



*Lianna McDonald*  
*Executive Director,*  
*Canadian Centre for Child Protection Inc.*

**SENT VIA EMAIL**

October 6, 2020

Dear Members of the Civil Liberties, Justice and Home Affairs (LIBE) Committee of the European Parliament

My name is Lianna McDonald, and I am the Executive Director of the Canadian Centre for Child Protection Inc. ("C3P"). Our organization operates Cybertip.ca, Canada's national tipline to report the online sexual exploitation of children. We also work directly with survivors whose child sexual abuse has been recorded, and we operate Project Arachnid, a victim centered platform to reduce the online proliferation of known child sexual abuse material. More information about these initiatives are included in the attached documents.

It is in the context of our ongoing work on behalf of survivors that we submit the following documents for your consideration as you consider the proposed regulation on a temporary derogation from certain provisions of Directive 2002/58/EC of the European Parliament:

1. Individual survivor statements recently prepared by survivors of child sexual abuse material that work directly with our organization. These statements provide information about the ways in which the proliferation of child sexual abuse material impacts upon the present day life of each survivor.
2. A statement prepared by our organization to provide parliamentarians with information that our organization has learned about the impacts on survivors of child sexual abuse material when material depicting their abuse is shared by others.

We are sharing the above-noted documents to assist parliamentarians in the consideration of this very important legislation. We understand that to date, the main concerns of the European parliament in respect of the derogation have focused on individual privacy rights and liberties of the users of technology. While this is an important consideration, one must also consider the individual privacy rights and liberties of *survivors*. It is an unfortunate reality that survivors of this crime must remain anonymous for their own safety and security, and as a result, their voices and their concerns are seldom included in policy discussions surrounding privacy. It is our hope that the enclosed documents will assist you in understanding the needs and concerns of this unique population as you continue your deliberations.

In addition, by this letter, we wish to express our strong support for the proposed regulation. Removing such images, which have no intrinsic social value and constitute a clear and continuing violation of the rights of a child, should not be considered as being in competition with the right to privacy in communications. There is no question that citizens are entitled to their privacy. However, children also have rights, and it is their rights that, to date, have not been accounted for in a serious way.

When considering any issue that impacts upon the rights of children, the international commitments made to protect children from exploitation and abuse must be kept in mind. To date, over 170 nations have ratified the United Nations Convention on the Rights of the Child (“UNCRC”) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (the “Optional Protocol”). The UNCRC is the most universally accepted human rights framework in the world and reflects the commitment of world nations to safeguarding the most vulnerable members of society. Article 34 emphasizes that signatory nations must take all appropriate national, bilateral and multilateral measures to prevent the sexual exploitation of children. Article 19 speaks to a child’s right to be protected from physical or psychological harm, neglect, abuse, or mistreatment. Article 39 goes further and commits all signatories to take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child if they are subjected to the harms in Article 19.

For over 30 years, the world has had the *UN Convention on the Rights of the Child* available to help ensure the best interests of children are at the centre of policy considerations. When viewed from a child rights perspective it is clear that the removal of child sexual abuse images and harmful/abusive images of children is grounded in a recognition of children’s inherent rights to dignity, privacy, and security of the person. The nature of these images certainly violates the child’s right to dignity and privacy, identity, to be protected from harm, and the right to control the use of their likeness. There is no reason to believe the children in these images ever consented to their private humiliation being made publicly accessible to a global audience. The continued circulation of such imagery intrudes upon the child’s right to be left alone and their right to control their own information and identity.

Not only is the ongoing availability of these images/videos is a repeated violation of the privacy of these children; it is dehumanizing and represents an assault on their dignity every time the material is viewed or shared. Even more egregious, the children within these recordings are commonly fully visible and possibly identifiable to anyone who may know them. This visibility not only heightens the degree of the privacy violation, but also presents an obvious risk to the child's personal safety and psychological security, now and in the future. It means any person who knows the victim could possibly recognize them, and for someone who does not know the victim, they might be able to identify them in the future.

It is well known that this type of material can be used to fuel or incite harm to children by individuals who have an interest, sexual and non-sexual alike, in the degradation, pain, and torture of children. The accessibility and prevalence of this content can also contribute to normalizing and desensitizing the public, thus increasing the risk of violence to children. We strongly believe that we have a collective responsibility to do all that we can to eradicate images and videos of this nature with haste in order to decrease demand for new content and distribution, as well as to eliminate the ongoing harm from the continued availability of this material.

In closing, we want to stress how important it is to continue to use every tool available to reduce the proliferation of child sexual abuse material online, and we reiterate our support for the proposed regulation to temporarily derogate from certain provisions of Directive 2002/58/EC of the European Parliament. We would be pleased to respond to any questions parliamentarians may have with respect to the attached documents, and we would be willing to provide additional information to assist as needed.

Regards,

A handwritten signature in black ink, appearing to read 'Lianna McDonald', with a stylized flourish at the end.

Lianna McDonald

Executive Director, Canadian Centre for Child Protection Inc.