

Statement to EU countries: Do not agree to mass surveillance proposal, warn NGOs

13 September 2023

Last updated 14 September 2023 to reflect new total of 87 signatures

EU countries are preparing to agree their position on the draft EU Child Sexual Abuse (CSA) Regulation, commonly known as “chat control”.¹ **This proposed law is unprecedented: it could force companies to scan everyone's private digital communications, on behalf of governments, all of the time.**

Legal experts advising EU governments have warned that in its current form, **the CSA Regulation would likely violate the rights of hundreds of millions of people in Europe**, without any suspicion that they have done something wrong.² It could also force everyone to undergo ID checks in order to access the internet, threatening digital exclusion for those without the ‘right’ documents.

Regardless of the broad concerns raised about the CSA Regulation,³ **EU governments have so far failed to make essential changes to protect human rights**, including privacy, free expression and the presumption of innocence. Nevertheless, **they propose to exclude their own government communications from the rules**, in a shocking admission that otherwise, the law would violate their right to confidentiality of communications.⁴

Hundreds of academics, including those from 19 EU countries, have warned that the proposal is technically dangerous and poses a serious threat to encryption.⁵ This could put the 2 billion people worldwide who rely on encryption to keep their digital lives safe and secure at risk – including the very children this law aims to protect.

1 The Justice and Home Affairs Council of the EU Council are reportedly aiming to vote on a General Approach at the Home Affairs meeting on 28 September 2023: <https://www.consilium.europa.eu/en/meetings/jha/2023/09/28/>. The agenda has not yet been published, however, so this meeting could still be postponed.

2 Opinion of the Council Legal Service, 26 April 2023:

<https://www.bitsoffreedom.nl/wp-content/uploads/2023/05/20230426-opinion-legal-services-on-csar-proposal.pdf>

3 ‘Is this the most criticised draft EU law of all time?’, EDRi, 29 August 2023: <https://edri.org/our-work/most-criticised-eu-law-of-all-time/>

4 ‘Council poised to endorse mass surveillance as official position for CSA Regulation’, EDRi, 21 July 2023: <https://edri.org/our-work/council-poised-to-endorse-mass-surveillance-as-official-position-for-csa-regulation/>

5 Joint statement of scientists and researchers on EU’s proposed Child Sexual Abuse Regulation, 4 July 2023: <https://docs.google.com/document/d/13Aeex72MtFBjKhExRTooVMWN9TC-pbH-5LEaAbMF91Y/edit?pli=1>

At least eight EU countries have reportedly attempted to address some of the major problems with the proposal.⁶ Parliamentarians in the Czech Republic, Ireland, the Netherlands, Austria and France have also spoken up for their constituents against the mass intrusion of our digital private lives.⁷

Despite this, EU Home Affairs Ministers seem set to adopt a joint position on the CSA Regulation which would be illegal under EU human rights law.

As 87 groups dedicated to upholding democracy and to protecting digital rights, the open use of the internet, human rights defenders, women and children's rights and more, **we call on all EU governments to say no to the CSA Regulation until it fully protects rights, freedoms and security online.**

Signed,

Pan-European and international:

- Access Now
- Alternatif Bilisim (AiA-Alternative Informatics Association)
- Civil Liberties Union for Europe
- Centre for Democracy & Technology, Europe
- CloudPirat - Defend Your Digital Freedom
- Committee to Protect Journalists
- Ecoropa
- Electronic Frontier Foundation - EFF
- European Digital Rights (EDRi)
- European Sex Workers Rights Alliance (ESWA)
- The Georgia Tech Internet Governance Project
- INSPIRIT Creatives NGO, CIVICUS Member, Human Rights & Civil Society
- Internet Society
- Interpeer gUG

- International Online Safety Corp (IOSCORP)
- Open Privacy Tech Foundation (OPTF) Ltd
- Sex Workers' Rights Advocacy Network (SWAN)
- Statewatch
- Wikimedia Europe

Austria:

- epicenter.works
- Lobby4kids- Kinderlobby

Croatia:

- Centre for Peace Studies
- Politiscope

Czechia:

- Iuridicum Remedium
- NoLog z. s.

⁶ According to documents published by Netzpolitik, the governments of Germany, Poland, the Netherlands, Austria, Luxembourg, Sweden, Estonia and Poland have all expressed concerns with the Council text date 1 August: <https://netzpolitik.org/2023/internes-protokoll-eu-staaten-starten-endspurt-zur-chatkontrolle/> (in DE). The more recent text, dated 8 September, does not solve the serious human rights issues raised in this letter.

⁷ See footnote 3.

Denmark:

- IT-Pol
- Nejtil5G.dk: Videnscentret for elektro-forurening
- PROSA

Finland:

- Electronic Frontier Finland

France:

- La Quadrature du Net
- Sherpa

Germany:

- Chaos Computer Club
- D64 - Zentrum für Digitalen Fortschritt e. V.
- Digitalcourage
- Digitale Gesellschaft
- German Bar Association (Deutscher Anwaltverein)
- Gesellschaft für Informatik e.V.
- Giordano-Bruno-Stiftung
- Humanistische Union e.V.
- HYDRA e.V. Treffpunkt und Beratung für Prostituierte
- Komitee für Grundrechte und Demokratie
- SUPERRR Lab
- Whistleblower-Netzwerk

Greece:

- Homo Digitalis

Ireland:

- Digital Rights Ireland
- Irish Council for Civil Liberties

Italy:

- Privacy Network
- SWIPE - Sex Workers Intersectional Peer Education

The Netherlands:

- Bits of Freedom
- Privacy First
- Prostitution Information Center

Portugal:

- Associação D3 - Defesa dos Direitos Digitais
- Associação Portuguesa para a Promoção da Segurança da Informação (AP2SI)
- ESOP - Associação de Empresas de Software Open Source Portuguesas
- Internet Society Portugal Chapter
- Wikimedia Portugal
- Women4Cyber Portugal

Romania:

- ApTI - Asociația pentru Tehnologie și Internet

Slovenia:

- Danes je nov dan, Inštitut za druga vprašanja
- Digitas Institute
- Digital Society Forum
- Državljan D / Citizen D

Spain:

- The Commoners
- ISOC-CAT (Internet Society Catalan Chapter)
- Sindicato OTRAS
- Xnet

Sweden:

- 5 of July foundation
- dataskydd.net
- Red Umbrella Sweden

Europe:

- Defend Digital Me – United Kingdom
- Digital Society – Switzerland
- Elektronisk Forpost Norge (EFN) - Norway
- ISCO Norway
- NGO 35MM – Montenegro

Africa:

- Africa Media and Information Technology Initiative (AFRIMITI) – Nigeria
- The Collaboration on International ICT Policy for East and Southern Africa (CIPESA)
- Digital Woman Uganda
- Webfala Digital Skills for all Initiative – Nigeria
- La fédération sénégalaise des acteurs de l'environnement - Sénégal
- L'association pour la défense des droits à l'eau et à l'assainissement du Sénégal
- YOUTH FORUM FOR SOCIAL JUSTICE – Uganda

North, Central and South America:

- Aspiration - US
- Fight for the Future - US
- ISOC Brazil - Brazilian Chapter of the Internet Society
- Internet Society chapter Dominican Republic
- Superbloom - US

Asia:

- JCA-NET – Japan

Individuals:

- Douwe Korff, Professor of International Law