



## FIGHT AGAINST CHILD SEXUAL ABUSE : LUXEMBOURG OPPOSES GENERALIZED SURVEILLANCE

The draft for a regulation of the European Parliament and of the European Council laying down rules to notably prevent and fight child sexual abuse (the “Draft”) is back in the spotlight.

On June 20, 2024, the text that was already the second version of the Draft, following the European Parliament's drastic amendment of it at the end of 2023, was adjourned indefinitely by the European Council, amid uncertainty over whether a majority would be reached on this highly controversial text.

The major issue was that the Draft intended to require all service providers to screen the content of all the messages passing through their platforms to detect the presence of child pornography or similar. It's the so called “Chat Control”.

The potential introduction of a general surveillance of electronic messaging by allowing access to people's private messages in order to scan them and identify the authors of those messages provoked fierce criticism from digital companies, elected representatives and encryption specialists, who unanimously condemned the Draft as impossible to meet without ‘breaking’ the mechanisms that are essential to protecting the communications and the related privacy of European citizens.



Luxembourg is opposed to the principle of generalized surveillance and considers that the effective fight against the sexual abuse and exploitation of children, which is a priority, must involve strict compliance with European Union law and the principle of proportionality.

On October 10, 2024, a new version of the Draft, aiming to replace the generalized surveillance by a targeted one will be submitted to the European Council.

Indeed, the analysis of the operators will be limited to specific content, previously identified and added to a censorship list (“liste de censure”), sent by the police to the operators.

Despite the introduction of this censorship list, Luxembourg “is not at this stage in a position to support the Draft, but will continue to support efforts to find a solution at European level”, states the Ministry of Justice.

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