing the Hotline.ie Service (<http://www.hotline.ie/>).

Hotline.ie procedures and operations are agreed and overseen by the Department of Justice and An Garda Síochána (Ireland's National Police Service). These are also documented in detail in the Hotline.ie Operational Procedural Manual.

Article 25 of Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography deals with 'Measures against websites containing or disseminating child pornography'. The activities of Hotline.ie together with An Garda Síochána CSAM blocking initiative fulfil Article 25 in Ireland. The Department of Justice (<http://www.justice.ie/en/JELR/Pages/Cybercrime>), the Cybercrime – Crime and Security Directorate oversees these activities. The remainder of the Directive has been transposed into Irish law."

**Relationship with Law enforcement:**

As described above, Hotline.ie operations and procedures are agreed and overseen by An Garda Síochána. Hotline.ie notifies all content assessed by Content Analysts as "child pornography" under the Child Trafficking and Pornography Act, 1998 as amended by the Criminal Law (Sexual Offences) Act 2017, predicated on a traffic light system i.e. CSAM hosted





in Ireland, CSAM hosted in an INHOPE member country, CSAM hosted in a country without hotline presence. Hotline.ie also notifies confirmed Racism & Xenophobia and financial scams which purport to be Irish financial services or have Irish contact details or appear to have originated from Ireland. Furthermore, in September 2020, Hotline.ie was designated the national reporting mechanism for incidents of intimate image abuse which is illegal under the Harassment, Harmful Communications and Related Offences Act 2020.

#### **Relationship with hosting providers:**

The relationship between online service providers operating in/from Ireland and Hotline.ie is defined through members and non-members. Members of Hotline.ie abide by the Notice and Takedown procedure laid out in the Hotline.ie Code of Practice (<https://www.hotline.ie/library/hotlineie-code-of-practice-2020.pdf>). For further details please see the Hotline.ie Code of Practice which outlines the framework for collaboration between Hotline.ie, online service providers (our members) and national law enforcement, for the purpose of countering the spread of illegal content online, especially CSAM. The Code sets out minimum requirements for participating companies and details the notice and takedown procedure, roles and responsibilities. It also includes general good practice and information regarding Hotline.ie's expertise and support services. There is a certain level of flexibility in the principles set out in the Code to address stakeholders' divergent practices, functions, layering of services, products, variety of business models and stages of maturity.

In respect of online service providers who are not members of Hotline.ie, in these cases Hotline.ie liaises with the nominated An Garda Síochána unit/contact to identify the appropriate course of action on a case-by-case basis.

#### **Other content dealt with:**

- Activities relating to the sexual exploitation of children, i.e., child grooming - Child Trafficking and Pornography Act, 1998 & Criminal Law (Sexual Offences) Act 2017
- Racism & Xenophobia - Prohibition of Incitement to Hatred Act 1989
- Financial Scams which purport to be Irish financial services or have Irish contact details or appear to have originated from Ireland.

#### **What age constitutes a child:**

A child is any person under the age of 18. The Criminal Law (Sexual Offences) Act 2017 amended the Child Trafficking and Pornography Act to change the defined age of what constitutes a child from 17 to 18. However, offences relating to sexual exploitation i.e., grooming laid out in the Criminal Law (Sexual Offences) Act 2017 vary in the ages they apply to.

| Content Type   | Legal Status                       | Actions Taken              | Comments/Explanations   |
|--|------------------------------------|----------------------------|---|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal                            | Notice to LEA. NTD to HPs. | Under Irish law, any video or audio representation that documents a child, or a depiction of a child is covered by the Child Trafficking and Pornography Act, (1998).   |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal                            | Notice to LEA. NTD to HPs. | Under Irish law, any video or audio representation that documents a child, or a depiction of a child is covered by the Child Trafficking and Pornography Act, (1998).   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal                            | Notice to LEA. NTD to HPs. | The Child Trafficking and Pornography Act (1998) as amended by the Criminal Law (Sexual Offences) Act 2017 makes no reference to appearance of age, only whether the person is under the age of 18.   |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Not illegal                        | Notice to LEA. NTD to HPs. | The Child Trafficking and Pornography Act (1998) as amended by the Criminal Law (Sexual Offences) Act 2017 makes no reference to appearance of age, only whether the person is under the age of 18.   |
| <b>Child grooming</b>  | Illegal                            | Notice to LEA. NTD to HPs. |   |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                            | Notice to LEA. NTD to HPs. | Under Irish law, any video or audio representation of a child, or depicting a child, being sexually abused is illegal.  |
| <b>Apparent self-generated sexual material</b>   | Illegal                            | Notice to LEA. NTD to HPs. | Once material displays a child or a depiction of a child under the age of 18 years old the material is illegal regardless of how it was generated.  |
| <b>Sexualised modelling or posing</b>  | Not illegal (dependent on context) | Notice to LEA. NTD to HPs. | If the genitalia or anal areas are displayed with a sexual focus, then these images would fall under the Child Trafficking and Pornography Act 1998 as amended by the Criminal Law (Sexual Offences) Act of 2017 and be deemed to be illegal. "Sexual" or "Sexualised" are not defined under the act. |
| <b>Sexualised images of children</b>   | Not illegal (dependent on context) | Notice to LEA. NTD to HPs. | If the genitalia or anal areas are displayed with a sexual focus, then these images would fall under the Child Trafficking and Pornography Act 1998 as amended by the Criminal Law (Sexual Offences) Act of 2017 and be deemed to be illegal. "Sexual" or "Sexualised" are not defined under the act. |
| <b>Text depictions of CSAM</b>   | Illegal                            | Notice to LEA. NTD to HPs. |   |
| <b>Fictional text depictions of CSAM</b>   | Illegal                            | Notice to LEA. NTD to HPs. |   |
| <b>Praise of paedophilia or CSA</b>  | Not illegal                        | None                       |   |
| <b>Manual on CSA</b>   | Not illegal (dependent on context) | Notice to LEA. NTD to HPs. | Information manuals alone are not illegal but if it includes text that describes explicit sexual activity involving a child then it would fall under the Child Trafficking and Pornography Act 1998.  |
| <b>Declaration of committing CSA</b>   | Not illegal (dependent on context) | Notice to LEA. NTD to HPs. | The declaration alone is not illegal but if it includes text that describes explicit sexual activity involving a child then it would fall under the Child Trafficking and Pornography Act 1998.   |

| Context  | Legal Status | Actions Taken | Comments/explanation  |
|--|--------------|---------------|---|
| Images in a medical context  | Not illegal  |               | Exempt by law.  |
| Non-explicit images in a series of images that contain CSAM                            | Not illegal  |               | As each image is assessed on its own, if the image itself does not meet the criteria established in the Irish law for "child pornography" then the image in itself is not illegal. However, if the images are part of an abuse set which is inclusive of CSAM and hosted in Ireland, then the hotline will seek removal under the Terms of Service / Community Standards.   |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Not illegal  |               | In general, non-explicit images with comments or captions are not illegal in Ireland. However, depending on the nature of the comments or captions and the context of the image it may fall under the offences listed in the Criminal Law (Sexual Offences) Act 2017. For example, if a child under the age of 17 uploaded an image of themselves and received explicitly sexual comments on that image, then it may constitute an offence. In these cases, these are forwarded to LEA and hosting providers. |

| Content Location                            | Accessibility by Law                        | Actions Taken                 | Comments/explanation   |
|---|---|-------------------------------|--|
| Private site types (Password protected)     | Allowed to access.<br>Allowed to send NTDs. |                               | When the content is accessible and classified as illegal under Irish law it would be notified and actioned as per the agreed procedures with the Department of Justice and An Garda Síochána. Under the provision that the hotline is provided with access details by the reporter, otherwise the report would be closed as Insufficient Detail given that the hotline would not be able to access and assess the content. |
| Peer to peer (torrent, emule, Kat)          | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. |  |
| Dropbox/cloud/similar file hosting services | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | It depends on the context and how it was reported. If actionable it undergoes the usual NTD Procedure.   |
| Tor/Onion                                   | Allowed to access.                          | Notice to LEA.                | Content captured in ICCAM and forwarded to LEA.  |
| Livestreamed CSE/CSA                        | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | The hotline is in the process of reviewing the NTD procedure in cooperation with national LEA.   |
| File Transfer protocol (Ftp://)             | N/A   |                               |  |
| Social media accounts                       | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | If the platform is publicly accessible it is actioned through the usual procedures.  |
| Email                                       | N/A   |                               | Hotline.ie does not access private email but does receive reports related to email content which it will action through the usual procedures.  |
| Usenet                                      | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | Forwarded to LEA and online service providers.   |
| Messengers (Telegram, WhatsApp)             | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | If the platform is publicly accessible it is actioned through the usual procedures.  |

Italy

## *Italy - Save the Children Italy*

### **Operated by:**

Save the Children Italy

### **Legal basis for operation:**

MOU with Law Enforcement

### **Relationship with Law enforcement:**

a) The hotline has a MOU with law enforcement

b) The hotline receives reports on alleged child sexual abuse material (CSAM) from the public and it forwards them to the National Centre to fight child pornography online (CNCPO). The Centre is a specialised organ of the Postal and Communications Police, which is part of the National Police under the Ministry of Interior. It is the competent authority tasked with assessing and investigating suspected CSAM as well as initiating procedures aimed at the blocking and removal of confirmed CSAM (including cross-border).

### **Relationship with hosting providers:**

No direct contact.

### **Other content dealt with:**

None.

### **What age constitutes a child:**

a) Child/minor is any person below the age of 18; b) there's no difference.



| Content Type   | Legal Status                       | Actions Taken                          | Comments/Explanations   |
|--|------------------------------------|--|---|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Not illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HP. | It depends on the context. As such, these images are not illegal. If "an artistic interpretation," for instance a photo collage, is composed of CSA pictures, is illegal. If in an investigative context, LEA finds out that a drawing is taken from a photo of real child abuse, it is illegal. Artistic reasons or aims cannot be invoked as an excuse. CSAM is defined in the Italian Criminal Code as "any representation, by any means, of a child under the age of 18 involved in explicit sexual activities, real or simulated, or any representation of the sexual organs of a minor under 18 years old for sexual purposes."     |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal                            | Notice to LEA.<br>LEA sends NTD to HP. |   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal                            | Notice to LEA.<br>LEA sends NTD to HP. |   |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Not illegal (dependent on context) | Notice to LEA.                         | If the image clearly represents an adult, it is not illegal (for example an adult disguised as a child). If the disguise is explicit, it is not illegal. If the image uses young adults to imply that it is a child, it is illegal.   |
| <b>Child grooming</b>  | Illegal                            | Notice to LEA.                         |   |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                            | Notice to LEA.                         |   |
| <b>Apparent self-generated sexual material</b>   | Not illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HP. | Self-generated sexting is not CSAM, but sexting represents a grey area of the law. However, for content to be CSAM, it is required that the image or video be taken by another party than the victim.   |
| <b>Sexualised modelling or posing</b>  | Not illegal (dependent on context) | Notice to LEA.                         | It is a grey area. The dividing line as to what does not constitute CSAM and to what does constitute CSAM – provided that even partial nudity can be CSAM – is the aptitude of such material to entail a sexual impulse, so that nudity for advertising or journalistic purposes is not CSAM (Italian Supreme Court, 2004). But it depends on the context. When the image is a way to attract attention and "advertise" other CSAM images/context, it is illegal. If in an investigative context, the LEA finds out that a minor was obliged to pose or exploited, it is illegal. If the image is a part of a CSAM series, it is illegal. |
| <b>Sexualised images of children</b>   | Illegal                            | Notice to LEA.<br>LEA sends NTD to HP. |   |
| <b>Text depictions of CSAM</b>   | Illegal                            | Notice to LEA.                         |   |
| <b>Fictional text depictions of CSAM</b>   | Illegal                            | Notice to LEA.                         | It is illegal to commit, by any means and with any form of expression, sexual abuse or exploitation   |

|                                      |                                |                |   |
|--------------------------------------|--------------------------------|----------------|---|
|                                      |                                |                | against children. No reasons or purposes of an artistic, literary, historical or traditional nature can be invoked at one's own excuse. (e.g., Italian Law 172/2012; art. 414 bis Italian Criminal Code). |
| <b>Praise of paedophilia or CSA</b>  | Illegal                        | Notice to LEA. |   |
| <b>Manual on CSA</b>                 | Illegal                        | Notice to LEA. |   |
| <b>Declaration of committing CSA</b> | Illegal (dependent on context) | Notice to LEA. | Declaring yourself a paedophile is not a crime; the apologia of paedophilia is a crime.   |

| Context   | Legal Status | Actions Taken  | Comments/explanation   |
|---|--------------|----------------|--|
| <b>Images in a medical context</b>  | Not illegal  | Notice to LEA. | The legality depends on the context. As such, these images are not illegal. If a picture is appeared in another non-medical context, sexualising the child, it is illegal. |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Illegal      | Notice to LEA. | If LEA (CNCPO) has access to the series or is informed that the image is part of a series, the image is assessed as illegal.   |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Illegal      | Notice to LEA. | Judicial processing of reports by LEA.   |

| Content Location                                   | Accessibility by Law | Actions Taken  |
|--|----------------------|----------------|
| <b>Private site types (Password protected)</b>     | N/A                  | Notice to LEA. |
| <b>Peer to peer (torrent, emule, Kat)</b>          | N/A                  | Notice to LEA. |
| <b>Dropbox/cloud/similar file hosting services</b> | N/A                  | Notice to LEA. |
| <b>Tor/Onion</b>                                   | N/A                  | Notice to LEA. |
| <b>Livestreamed CSE/CSA</b>                        | N/A                  | Notice to LEA. |
| <b>File Transfer protocol (Ftp://)</b>             | N/A                  | Notice to LEA. |
| <b>Social media accounts</b>                       | N/A                  | Notice to LEA. |
| <b>Email</b>                                       | N/A                  | Notice to LEA. |



|                                 |     |                |
|---------------------------------|-----|----------------|
| Usenet                          | N/A | Notice to LEA. |
| Messengers (Telegram, WhatsApp) | N/A | Notice to LEA. |

## Italy - *Clicca e segnala*

### Operated by:

Telefono Azzurro

### Legal basis for operation:

MoU signed with LEA belonging to the Department of Public Security of the Ministry of Interior.

### Relationship with Law enforcement:

MoU signed with LEA belonging to the Department of Public Security of the Ministry of Interior.

### Relationship with hosting providers:

The hotline does not have direct contact with hosting providers, considering that Notice and Takedown requests are sent to C.N.C.P.O. (Italian National Centre for the fight against sexual exploitation of children online. C.N.C.P.O. is part of Law Enforcement Agencies). The latter maintains contact with the hosting providers and the hotline is usually not further informed about the report's unfolding.

### Other content dealt with:

- Images of naked children, non-erotic (These images are not to be considered a felony per se, but they are subject to evaluation in order to understand whether to include them into CSAM categories or not: Articles 600-ter, 600-quer Penal Code)
- Pornographic content on sites for minors (The content is not to be considered a felony per se, but it is subject to evaluation by authorities)
- Solicitation of adult on minor (Article 609-undecies Penal Code)
- Cyberbullying (Articles 595, 612, 612-bis Penal Code; Article 167 Data Protection Code; Law 71/2017);
- Trafficking in minors (Article 601 Penal Code)
- Sex tourism, juvenile (Article 600-quinquies Penal Code)
- Discrimination, racism, homophobia, etc. (Law 95/2003)
- Incitement to paedophilia (Article 414-bis Penal Code)
- Incitement to self-injurious act/suicide (Article 580 Penal Code)
- Incitement to violence against people/animals or things (Article 414 Penal Code)
- Incitement to anorexia/bulimia (Articles 580, 582, 583 Penal Code)



- Incitement to drug use (Article 414 Penal Code; Decree 309/1990)
- Online gambling sites accessible to minors
- Online crimes, identity theft, data theft, etc. (Articles 494, 640-ter, Penal Code)

### What age constitutes a child:

Italian national legislation considers a child a young person under the age of 18. For what concerns Child Sexual Abuse laws, the legal age of consent is 14. In accordance with Article 609-quater, Penal Code the age of consent is set at 16 when the offender is an ancestor, a parent (even if adoptive), the latter's cohabitee, the legal guardian and any other person the minor is entrusted to for reasons of care, nurture, education, supervision or custody, or who lives together with the child. Furthermore, the aforementioned categories are punished even if the minor is over 16 and under 18, in case the sexual acts are committed with abuse of the authority directly connected to the adult's covered role in the child's life. The law also punishes anyone who puts in place sexual acts with a minor over 14, taking advantage of a pre-existing relationship of trust, authority or influence.

| Content Type   | Legal Status                       | Actions Taken                          | Comments/Explanations   |
|--|------------------------------------|--|---|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Not illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HP. | This type is yet to be defined by the Law. In 2017, the Italian Supreme Court ruled on the possibility for comics (therefore unrelated to actual sexual activities involving minors) to be considered as CSAM, in the event that the drawings are obtained with high quality digital technologies in order to make them appear as real. As the criminal offence is not directed towards an existing minor, the aim of the decision is to punish behaviours that encourage or seduce children into participating in such acts, and hence form part of a subculture favouring child abuse. (Cass. pen., sez. III, 13/01/2017, n. 22265).<br><br>Direct report to C.N.C.P.O. (Italian National Centre for the fight against sexual exploitation of children online. C.N.C.P.O., part of the Law Enforcement Agency). |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal                            | Notice to LEA.<br>LEA sends NTD to HP. | This type is specifically defined by the Law: article 604-quater 1, Penal Code.   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal                            | Notice to LEA.<br>LEA sends NTD to HP. | This type could fall under article 600-quater <sup>1</sup> , Penal Code, as the Italian Supreme Court indicated as felony photoshopping the faces of existing minors over adult bodies involved in sexual activities. (Cass. pen., sez. III, 24/11/2017, n. 15757).   |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Not illegal                        | Notice to LEA.<br>LEA sends NTD to HP. | This type is not illegal per se considering that the depicted person is an adult (but may, at least, constitute different kinds of felonies unrelated to the sexual abuse or exploitation of children). However, the hotline does not assess nor investigate the real nature of the reported  |



|  |                                    |   |   |
|--|------------------------------------|---|---|
|  |                                    |   | contents and submits them to C.N.C.P.O. and Judicial Authorities as it is their duty to establish whether the person involved is a minor or not.  |
| <b>Child grooming</b>  | Illegal                            | Notice to LEA.<br>LEA sends NTD to HPs. | This type is specifically defined by the Law: article 609-undecies, Penal Code.   |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b> | Illegal                            | Notice to LEA.<br>LEA sends NTD to HPs. | This type is defined by the Law, taking into consideration multiple articles of the Penal Code: 629 for what concerns the extortive conduct, 600-ter and 600-quater as regards the possession and distribution of CSAM, 609-quinquies and the aforementioned 609-undecies for what concerns the solicitation of minors for sexual purposes.   |
| <b>Apparent self-generated sexual material</b>                                 | Not illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. | This type is currently discussed by the jurisprudence. The controversy is based on the actual danger of exploitation of the child in a wide network of internet users who produce and/or exchange CSAM. In 2016, the Italian Supreme Court declared that the possession of self-generated material does not constitute a felony if the minor willingly sends the material by themselves to a specific user, as the aim of the legislation is to suppress the paedophile market: the risk of exploitation occurs when the material is produced by parties other than the minor. In 2019, the Italian Supreme Court, in accordance with supra-national laws, conversely determined that the possession of self-generated material represents a felony, regardless of the existence of an actual danger of distribution into the network. In fact, the main objects of the protection under criminal law should be the child's image, dignity and sexuality. Therefore, in this case the material's production methods are not taken into consideration and self-generated material may well constitute an element of the offence. (Cass. pen. Sez. III, 18/02/2016, n. 11675; Cass. pen. Sez. III, 21/11/2019, n. 5522) |
| <b>Sexualised modelling or posing</b>  | Not illegal (dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. | Sexualised content, as analysed by the jurisprudence, is any kind of depiction of minors aimed at stimulating other people's concupiscence or sexual arousal (Cass. pen., sez. V, 08/06/2018, n. 33862; Cass. pen., sez. III, 22/04/2004, n. 25464). This type does not constitute a felony, as long as the posing or modelling images are produced and used for commercial and/or promotional purposes. However, if the material appears sexually evocative or inappropriate, reports can be submitted to administrative National Authorities responsible for the control of media. For what concerns posing for artistic purposes, in 2019 the Italian Supreme Court declared that taking professional pictures of a minor, including depicting genitalia, does not constitute a felony as long as the images are produced in order to create a genuinely artistic content, in no way connected to sexual purposes. (Cass. pen., sez. III, 02/04/2019, n. 41590)  |

|  |                                       |   |   |
|--|---------------------------------------|---|---|
| <b>Sexualised images of children</b>     | Illegal<br>(dependent on context)     | Notice to LEA.<br>LEA sends NTD to HPs. | As above, sexualised images of children that are clearly produced and/or distributed for sexual purposes are elements of a felony.  |
| <b>Text depictions of CSAM</b>           | Not illegal<br>(dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. | This type is defined by the Law at the article 414-bis, Penal Code. The rule punishes incitement to commit any kind of felony related to the sexual abuse or exploitation of children and any form of apology, approval, glorification, or exaltation of such criminal misconducts. Literary, artistic, historical, customary purposes cannot be invoked as self-defence. |
| <b>Fictional text depictions of CSAM</b> | Not illegal<br>(dependent on context) | Notice to LEA.<br>LEA sends NTD to HPs. | This type is defined by the Law at the article 414-bis, Penal Code. The rule punishes incitement to commit any kind of felony related to the sexual abuse or exploitation of children and any form of apology, approval, glorification, or exaltation of such criminal misconducts. Literary, artistic, historical, customary purposes cannot be invoked as self-defence. |
| <b>Praise of paedophilia or CSA</b>      | Illegal                               | Notice to LEA.<br>LEA sends NTD to HPs. | This type is defined by the Law at the article 414-bis, Penal Code. The rule punishes incitement to commit any kind of felony related to the sexual abuse or exploitation of children and any form of apology, approval, glorification, or exaltation of such criminal misconducts. Literary, artistic, historical, customary purposes cannot be invoked as self-defence. |
| <b>Manual on CSA</b>                     | Illegal<br>(dependent on context)     | Notice to LEA.<br>LEA sends NTD to HPs. | This type is defined by the Law at the article 414-bis, Penal Code. The rule punishes incitement to commit any kind of felony related to the sexual abuse or exploitation of children and any form of apology, approval, glorification, or exaltation of such criminal misconducts. Literary, artistic, historical, customary purposes cannot be invoked as self-defence. |
| <b>Declaration of committing CSA</b>     | Illegal                               | Notice to LEA.                          |   |

| Context  | Legal Status                     | Actions Taken  | Comments/explanation  |
|--|----------------------------------|----------------|---|
| <b>Images in a medical context</b>                                 | Not illegal but treated as CSAM. | Notice to LEA. | The hotline does not assess nor investigate the real nature of the reported contents and submits them to C.N.C.P.O. and Judicial Authorities as it is their duty to establish whether the content is to be considered illegal or not. |
| <b>Non-explicit images in a series of images that contain CSAM</b> | Treated as CSAM.                 | Notice to LEA. | The hotline does not assess nor investigate the real nature of the reported contents and submits them to C.N.C.P.O. and Judicial Authorities as it is their duty to establish whether the content is to be considered illegal or not. |

|   |                  |                |   |
|---|------------------|----------------|---|
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Treated as CSAM. | Notice to LEA. | The hotline does not assess nor investigate the real nature of the reported contents and submits them to C.N.C.P.O. and Judicial Authorities as it is their duty to establish whether the content is to be considered illegal or not. |
|---|------------------|----------------|---|

| Content Location                            | Accessibility by Law | Actions Taken  |
|---|----------------------|----------------|
| Private site types (Password protected)     | N/A                  | Notice to LEA. |
| Peer to peer (torrent, emule, Kat)          | N/A                  | Notice to LEA. |
| Dropbox/cloud/similar file hosting services | N/A                  | Notice to LEA. |
| Tor/Onion                                   | N/A                  | Notice to LEA. |
| Livestreamed CSE/CSA                        | N/A                  | Notice to LEA. |
| File Transfer protocol (Ftp://)             | N/A                  | Notice to LEA. |
| Social media accounts                       | N/A                  | Notice to LEA. |
| Email                                       | N/A                  | Notice to LEA. |
| Usenet                                      | N/A                  | Notice to LEA. |
| Messengers (Telegram, WhatsApp)             | N/A                  | Notice to LEA. |



## Latvia - Drossinternets

### Operated by:

Latvian Internet Association

### Legal basis for operation:

The hotline is operated by the Latvian Safer Internet Center (LSIC) on the basis of and cooperation contract with State Police and a Memorandum of Understanding (MoU) with major Internet Service Providers. It does not have the authority to request the removal and blocking of access to any CSAM material. The LSIC's authority is limited to coordination between competent entities.

### Relationship with Law enforcement:

The hotline has cooperation contract with State police which determines hotline actions concerning CSAM. The hotline forwards all received CSAM reports to the Police.

### Relationship with hosting providers:

Under the Law on the Protection of Children Rights, HPs are obliged to remove or block the CSAM stored on their servers.

The Law on Information Society Services regulates the duties of HPs operating in Latvia, including the obligation for HPs to comply with the requests of competent state authorities. Moreover, Section 10 of this law provides the liability for the HPs in case illegal content is hosted knowingly. Therefore, in order to evade criminal/administrative liability, the HPs must block access or remove all content that is known to be illegal.

The LSIC Hotline has no legal authority to request anything from HPs because it is not an official authority. The Memorandum of Understanding is signed between LSIC and major HPs. The MoU provides possibility for LSIC to pass information to the HPs if approval of the police is obtained.

In accordance with the MoU, after receiving prior approval from the police, the LSIC is entitled to send a notification about illegal or harmful content to the HPs but this notification is not legally binding as such. Nevertheless, HPs generally reacts to such notifications as the liability of the HPs for the illegal content hosted is triggered in situations when HP knew about illegal content but did not remove it.

**Other content dealt with:**

- CSAM - Law on Pornography Restrictions (<http://likumi.lv/ta/en/en/id/157638-law-on-pornography-restrictions>) Law on the Protection of the Children's Rights, Section 50 (<http://likumi.lv/ta/en/en/id/49096-law-on-the-protection-of-the-childrens-rights>) Criminal Law Sections 166; 172 (<http://likumi.lv/ta/en/en/id/88966-the-criminal-law>)
- Pornography accessible to children - Law on the Protection of the Children's Rights, Section 50 (<http://likumi.lv/ta/en/en/id/49096-law-on-the-protection-of-the-childrens-rights>) Criminal Law Sections (<http://likumi.lv/ta/en/en/id/88966-the-criminal-law>)
- Cyberbullying – Law on the Protection of the Children's Rights, Sections 19; 50 (<http://likumi.lv/ta/en/en/id/49096-law-on-the-protection-of-the-childrens-rights>) Criminal Law Sections 132; 132.1; 124; 157;174 (<http://likumi.lv/ta/en/en/id/88966-the-criminal-law>)
- Violent content – Law on the Protection of the Children's Rights, Section 50 (<http://likumi.lv/ta/en/en/id/49096-law-on-the-protection-of-the-childrens-rights>) The Administrative Punishment Law regarding Violations in the Scope of Administration, Public Order and the Use of the State Language, Section 11 (<https://likumi.lv/ta/id/314808-administrativo-sodu-likums-par-parkapumiem-parvaldes-sabiedriskas-kartibas-un-valsts-valodas-lietosanas-joma>).
- Hate speech, racism - Criminal Law Sections 71; 74; 77; 78; 149.1; 150(<http://likumi.lv/ta/en/en/id/88966-the-criminal-law>)
- Financial fraud - Criminal Law Sections 177; 177.1; 193.1 (<http://likumi.lv/ta/en/en/id/88966-the-criminal-law>)

**What age constitutes a child:**

A person below 18 is considered a minor. The age is not different for applicable child sexual abuse laws.

| Content Type   | Legal Status                       | Actions Taken                 | Comments/Explanations  |
|--|------------------------------------|-------------------------------|--|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal                            | Notice to LEA.<br>NTD to HPs. |  |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal                            | Notice to LEA.<br>NTD to HPs. |  |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal                            | Notice to LEA.<br>NTD to HPs. |  |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Not illegal (dependent on context) | None                          | If the person is known to be 18 years or older, it is not considered CSAM. If the involved person looks like a child, it might be considered CSAM.   |
| <b>Child grooming</b>  | Illegal                            | Notice to LEA.                | Criminal liability exists if grooming is committed by an adult against a child who has not reached the age of 16.  |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                            | Notice to LEA.<br>NTD to HPs. |  |
| <b>Apparent self-generated sexual material</b>   | Illegal                            | Notice to LEA.<br>NTD to HPs. |  |
| <b>Sexualised modelling or posing</b>  | Illegal                            | Notice to LEA.<br>NTD to HPs. | From Pornography Restriction Law - child pornography - material of a pornographic nature, in which a child is depicted or described, or any other material in which:<br><br>a) a child who is involved in sexual activities, a child completely or partially without clothing in a |

|  |         |                               |   |
|--|---------|-------------------------------|---|
|  |         |                               | <p>sexual pose or in clothing of an obscene nature is depicted or described, children's genitals or pubic region are depicted in a stimulating way.</p> <p>b) a person having the appearance of a child who is involved in the activities specified in Sub-clause "a" of this Clause is depicted or described or presented in a manner specified in Sub-clause "a";</p> <p>c) there are realistic images with a non-existent child who is involved in the activities specified in Sub-clause "a" of this Clause or presented in a manner specified in Sub-clause "a".</p> |
| <b>Sexualised images of children</b>     | Illegal | Notice to LEA.<br>NTD to HPs. |   |
| <b>Text depictions of CSAM</b>           | Illegal | Notice to LEA.<br>NTD to HPs. |   |
| <b>Fictional text depictions of CSAM</b> | Illegal | Notice to LEA.<br>NTD to HPs. |   |
| <b>Praise of paedophilia or CSA</b>      | Illegal | Notice to LEA.<br>NTD to HPs. |   |
| <b>Manual on CSA</b>                     | Illegal | Notice to LEA.<br>NTD to HPs. |   |
| <b>Declaration of committing CSA</b>     | Illegal | Notice to LEA.<br>NTD to HPs. |   |

| Context                            | Legal Status | Actions Taken | Comments/explanation   |
|------------------------------------|--------------|---------------|--|
| <b>Images in a medical context</b> | Not illegal  |               | <p>There is exception in Law on Pornography Restrictions Section 9 Special Application</p> <p>(1) The prohibitions or restrictions specified in regulatory enactments shall not apply to the circulation of material of a pornographic nature, if they are utilised for the following purposes:</p> <p>i) the process of education, for scientific, research or medical purposes.</p> <p>ii) in specialised sectors of literature, as well as in libraries of the relevant sector (in specialised libraries).</p> <p>iii) law enforcement institutions and courts - for the performance of duties thereof, prescribed by regulatory enactments.</p> <p>iv) in so far as is necessary for a State or local government institution - for the performance of duties prescribed by regulatory enactments.</p> <p>(2) The prohibitions or restrictions prescribed by regulatory enactments for the circulation of child pornography shall not apply only in the cases specified in Paragraph one, Clauses 1, 3 and 4 of this Section.</p> |

|   |                                |                               |  |
|---|--------------------------------|-------------------------------|--|
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | If the content sexualizes a child, it is illegal. If one picture of a series is a child that cannot be considered any way in a sexual context, then that picture might not be illegal, but the hotline reports it to LEA anyway. |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | If comments sexualize a child, that content is illegal.  |

| Content Location                                   | Accessibility by Law                        | Actions Taken                 | Comments/explanation   |
|--|---|-------------------------------|--|
| <b>Private site types (Password protected)</b>     | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | Hotline evaluates content and if it is illegal forward it to LEA and later to HP or ICCAM.   |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Not allowed to access or send NTDs.         | Notice to LEA.<br>NTD to HPs. | Report is forwarded to LEA without evaluation.   |
| <b>Dropbox/cloud/similar file hosting services</b> | Not allowed to access or send NTDs.         |                               |  |
| <b>Tor/Onion</b>                                   | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | The hotline evaluates content and if it is illegal, forwards it to LEA and later to HP and ICCAM if there is link to the clear web.  |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | The hotline has never received such a report. In the case that the hotline receives such a report, LEA would be informed immediately.  |
| <b>File Transfer protocol (Ftp://)</b>             | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. |  |
| <b>Social media accounts</b>                       | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. | Public social media accounts publishing CSAM are reported to LEA and the social media platform for removal. Public or private social media accounts that are reported to the hotline as publishing CSAM or exchanging CSAM in private or committing child grooming or sextortion are also reported to the LEA and the social media platform for investigation and possible removal/blocking, depending on the circumstances. |
| <b>Email</b>                                       | Not allowed to access or send NTDs.         |                               | Hotline cannot access e-mail content unless the reporter sends the e-mail content. LEA is notified in case of suspicion of CSAM.   |
| <b>Usenet</b>                                      | N/A   |                               |  |
| <b>Messengers (Telegram, WhatsApp)</b>             | N/A   |                               |  |

Lithuania

## ***Lithuania - Svarus Internetas***

### **Operated by:**

Communications Regulatory Authority of the Republic of Lithuania (RRT)

### **Legal basis for operation:**

1. Written agreement with the Police Department
2. Law on Education

After 10 years of operation recognition of the hotline came with the new amendment of the Law on Education which entered into force on the 1 September 2017.

Article 23(2). Reporting about cyberbullying and other illegal or restricted information.

This article contains the following provisions: reporting of illegal content to the hotline of RRT, duty of RRT to investigate reports, cooperation with the police and other responsible institutions, right of RRT to give mandatory orders to the hosting service providers of Lithuania to take down illegal content hosted on their servers or to disable access to it, duty of the hosting service providers to take down illegal content or to disable access to it when the order from RRT was received.

### **Relationship with Law enforcement:**

We have had written agreements with the Police Department since 2007 when the hotline was established. We are sending reports to the LEA on illegal content hosted in Lithuania, such as child sexual abuse material (CSAM), pornography, content inciting racial or ethnic hatred, cyberbullying, content leading to violence, drugs.

### **Relationship with hosting providers:**

According to the agreement with the LEA, 5 working days after having forwarded a report on CSAM to the LEA, if that content is still online, the hotline sends Notice and Take Down (NTD) request to the Lithuanian hosting service provider. In case of other illegal content hosted in Lithuania, the hotline sends NTD request to the hosting service provider few hours after having forwarded a report to the LEA. Some hosting service providers provide feedback about the removal of content, some others do not. The hotline periodically checks if content is removed, and if not, the hotline sends NTD request again.





It was an initiative of RRT to elaborate and declare Memorandum on clean internet environment. The purpose of this Memorandum is to create a cleaner internet environment by joint efforts of hosting service providers operating in Lithuania and RRT. The following commitments of hosting service providers are described in this Memorandum: to react promptly to NTD requests received from RRT, to take down illegal content when noticed on their own platform, inform clients about this Memorandum, encourage clients not to publish illegal content, regularly announce information about actions taken against illegal content.

The Memorandum was announced on Safer Internet Day 2020 (11 February 2020).

Currently the 9 biggest hosting service providers in Lithuania have joined the Memorandum.

#### Other content dealt with:

Pornography, content inciting racial or ethnic hatred, cyberbullying, content leading to violence, drugs.

Law on the Protection of Minors against the Detrimental Effect of Public Information.

#### What age constitutes a child:

A child/minor in Lithuania is a person below the age of 18 years. The age of consent to sexual relations is 16.

| Content Type   | Legal Status | Actions Taken                 | Comments/Explanations   |
|--|--------------|-------------------------------|---|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal      | Notice to LEA.<br>NTD to HPs. | This type is not defined by the law but is found in the jurisprudence.<br><br>According to the agreement with the LEA, 5 working days after having forwarded a report on CSAM to the LEA, the hotline sends Notice and Take Down (NTD) request to the Lithuanian hosting service provider if that content is still online. In case of other illegal content hosted in Lithuania, the hotline sends NTD request to the hosting service provider few hours after having forwarded a report to LEA.<br><br>A national classification board must confirm illegality of material before notice is sent to LEA or HP. |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal      | Notice to LEA.<br>NTD to HPs. |   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal      | Notice to LEA.<br>NTD to HPs. | Adult pornography is illegal in Lithuania.  |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Illegal      | Notice to LEA.<br>NTD to HPs. |   |
| <b>Child grooming</b>  | Illegal      | Notice to LEA.<br>NTD to HPs. |   |

|  |         |                               |  |
|--|---------|-------------------------------|--|
| <b>Sexual extortion of children or soliciting children for sexual purposes</b> | Illegal | Notice to LEA.<br>NTD to HPs. |  |
| <b>Apparent self-generated sexual material</b>                                 | Illegal | Notice to LEA.<br>NTD to HPs. | This type is not defined by the law but is found in the jurisprudence. |
| <b>Sexualised modelling or posing</b>  | Illegal | Notice to LEA.<br>NTD to HPs. | This type is not defined by the law but is found in the jurisprudence. |
| <b>Sexualised images of children</b>   | Illegal | Notice to LEA.<br>NTD to HPs. |  |
| <b>Text depictions of CSAM</b>   | Illegal | Notice to LEA.<br>NTD to HPs. |  |
| <b>Fictional text depictions of CSAM</b>                                       | Illegal | Notice to LEA.<br>NTD to HPs. |  |
| <b>Praise of paedophilia or CSA</b>  | Illegal | Notice to LEA.<br>NTD to HPs. |  |
| <b>Manual on CSA</b>   | Illegal | Notice to LEA.<br>NTD to HPs. |  |
| <b>Declaration of committing CSA</b>   | Illegal | Notice to LEA.<br>NTD to HPs. |  |

| Context   | Legal Status     | Actions Taken                 |
|---|------------------|-------------------------------|
| <b>Images in a medical context</b>  | Not illegal      | None                          |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Treated as CSAM. | Notice to LEA.<br>NTD to HPs. |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Treated as CSAM. | Notice to LEA.<br>NTD to HPs. |

| Content Location                                   | Accessibility by law                        | Actions taken  |
|--|---|----------------|
| <b>Private site types (Password protected)</b>     | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA. |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Not allowed to access or send NTDs.         | Notice to LEA. |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA. |
| <b>Tor/Onion</b>                                   | Not allowed to access or send NTDs.         | Notice to LEA. |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA. |
| <b>File Transfer protocol (Ftp://)</b>             | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA. |
| <b>Social media accounts</b>                       | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA. |
| <b>Email</b>                                       | Not allowed to access or send NTDs.         | Notice to LEA. |
| <b>Usenet</b>                                      | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA. |
| <b>Messengers (Telegram, WhatsApp)</b>             | Not allowed to access or send NTDs.         | Notice to LEA. |

## Luxembourg - BEE SECURE Stopline

### Operated by:

Kanner-Jugendtelefon (KJT)

### Legal basis for operation:

MOU with law enforcement.

### Relationship with Law enforcement:

The hotline has an MOU with LEA and holds bi-annual meetings. The hotline sends reports to LEA on reports in the context of CSAM; discrimination, racism and revisionism; and terrorism.

### Relationship with hosting providers:

Only LEA is in direct contact with ISP and follows NTD procedures.

### Other content dealt with:

Discrimination, racism and revisionism (Code Pénal: Chapitre VI, Articles 454-457), Terrorism (Code Pénal: Chapitre III.1, Articles 135, 327-331) and Hate Speech (Code Pénal: Chapitre V – Article 454, 457-1, 457-3).

### What age constitutes a child:

Anyone under the age of 18 years.

| Content Type  | Legal Status | Actions Taken                          | Comments/Explanations   |
|---|--------------|--|---|
| Drawings/manga/artistic interpretations of CSAM   | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. | If hosted nationally, LEA starts NTD procedure (contacting hosting providers) |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |   |

|   |                                       |  |  |
|---|---------------------------------------|--|--|
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>        | Illegal                               | Notice to LEA.<br>LEA sends NTD to HP. |  |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b> | Illegal                               | Notice to LEA.<br>LEA sends NTD to HP. |  |
| <b>Child grooming</b>   | Illegal                               | Notice to LEA.<br>LEA sends NTD to HP. |  |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>      | Illegal                               | Notice to LEA.<br>LEA sends NTD to HP. |  |
| <b>Apparent self-generated sexual material</b>                                      | Illegal                               | Notice to LEA.<br>LEA sends NTD to HP. |  |
| <b>Sexualised modelling or posing</b>   | Illegal                               | Notice to LEA.<br>LEA sends NTD to HP. |  |
| <b>Sexualised images of children</b>  | Illegal                               | Notice to LEA.<br>LEA sends NTD to HP. |  |
| <b>Text depictions of CSAM</b>  | Illegal                               | Notice to LEA.<br>LEA sends NTD to HP. |  |
| <b>Fictional text depictions of CSAM</b>  | Illegal                               | Notice to LEA.<br>LEA sends NTD to HP. |  |
| <b>Praise of paedophilia or CSA</b>   | Not illegal<br>(dependent on context) |  |  |
| <b>Manual on CSA</b>  | Illegal                               | Notice to LEA.<br>LEA sends NTD to HP. |  |
| <b>Declaration of committing CSA</b>  | Illegal                               | Notice to LEA.<br>LEA sends NTD to HP. |  |

| <b>Context</b>  | <b>Legal Status</b>                  | <b>Actions Taken</b>                   | <b>Comments/explanation</b>  |
|---|--------------------------------------|--|--|
| <b>Images in a medical context</b>  | Treated as CSAM.                     | Notice to LEA.<br>LEA sends NTD to HP. | In the cases where these images fulfil criteria of posing they are treated as CSAM.    |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Not illegal and not treated as CSAM. |  | According to Interpol Assessment training, each image should be assessed individually. |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Illegal and treated as CSAM.         | Notice to LEA.<br>LEA sends NTD to HP. |  |

| <b>Content Location</b>                            | <b>Accessibility by law</b> | <b>Actions taken</b> |
|--|-----------------------------|----------------------|
| <b>Private site types (Password protected)</b>     | Not allowed to access       | Notice to LEA        |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Not allowed to access       | Notice to LEA        |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access           | Notice to LEA        |
| <b>Tor/Onion</b>                                   | Allowed to access           | Notice to LEA        |
| <b>Livestreamed CSE/CSA</b>                        | Not allowed to access       | Notice to LEA        |
| <b>File Transfer protocol (Ftp://)</b>             | Not allowed to access       | Notice to LEA        |
| <b>Social media accounts</b>                       | Not allowed to access       | Notice to LEA        |
| <b>Email</b>                                       | Not allowed to access       | Notice to LEA        |
| <b>Usenet</b>                                      | Not allowed to access       | Notice to LEA        |
| <b>Messengers (Telegram, WhatsApp)</b>             | Not allowed to access       | Notice to LEA        |

Malta

## ***Malta - Childwebalert***

### **Operated by:**

Aġenzija Appoġġ

### **Legal basis for operation:**

The Foundation for Social Welfare Services (FSWS), which runs the Maltese Hotline Childwebalert, has a Memorandum of Understanding with the Malta Police Force allowing hotline analysts to view and analyse content received on the online reporting platform. Adding to this a standard of procedures is signed and reviewed regularly between the hotline and the cybercrime unit within the Malta Police Force.

### **Relationship with Law enforcement:**

The relationship is very good. The Malta Police Force is a key partner of the hotline, which consults them on local cases and sends illegal content received through the online platform.

### **Relationship with hosting providers:**

The hotline does not have a direct relationship with hosting providers. LEA sends notices to national hosting providers.

### **Other content dealt with:**

Grooming and hate speech.

### **What age constitutes a child:**

A child is a minor below the age of 18. The age of sexual consent in Malta is 16 years.



| Content Type   | Legal Status | Actions Taken                          | Comments/ Explanations |
|--|--------------|--|------------------------|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>Child grooming</b>  | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>Apparent self-generated sexual material</b>   | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>Sexualised modelling or posing</b>  | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>Sexualised images of children</b>   | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>Text depictions of CSAM</b>   | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>Fictional text depictions of CSAM</b>   | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>Praise of paedophilia or CSA</b>  | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>Manual on CSA</b>   | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |
| <b>Declaration of committing CSA</b>   | Illegal      | Notice to LEA.<br>LEA sends NTD to HP. |                        |

| Context  | Legal Status        | Actions Taken  |
|--|---------------------|----------------|
| Images in a medical context  | Not treated as CSAM | None           |
| Non-explicit images in a series of images that contain CSAM                            | Not illegal         | None           |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Illegal             | Notice to LEA. |

| Content Location                            | Accessibility by Law | Actions Taken  | Comments/Explanations                                     |
|---|----------------------|----------------|---|
| Private site types (Password protected)     | Allowed to access.   | Notice to LEA. |   |
| Peer to peer (torrent, emule, Kat)          | Allowed to access.   | Notice to LEA. |   |
| Dropbox/cloud/similar file hosting services | Allowed to access.   | Notice to LEA. |   |
| Tor/Onion                                   | Allowed to access.   | Notice to LEA. |   |
| Livestreamed CSE/CSA                        | Allowed to access.   | Notice to LEA. |   |
| File Transfer protocol (Ftp://)             | Allowed to access.   | Notice to LEA. |   |
| Social media accounts                       | Allowed to access.   | Notice to LEA. |   |
| Email                                       | Allowed to access.   | Notice to LEA. |   |
| Usenet                                      | Allowed to access.   | Notice to LEA. |   |
| Messengers (Telegram, WhatsApp)             | Allowed to access.   | Notice to LEA. | Only if they are publicly available, e.g. Telegram Groups |



## ***Netherlands - Meldpunt Kinderporno/EOKM***

### **Operated by:**

Expertisebureau Online Kindermisbruik (EOKM)

### **Legal basis for operation:**

MoU with LEA and the public prosecutor.

### **Relationship with Law enforcement:**

MoU with LEA and the public prosecutor. The hotline and LEA have an agreement with each other on the type of reports each party should receive.

### **Relationship with hosting providers:**

Most of the hosting providers in the Netherlands are very cooperative. One of them is a sponsor of the hotline. The hotline is in direct contact with them and sends them NTDs via the hotline's report management system SCART. Some of them provide feedback, others do not.

The hotline also is in close contact with some of the websites that have a large volume of CSAM and sends them NTDs along with the hosting provider. They usually remove the material within 24 hours, most of them even within 2 hours. Some of these websites provide feedback as well.

### **Other content dealt with:**

Only CSAM and CSEM (which according to Dutch law, is also child pornography) Article 240b.

### **What age constitutes a child:**

Under the age of 18.



| Content Type   | Legal Status                   | Actions Taken | Comments/Explanations   |
|--|--------------------------------|---------------|---|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal (dependent on context) | NTD to HPs.   | According to the law, for this to be illegal, it must be so realistic that you can hardly tell if this is a real person or not.<br><br>if illegal: notice is sent to HP.<br>If not illegal: depends on the HP. Some HPs do not want to receive doubtful material.   |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal (dependent on context) | NTD to HPs.   | According to the law, for this to be illegal, it must be so realistic that you can hardly tell if this is a real person or not.<br><br>if illegal: notice is sent to HP.<br>If not illegal: depends on the HP. Some HPs do not want to receive doubtful material.   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal                        | NTD to HPs.   |   |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Illegal (dependent on context) | NTD to HPs.   | Officially: when someone appears to be underage, it can be marked as illegal. However, if it can be proven that the person is 18 or older, it is technically not illegal. So, in this case: report it to the HP.<br><br>Depends on whether they can prove the depicted person is 18+ by the time the image was taken. If they can, they don't need to take it down (but their guidelines might make them take it down anyways). If they can't, they take it down. |
| <b>Child grooming</b>  | N/A                            |               | Hotline only deals with images.   |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | N/A                            |               | Hotline only deals with images.   |
| <b>Apparent self-generated sexual material</b>   | Illegal                        | NTD to HPs.   |   |
| <b>Sexualised modelling or posing</b>  | Illegal                        | NTD to HPs.   |   |
| <b>Sexualised images of children</b>   | Illegal                        | NTD to HPs.   |   |
| <b>Text depictions of CSAM</b>   | N/A                            |               | Hotline only deals with images.   |
| <b>Fictional text depictions of CSAM</b>   | N/A                            |               | Hotline only deals with images.   |
| <b>Praise of paedophilia or CSA</b>  | N/A                            |               | Hotline only deals with images.   |
| <b>Manual on CSA</b>   | N/A                            |               | Hotline only deals with images.   |
| <b>Declaration of committing CSA</b>   | N/A                            |               | Hotline only deals with images.   |

| Context | Legal Status | Actions Taken | Comments/explanation |
|---------|--------------|---------------|----------------------|
|---------|--------------|---------------|----------------------|

|   |                      |             |   |
|---|----------------------|-------------|---|
| <b>Images in a medical context</b>  | Dependent on content | NTD to HPs. | If the images fit the criteria of CSAM, it is most likely CSAM, regardless of the context.  |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Illegal              | NTD to HPs. |   |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Dependent on context | NTD to HPs. | Depends whether or not the text is added to the image itself or if they are comments detached from the image itself. The hotline does not take comments or captions into considerations when checking if the images fit the criteria of CSAM (unless the comments are added to the image itself). |

| <b>Content Location</b>                            | <b>Accessibility by Law</b>         | <b>Actions Taken</b> | <b>Comments/explanation</b>  |
|--|-------------------------------------|----------------------|--|
| <b>Private site types (Password protected)</b>     |                                     |                      | Depends on the site type.  |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Not allowed to access or send NTDs. |                      |  |
| <b>Dropbox/cloud/similar file hosting services</b> | Not allowed to access or send NTDs. |                      |  |
| <b>Tor/Onion</b>                                   | Allowed to send NTDs.               | NTD to HPs.          | Not able to send NTDs on torrent websites as they are not traceable. |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to send NTDs.               | NTD to HPs.          |  |
| <b>File Transfer protocol (Ftp://)</b>             | Not allowed to access or send NTDs. | None                 |  |
| <b>Social media accounts</b>                       | Allowed to send NTDs.               | NTD to HPs.          |  |
| <b>Email</b>                                       | Not allowed to access or send NTDs. | None                 |  |
| <b>Usenet</b>                                      | Not allowed to access or send NTDs. | None                 |  |
| <b>Messengers (Telegram, WhatsApp)</b>             | Allowed to send NTDs.               | NTD to HPs.          |  |

## ***Poland - Dyżurnet.pl***

### **Operated by:**

National Research and Academic Computer Network (NASK)

### **Legal basis for operation:**

According to the Act on the National Cyber Security System, NASK-PIB was indicated as one of the Computer Security Incident Response Team (CSIRT). NASK-PIB's tasks include providing a telephone line or website service operating in the field of reporting and analysis of cases of distribution, propagate or transmission of child pornography via information and communication technologies, referred to Directive 2011/93/EU of the European Parliament and the Council from 13.12.2011 on combating the sexual abuse and sexual exploitation of children and child pornography, Replacing Council Framework Decision 2004/68/WSiSW. The task at NASK-PIB is carried out by Dyżurnet.pl.

### **Relationship with Law enforcement:**

NASK and Polish LEA signed a Cooperation Agreement in 2018 on cooperation on training, sharing tools and technology, but without specifically listing the cooperation on combating CSAM online. Dyżurnet.pl has support letters from LEA, as part of the application process to receive EC funding. This letters state that any report from the hotline will be processed. All illegal content which is hosted in Poland and is within Dyżurnet.pl's scope is reported to LEA.

### **Relationship with hosting providers:**

Dyżurnet.pl acts within the 2002 Act of Providing of Services of Electronic Means. It's established that any Polish HP needs to react to a "reliable" notification of illegal content. The majority of HP's remove questioned content but some refuse (especially in non-CSAM cases) and need a court decision.

### **Other content dealt with:**

Child grooming (art. 200a. C.C), public promotion and approving conduct of paedophile nature (art. 200b. C.C), public presentation of pornographic content involving animals or using violence (art. 202 §2. C.C), public promotion of fascist or other totalitarian systems or propagating hate based on country or ethnic origin, race and religion as well as to public content insulting a group of people or individuals based on country or ethnic origin etc. (art. 256 and 257. C.C)

**What age constitutes a child:**

The age of consent is 15 (art. 200. § 1 C.C), but a minor is any person below 18 years of age (art. 202. C.C)

| Content Type   | Legal Status                   | Actions Taken                 | Comments/Explanations   |
|--|--------------------------------|-------------------------------|---|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal                        | Notice to LEA.<br>NTD to HPs. | Minor must participate in a sexual act.   |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal                        | Notice to LEA.<br>NTD to HPs. | Minor must participate in a sexual act.   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal (dependent on context) |                               | Dyżurnet.pl assesses the age on the Tanner Scale basis. If there is no reliable additional information regarding the age of such a person who appears to be an adult, no action is taken. |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Not illegal                    | None                          |   |
| <b>Child grooming</b>  | Illegal                        | Notice to LEA.                | Concerns minors under 15 years of age.  |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                        | Notice to LEA.                | Concerns minors under 15 years of age.  |
| <b>Apparent self-generated sexual material</b>   | Illegal                        | Notice to LEA.<br>NTD to HPs. | Concerns pornographic content.  |
| <b>Sexualised modelling or posing</b>  | Not illegal                    | NTD to HPs.                   | Modelling/posing classified by Dyżurnet.pl as child sexual exploitation material (CSEM).  |
| <b>Sexualised images of children</b>   | Not illegal                    | NTD to HPs.                   | Concerns explicit sexual context.   |
| <b>Text depictions of CSAM</b>   | Not illegal                    | Notice to LEA.<br>NTD to HPs. | Latest interpretation by The Polish Supreme Court excludes text depictions. Only vision depictions are illegal.   |
| <b>Fictional text depictions of CSAM</b>   | Not illegal                    | Notice to LEA.<br>NTD to HPs. | Latest interpretation by The Polish Supreme Court excludes text depictions. Only vision depictions are illegal.   |
| <b>Praise of paedophilia or CSA</b>  | Illegal                        | Notice to LEA and HPs.        |   |
| <b>Manual on CSA</b>   | Illegal                        | Notice to LEA.<br>NTD to HPs. |   |
| <b>Declaration of committing CSA</b>   | Illegal                        | Notice to LEA.                |   |

| Context  | Legal Status        | Actions Taken | Comments/explanation  |
|--|---------------------|---------------|---|
| Images in a medical context  | Not illegal         |               | Medical material cannot be treated as illegal pornography.                            |
| Non-explicit images in a series of images that contain CSAM                            | Not treated as CSAM |               | Dyżurnet.pl assess every single image.  |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Not treated as CSAM |               | If a comment praises paedophilia or CSA it is illegal, but it is not treated as CSAM. |

| Content Location                            | Accessibility by Law | Actions Taken              | Comments/explanation  |
|---|----------------------|----------------------------|---|
| Private site types (Password protected)     | Allowed to access.   | Notice to LEA. NTD to HPs. | If the login data is provided. If illegal, Notice to LEA and HP |
| Peer to peer (torrent, emule, Kat)          | N/A                  |                            | If illegal, Notice to LEA and HP                                |
| Dropbox/cloud/similar file hosting services | Allowed to access.   | Notice to LEA. NTD to HPs. | If illegal, Notice to LEA and HP                                |
| Tor/Onion                                   | Allowed to access.   | Notice to LEA. NTD to HPs. | If illegal, Notice to LEA and HP                                |
| Livestreamed CSE/CSA                        | Allowed to access.   | Notice to LEA. NTD to HPs. | If illegal, Notice to LEA and HP                                |
| File Transfer protocol (Ftp://)             | Allowed to access.   | Notice to LEA. NTD to HPs. | If the login data is provided                                   |
| Social media accounts                       | Allowed to access.   | Notice to LEA. NTD to HPs. | If illegal, Notice to LEA and HP                                |
| Email                                       | Allowed to access.   | Notice to LEA. NTD to HPs. | If illegal, Notice to LEA and HP                                |
| Usenet                                      | N/A                  |                            | If illegal, Notice to LEA and HP                                |
| Messengers (Telegram, WhatsApp)             | Allowed to access.   | Notice to LEA. NTD to HPs. | If the login data is provided                                   |



## ***Portugal - Linha Internet Segura (LIS)***

### **Operated by:**

The Portuguese Association for Victim Support (APAV)

### **Legal basis for operation:**

MOU with Law Enforcement (judiciary police)

### **Relationship with Law enforcement:**

MOU – LIS sends to LEA reports regarding all types of sexual violence involving minors online - (CSAM, Child Online Grooming, online sexual harassment, non-consensual image sharing, etc) - Even if the CSAM is not located in Portugal, LIS informs national LEA of the location of the content and domain name.

### **Relationship with hosting providers:**

LIS only has direct contact with one hosting provider in Portugal. For the others it uses general emails available to report abuse. Usually, LIS does not receive feedback and the way LIS currently works around the current situation is via LEA, who are also notified at the same time as the hosting providers. LEA also notifies the hosting provider for the takedown, and LEA gives the hotline feedback.

### **Other content dealt with:**

Hate Speech and incitement to violence - criminalized under article 240.º of the Portuguese Penal Code.

What age constitutes a child:

Child 0 - 14 years old (Child sexual abuse laws are applied to minors from 0 to 17, but have different legal frameworks depending on the age gap the minor is - for example from 0 to 14 any sexual intercourse is considered child sexual abuse, between 14 to 16 is only considered abuse if the adult has taken advantage of the inexperience of the minor (article 173.º Portuguese Penal Code) or if the abuse between 14 and 18 years of age as occurred because the adult took advantage of a specific position of power (e.g - the adult is the legal person responsible for the minor) or the adult is taking advantage of a condition of "special vulnerability" of the minor (e.g - debilitating health condition of the minor) - Article 172.º Portuguese Penal Code.

| Content Type  | Legal Status                   | Actions Taken              | Comments/Explanations   |
|---|--------------------------------|----------------------------|---|
| Drawings/manga/artistic interpretations of CSAM   | Illegal                        | Notice to LEA. NTD to HPs. |   |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal                        | Notice to LEA. NTD to HPs. |   |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal                        | Notice to LEA. NTD to HPs. |   |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Not illegal                    | N/A                        |   |
| Child grooming  | Illegal                        | Notice to LEA. NTD to HPs. | If the hotline can reach the victim, he/she is referred to the hotline's victim support services for psychological and legal support.   |
| Sexual extortion of children or soliciting children for sexual purposes                             | Illegal                        | Notice to LEA. NTD to HPs. | If the hotline can reach the victim, he/she is referred to the hotline's victim support services for psychological and legal support.   |
| Apparent self-generated sexual material   | Not illegal                    | Notice to LEA. NTD to HPs. | If the minor is older than 14 years of age, it is more difficult to access if they are a minor or not.  |
| Sexualised modelling or posing  | Illegal (dependent on context) | Notice to LEA. NTD to HPs. | The Crime of Child Pornography in the Portuguese penal code is redundant regarding the definition of the acts that should be criminalized under this type of crime. Considering illegal content that shows «acts of pornographic nature»- the interpretation of those acts by national jurisprudence, and International Law, considers material of pornographic nature any content that depicts a minor in a sexualized way, or depicts a minor in any sexual act. In those cases, the content can be considered as sexualising the child and the material can be considered illegal. |
| Sexualised images of children   | Illegal                        | Notice to LEA. NTD to HPs. |   |
| Text depictions of CSAM   | Illegal (dependent on context) | Notice to LEA.             | It is only considered a crime if the text depictions of CSAM are in the context of a conversation with a minor.   |
| Fictional text depictions of CSAM   | Illegal (dependent on context) | Notice to LEA.             | It is only considered a crime if the text depictions of CSAM are in the context of a conversation with a minor.   |
| Praise of paedophilia or CSA  | Illegal (dependent on context) | Notice to LEA.             | It is only considered a crime if the text depictions of CSAM are in the context of a conversation with a minor.   |
| Manual on CSA   | Illegal (dependent on context) | Notice to LEA.             | It is only considered a crime if the text depictions of CSAM are in the context of a conversation with a minor.   |
| Declaration of committing CSA   | Illegal (dependent on context) | Notify LEA.                | If it is a confession of a crime, it is treated as that crime - child sexual abuse.   |

| Context  | Legal Status                     | Actions Taken                 | Comments/explanation  |
|--|----------------------------------|-------------------------------|---|
| Images in a medical context  | Illegal                          | Notice to LEA.<br>NTD to HPs. | Depends on the context. Was the picture taken consensually or not and for an academic purpose? If not, and under the Baseline category of focusing on a sexual organ of a child, it would be considered illegal.  |
| Non-explicit images in a series of images that contain CSAM                            | Not illegal but treated as CSAM. | Notice to LEA.                | It depends on if the context is known or not. If the material is a sequence of a known set of pictures of abuse, the hotline would refer it to LEA as being part of a known situation of abuse. If the hotline does not know the context and the image is not depicting CSAM, it is not considered illegal in Portugal. |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Illegal and treated as CSAM.     | Notice to LEA.                | The hotline would refer the case to LEA and treat the case as CSAM but would not submit it in ICCAM.  |

| Content Location                            | Accessibility by Law  | Actions Taken                 | Comments/explanation   |
|---|-----------------------|-------------------------------|--|
| Private site types (Password protected)     | Allowed to access     | Notice to LEA.<br>NTD to HPs. | Only if the hotline has access to the password via reporting form. The hotline is not allowed to pay for the access to sites that are commercial and host the content. |
| Peer to peer (torrent, emule, Kat)          | Not allowed to access |                               | The hotline does not download the content, if it is flagged as CSAM through the reporting form the hotline sends it to LEA without doing content assessment.           |
| Dropbox/cloud/similar file hosting services | Allowed to access     | Notice to LEA.<br>NTD to HPs. |  |
| Tor/Onion                                   | Allowed to access     | Notice to LEA.<br>NTD to HPs. |  |
| Livestreamed CSE/CSA                        | Allowed to access.    | Notice to LEA.<br>NTD to HPs. |  |
| File Transfer protocol (Ftp://)             | Allowed to access.    | Notice to LEA.<br>NTD to HPs. |  |
| Social media accounts                       | Allowed to access.    | Notice to LEA.<br>NTD to HPs. |  |
| Email                                       | Allowed to access.    | Notice to LEA.<br>NTD to HPs. |  |



|                         |            |                    |                               |  |
|-------------------------|------------|--------------------|-------------------------------|--|
| Usenet                  |            | N/A                |                               |  |
| Messengers<br>WhatsApp) | (Telegram, | Allowed to access. | Notice to LEA.<br>NTD to HPs. |  |



## Romania - Ora de Net

### Operated by:

Save the Children Romania

### Legal basis for operation:

MoU with LEA, MoU with Authority for Child Rights Protection and Adoption

### Relationship with Law enforcement:

The collaboration protocol with the Romanian police came into force in 2016, from which point reports were sent to this authority. Reports refer to CSAM content and child nudity when the camera focuses on intimate areas, grooming and sexual blackmail. The hotline reports are received by DCCO (Directorate for Combating Organized Crime) officers, who constantly request additional details about certain cases when they deem it necessary. The police officers within this structure constantly participate in the events organized by the hotline and periodically request details about the activity of the hotline and the number of reports transmitted. Also, all actions related to improving the activities of the hotline are discussed in advance with this police department, and subsequently formalized through the necessary documents.

### Relationship with hosting providers:

Until now, according to the collaboration protocols concluded with the LEA and other authorities, the reports are sent to them, and if the situation requires it, the police request the internet providers to delete the illegal content. However, the hotline is in advanced discussions with the police to modify the collaboration protocol so that it would have the legal possibility to directly request the internet providers to delete the CSAM content, and inform the LEA.

### Other content dealt with:

1. Grooming: In Romanian law, grooming is defined as "recruiting minors for sexual purposes" and is incriminated by Article 222 of the Penal Code: "The act of the adult to propose to a minor who has not reached the age of 13 to meet, in order to commit an act of those provided in art. 220 or art. 221, including when the proposal was made by means of distance transmission, shall be punished by imprisonment from one month to one year or by a fine.
2. Abuse of a minor: legal definition is "ill-treatment of a minor," endangering his physical or mental development is criminalized by Article 197 of the Criminal Code: Abuse of a minor physical, intellectual or moral development of the minor, by the parents or by any person in whose care the minor is in custody, shall be punished by imprisonment from 3 to 7 years and the prohibition of the exercise of certain rights.
3. Adult pornography accessible to minors (if they are on servers in the country): Romanian legislation, by law number 196/2003 on preventing and combating pornography, states in Article 7 that "persons who make pornographic

sites are required to password-protect and access will be allowed only after a fee per minute has been paid by the user, established by the site developer and declared to the tax authorities." In Romania, pornographic content accessible to persons under 18 is prohibited.

4. Hate speech is incriminated by Article 369 of the Penal Code, which stipulates that "inciting the public, by any means, to hate or discriminate against a category of persons is punishable by imprisonment from 6 months to 3 years or a fine." The related legislation also provides for a series of sanctions, or fines, for acts that involve incitement to racial hatred or behaviours that seek to humiliate people and are motivated by the person's religion, gender, ethnicity, or sexual orientation.

### What age constitutes a child:

According to the legislation, a minor is any person under the age of 18.

However, the age of consent is 15.

The Criminal Code distinguishes between acts of "child pornography," "rape" and "sexual intercourse with a minor" - Article 220."

1. Sexual intercourse, oral or anal intercourse, as well as any other acts of penetration vaginal or anal sex committed with a minor between the ages of 13 and 15 is punishable by imprisonment from one to 5 years.
2. The deed provided in par. (1), committed on a minor who has not reached the age of 13, shall be punished by imprisonment from 2 to 7 years and the prohibition of the exercise of certain rights.
3. The deed provided in par. (1), committed by an adult with a minor aged between 13 and 18, when the adult has abused his authority or influence over the victim, is punishable by imprisonment from 2 to 7 years and a ban on exercising certain rights.
4. The deed provided in par. (1) - (3) shall be sanctioned with imprisonment from 3 to 10 years and the prohibition of the exercise of certain rights, when: the minor is a direct relative, brother or sister; the minor is in the care, protection, education, guarding or treatment of the perpetrator; was committed for the purpose of producing pornographic material.
5. The facts provided in par. (1) and para. (2) shall not be sanctioned if the age difference does not exceed 3 years.

| Content Type  | Legal Status | Actions Taken                           | Comments/Explanations  |
|---|--------------|---|--|
| Drawings/manga/artistic interpretations of CSAM   | Not illegal  | None                                    |  |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal      | Notice to LEA.<br>LEA sends NTD to HPs. | Incriminated by law: Criminal Code, article 374: 4. Child pornography means any material that depicts a minor with explicit sexual behaviour or that, although it does not present a real person, credibly simulates a minor with such behaviour.                            |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal      | Notice to LEA.<br>LEA sends NTD to HPs. | It is handled as CSAM if there are suspicions or evidence that the depicted person is a minor.   |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Illegal      | Notice to LEA.<br>LEA sends NTD to HPs. | Incriminated by law: Criminal Code, article 374: 4. Child pornography means any material that depicts a minor with explicit sexual behaviour or that, although it does not present a real person, credibly simulates a minor with such behaviour.                            |
| Child grooming  | Illegal      | Notice to LEA.                          | Grooming-<br>In Romanian law, grooming is defined as "recruiting minors for sexual purposes" and is incriminated by Article 222 of the Penal Code: "The act of the adult to propose to a minor who has not reached the age of 13 to meet, in order to commit an act of those |

|  |             |   |   |
|--|-------------|---|---|
|  |             |   | provided in art. 220 or art. 221, including when the proposal was made by means of distance transmission, shall be punished by imprisonment from one month to one year or by a fine.” |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b> | Illegal     | Notice to LEA.                          |   |
| <b>Apparent self-generated sexual material</b>                                 | Illegal     | Notice to LEA.<br>LEA sends NTD to HPs. |   |
| <b>Sexualised modelling or posing</b>  | Not illegal | Notice to LEA.                          | Not illegal if models are non-nude.   |
| <b>Sexualised images of children</b>   | Not illegal | Notice to LEA.                          | Not illegal if models are non-nude.   |
| <b>Text depictions of CSAM</b>   | Not illegal | Notice to LEA.                          |   |
| <b>Fictional text depictions of CSAM</b>                                       | Not illegal | None                                    |   |
| <b>Praise of paedophilia or CSA</b>  | Not illegal | None                                    |   |
| <b>Manual on CSA</b>   | Not illegal | None                                    |   |
| <b>Declaration of committing CSA</b>   | Not illegal | None                                    |   |

| Context   | Legal Status     | Actions Taken                           | Comments/explanation            |
|---|------------------|---|---------------------------------|
| <b>Images in a medical context</b>  | Not illegal      | None                                    | None                            |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Treated as CSAM. | Notice to LEA.<br>LEA sends NTD to HPs. | Notice LEA or partner hotlines. |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Treated as CSAM. | Notice to LEA.<br>LEA sends NTD to HPs. | Notice LEA or partner hotlines. |

| Content Location                                   | Accessibility by Law                        | Actions Taken                           | Comments/explanation   |
|--|---|---|--|
| <b>Private site types (Password protected)</b>     | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>LEA sends NTD to HPs. | Notice LEA or partner hotlines.  |
| <b>Peer to peer (torrent, emule, Kat)</b>          | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>LEA sends NTD to HPs. | Notice LEA or partner hotlines.  |
| <b>Dropbox/cloud/similar file hosting services</b> | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>LEA sends NTD to HPs. | Notice LEA or partner hotlines.  |
| <b>Tor/Onion</b>                                   | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>LEA sends NTD to HPs. | Notice LEA or partner hotlines.  |
| <b>Livestreamed CSE/CSA</b>                        | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>LEA sends NTD to HPs. | Notice LEA or partner hotlines.  |
| <b>File Transfer protocol (Ftp://)</b>             | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>LEA sends NTD to HPs. | Notice LEA or partner hotlines.  |
| <b>Social media accounts</b>                       | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>LEA sends NTD to HPs. | Depending on circumstances, for content found on public accounts, or reported by another user that permitted the hotline to access his account, a notice is sent to LEA. |
| <b>Email</b>                                       | Not allowed to access or send NTDs.         | None                                    |  |
| <b>Usenet</b>                                      | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>LEA sends NTD to HPs. | Notice LEA or partner hotlines   |

|   |   |   |  |
|---|---|---|--|
| <b>Messengers</b><br>(Telegram, WhatsApp) | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>LEA sends NTD to HPs. | The hotline can access content found on public chat rooms. |
| Slovakia                                  |   |   |  |

## Slovakia - OCHRÁŇ MA

### Operated by:

OCHRÁŇ MA – PROTECT ME

### Legal basis for operation:

MoU signed with LEA in December 2022.

### Relationship with Law enforcement:

The hotline has signed MoU with the national LEA. The hotline has an agreement with the LEA that all reports received by the hotline are forwarded to the national law enforcement.

### Relationship with hosting providers:

The hotline has signed 2 letters of supports and will start now, after the MOU has been signed with the LEA, to more actively have dialogues with hosting providers.

### Other content dealt with:

The hotline is dealing with (1) threatening, (2) harassment, (3) bullying and cyber bullying, (4) child abuse, (5) pornographic content, (6) violent and aggressive content, (7) identity theft, (8) expressions suppressing basic human rights and freedoms, (9) self-harm or suicide content, (9) terrorism and (10) other harmful content.

### What age constitutes a child:

In general there is term child which applies to a person 0-18 years of age. Additionally, the national legislation provides two more specific definitions:

- 1) juvenescent/juvenile - 14-18 years of age;
- 2) minors - 0-14 years of age.

| Content Type  | Legal Status | Actions Taken  | Comments/Explanations |
|---|--------------|----------------|-----------------------|
| Drawings/manga/artistic interpretations of CSAM   | Not illegal  |                |                       |
| Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct | Illegal      | Notice to LEA. |                       |
| A minor appearing to be an adult engaged in sexually explicit conduct                               | Illegal      | Notice to LEA. |                       |
| An adult person appearing to be a minor engaged in sexually explicit conduct                        | Not illegal  |                |                       |
| Child grooming  | Illegal      | Notice to LEA. |                       |
| Sexual extortion of children or soliciting children for sexual purposes                             | Illegal      | Notice to LEA. |                       |
| Apparent self-generated sexual material   | Illegal      | Notice to LEA. |                       |
| Sexualised modelling or posing  | Illegal      | Notice to LEA. |                       |
| Sexualised images of children   | Illegal      | Notice to LEA. |                       |
| Text depictions of CSAM   | Not illegal  |                |                       |
| Fictional text depictions of CSAM   | Not illegal  |                |                       |
| Praise of paedophilia or CSA  | Illegal      | Notice to LEA. |                       |
| Manual on CSA   | Not illegal  |                |                       |
| Declaration of committing CSA   | Illegal      | Notice to LEA. |                       |

| Context  | Legal Status                         | Actions Taken  | Comments/explanation  |
|--|--------------------------------------|----------------|---|
| Images in a medical context  | Not illegal and not treated as CSAM. |                | These images are not illegal. Legality depends on the context. If a picture appears in another non-medical context and it is sexualising the child, it is illegal. If it remains in the medical context and it is not sexual, it is thus not illegal. |
| Non-explicit images in a series of images that contain CSAM                            | Illegal                              | Notice to LEA. |   |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Not illegal and not treated as CSAM. |                |   |

| Content Location                            | Accessibility by Law | Actions Taken | Comments/explanation |
|---|----------------------|---------------|----------------------|
| Private site types (Password protected)     | Allowed to access.   |               |                      |
| Peer to peer (torrent, emule, Kat)          | Allowed to access    |               |                      |
| Dropbox/cloud/similar file hosting services | Allowed to access.   |               |                      |
| Tor/Onion                                   | Allowed to access    |               |                      |
| Livestreamed CSE/CSA                        | Allowed to access.   |               |                      |
| File Transfer protocol (Ftp://)             | N/A                  |               |                      |
| Social media accounts                       | N/A                  |               |                      |
| Email                                       | N/A                  |               |                      |
| Usenet                                      | N/A                  |               |                      |
| Messengers (Telegram, WhatsApp)             | N/A                  |               |                      |



Slovenia

## ***Slovenia - Spletno oko***

### **Operated by:**

University of Ljubljana, Faculty of Social Science

### **Legal basis for operation:**

The process of receiving and examining the reports and their notification to LEA is regulated by the Operational Procedures Manual, which is agreed upon by the hotline and LEA.

### **Relationship with Law enforcement:**

The hotline forwards all received reports of alleged CSAM to the LEA without previous assessment. The Operational Procedures Manual is the agreement in place between the hotline and the police.

### **Relationship with hosting providers:**

The LEA carries out any Notice and Takedown actions resulting from hotline reports. The hotline forwards all reports to the LEA without assessment and thus doesn't have direct contact with hosting providers.

### **Other content dealt with:**

None.

### **What age constitutes a child:**

Child is any person below the age of 18 years, Article 173a of the Criminal Code refers to solicitation of persons under below fifteen years of age.





| Content Type   | Legal Status                    | Actions Taken  | Comments/Explanations  |
|--|---------------------------------|----------------|--|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal                         | Notice to LEA  | The Slovenian Penal Code stipulates whoever acquires, produces, distributes, sells, imports, exports or otherwise offers pornographic or other sexual material involving minors or their realistic images, or who possesses such material, shall be punished. or gains access to such material through information or communication technologies or discloses the identity of a minor in such material (Article 176. of Slovenian Penal Code).         |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal                         | Notice to LEA  | Realistic images of minors involved in sexual acts are prohibited.   |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal (depend ent on context) | Notice to LEA  | It is handled as CSAM if there is evidence that the depicted person is a minor.  |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Illegal (depend ent on context) | Notice to LEA  | If a person looks underage, then the content is prohibited. If the hotline establishes that the adult is older than 18, then it is not prohibited. The legislation does not specifically define this.  |
| <b>Child grooming</b>  | Illegal                         | Notice to LEA  | Child grooming is defined by the law as "the act of sexual proposals by an adult to a minor under 18 years" or solicitation to manufacture or manufacture a CSAM with a person under 18 years of age.  |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                         | Notice to LEA  | Sexual extortion of children or soliciting children for sexual purposes are defined in article 173. and 176. of Slovenian Penal Code.  |
| <b>Apparent self-generated sexual material</b>   | Illegal (depend ent on context) | Notice to LEA  | Making CSAM is prohibited, but the child who created self-generated sexual material will not be punished, not even if she/he distributed that material.  |
| <b>Sexualised modelling or posing</b>  | Illegal                         | Notice to LEA  | Content of a sexual nature includes images of children, naked or semi-naked, with focus on genitalia or the nudity or in sexually explicit positions, wearing age-inappropriate clothing or with age-inappropriate objects suggesting a sexually explicit setting. This excludes a priori images of nudism or naturism without a focus on the body of the child, as well as other images of naked and semi-naked children in a non-sexualised context. |
| <b>Sexualised images of children</b>   | Illegal                         | Notice to LEA  |  |
| <b>Text depictions of CSAM</b>   | Illegal                         | Notice to LEA  | The Slovenian Penal Code stipulates whoever acquires, produces, distributes, sells, imports, exports or otherwise offers pornographic or other sexual material involving minors or their realistic images, or who possesses such material, shall be punished. They also consider text as material.   |
| <b>Fictional text depictions of CSAM</b>   | Illegal                         | Notice to LEA  |  |
| <b>Praise of paedophilia or CSA</b>  | Not illegal                     | None           |  |
| <b>Manual on CSA</b>   | Illegal                         | Notice to LEA  | Sexual material involving minors.  |
| <b>Declaration of committing CSA</b>   | Illegal (depend ent on context) | Notice to LEA. | If LEA can prove it.   |

| Context  | Legal Status                         | Actions taken  | Comments/explanation  |
|--|--------------------------------------|----------------|---|
| Images in a medical context  | Not illegal and not treated as CSAM. | Notice to LEA. |   |
| Non-explicit images in a series of images that contain CSAM                            | Not illegal and not treated as CSAM. | Notice to LEA. | Such material is not considered illegal per default, but they can be used by LEA to identify victims. |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Not illegal and not treated as CSAM. | Notice to LEA. | Such images are not illegal, but comments of sexual nature attached to them may be.                   |

| Content Location                            | Accessibility by Law | Actions Taken  | Comments/explanation |
|---|----------------------|----------------|----------------------|
| Private site types (Password protected)     | N/A                  | Notice to LEA. |                      |
| Peer to peer (torrent, emule, Kat)          | N/A                  | Notice to LEA. |                      |
| Dropbox/cloud/similar file hosting services | N/A                  | Notice to LEA. |                      |
| Tor/Onion                                   | N/A                  | Notice to LEA. |                      |
| Livestreamed CSE/CSA                        | N/A                  | Notice to LEA. |                      |
| File Transfer protocol (Ftp://)             | N/A                  | Notice to LEA. |                      |
| Social media accounts                       | N/A                  | Notice to LEA. |                      |
| Email                                       | N/A                  | Notice to LEA. |                      |
| Usenet                                      | N/A                  | Notice to LEA. |                      |
| Messengers (Telegram, WhatsApp)             | N/A                  | Notice to LEA. |                      |



## Spain - INCIBE

### Operated by:

National Cybersecurity Institute (INCIBE)

### Legal basis for operation:

INCIBE is the reference entity for the development of cybersecurity and digital trust of citizens, including minors and their reference environments, as well as companies. INCIBE manages the INCIBE-CERT or incident response team (CSIRT), a reference for the management of incidents that affect citizens and non-strategic companies, as set out in Royal Decree-Law 12/2018 and Royal Decree 43/2021, for the security of networks and information systems, which transposes into the Spanish legal system Directive (EU) 2016/1148, relating to measures aimed at guaranteeing a high common level of security of networks and information systems in the Union, known as the NIS Directive. For its part, article 11 establishes that INCIBE-CERT is the reference CSIRT for service providers. In this sense, the "National Guide for the Notification and Management of Cyber-incidents", approved by the National Cybersecurity Council, includes in its taxonomy incidents related to child sexual abuse materials.

Also, the Ministry of the Interior officially recognized INCIBE in December 2020 as a Spanish representative and hotline in the INHOPE network. The specific role of INCIBE as a Spanish Hotline is also included in the Framework Collaboration Agreement between the Secretary of State for Security (Ministry of the Interior) and the Secretary of State for Digitization and Artificial Intelligence (Ministry of Economic Affairs and Digital Transformation) for the strengthening in terms of cybersecurity, signed in October 2012 for the first time and renewed in July 2022.

Recently, INCIBE has also signed an Agreement with the Prosecutor Office to improve the processes for detection, criminal prosecution and removal of CSAM. Specifically, it is looking for:

- Facilitate monitoring and statistical control on the effectiveness and efficiency of the reporting and NTD procedures.
- Speed up the coordination with digital service providers related to the NTD procedures.
- Contribute to the international fight by sending the identified CSAM that is hosted outside Spain to the INHOPE network.

### Relationship with Law enforcement:

INCIBE works with the LEA based on the specific role of INCIBE as a Spanish Hotline included in the Framework Collaboration Agreement signed with the Secretary of State for Security (Ministry of the Interior) for the strengthening in terms of cybersecurity.



Specifically, INCIBE sends possible CSAM that have been identified through the public citizen report and the INHOPE ICCAM platform directly to LEAs. Due to the legal regulations in Spain, the operators of the INCIBE Hotline do not have legal competences to access and evaluate CSAM.

#### Relationship with hosting providers:

INCIBE-CERT is the reference CSIRT for essential service operators and digital service providers and maintains a close collaboration with them to manage cybersecurity incidents that affect citizens and enterprises. But currently, INCIBE does not participate in the CSAM Notice and Takedown procedure with service providers. The recent Agreement signed with the Prosecutor Office has among its objectives to promote the role of INCIBE in the NTD process.

#### Other content dealt with:

None.

#### What age constitutes a child:

Childhood in Spain comprises ages under 18 years old, following the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989, ratified in Spanish legislation. The minimum age of sexual consent is 16 years and below that age any sexual contact would be illegal, following article 183 ter of the Penal Code. Finally, in line with GDPR, the Spanish Data Protection Law and for the Guarantee of Digital Rights has established that children may solely consent to the publication of images as long as they are 14 years of age or older (article 7).

| Content Type   | Legal Status                   | Actions Taken | Comments/Explanations  |
|--|--------------------------------|---------------|--|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal (dependent on context) | Notice to LEA | The law refers to virtual pornography when the image of the minor is an artificial but realistic creation, made by computer or other means. This type is also found in the jurisprudence.<br><br>Judicial processing of reports by LEA. Content removed by HPs (court order required). |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal                        | Notice to LEA | The law refers to virtual pornography when the image of the minor is an artificial but realistic creation, made by computer or other means. This type is also found in the jurisprudence.<br><br>Judicial processing of reports by LEA. Content removed by HPs (court order required). |
| <b>A minor appearing to be an adult engaged in</b>   | Illegal (dependent on context) | Notice to LEA | The Spanish Penal Code (article 189) punishes such conduct if it is caused by an adult, who uses the minor to produce any kind of  |

|   |                                |               |   |
|---|--------------------------------|---------------|---|
| <b>sexually explicit conduct</b>  |                                |               | <p>pornographic material, whatever its support, or will finance any of these activities or profit from them.</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p>   |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b> | Illegal (dependent on context) |               | <p>The Spanish Penal Code (article 189) links "child pornography" with material which shall represent visually a person appearing to be a minor, unless this person appearing to be a minor was actually eighteen or older at the time the images were taken.</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p>  |
| <b>Child grooming</b>   | Illegal (dependent on context) | Notice to LEA | <p>The Spanish Penal Code establishes various crimes against sexual freedom and indemnity, in which the participation of minors acts as an aggravating factor: sexual abuse and assault (article 183, 183 bis, spec. 183 ter), sexual harassment (art. 184), exhibitionism and sexual provocation (art. 185 and art. 186 ) and corruption of minors (art. 188).</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p>  |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>      | Illegal (dependent on context) | Notice to LEA | <p>The Spanish Penal Code establishes various crimes against sexual freedom and indemnity, in which the participation of minors acts as an aggravating factor: sexual abuse and assault (article 183, 183 bis, spec. 183 ter), sexual harassment (art. 184), exhibitionism and sexual provocation (art. 185 and art. 186 ) and corruption of minors (art. 188).</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p>  |
| <b>Apparent self-generated sexual material</b>                                      | Illegal (dependent on context) | Notice to LEA | <p>The Spanish Penal Code does not punish the self-generation of sexual material, but the revelation, disclosure, sharing or cession of non consensual intimate content is illegal and, when it implies the participation of minors, acts as an aggravating factor (art. 197.7). Besides that, when the minor is the one who auto-generates the content, it shall be illegal if they share this content to other minor (although we find jurisprudence that has not condemned the sending of images between minors when it comes to minors of similar ages).</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p> |
| <b>Sexualised modelling or posing</b>   | Illegal (dependent on context) | Notice to LEA | <p>The Spanish Penal Code does not specify either explicit and non-explicit sexual content types, but punishes the usage, broadcasting, selling, distribution, exhibition, offer or facilitate the provision of "any type of child pornography material" (art. 189).</p>  |

|  |                                |                |   |
|--|--------------------------------|----------------|---|
|  |                                |                | Judicial processing of reports by LEA. Content removed by HPs (court order required).   |
| <b>Sexualised images of children</b>     | Illegal (dependent on context) | Notice to LEA  | <p>The Spanish Penal Code does not specify either explicit and non-explicit sexual content types, but punishes the usage, broadcasting, selling, distribution, exhibition, offer or facilitate the provision of "any type of child pornography material" (art. 189).</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p> |
| <b>Text depictions of CSAM</b>           | Not illegal                    | None           | Text depictions of CSAM are not tipified under the Spanish law.   |
| <b>Fictional text depictions of CSAM</b> | Not illegal                    | None           | Fictional text depictions of CSAM are not tipified under the Spanish law.   |
| <b>Praise of paedophilia or CSA</b>      | Not illegal                    | None           | In Spain the crime of apology for pedophilia is not tipified.   |
| <b>Manual on CSA</b>                     | Illegal (dependent on context) | None           | <p>The Spanish Penal Code punishes the usage, broadcasting, selling, distribution, exhibition, offer or facilitate the provision of "any type of child pornography material" (art. 189). The production of texts related to CSA is not tipified.</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p>                     |
| <b>Declaration of committing CSA</b>     | Illegal (dependent on context) | Notice to LEA. | <p>The Spanish Penal Code punishes the usage, broadcasting, selling, distribution, exhibition, offer or facilitate the provision of "any type of child pornography material" (art. 189). The declaration of committing CSA is not tipified.</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p>                          |

| Context   | Legal Status         | Actions Taken | Comments/explanations |
|---|----------------------|---------------|-----------------------|
| <b>Images in a medical context</b>  | Not treated as CSAM. | Notice to LEA |                       |
| <b>Non-explicit images in a series of images that contain CSAM</b>                            | Unknown              | Notice to LEA |                       |
| <b>Non-explicit images that have comments or captions of a sexual nature attached to them</b> | Unknown              | Notice to LEA |                       |

| Content Location                            | Accessibility by Law | Actions Taken | Comments/explanation |
|---|----------------------|---------------|----------------------|
| Private site types<br>(Password protected)  | N/A                  |               |                      |
| Peer to peer (torrent, emule, Kat)          | N/A                  |               |                      |
| Dropbox/cloud/similar file hosting services | N/A                  |               |                      |
| Tor/Onion                                   | N/A                  |               |                      |
| Livestreamed CSE/CSA                        | N/A                  |               |                      |
| File Transfer protocol (Ftp://)             | N/A                  |               |                      |
| Social media accounts                       | N/A                  |               |                      |
| Email                                       | N/A                  |               |                      |
| Usenet                                      | N/A                  |               |                      |
| Messengers (Telegram, WhatsApp)             | N/A                  |               |                      |



Sweden

## Sweden - ECPAT Hotline

### Operated by:

ECPAT Sweden

### Legal basis for operation:

Allowed by law. ECPAT Sweden is mentioned in the legislative history as an exception to the prohibition in section 16:10 a in the penal code which regulates acts of child pornography.

### Relationship with Law enforcement:

ECPAT Sweden has a close relationship with law enforcement as well as an agreement stipulating how reports to them should be handled. Reports to the law enforcement are sent when the report concerns a suspect crime that may have taken place in Sweden, if the suspect crime is committed by a Swedish person, if the victim is Swedish, or if the suspected material is hosted in Sweden.

### Relationship with hosting providers:

ECPAT Sweden has a dialogue with the frequently appearing hosting providers and send them NTDs. Some of them have white-flagged the hotline which has shortened the NTD-procedure. The hotline does get feedback sometimes from some hosting providers.

### Other content dealt with:

All crimes related to sexual exploitation of children, i.e.: trafficking in children for sexual purposes, rape of a child, sexual exploitation of a child, sexual assault of a child, sexual intercourse with a descendant, sexual intercourse with a sibling, exploitation of a child for sexual posing, exploitation of a child through the purchase of a sexual act, sexual molestation, contact with a child for sexual purposes, child marriage offence, unlawful breach of privacy.

### What age constitutes a child:

0-17 years





| Content Type   | Legal Status                   | Actions Taken                 | Comments/Explanations  |
|--|--------------------------------|-------------------------------|--|
| <b>Drawings/manga/artistic interpretations of CSAM</b>   | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | A drawing is illegal if it is very realistic and, in some way, shown or spread to others. However, it is legal to draw such material if you keep it for yourself.  |
| <b>Digitally generated CSAM/realistic images representing a minor engaged in sexually explicit conduct</b> | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | A drawing is illegal if it is very realistic and, in some way, shown or spread to others. However, it is legal to draw such material if you keep it for yourself.  |
| <b>A minor appearing to be an adult engaged in sexually explicit conduct</b>                               | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | This depends on which exact crime acts within the child pornography crime field are at stake (producing/depicting, dissemination, selling, possession). For producing child pornography - the sexual maturation rate doesn't matter - if it is a child under 18, the "producer" has committed a crime. However, regarding the other acts, if the child appears to be an adult, responsibility is only assigned if it can be seen from the image and its circumstances that the person depicted is under the age of 18. |
| <b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>                        | Not illegal                    |                               |  |
| <b>Child grooming</b>  | Illegal                        | Notice to LEA.                |  |
| <b>Sexual extortion of children or soliciting children for sexual purposes</b>                             | Illegal                        | Notice to LEA.                |  |
| <b>Apparent self-generated sexual material</b>   | Illegal (dependent on context) | Notice to LEA.<br>NTD to HPs. | Needs to be a child to be illegal.   |
| <b>Sexualised modelling or posing</b>  | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| <b>Sexualised images of children</b>   | Illegal                        | Notice to LEA.<br>NTD to HPs. |  |
| <b>Text depictions of CSAM</b>   | Not illegal                    | None                          |  |
| <b>Fictional text depictions of CSAM</b>   | Not illegal                    | None                          |  |
| <b>Praise of paedophilia or CSA</b>  | Not illegal                    | None                          |  |
| <b>Manual on CSA</b>   | Not illegal                    | None                          |  |
| <b>Declaration of committing CSA</b>   | Illegal (dependent on context) |                               | There is no general prohibition from talking about committing child sexual abuse. However, a person with the aim of committing a sexual act against a child under 15, proposing or agreeing to a meeting with the child, can be accused of the crime: contact with a child for sexual purposes.  |

| Context  | Legal Status     | Actions Taken                 | Comments/explanation  |
|--|------------------|-------------------------------|---|
| Images in a medical context  | Treated as CSAM. | Notice to LEA.<br>NTD to HPs. | Such images published in a sexual context would be a concern for the hotline. |
| Non-explicit images in a series of images that contain CSAM                            | Illegal          | Notice to LEA.<br>NTD to HPs. |   |
| Non-explicit images that have comments or captions of a sexual nature attached to them | Illegal          | Notice to LEA.<br>NTD to HPs. |   |

| Content Location                            | Accessibility by Law                        | Actions Taken                 | Comments/explanation   |
|---|---|-------------------------------|--|
| Private site types (Password protected)     | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. |  |
| Peer to peer (torrent, emule, Kat)          | N/A   |                               |  |
| Dropbox/cloud/similar file hosting services | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. |  |
| Tor/Onion                                   | Allowed to access.                          | Notice to LEA.                |  |
| Livestreamed CSE/CSA                        | Allowed to access.<br>Allowed to send NTDs. | Notice to LEA.<br>NTD to HPs. |  |
| File Transfer protocol (Ftp://)             | Allowed to access.                          | Notice to LEA.                | As long as the ftp is open 'for all' and does not demand a log-in.                                   |
| Social media accounts                       | Not allowed to access or send NTDs.         |                               | It is illegal (breach of data security) to log-in on another person's email or social media account. |
| Email                                       | Not allowed to access or send NTDs.         |                               | It is illegal (breach of data security) to log-in on another person's email or social media account. |
| Usenet                                      | N/A   |                               |  |
| Messengers (Telegram, WhatsApp)             | Not allowed to access or send NTDs.         |                               | It is illegal (breach of data security) to log-in on another person's email or social media account. |

# Abbreviations

- CSAM: Child Sexual Abuse Material
- CSEM: Child Sexual Exploitation Material
- CSA: Child Sexual Abuse
- EC: European Commission
- EU: European Union
- HP: Hosting provider
- ICAC: International Crimes Against Children
- ICCAM: INHOPE's secure software solution to collect, exchange and categorise reports of child sexual abuse material.
- IP: Internet Protocol
- LEA: Law enforcement agency
- MOU: Memorandum of Understanding
- NPI: Non-photographic child sexual abuse material
- NTD: Notice and Takedown
- SIC: Safer Internet Center