

**INHOPE**

# Global CSAM Legislative Overview

*Full Report*



# **Global CSAM Legislative Overview**

*An overview of national CSAM legislations in INHOPE Member Countries and the Lanzarote Convention State Parties*

*Second edition  
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## ***Disclaimer***

The findings contained in this report are strictly based on the input given by INHOPE member hotlines and the Lanzarote State Parties.

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## ***Summary***

For a Summary of this document, please refer to [Global CSAM Legislative Overview - Executive Summary](#). In case of questions or need for additional information, INHOPE can be reached through [info@inhope.org](mailto:info@inhope.org).



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*INHOPE Hotlines not included in this document:*

*Brazil – Safernet*

*New Zealand – Netsafe New Zealand*

## ***Introduction***

INHOPE is the global network of hotlines combatting online child sexual abuse material (CSAM). The network consists of 54 hotlines in 50 countries (as of April 2024) that provide the public with a way to anonymously report illegal content online, in particular CSAM. Across the INHOPE network, over 200 hotline analysts work daily to identify and remove CSAM from the internet and to share information with law enforcement so they can safeguard victims and bring perpetrators to justice.

As the technology and internet landscape rapidly advances, the INHOPE network observes a continuous growth in CSAM reports over the years. In 2023, the INHOPE network handled a significant volume of [785.322 reports](#) of potential child abuse through ICCAM<sup>1</sup>, of which 69% were classified as illegal. Additionally, offenders have become bolder and more tech savvy, deploying brand new technologies in the production and distribution of CSAM online. In particular, it is found that Artificial Intelligence (AI) technologies are being used to create new categories of abuse at scale. As AI can offer advantages in aiding hotlines in the identification and removal of CSAM, it has also introduced a new online threat: AI-generated CSAM, an emerging form of abuse material that can be generated at the push of a button.

In the wave of technological changes, the strength of the INHOPE network comes from its interconnected, global nature which allows for the exchange and rapid removal of CSAM around the world. INHOPE member hotlines work in unison by sharing critical information, reports and trends to ensure the rapid removal of CSAM. However, the reality of operating in 50 different legal jurisdictions comes with challenges, especially with the classification of material. Types of content that are illegal in certain countries may not be treated similarly across the entire network. In addition, the advancement of technology indicates the need for constant reflection of legislation to ensure adequate and effective safe measures are in place for the most vulnerable groups.

Therefore, the Global CSAM Legislative Overview sets to delineate the legislative framework of 49 countries that INHOPE member hotlines operate in<sup>2</sup>, with an additional 12 Lanzarote Convention<sup>3</sup> States Parties without INHOPE hotlines. The aim of this document is to serve as a reference list of relevant national legislations regarding CSAM, in hope of further supporting advocacy and outreach activities, legislative improvement at the national, regional and international levels and facilitate information sharing both within and beyond the INHOPE network. The information provided in this report is strictly based on the input provided by INHOPE member hotlines and the Lanzarote State Parties.

For a Summary of this document, please refer to [Global CSAM Legislative Overview - Executive Summary](#).

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<sup>1</sup> ICCAM is a secure technology platform that allows INHOPE hotlines to exchange reports and critical information with hotlines, law enforcement agencies and INTERPOL. Learn more about ICCAM [here](#).

<sup>2</sup> Japan is included in this document with information provided by the former hotline, SIEMPLE. However, please note that SIEMPLE is no longer a member of INHOPE from April 2024.

<sup>3</sup> The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as “the Lanzarote Convention”, requires criminalisation of all kinds of sexual offences against children. It is open to accession by States worldwide. Learn more about the Lanzarote Convention [here](#).

## ***Acronyms***

**CSAM:** Child Sexual Abuse Material

**CSEM:** Child Sexual Exploitation Material

**CSA:** Child Sexual Abuse

**EC:** European Commission

**EU:** European Union

**HP:** Hosting Provider

**ICCAM:** INHOPE's secure software solution to collect, exchange and categorise reports of CSAM.

**LEA:** Law Enforcement Agencies

**MOU:** Memorandum of Understanding

**NPI:** Non-Photographic Images of child sexual abuse

**NGO:** Non-Governmental Organisation

**NTD:** Notice and Takedown

**OCSEA:** Online Child Sexual Exploitation and Abuse



## Report Overview and Scope

The Global CSAM Legislative Overview is divided into 5 sections: *Africa, Americas, Asia and Oceania, Europe and the Lanzarote Convention State Parties without INHOPE Hotlines*. Each section begins with an overview of the national legislations regarding CSAM in the region, highlighting the legislative similarities and differences across countries. This is followed by a detailed section for each country within the respective region. The country-specific sections are further divided into “Hotline Information” and “Legislative Context”.

### Hotline Information

The operational legal basis, scope and mandate of INHOPE hotlines varies across the globe, depending on national legislations and agreements concluded between hotlines and their national authorities. Depending on the legal basis for operation, hotlines also develop varying levels of relationships with national law enforcement agencies (LEAs) and hosting providers (HPs). This section delineates the basic information regarding hotline operations, including the mandate, legal basis for operation, relationship with law enforcement, relationship with hosting providers and other content dealt with by the hotline in addition to CSAM.

### Legislative Context

#### Terminology: Child Sexual Abuse Material vs. Child Pornography

It is internationally recognised that the term “child pornography” is outdated and fails to describe the nature of material depicting children in a sexually explicit behaviour. The preferred terminology instead is (1) “**child sexual abuse material**” and (2) “**child sexual exploitation material**” as the two terms reflect accurately the true nature of the material and the abuse behind the creation of such material (i.e. children being groomed, coerced, and exploited by their abusers).<sup>4</sup>

Referring to child sexual abuse materials as “pornography” puts the focus on how the materials are used, as opposed to the actual crime itself. It is crucial that national legislation makes a clear distinction between people making or watching pornography and perpetrators sexually abusing children and distributing such material to others which leads to re-victimisation. It is wrong to categorise material depicting child sexual abuse under the umbrella term of “pornography”, which in its conventional and ordinary meaning involves a consensual sexual act between adults. This might lead to understanding such kind of material (depicting children in sexually explicit behaviour) as sub-category of pornography which in turn raises the risk of normalising, trivialising and even legitimising the sexual abuse and exploitation of children. Furthermore, using the term “child pornography” raises the risk of conveying that producing material depicting sexual acts with children may in some circumstances be consensual and/or legal. As a result, this might even place blame on the child rather than on the perpetrator of the offense.

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<sup>4</sup> The Global Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, also known as the Luxembourg Guidelines, offer guidance on the terms commonly used at global level when addressing the exploitation and sexual abuse of children. INHOPE network supports using the correct terminology when describing material depicting children in a sexually explicit behaviour.

Conversely, using the term “child sexual abuse material” or “child sexual exploitation material” underscores the need to protect children from exploitation and abuse. This terminology reinforces the severity of the crime, offers stronger protection of the dignity of the abused children and promotes a stronger legal response. The use of “child sexual abuse material” further clarifies the legal status and implications of these materials, making it easier for law enforcement and legal professionals to identify, investigate, and prosecute cases involving child exploitation. By emphasising the abusive nature of these materials, the term discourages potential offenders by making it clear that their actions are criminal.

Using "child sexual abuse material" and “child sexual exploitation material” also reinforces the criminal liability of those who produce, distribute, or possess these materials, ensuring that offenders are held accountable for their actions. The global and harmonised use of these terms (1) supports international multi-sectoral cooperation in the fight against child sexual abuse online and (2) helps to educate the public about the seriousness of the issue and promote a better understanding of the harm inflicted on child victims.

The core work of INHOPE hotlines lies in the rapid removal of CSAM to jointly address online child sexual exploitation and abuse (OCSEA). Nevertheless, as can be seen in this document, many legislations across the world still use the incorrect term of “child pornography” instead of “child sexual abuse material” or “child sexual exploitation material” when referring to material depicting children in a sexually explicit behaviour. INHOPE network uses “child sexual abuse material (CSAM)” when referring to such material and strongly encourages the changes of legislations to use the more precise terminology.

## International and National Criterium for Illegality of the Material

When assessing content, hotlines utilise both international and national criteria to determine whether the material is illegal. 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 materials 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; or
- The media has a clear focus on the child’s sexual/anal area.

Material that does not meet baseline standards or is not internationally illegal may still be considered illegal at the national level, depending on the specific legislation of the country. The key differences in national laws primarily involve the assessment of the content’s type and the context in which the material is presented.

## Content Type

Hotlines receive reports on numerous different types of content related to illegal material. The national laws that govern these categories differ per jurisdiction, so the treatment of and the action that can be taken on a single type of content may vary from hotline to hotline. This document covers the following categories:

- Drawings/manga/artistic interpretations of CSAM
- Digitally generated CSAM

- Realistic images representing a minor engaged in sexually explicit conduct
- A minor appearing to be an adult engaged in sexually explicit conduct
- An adult person appearing to be a minor engaged in sexually explicit conduct
- Child grooming: solicitation of the child to meet offline (for contact offences)
- Child grooming: solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)
- Sexual extortion of children or soliciting children for sexual purposes
- Apparent self-generated sexual material
- Sexualised modelling or posing
- Sexualised images of children
- Text depictions of CSAM
- Fictional text depictions of CSAM
- Praise of paedophilia or CSA
- Manual on CSA
- Declaration of committing CSA
- Audio CSAM: recordings of CSA
- Audio CSAM: story telling/ retelling scenes of CSA

The content can be illegal, not illegal and/or dependent on the context according to national legislations. The illegality and hosting location of the material define the actions further taken by a hotline. If the reported CSAM is hosted within the reporting country, the hotline or national LEA sends Notice and Takedown orders (NTD) to the relevant HPs according to national procedures. If the reported CSAM is hosted in another country, the hotline transfers the report through ICCAM to the hotline in the hosting country. If no hotline exists in the hosting country, the reports are processed by other INHOPE member hotlines.

## Context

The context in which the material is portrayed may have an influence on the illegality of the material, further defining the actions that can be taken on the reported material. This document covers the following context in which the material is portrayed:

- Images in a medical context
- Non-explicit images in a series of images that contain CSAM
- Non-explicit images that have comments or captions of a sexual nature attached to them

## Content Location

The location of the content can influence whether a hotline can access it. This document covers the following content locations and details whether national legislation allows hotline access, along with the actions taken:

- Private site types (Password protected)

- Peer to peer (torrent, emule, Kat)
- Dropbox/cloud/similar file hosting services
- Tor/Onion
- Livestreamed CSE/CSA
- File Transfer protocol (Ftp://)
- Social media accounts
- Email
- Usenet
- Messengers (Telegram, WhatsApp)

INHOPE NETWORK

# Africa



## Regional CSAM Legislative Framework in Africa

Two major pieces of legislations in Africa are relevant to the fight against CSAM. **The African Charter on the Rights and Welfare of the Child**, adopted by the Organisation of African Unity (now the African Union) in 1990, focuses on the rights and welfare of children across Africa. While it doesn't specifically address CSAM, it emphasises the protection of children from all forms of abuse and exploitation. Article 16 states that State Parties shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse.<sup>5</sup> Article 27 requires States Parties to protect the child from all forms of sexual exploitation and sexual abuse, and in particular take measures to prevent (a) the inducement, coercion or encouragement of a child to engage in any sexual activity; (b) the use of children in prostitution or other sexual practices; and (c) the use of children in pornographic activities, performances and materials.<sup>6</sup>

The African Union **Convention on Cyber Security and Personal Data Protection** (Malabo Convention), adopted in 2014, addresses various aspects of cybercrime, including the protection of children online and encourages State Parties to adopt legislation to combat cybercrimes such as child pornography. Article 1 of this Convention defines “child pornography”, and Article 29 (3) (1) requires State Parties to take the necessary legislative and/or regulatory measures to make it a criminal offense to:

- (a) Produce, register, offer, manufacture, make available, disseminate, and transmit an image or a representation of child pornography through a computer system;
- (b) Procure for oneself or for another person, import or have imported, and export or have exported an image or representation of child pornography through a computer system;
- (c) Possess an image or representation of child pornography in a computer system or on a computer data storage medium;
- (d) Facilitate or provide access to images, documents, sound or representation of a pornographic nature to a minor.<sup>7</sup>

## Overview of national CSAM legislations in Africa

Currently Africa has two INHOPE member hotlines, located in Nigeria and South Africa. In both countries, “child pornography” is used as the terminology referring to material that depicts sexual abuse of children. There are no national laws directly regulating AI-generated CSAM but “Digitally generated CSAM” is illegal in both countries. In terms of child grooming, whether it involves a solicitation of a child to meet offline or for online sexual activities (such as sexual conversation, production of CSAM or viewing sexual activities), it is considered illegal in both countries. Sexual extortion of children or soliciting children for sexual purposes is also illegal in both countries. As for apparent self-generated sexual material, it is illegal in Nigeria, but the legality depends on the context in South Africa. Text depiction of CSAM and fictional text depictions of CSAM are illegal in Nigeria. They are also generally illegal in South Africa but still depends on the context.

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<sup>5</sup> Article 16, [The African Charter on the Rights and Welfare of the Child](#).

<sup>6</sup> Article 27, [The African Charter on the Rights and Welfare of the Child](#).

<sup>7</sup> Article 29, [The African Union Convention on Cyber Security and Personal Data Protection](#)

## *Nigeria – Action Against Child Sexual Abuse Initiative*

### HOTLINE INFORMATION

**Operated by:** Action Against Child Sexual Abuse Initiative



#### **Hotline mandate**

The hotline has the authority to process reports and share local report data with the cyber police. The hotline collaborates with law enforcement to ensure necessary actions are taken.

The hotline also focuses on awareness and sensitisation campaigns to encourage reporting rather than conducting searches.

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

The hotline has a Memorandum of Understanding with the Nigerian Police Force, as well as letters of support from the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and the National Cybercrime Centre.

#### **Relationship with law enforcement**

The hotline works closely with law enforcement agencies responsible for OCSEA-related crimes. These include the National Agency for the Prohibition of Trafficking in Persons and the National Cyber Crime Centre.

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

The hotline has built relationships with local hosting providers and aim to establish periodic stakeholder meetings. These meetings will enable the hotline to discuss growing challenges and work together to resolve them.

#### **Other content dealt with by the hotline**

CSEM reports. The hotline also deals with intimate image abuse (commonly referred to as "revenge porn") and handling sextortion reports. In these cases, the hotline works closely with law enforcement to ensure that the hotline supports victims by facilitating access to any additional support they may require.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The Nigerian Constitution currently defines CSAM as “child pornography”. However, key stakeholders recognise the terms CSAM and CSEM as more appropriate and are actively engaged in discussions to amend outdated laws to reflect recent advancements in technology, including challenges posed by AI and deepfakes.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law/ age associated with grooming offenses**

The legal age of consent for sexual activities is 18 years, as stipulated by the Child’s Right Act of 2003. This law has been adopted by 24 out of 36 states, except for 12 states, some of which operate under the Sharia Law system.

The same age is associated with CSAM offences defined by law. Grooming is not recognized in the law and there are ongoing conversations on changing existing terminologies on the legislation.

### **Criminalised acts related to CSAM**

Section 12 of the Child’s Rights Act (CRA) stipulates that "Every child is entitled to the respect and dignity of his person; accordingly, no child shall be subjected to physical, mental, or emotional injury, abuse, neglect, or maltreatment, including sexual abuse."

Section 26 states that the use of children in criminal activities not specified under this Act is prohibited. This serves as an umbrella clause that can encompass the act of involving children in sexual activities, including the distribution of CSAM.

Section 30(2)(e) mandates that a child shall not be procured or offered for prostitution, the production of pornography, or any pornographic performance.

Section 32(1) specifies that a person who sexually exploits a child in any manner not already mentioned in this part of the Act commits an offence.

Cybercrimes (Prohibition, Prevention, Etc) Act, 2015:

- (a) Producing child pornography (CSAM)
- (b) Offering or making available child pornography (CSAM)
- (c) Distributing or transmitting child pornography
- (d) Procuring child pornography for oneself or for another person
- (e) Possessing child pornography in a computer system or on a computer data storage medium

Anyone found committing these acts will be charged with an offence under this Act.



## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

In Nigeria, legal protections are in place to avoid the criminalization of children featured in Child Sexual Abuse Material (CSAM), even if the material appears to be self-generated. These protections are outlined in various legal frameworks:

1. The Child Rights Act, 2003: The Child Rights Acts of 2003 incorporates principles from the United Nations Convention on the Rights of the Child. It prioritizes the welfare and best interest of the child in all matters, including legal proceedings. This act ensures the protection of children from all forms of abuse and exploitation. It emphasizes the need to treat children as victims rather than criminals in cases of sexual exploitation.
2. The Cybercrimes (Prohibition, Prevention, Etc.) Amendment Act of 2024: While this act criminalizes the production, distribution, and possession of CSAM, it also recognizes the need to protect victims from being treated as criminals. Authorities are encouraged to focus on identifying and prosecuting the perpetrators rather than the children involved.

## Definition of “child sexual exploitation material” in national legislations / Hotline mandates on these types of reports

The national legislation does not directly define “child sexual exploitation material”, but it is stated in Section 23 (3) (c) of the Cybercrimes (Prevention) Act (2015) that “Recruiting, inducing, coercing, exposing, or causing a child to participate in pornographic performances or profiting from or otherwise exploiting a child for such purposes commits an offence and is liable for conviction.”

The hotline receives and process these types of reports.

## Specific law regulating AI-generated CSAM

No, there are no specific laws addressing AI-generated CSAM in Nigeria yet. There is an ongoing amendment to cover this area.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA	National hosting providers have no obligations except when queried by law enforcement.
Digitally generated CSAM	Illegal	Notice to LEA	
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	

<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Not illegal		
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	
<b>Child grooming— Solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</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>	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA	National hosting providers have no obligations except when queried by law enforcement.
<b>Sexualised modelling or posing</b>	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA	National hosting providers have no obligations except when queried by law enforcement.
<b>Sexualised images of children</b>	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA	National hosting providers have no obligations except when queried by law enforcement.
<b>Text depictions of CSAM</b>	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA	National hosting providers have no obligations except when queried by law enforcement.
<b>Fictional text depictions of CSAM</b>	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA	National hosting providers have no obligations except when queried by law enforcement.
<b>Praise of paedophilia or CSA</b>	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA	National hosting providers have no obligations except when queried by law enforcement.
<b>Manual on CSA</b>	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA	National hosting providers have no obligations except when queried by law enforcement.
<b>Declaration of committing CSA</b>	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA	National hosting providers have no obligations except when queried by law enforcement.
<b>Audio CSAM: recordings of CSA</b>	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA	National hosting providers have no obligations except when queried by law enforcement.
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA	National hosting providers have no obligations except when queried by law enforcement.

Context	Legal Status	Actions Taken	Comments/ Explanations
Images in a medical context	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA LEA sends NTD to HP	
Non-explicit images in a series of images that contain CSAM	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA LEA sends NTD to HP	
Non-explicit images that have comments or captions of a sexual nature attached to them	Dependent on the context (If the prosecutor can make a convincing case)	Notice to LEA LEA sends NTD to HP	

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	

# ***South Africa – Film and Publication Board Hotline for Reporting Child Pornography***

## **HOTLINE INFORMATION**

**Operated by:** Film and Publication Board



### **Hotline mandate**

The hotline is allowed to process reports to determine whether the content contains CSAM. If it is considered CSAM, the matter is referred to the law enforcement authority.

### **Legal basis for operation**

The Film and Publication Board (FPB) is established by legislation in South Africa to regulate the distribution of films, games, and certain publications with the aim of protecting children from exposure to illegal and inappropriate material. The legal basis for operation is founded on the constitutional right to the freedom of expression. The Constitution of the Republic of South Africa, 1996 (Constitution), makes provision for the right to freedom of expression and provides that:

16 (1) Everyone has the right to freedom of expression, which includes —

- (a) freedom of the press and other media
- (b) freedom to receive or impart information or ideas
- (c) freedom of artistic creativity; and
- (d) academic freedom and freedom of scientific research

(2) The right in subsection (1) does not extend to:

- (a) propaganda for war
- (b) incitement of imminent violence; or
- (c) advocacy of hatred that is based on race, ethnicity, gender, or religion, and that constitutes incitement to cause harm.

The Constitution provides further in terms of section 28 (2) that a child’s best interests are of paramount importance in every matter concerning the child.

The FPB is established in terms of section 3 of the Films and Publications Act, 65 of 1996. The FPB is a juristic person which performs the functions, exercise the powers, and carries out the duties assigned to it, conferred on it or imposed upon it in terms of the Films and Publications Act or any other law.

## **Relationship with law enforcement**

Section 16 (6) of the Films and Publications Act regulates the classification of publications. Section 16 (6) provides that where a publication submitted to the FPB in terms of this subsection contains child pornography, the Chief Executive Officer of the institution shall refer that publication to a police official of the South African Police Service (SAPS) for investigation and prosecution.

## **Relationship with hosting providers**

Section 27A of the Films and Publications Act makes provision for the registration and other obligations of internet service providers. In terms of section 27A (1), every internet service provider shall register with the FPB in the manner prescribed by regulations made under the Act and take all reasonable steps to prevent the use of their services for hosting or distribution of child pornography.

Section 27A (2) requires the internet service provider, upon acquiring knowledge that its services are being used for the hosting or distribution of child pornography, to take all reasonable steps to prevent access to the child pornography by any person and report the presence thereof, as well as the particulars of the person maintaining, or hosting, or distributing or in any manner contributing to such internet address, to a police official of the SAPS; and take all reasonable steps to preserve such evidence for purposes of investigation and prosecution by the relevant authorities. Nothing prohibits the FPB from issuing a notice to remove from display.

A compliance officer of the FPB may issue a notice of contravention to any person who is found to have been in contravention of a provisions of the Films and Publications Act.

## **Other content dealt with by the hotline**

The primary purpose of the internet hotline of the FPB is to prevent distribution of child sexual abuse material when detected through the internet. The internet hotline is a service that affords the members of the public with an opportunity to report online CSAM discovered on the internet. This may also include child grooming activities hosted in chat rooms.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The legislation currently uses “child pornography”. There is a legislative process underway to replace the word with “child sexual abuse material”.

In the Criminal law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, child pornography is used. The Act defines child pornography as follows:

'child pornography' means any image, however created, or any description or presentation of a person, real or simulated, who is, or who is depicted or described or presented as being, under the age of 18 years, of an explicit or sexual nature, whether such image or description or presentation is intended to stimulate erotic or aesthetic feelings or not, including any such image or description of such person- (a) engaged in an act that constitutes a sexual offence; (b) engaged in an act of sexual penetration; (c) engaged in an act of sexual violation; (d) engaged in an act of self-masturbation; (e) displaying the genital organs of such person in a state of arousal or stimulation; (f) unduly displaying the genital organs or anus of such person; (g) displaying any form of stimulation of a sexual nature of such person's breasts; (h) engaged in sexually suggestive or lewd acts; (i) engaged in or as the subject of sadistic or masochistic acts of a sexual nature; (j) engaged in any conduct or activity characteristically associated with sexual intercourse; (k) showing or describing such person- (i) participating in, or assisting or facilitating another person to participate in; or (ii) being in the presence of another person who commits or in any other manner being involved in, any act contemplated in paragraphs (a) to (j); or (l) showing or describing the body, or parts of the body, of such person in a manner or in circumstances which, within the context, violate or offend the sexual integrity or dignity of that person or any category of persons under 18 or is capable of being used for the purposes of violating or offending the sexual integrity or dignity of that person, any person or group or categories of persons.

The Film and Publication Act derives the definition of child pornography from the Act.

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law/ age associated with grooming offenses**

A child is a person under the age of 18 years according to section 28 of the Constitution. The Criminal Law (Sexual Offences and Related Matters) Amendment Act defines a "child" as a person under the age of 18 years and "children" has a corresponding meaning. This definition does not create a difference to the age in which child sexual abuse laws are applied to. However, the Child Justice Act becomes applicable when dealing with child sexual abuse offenders who are below the age of 18.

## **Criminalised acts related to CSAM**

### **1. Films and Publications Act 11 of 2019**

Section 24(B) of the FPA clearly stipulates that no person can:

- Unlawfully possesses child pornography,
- Creates, produces or in any way contributes to, or assists in the creation or production of child pornography,
- Import or in any way takes steps to procure, obtain or access or in any way knowingly assists in, or facilitate importation,
- Procurement, obtain or access of child pornography, or
- Knowingly makes available, exports, broadcasts or in any way distributes or
- Cause to be made available, exported, broadcast, or distributed or assist in making available, exporting any film, game publication which contains depictions or scenes of child pornography or which advocate, advertises, encourages, or
- Promotes child pornography or the sexual exploitation of children.

Section 24(F) prohibits the creation, production (or assist in the production), or distribution through any medium, content depicting sexual violence and violence against children.

## 2. Criminal law (Sexual Offences and Related Matters) Amendment Act 32 of 2007

The Act prohibits the exposure or display of or causing exposure or display of child pornography or pornography to children. It is stated as followed:

A person ('A') who unlawfully and intentionally exposes or displays or causes the exposure or display of- (a) any image, publication, depiction, description or sequence of child pornography or pornography; (b) any image, publication, depiction, description or sequence containing a visual presentation, description or representation of a sexual nature of a child, which may be disturbing or harmful to, or age-inappropriate for children, as contemplated in the Films and Publications Act, 1996 (Act 65 of 1996), or in terms of any other legislation; or (c) any image, publication, depiction, description or sequence containing a visual presentation, description or representation of pornography or an act of an explicit sexual nature of a person 18 years or older, which may be disturbing or harmful to, or age-inappropriate, for children, as contemplated in the Films and Publications Act, 1996, or in terms of any other law, to a child ('B'), with or without the consent of B, is guilty of the offence of exposing or displaying or causing the exposure or display of child pornography or pornography to a child

## 3. Children's Act 38 of 2005

The purpose of the Act is to give effect to certain rights of children as contained in the Constitution and to set out principles relating to the care and protection of children.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Child Justice Act 75 of 2008, provides that children up to 10 years of age lack criminal capacity and may not be arrested for committing an offence. These children are referred to the Children's Court or the Department of Social Development. Children between 10 years of age and up to 14 years of age have criminal capacity, but the onus rests on the state to prove beyond a reasonable doubt that an accused child has a criminal capacity when committing a crime. Children above 14 years of age are regarded by the law to have the criminal capacity and the mental ability to distinguish between right and wrong and can understand the consequences of their actions and therefore can be charged.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The national law does not specifically define "child sexual exploitation material". The hotline does not process these types of reports.

### **Specific law regulating AI-generated CSAM**

The national law does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal	Notice to LEA	Section 20 of the Criminal Law criminalises the creation, making or production of any image, publication, depiction, description, or sequence in any manner whatsoever of child sexual abuse, and provides that such person is guilty of the offence of using a child for CSAM.  The FPB must report such activities to law enforcement agencies and enforce the provisions of section 27A of the Act regarding the internet service provider and Section 16.
<b>Digitally generated CSAM</b>	Illegal	Notice to LEA	Reports are analysed by the Child Protection Unit on behalf of the Board which prepares a report on the findings. Same is then escalated to the relevant law enforcement agency.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA	Reports are attended to by the by the Child Protection Unit on behalf of the Board which prepares a report on the findings. Same is then escalated to the relevant law enforcement agency.
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	The definition of "child pornography" includes any image, however created, or any description of a person, real or simulated, who is, or who is depicted, made to appear, look like, represented or described as being under the age of 18 years.
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	The definition of "child pornography" includes any image, however created, or any description of a person, real or simulated, who is, or who is depicted, made to appear, look like, represented or described as being under the age of 18 years.
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA NTD to HPs	Sexual grooming of children 18. (1) A person ("A") who—
<b>Child grooming—Solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA	(a) manufactures, produces, possesses, distributes or facilitates the manufacture, production or distribution of an article, which is exclusively intended to facilitate the commission of a sexual act with or by a child ("B")  (b) manufactures, produces, possesses, distributes or facilitates the manufacture, production or distribution of a publication or film that promotes or is intended to be used in the commission of a sexual act with or by "B"  (c) supplies, exposes, or displays to a third person ("C")—  (i) an article which is intended to be used in the performance of a sexual act  (ii) child pornography or pornography; or  (iii) a publication or film,



			with the intention to encourage, enable, instruct, or persuade C to perform a sexual act with B; or  (d) arranges or facilitates a meeting or communication between C and B by any means from, to or in any part of the world, with the intention that C will perform a sexual act with B, is guilty of the offence of promoting the sexual grooming of a child.
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA NTD to HPs	
<b>Apparent self-generated sexual material</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	If a service provider has knowledge that its services are used for the hosting of sexual material, the hosting provider shall be expected to take all reasonable steps to prevent the use of their services for the hosting or distribution of CSAM.
<b>Sexualised modelling or posing</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	Modelling and posing need to comply with the definition of CSAM as contained in the Films and Publications Act and the Criminal Law; Sexual Offences and Related Matters Amendment Act in order to be deemed child pornography.
<b>Sexualised images of children</b>	Illegal (dependent on the context)	Notice to LEA	Reports are referred to the relevant law enforcement agency for further investigations.
<b>Text depictions of CSAM</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	CSAM is defined as any description or presentation of a person, real or simulated, who is, or who is depicted or described or presented as being, under the age of 18 years, of an explicit or sexual nature, whether such image or description or presentation is intended to stimulate erotic or aesthetic feelings or not, including any such image or description of such person.
<b>Fictional text depictions of CSAM</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	Each case is assessed based on its own facts, the Criminal Law (Sexual Offences and Related Matters) Amendment Act does not specifically list this case as an offence.
<b>Praise of paedophilia or CSA</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	
<b>Manual on CSA</b>	Illegal	Notice to LEA	Reports are referred to the relevant law enforcement agency for further investigations.
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA.	Criminal laws of the country become applicable (The Criminal Procedure Act and The Criminal Law -Sexual Offences and Related Matters Amendment Act.  The FPB must report such activities to LEA and enforce the provisions of section 27A of the Act regarding the service provider and Section 16.

<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Illegal	Notice to LEA NTD to HPs	

Context	Legal Status	Actions Taken	Comments/ Explanations
<b>Images in a medical context</b>	Dependent on the context		Content is judged within context and, except with respect to CSAM, may be classified with reference to the classification guidelines of the FPB relating to the protection of children from exposure to disturbing, harmful, or age-inappropriate materials where it constitutes a bona fide documentary, is of scientific, literary, or artistic merit or is a matter of public interest.
<b>Non-explicit images in a series of images that contain CSAM</b>	Dependent on context		Content is judged within context and, except with respect to child pornography, may be classified with reference to the classification guidelines of the FPB relating to the protection of children from exposure to disturbing, harmful, or age-inappropriate materials where it constitutes a bona fide documentary, is of scientific, literary, or artistic merit or is a matter of public interest.
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Dependent on the context		Content is judged within context and, except with respect to CSAM, may be classified with reference to the classification guidelines of the FPB relating to the protection of children from exposure to disturbing, harmful, or age-inappropriate materials where it constitutes a bona fide documentary, is of scientific, literary, or artistic merit or is a matter of public interest.

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<b>Private site types (Password protected)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	Including online gaming chats.
<b>Peer to peer (torrent, emule, Kat)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	If the reported content is illegal, notice to LEA and HPs.
<b>Dropbox/cloud/similar file hosting services</b>	Not allowed to access or send NTDs		

<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 open web. In this case, CSAM is traced and is forwarded to LEA/HPs/ICCAM.
<b>Livestreamed CSE/CSA</b>	Allowed to access Allowed to send NTDs	Notice to LEA. NTD to HPs.	If the reported content is illegal, notice to LEA and HPs.
<b>File Transfer protocol (Ftp://)</b>	Allowed to access Allowed to send NTDs	Notice to LEA. NTD to HPs.	If reported content is illegal, notice to LEA and HPs.
<b>Social media accounts</b>	Allowed to access Allowed to send NTDs	Notice to LEA 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 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		
<b>Usenet</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	If the reported content is illegal, notice to LEA and HPs.
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	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).

INHOPE NETWORK

# Americas



## Regional CSAM Legislative Framework in Americas

A few regional legislations in the Americas are relevant to the protection against CSAM. **The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará)**, while primarily focuses on violence against women, includes provisions that address violence against girls, including sexual exploitation and abuse. Article 9 recognises the importance of considering the specific contexts and vulnerabilities that might affect women and girls, which includes the risk of sexual exploitation and abuse. This provision reflects the broader commitment of the Convention to protect all women, including girls, from all forms of violence. Additionally, Article 7 outlines the general obligations of the State Parties to adopt policies and measures to prevent, punish, and eradicate violence against women, which would also encompass violence against girls.

Article 19 of the **Inter-American Commission on Human Rights (IACHR)** requires States Parties to ensure the necessary measures to protect children against all forms of exploitation and abuse, which includes CSAM. In addition, the **Ibero-American Cooperation Convention on investigation, assurance and evidence collection in the matter of cybercrime** broadly defines cybercrime to include a range of illegal activities conducted via digital means, including CSAM. Article 3, 4, 5 and 10 lays down the necessary measures that should be carried out by State Parties for developing comprehensive and coordinated legislation to effectively combat cybercrime including CSAM.

## Overview of national CSAM legislations in the Americas

Currently in the Americas, there are five INHOPE member hotlines, located in Argentina, Brazil, Colombia, Mexico and the United States<sup>8</sup>. In Argentina, Colombia and the US, child pornography is still used when referring to CSAM in national legislations. Mexican legislations address child sexual abuse material but often mislabel such material as child pornography. No countries in the Americas have a specific legislation regulating AI-generated CSAM yet.

### Digitally generated CSAM

Digitally generated CSAM is illegal in Argentina. The legality of such material depends on the context in Colombia and Mexico.

### Child grooming and sexual extortion

Child grooming is illegal in Argentina. In Colombia, grooming itself is not explicitly criminalised; however, if grooming results in offline meetings for travel and tourism purposes or leads to the creation of CSAM, it is deemed illegal. Similarly, in Mexico, the legality of child grooming that leads to offline meetings depends on the context. If the offline meeting is arranged for a sexual encounter or for sexual tourism purposes, it is illegal. Additionally, child grooming that results in online sexual activities is illegal in Mexico.

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<sup>8</sup> Please note that Brazil is not included in this document and the information about the US is from 2020.

Sexual extortion of children or soliciting children for sexual purposes is illegal in Argentina and Colombia. In Mexico, sexual extortion is not explicitly criminalised, thus the legality of such cases depends on judicial interpretation and discretion. Sexual extortion is not criminalised in the US national law, but the legality can still depend on the context.

## Apparent self-generated sexual material

Apparent self-generated sexual material is illegal in Colombia, Mexico and the US. In Argentina, such material is illegal in principle, but the legality also depends on the context.

## Text CSAM

Both text depictions of CSAM and fictional text depictions of CSAM are not illegal in Mexico and the US. In Argentina, text depictions of CSAM are illegal, but fictional text depictions of CSAM are not. In Colombia, the legality of fictional text depictions depends on the context. Such content may be deemed illegal due to its inappropriateness but does not constitute a crime. It results in an administrative sanction if blocking measures are not implemented.

## Audio CSAM

Audio CSAM is generally illegal in Argentina but not in Colombia. In Mexico, recordings of CSA are illegal, but storytelling/retelling scenes of CSA is not.

## Argentina – Grooming Argentina

### HOTLINE INFORMATION

Operated by: Grooming Argentina



#### **Hotline mandate**

According to the Argentine legislation, the hotline is only authorised to process organic reports received by the hotline and carried out by the public. Proactive searches are exclusive tasks of police authorities.

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

The hotline has an MoU with national LEA.

#### **Relationship with law enforcement**

The cooperation is based on a written agreement or MoU signed with the federal police.

In principle, the classification of reports as illegal does not depend specifically on the hotline, but on a judicial typology; however, as an NGO, the hotline carries out an admissibility assessment of the reports received from the public, which involves a primary analysis to frame the reports within the objective requirements of the MoU.

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

The hotline does not have relationships with internet hosting providers because that relationship depends on the Argentine Federal Police. Requests for notification and withdrawal must be evaluated and resolved judicially.

#### **Other content dealt with by the hotline**

Grooming Argentina receives reports of grooming cases, and the distribution, production and publication of CSAM images. These reports are channelled through multiple platforms including: Report Box, WhatsApp Line, and the GAPP application. The latter allows for the reception of reports globally, as this is a transnational issue or crime, according to the legislation of the intervening countries. These are managed by the report centre, which involves the Argentine Federal Police for proper investigation. If the case is transnational, it is coordinated through INTERPOL.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

In the Argentine Penal Code (Law 11.179/1984) under Title III, Crimes Against Sexual Integrity (Articles 118 to 133), Article 128 states: “Anyone who produces, finances, offers, trades, publishes, facilitates, disseminates, or distributes, by any means, any representation of a minor under eighteen (18) years old engaged in explicit sexual activities or any representation of their genital parts for predominantly sexual purposes, as well as anyone who organises live shows of explicit sexual representations involving such minors, shall be punished with imprisonment of three (3) to six (6) years. Anyone who knowingly possesses representations described in the previous paragraph shall be punished with imprisonment of four (4) months to one (1) year. Anyone who possesses representations described in the first paragraph with the unequivocal intent to distribute or commercialise them shall be punished with imprisonment of six (6) months to two (2) years. Anyone who facilitates access to pornographic shows or provides pornographic material to minors under fourteen (14) years old shall be punished with imprisonment of one (1) month to three (3) years. All the penalties provided in this article will be increased by one-third at their minimum and maximum when the victim is under thirteen (13) years old.”

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

The minimum age of sexual consent is 13 years old. A person under 18 years of age is considered a minor. Within this age group, children from 0 to 13 years old and adolescents from 13 to 18 years old are distinguished.

Additionally, there are certain acts that minors under 16 years old can perform due to their level of autonomy. The Civil and Commercial Code of the Nation, since its enactment in 2015, reflects the model of comprehensive protection of rights and thus incorporates its structural rules; among them is the legal conception of childhood as a period of effective and progressive development of personal and social autonomy. In this context, the legislation recognises the evolving capacity of children and adolescents, moving away from the binary category of capacity/incapacity from the Civil Code, and reformulating the roles traditionally assumed by the "passive" subjects in relationships involving children in the exercise of their rights: the parents (and in their absence, other guardians) and the State. The principle of evolving capacity is embedded throughout the text of the Convention on the Rights of the Child. From its preamble, it is considered that a child "should be fully prepared to live an individual life in society". In Article 12, it guarantees the child "who is capable of forming his or her own views" the right "to express those views freely" in all matters affecting them, "with due weight given to their views in accordance with the child's age and maturity." Various provisions also refer to the duty of the State, parents, and other guardians of children and adolescents to promote their physical, mental, spiritual, moral, and social development (Articles 6.1, 18.1, 27.1, 32.1, etc.).

On one hand, Article 261 of the title relating to legal acts establishes the age of discernment for lawful acts at 13 years. On the other hand, Article 639, among the general principles governing parental responsibility, states "the progressive autonomy of the child according to their psychophysical characteristics, aptitudes, and development. Greater autonomy reduces the representation of parents in the exercise of their children's rights." The summary of the cited norms allows for outlining a general rule for acts related to the exercise of human rights (referred to as personal rights in civil doctrine), without prejudice to specific solutions within the framework of property rights. In this context, the general rule is the presumption of the adolescent's capacity who, in addition, has discernment for lawful acts. That is, from the age of 13, there



is a presumption of maturity to make decisions inherent to the exercise of rights such as education, freedom of conscience, beliefs and ideology, privacy, identity, freedom of association, assembly, and participation in spaces where aspects related to their rights are discussed, etc.

The Argentine Penal Code establishes that any sexual act with a minor under the age of 13 is a crime, regardless of whether there was consent. For those between the ages of 13 and 16, there may be consent, but the Code stipulates that it can be considered a crime if there was exploitation of the victim's "sexual immaturity" when the perpetrator is an adult. From the age of 16, consensual relationships do not constitute a crime. The crime of grooming in Argentine legislation was incorporated into Article 131 of the Penal Code with the enactment of Law No. 26.904 (2013). Article 131 states: "Anyone who, through electronic communications, telecommunications, or any other data transmission technology, contacts a minor with the purpose of committing any crime against their sexual integrity shall be punished with imprisonment for six (6) months to four (4) years." The criminal offense does not establish age scales or aggravating factors in the punishment where applicable, but rather includes anyone under 18 years of age.

## **Criminalised acts related to CSAM**

As mentioned above, Article 128 of the Penal Code includes the following typical actions: producing, financing, offering, commercializing, publishing or advertising, facilitating, disseminating or distributing by any means, any representation of a minor under eighteen (18) years old engaged in explicit sexual activities or any representation of their genital parts for predominantly sexual purposes, as well as organising live shows of explicit sexual representations involving these minors. This description covers the circulation of child images on the internet, which was not previously addressed before the legislative reform. This change was made by incorporating the "Cybercrime Law" and the Budapest Convention, in response to the increase in child sexual exploitation material on the web, which necessitated the inclusion of these new electronic means.

For the modification of Article 128 of the Penal Code, certain international instruments that Argentina has signed were considered, such as the Convention on the Rights of the Child (Articles 1 and 34); the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (Articles 2 and 3); and the Convention on Cybercrime (Title III).

The enumeration in Article 128 aims to penalise the entire commercialisation chain from the producer to the consumer. As with the case of Human Trafficking, which follows the Palermo Protocol, the parameters set out in the Optional Protocol have been adopted in drafting this norm.

"Producing" implies making, creating, manufacturing, printing, or physically constructing something, in this case, of a pornographic nature. It also includes reproducing or reprinting the image or editing, filming, portraiture, drawing, etc. It encompasses everything involved in fabricating, elaborating, or creating representations by mechanical and electronic means. In a broad sense, producing is done by those who create as well as those who collectively organise or finance the industry or enterprise and commercialise the material. "Financing" means providing the capital, money, or economic resources to carry out and complete the project. "Offering" involves putting something up for sale or making it available in any capacity to one or many people. It also means making something visible for others to see. "Commercialising" within the consumption chain involves negotiating in exchange for money or other compensation, trading or bartering with the distribution, facilitation, and/or publication or delivery of child sexual exploitation material for its subsequent distribution and

sale. "Publishing" is the action of making something known to others through dissemination, spreading, or making it viral by any means to make the product accessible to everyone. From the perspective of internet viralisation, it also includes posting images or videos in an accessible location. "Facilitating" means making something available on any medium. "Disseminating" means making it public, which can also occur within a private conversation, and "distributing" means delivering or handing over the material to several people, where the internet is the main medium for circulating and distributing child sexual exploitation material through the Deep Web. The fourth paragraph of Article 128 of the Argentine Penal Code punishes the act of facilitating the access of children and adolescents to pornographic shows and supplying pornographic material. Some Argentine legal doctrine includes the behaviour of those who provide content on their websites without taking the necessary precautions to prevent the access of minors under fourteen years old within this provision.

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

There is no special law regulating cases of self-generated CSAM by children and adolescents, but the general laws for the comprehensive protection of children and adolescents, the Convention on the Rights of the Child, criminal laws and the civil and commercial code of the Nation could be applied to such cases. In particular, if a child produces CSAM material (generated by him/herself through AI, for example), the guardian or person responsible for the dependent's act would be liable. In this case, the juvenile criminal law could also be applied if the child is an adolescent. Everything depends on the circumstances of the case, the judicial assessments and whether there is harm to a third party.

## **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

Argentinian legislation does not explicitly define "child sexual exploitation material", but Article 128 states: "... any representation of a minor under eighteen (18) years old engaged in explicit sexual activities or any representation of their genital parts for predominantly sexual purposes or live shows of explicit sexual representations involving such minors ...".

Additionally, international legislation is part of the legal hierarchy of the Argentinian legal system following the 1994 reform of the National Constitution of Argentina. Article 75, clause 22 of the National Constitution grants international human rights treaties constitutional status. Therefore, the Convention on the Rights of the Child and its Optional Protocols are part of the Argentinian legal framework as a federal constitutional block. In this context, the Optional Protocol to the Convention on the Rights of the Child defines "child pornography" as "any representation, by any means, of a child engaged in explicit sexual activities, real or simulated, or any representation of the genital parts of a child for primarily sexual purposes."

## **Specific law regulating AI-generated CSAM**

No, the Argentinian legal framework does not have specific regulations for cases of CSAM generated by AI. If someone uses an image without consent to create sexual content, it could constitute an unlawful intrusion on the right to one's image, which is a highly personal right. If it is for sexual purposes and the person is a minor, it could constitute a crime of distributing child sexual exploitation material through artificial intelligence, which could fall under Article 128 of the Penal Code.

The distribution and commercialisation of child sexual exploitation material committed through information and communication technologies has grown exponentially with the development of generative AI and the early age of access to it. This issue is addressed by Argentinian criminal law mainly through two crimes: the production and distribution of child sexual exploitation material (Article 128 of the Penal Code) and the crime of grooming (Article 131 of the Penal Code). Furthermore, from the perspective of international legislation, the Convention on the Rights of the Child and its Optional Protocols include the generation of material through digital means.

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	The punishment depends on the context, the case and judicial assessments
<b>Digitally generated CSAM</b>	Illegal	Notice to LEA LEA sends NTD to HPs	The punishment depends on the context, the case and judicial assessments
<b>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 (dependent on the context)	Notice to LEA	If it appears to be an adult it may not be considered illegal.
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal (dependent on the context)	Notice to LEA	If it appears to be an adult it may not be considered illegal.
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	
<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</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 the context)	Notice to LEA	It is illegal in principle, but it depends on judicial assessments

<b>Sexualised modelling or posing</b>	Dependent on the context and judicial assessments	Notice to LEA	
<b>Sexualised images of children</b>	Dependent on the context and judicial assessments	Notice to LEA	
<b>Text depictions of CSAM</b>	Illegal		
<b>Fictional text depictions of CSAM</b>	Dependent on the context		It may be the subject of a complaint and investigation.
<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	Notice to LEA	
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Notice to LEA	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal		
<b>Non-explicit images in a series of images that contain CSAM</b>	Illegal (dependent on the context)		
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Illegal (dependent on the context)		

<b>Content Location</b>	<b>Accessibility by Law</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Private site types (Password protected)</b>	Not allowed to access	Notice to LEA	According to the national legislation, the hotline cannot enter any private or password-protected site. The interception of communications by any digital means is a technological investigative procedure that can only be adopted in the course of a judicial investigation, as it is the paradigm of the restriction of the fundamental right to the secrecy of communications, recognized
<b>Peer to peer (torrent, emule, Kat)</b>	Not allowed to access	Notice to LEA	
<b>Dropbox/cloud/similar file hosting services</b>	Not allowed to access	Notice to LEA	
<b>Tor/Onion</b>	Not allowed to access	Notice to LEA	

<b>Livestreamed CSE/CSA</b>	Not allowed to access	Notice to LEA	<p>in the National Constitution. By express constitutional mandate, communications in all their variants can only be subject to interference to the extent that there is a duly founded judicial order, without the application or argument of a generic and abstract need to prevent or discover crimes.</p> <p>Consequently, access is exclusively for the Federal Police and the courts. In such cases, the actions taken by the hotline as an NGO is to send notice and report to LEA.</p>
<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	

## ***Colombia – Te Protejo, Vigúías, Red PaPaz***

### **HOTLINE INFORMATION**

**Operated by:** Red PaPaz



#### **Hotline mandate**

Under Colombian regulations, the hotline is authorised to carry out actions that seek immediate protection in situations that threaten or undermine the rights of children, as well as to report or denounce crimes or actions that violate or threaten them by any means. Therefore, the hotline is allowed to process reports and conduct proactive searches with the requirement that all information is duly reported to law enforcement authorities and relevant authorities, ensuring that these activities are legal and carried out transparently and in accordance with the law.

Moreover, Te Protejo receives report not only related to CSAM, but also related to commercial sexual exploitation of children and adolescents, cyberbullying, bullying in school environments, mistreatment, neglect and abuse, and sale of alcohol and psychoactive substances to children and adolescents.

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

Pursuant to article 9 of Law 679 of 2001, the Ministry of Technologies of the Information and Communications (Ministry of TIC) must implement an electronic hotline to report CSAM. To comply with the foregoing obligation, in 2012 the Ministry of TIC entered into an agreement with Red PaPaz, other agencies and two service providers, aimed at launching Te Protejo. Since 2012, Te Protejo has been operating and has received support and resources from the parties that entered into the agreement. Red PaPaz administers Te Protejo and enters periodically into agreements and/or MOUs with government and law enforcing authorities to coordinate its operation with these entities to seek the protection of the rights of children and adolescents.

Furthermore, under article 40 of Law 1098 of 2006, civil society organisations such as Red PaPaz are authorised to report or denounce to the competent authorities any situation that violates or threatens the rights of children and adolescents.

#### **Relationship with law enforcement**

Te Protejo was created by virtue of an agreement entered by the Ministry of TIC, Red PaPaz, other agencies and two service providers. Te Protejo fulfils a duty specifically assigned to the Ministry of TIC according to Law 679 of 2001. Moreover, Te Protejo works alongside the National Police and has established the protocols regarding the report and submission of CSAM to the authorities.

Whenever Te Protejo verifies CSAM, not hosted in Colombia, a report is submitted to the DIJIN (Directorate of Criminal Investigation and INTERPOL) of the National Police so that this specialized body can carry out the notification to the Ministry of TIC, which will then publish the list of URLs that must be blocked by service providers. Also, Te Protejo submits reports on cyberbullying to the same Directorate of National Police.

In addition to the above, Te Protejo submits reports on other situations that may violate or threaten the rights of children and adolescents (in environments different from the digital ones) to the National Institute of Family Welfare (ICBF, by its acronym in Spanish) and to the Directorate of Protection and Special Services (DIPRO, by its acronym in Spanish) of the National Police.

## **Relationship with hosting providers**

Te Protejo collaborates with two hosting providers and partners with Red PaPaz to serve as a pivotal point of contact between service providers, the Ministry of ICT, and authorities. Together, they organize workgroups aimed at developing strategies, implementing improvements, and identifying challenges related to notice and takedown procedures. Te Protejo also maintains an ongoing dialogue with DNS providers to explore potential courses of action in case of encountering any Child Sexual Abuse Material (CSAM) on the .CO domain.

Te Protejo does not send notifications or removal requests to host providers directly. These notifications have been requested by hosting providers to be sent by the authorities in case this happens.

## **Other content dealt with by the hotline**

Te Protejo also receives reports on commercial sexual exploitation of minors:

- The Colombian Constitution (art. 44) and the Childhood and Adolescence Code (Art. 20 Num, 4 of the Law 1908 of 2006) set forth the duty to protect children and adolescents against all forms of violence and highlight that the rights of this population prevail.
- Law 1620 of 2013 creates the National School Coexistence System, which seeks to promote and strengthen school socialization and coexistence, education for citizenship and the exercise of sexual and reproductive rights of students and members of the school community and create mechanisms that allow the promotion, prevention, care, detection, and management of situations that affect school socialization.
- The Colombian Criminal Code in its Chapter IV (articles 213 to 219-C) sets forth the crimes of sexual exploitation and defines the penalties and circumstances of punitive aggravation of such crimes.
- Laws 679 of 2001 and 1336 of 2009 establish protection measures against exploitation, pornography, sex tourism and other forms of sexual abuse with persons under 18 years of age and establishes prohibitions, duties and administrative sanctions for providers or servers, administrators, and users of global information networks.
- Law 1928 of 2018 approves the “Convention on Cybercrime”, adopted on November 23, 2001, in Budapest. By means of this Convention, Colombia is obliged to implement measures to protect children and adolescents from “child pornography”.

Cyberbullying of minors

- The Colombian Constitution (art. 44) and the Childhood and Adolescence Code (Art. 20 Num, 4) set forth the duty to protect children and adolescents against all forms of violence and highlight that the rights of this population prevail.
- Law 1620 of 2013 creates the National School Coexistence System, which seeks to promote and strengthen school socialization and coexistence, education for citizenship and the exercise of sexual and reproductive rights of students and members of the school community and create mechanisms that allow the promotion, prevention, care, detection, and management of situations that affect school socialization.
- Law 1732 of 2014 regulates the implementation of the curriculum of Education for Peace in all educational institutions of the country, both official and private, and aims to promote the process of appropriation of knowledge and skills related to peace around 3 topics: Culture of Peace, Education for Peace and Sustainable Development
- Law 294 of 1996 establishes provisions aimed at preventing, attending, and punishing domestic violence.
- Decree 1075 of 2015 which unifies all regulations regarding the National School Coexistence System .
- Law 1732 of 2014 and Decree 1038 of 2015 regulates the implementation of the curriculum of Education for Peace in all educational institutions of the country, both official and private, and aims to promote the process of appropriation of knowledge and skills related to peace around 3 topics: Culture of Peace, Education for Peace and Sustainable Development, School bullying

#### Sale of tobacco, alcohol, and other drugs to minors

- The Colombian Constitution (art. 44) and the Childhood and Adolescence Code (Art. 20 Num, 3) set forth the duty to protect children and adolescents against all forms of violence and highlight that the rights of this population prevail.
- Law 124 of 1994 establishes the prohibition of the sale of alcoholic beverages to children and adolescents and Law 1801 of 2016 prohibit the sale of all psychoactive substances and defines the penalties for the sale, sale, or supply of such substances to minors.
- Colombia is part of the Framework Convention for Tobacco Control - WHO FCTC, introduced to the domestic legislation through Law 1109 of 2006 and implemented through Law 1335 of 2009 that established measures for tobacco regulation and CCTs.
- Law 2354 of 2024, extend the same set of regulations and restrictions for conventional cigarettes and tobacco products to electronic cigarettes.

#### Publicity and harmful advertisement directed toward children and adolescents

- General Comment No. 25 (2021) Children's rights in relation to the digital environment, set forth the requirement to the States, as they should prohibit by law the profiling or targeting of children of any age for commercial purposes.
- Law 1098 of 2006 establishes the responsibility of the media for the protection of the rights of children and adolescents. Among these, to abstain from broadcasting cigarette and alcohol advertising on television at times classified as children's time slots by the competent agency.
- Decree 975 of 2014 regulates the cases, content and form in which information and advertising aimed at children and adolescents in their capacity as consumers must be presented.



## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Within the Colombian Criminal Code, there are two classifications of crimes named “pornography with persons under 18 years of age”. The first delineates those individuals engaging in the photography, filming, recording, production, dissemination, offering, selling, buying, possessing, carrying, storing, transmitting, or exhibiting of real depictions of sexual activity involving a person under 18 years of age, by any means, for personal use or exchange, are subject to legal consequences.

The second classification addresses the utilization or facilitation of traditional mail, global information networks, telephony, or any means of communication to obtain, solicit, offer, or facilitate contact or activity for sexual purposes with persons under 18 years of age.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

In Colombia, any person under 18 is considered a minor and is entitled to special protection under the Constitution. In addition, Law 1098 of 2006 defines that children are minors under 12 years, while adolescents are minors above 12 years and under 18 years. CSAM applies to all minors. However, minors over 14 years can marry and can provide consent for sexual intercourse.

### **Criminalised acts related to CSAM**

As previously mentioned, there exists a legal classification of CSAM, which encompasses real depictions of sexual activity involving a person under 18 years of age. This includes activities such as photography, filming, recording, production, dissemination, offering, selling, buying, possessing, carrying, storing, or transmitting, regardless of the means utilized.

Additionally, there is a distinct classification of activities related to soliciting, offering, facilitating, or obtaining contact or engaging in sexual activities with persons under 18 years of age through telecommunication means such as mail, Internet, telephone, or other mediums.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Legal protections to prevent the criminalization of children depicted in CSAM, particularly those that seem to be self-generated, are currently lacking.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

In the national legislation in Colombia, there is no specific differentiation between CSAM and CSEM. However, the hotline processes reports related to various forms of online harassment, including cyberbullying, sexting, non-consensual image sharing, and bullying in school environments, where instances of CSEM have been identified.

## Specific law regulating AI-generated CSAM

Currently there are no specific laws addressing AI-generated CSAM in the national legislation in Colombia.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Dependent on the context	Notice to LEA LEA sends NTD to HPs	This content is illegal due to its inappropriateness, but it does not constitute a crime because it does not depict real people. It only constitutes administrative sanctions for providers if they do not apply the blocking measure.
<b>Digitally generated CSAM</b>	Dependent on the context	Notice to LEA LEA sends NTD to HPs	This content is illegal due to its inappropriateness, but it does not constitute a crime because it does not depict real people. It only constitutes administrative sanctions for providers if they do not apply the blocking measure.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA LEA sends NTD to HPs	In Colombia, all sexual content suggested or explicit with minors under 18 years of age is considered CSAM.  If the content is hosted in Colombia, LEA refer it to the Public Prosecutor's Office, so that the opening of criminal notice and subsequent investigation and dismantling of the content is ordered.
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA LEA sends NTD to HPs	In Colombia, all sexual content suggested or explicit with minors under 18 years of age is considered CSAM even if they have the appearance of adults.  If the content is hosted in Colombia, LEA refer it to the Public Prosecutor's Office, so that the opening of criminal notice and subsequent investigation and dismantling of the content is ordered.
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal (dependent on the context)	Notice to LEA LEA sends NTD to HPs	In these cases, if it is not possible to identify the age of the person, the law in Colombia orders that the lower age must be applied, favourable to the protection of those under 18 years of age. In other words, the content would be classified as CSAM if the age of majority of those involved in the content cannot be determined.
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal (dependent on the context)	Notice to LEA	In Colombia, grooming is not regulated as a crime. However, the law adapts this situation to behaviours that are established in criminal law, such as illegal restraint, abusive sexual acts, and de facto injury.

			<p>However, if grooming leads to offline meetings within the context of travel and tourism, such actions are considered illegal and subject to appropriate legal penalties.</p>
<p><b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b></p>	<p>Illegal (dependent on the context)</p>	<p>Notice to LEA</p>	<p>In Colombia, grooming is not regulated as a crime. However, the law adapts this situation to behaviours that are established in criminal law, such as illegal restraint, abusive sexual acts, and de facto injury.</p> <p>If the grooming conducts to the creation of CSAM, it is considered illegal.</p>
<p><b>Sexual extortion of children or soliciting children for sexual purposes</b></p>	<p>Illegal</p>	<p>Notice to LEA</p>	
<p><b>Apparent self-generated sexual material</b></p>	<p>Illegal</p>	<p>Notice to LEA LEA sends NTD to HPs</p>	<p>If the content is not hosted in the country, LEA publishes the content in the unified list of URLs with CSAM and notifies the providers to apply the preventive blocking measure.</p> <p>If the content is hosted in Colombia, LEA transfers the report to the Public Prosecutor's Office, so that the opening of criminal notice and subsequent investigation and dismantling of the content is ordered.</p>
<p><b>Sexualised modelling or posing</b></p>	<p>Illegal</p>	<p>Notice to LEA LEA sends NTD to HPs</p>	<p>To classify this kind of content in Colombia, the "Classification criteria document for pages with CSAM" is used as an auxiliary instrument of justice, where one of the criteria to identify this content is "the images or videos of girls, boys and adolescents exposed in underwear or swimwear, supposedly as models, suggesting sexual or erotic purposes." That is to say that in this classification, what is considered is the sexual suggestion independent of whether it is modelling or posing.</p> <p>For these contents, Colombia adapted the definition of "sexualized" from the Guide of Terminological Orientations for the protection of girls, boys and adolescents against exploitation and sexual abuse and is defined as: "Images of girls, boys and adolescents posing half-naked or naked with an emphasis on their sexualization."</p> <p>If the content is not hosted in the country, LEA publishes the content in the unified list of URLs with CSAM and notifies the providers to apply the preventive blocking measure.</p>

			If the content is hosted in Colombia, LEA transfers the case to the Public Prosecutor's Office, so that the opening of criminal notice and subsequent investigation and dismantling of the content is ordered.
<b>Sexualised images of children</b>	Illegal	Notice to LEA LEA sends NTD to HPs	If the content is not hosted in the country, LEA publishes the content in the unified list of URLs with CSAM and notifies the providers to apply the preventive blocking measure.  If the content is hosted in Colombia, LEA transfers the case to the Public Prosecutor's Office, so that the opening of criminal notice and subsequent investigation and dismantling of the content is ordered.
<b>Text depictions of CSAM</b>	Not illegal	None	Although this content is not illegal, it can represent an alert on a CSA case that could lead to a judicial case.
<b>Fictional text depictions of CSAM</b>	Dependent on the context	Notice to LEA LEA sends NTD to HPs	This content is illegal due to its inappropriateness, but it does not constitute a crime because it does not depict real people. It only constitutes administrative sanctions for providers if they do not apply the blocking measure.
<b>Praise of paedophilia or CSA</b>	Not illegal	None	Although this content is not illegal, it can represent an alert on a CSA case that could lead to a judicial case.
<b>Manual on CSA</b>	Illegal	Notice to LEA Collaborate on investigations in Dark Web using ATLAS (Web-IQ)	This content is illegal and typified as "Incitement to Commit a Crime".
<b>Declaration of committing CSA</b>	Not illegal	None	Although this content is not illegal, it can be potentially used as evidence in a CSA judicial case.
<b>Audio CSAM: recordings of CSA</b>	Not illegal	None	Although this content is not illegal, it can be potentially used as evidence in a CSA judicial case.
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	None	Although this content is not illegal, it can represent an alert on a CSA case that could lead to a judicial case.

Context	Legal Status	Actions Taken	Comments/ Explanations
<b>Images in a medical context</b>	Not illegal but treated as CSAM	Notice to LEA LEA sends NTD to HPs	The legality depends on the context. If an image is taken out of the medical context it is illegal (for example, medical context images on pornography pages).
<b>Non-explicit images in a series of images that contain CSAM</b>	Not illegal		The content analysis process is done individually on each image or video and focuses specifically on sexual content, which is why the series before or after the abuse are only taken into account to identify the age of the victim, but they are not treated as CSAM.
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Not illegal	Notice to LEA	These comments are not considered illegal, but they are inconvenient. When comments are found on social networks, they are sent to the social network through collaboration and trust channels and to LEA to prevent possible harassing behaviour. These reports are processed by the Cyberbullying categories.

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<b>Private site types (Password protected)</b>	Not Allowed to access Not Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs LEA blocks content in Colombia	Access to private messages is not allowed. However, Te Protejo collects the greatest amount of evidence on the offer or exchange of CSAM and LEA is informed so that they can start the investigation.
<b>Peer to peer (torrent, emule, Kat)</b>	Not Allowed to access Not Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs LEA blocks content in Colombia	Access to peer-to-peer services is not allowed. However, Te Protejo collects the greatest amount of evidence on the offer or exchange of CSAM and LEA is informed so that they can start the investigation.
<b>Dropbox/cloud/similar file hosting services</b>	Not Allowed to access Not Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs LEA blocks content in Colombia	Access to private messages is not allowed. However, Te Protejo collects the greatest amount of evidence on the offer or exchange of CSAM and LEA is informed so that they can start the investigation.
<b>Tor/Onion</b>	Allowed to access Not Allowed to send NTDs	Inform to LEA LEA not able to send NTDs	Te Protejo can access the Tor/Onion content through the Atlas-Voyager platform. This platform allows safe navigation on the dark web, capturing online data sources allowing analysts to find new evidence, discover trends and dynamics of CSAM in the world.

<b>Livestreamed CSE/CSA</b>	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs LEA blocks content in Colombia	In these cases, immediate notice is given to LEA to start the investigation.
<b>File Transfer protocol (Ftp://)</b>	Not Allowed to access Not Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs LEA blocks content in Colombia	Access to private messages is not allowed. However, if evidence is obtained about the offer or exchange of CSAM by this means, LEA is informed so that they can start the investigation.
<b>Social media accounts</b>	Not Allowed to access Not Allowed to send NTDs	Notice to LEA LEA sends NTD to ISPs	Access to private messages is not allowed. However, if evidence is known about a profile in which CSAM is offered or exchanged, Te Protejo collects the greatest amount of evidence and informs LEA so that they can initiate the investigation and the social network through the collaboration channels.
<b>Email</b>	Not Allowed to access Not Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	Access to private messages is not allowed. However, Te Protejo collects the greatest amount of evidence on the offer or exchange of CSAM and LEA is informed so that they can start the investigation.
<b>Usenet</b>	Not Allowed to access Not Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	Access to private messages is not allowed. However, Te Protejo collects the greatest amount of evidence on the offer or exchange of CSAM and LEA is informed so that they can start the investigation.
<b>Messengers (Telegram, WhatsApp)</b>	Not Allowed to access Not Allowed to send NTDs	Notice to LEA and ISP LEA sends NTD to ISPs	Access to private messages is not allowed. However, if evidence is known about a channel or profile of Telegram/WhatsApp/Snapchat, in which CSAM is offered or exchanged, Te Protejo collects the greatest amount of evidence and informs LEA so that the investigation also occurs, and a notice is sent to the platform through the channels of collaboration.

## Mexico – Te Protejo México

### HOTLINE INFORMATION

Operated by: Fundación PAS



#### Hotline mandate

Te Protejo Mexico is a reporting line that works with CSAM online. Te Protejo Mexico also receives reports on sexual exploitation, where the hotline acts as a link between the reporting citizen and the corresponding national authorities and other NGOs working on trafficking issues. The hotline also receives reports on the category of Other Situations, where the hotline analyses the report, reclassifies it (e.g. grooming situations) and follows up on it.

By law, the hotline is not authorised to do proactive search of these materials.

The hotline refers URLs hosted in Mexico to the corresponding authorities so that they can carry out with NTDs.

#### Legal basis for operation

What authorises Te Protejo Mexico to operate as a hotline in Mexico is the MOU signed with the highest security authority in the country—the Federal Secretariat of Security and Citizen Protection.

#### Relationship with law enforcement

As a hotline, Te Protejo Mexico sends report with material hosted in Mexico to LEA through an encrypted platform.

#### Relationship with hosting providers

Currently, the NTDs are sent to the hosting providers by the authorities.

In the future, the hotline aims to establish direct relationships with hosting providers in Mexico, establishing relationships like Trusted Flaggers.

## Other content dealt with by the hotline

Te Protejo Mexico only works with CSAM and situations of Child Sexual Exploitation. However, it is important to note that in sexual exploitation issues, Te Protejo Mexico is the only link between the person reporting and the corresponding authorities or other civil society organisations working with exploitation and trafficking issues.

## LEGISLATIVE CONTEXT

### Terminology & definition used in legislation referring to CSAM

The Federal Penal Code of Mexico includes provisions that address offenses related to child sexual abuse material (CSAM) and child pornography.

Relevant Articles:

- [Article 202](#): Criminalizes the procurement, coercion, facilitation, or inducement of minors or vulnerable individuals to perform sexual acts or bodily exhibitionism for lascivious or sexual purposes, with the intent to record, photograph, film, exhibit, or describe these acts. It also addresses the penalties for such actions.
- [Article 202 Bis](#): Specifies penalties for those who store, buy, or rent such material without the intent of commercialization or distribution, acknowledging the harm in merely possessing these materials.

Mexican legislation addresses child sexual abuse material but often mislabels it as "child pornography." While "Child Sexual Abuse Material" is conceptually recognized, aligning legal texts with this term would improve clarity, victim protection, and effective prosecution of offenders.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a Child: Under 18 years.

Legal Age of Consent for Sexual: The age of consent in Mexico varies by state, typically ranging from 16 to 18 years old.

Age Associated with CSAM Offenses: Under 18 years.

Age Associated with Grooming Offenses: Under 18 years.

### **Criminalised acts related to CSAM**

- Production: Creating or facilitating CSAM creation.
- Possession: Holding CSAM.
- Distribution: Sharing CSAM via any means.
- Publication: Making CSAM available to the public.
- Generation: Creating or producing CSAM.
- Advertisement: Promoting or marketing CSAM.



Relevant Articles include:

- Article 202: Criminalizes procurement, coercion, or inducement of minors for sexual acts, as well as reproduction, distribution, exhibition, and advertisement of CSAM.
- Article 202 Bis: Addresses possession of CSAM without intent to commercialize or distribute it.

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Mexico's legal framework aims to protect children involved in self-generated Child Sexual Abuse Material (CSAM) from criminalization through the following measures:

- Victim-Centred Approach: Children are treated as victims, not offenders.
- Article 202: Criminalizes CSAM production and distribution, targeting exploiters, not children.
- Specialized Protocols: Law enforcement prioritizes child safety and well-being.
- Non-Criminalization Clauses: Protects children coerced into producing CSAM from being criminalized.
- Support Services: Provides psychological and legal support for affected children.
- Prevention and Education: Programs to raise awareness and prevent self-generated CSAM.
- International Cooperation: Collaborates globally to combat CSAM.
- Rehabilitation Focus: Emphasizes rehabilitation over punishment for children involved in self-generated CSAM.

Mexico's laws protect children in self-generated CSAM cases by treating them as victims and focusing on support, prevention, and rehabilitation.

## **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

In Mexico, there is no definition of "child sexual exploitation material".

The hotline processes these types of reports.

## **Specific law regulating AI-generated CSAM**

In Mexico, there is currently no specific regulation addressing child sexual abuse material generated by AI. However, initiatives have been proposed to regulate the ethics of AI and robotics. One such initiative, presented in April 2023 to the Chamber of Deputies, aims to establish ethical regulations for various uses of AI in the country. Although this initiative does not directly address the issue of AI-generated child sexual abuse material, it represents a step towards ethical regulation of the technology. However, the proposal is considered a modest advancement and does not fully address the development, use, and implementation of AI by individuals.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Dependent on the context	Notice to LEA NTD to HPs	This content itself does not constitute a crime because it does not depict real people.  It will depend on the judge's discretion through supplementary interpretation or case law.
<b>Digitally generated CSAM</b>	Dependent on the context	Notice to LEA NTD to HPs	This content itself does not constitute a crime because it does not depict real people.  It will depend on the judge's discretion through supplementary interpretation or case law.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	Realistic images representing a minor engaged in sexually explicit conduct are explicitly illegal in Mexico under Article 202 of the Federal Penal Code. The creation, possession, distribution, and transmission of such material are subject to strict legal penalties.
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	In Mexico, it is illegal for a minor under 18 years to be depicted in sexually explicit conduct, even if the minor appears to be an adult. The focus of the law is on the involvement of minors in any sexually explicit material, ensuring their protection from exploitation and abuse.
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	In Mexico, if the age of the person in the material cannot be clearly identified but there are indications that they could be under 18, authorities will likely treat the material as CSAM to protect minors. This is consistent with the law's intention to protect minors from exploitation and sexual abuse.  If it is an adult and there is no reasonable doubt that he is a minor, it is illegal.
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	Although the term "grooming" may not be explicitly defined in Mexican legislation, acts constituting grooming, such as soliciting a child to meet in person with the intent to commit a crime, may be considered offenses under various legal provisions addressing child sexual abuse and exploitation in Mexico. Such acts could be established under Article 199 Septies if it is demonstrated that the offline meeting requested is for a sexual encounter or for purposes of sexual tourism.

<p><b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b></p>	<p>Illegal</p>	<p>Notice to LEA NTD to HPs</p>	<p>Child grooming for online sexual activities, including soliciting minors for sexual conversation, production or distribution of Child Sexual Abuse Material (CSAM), and viewing sexual activities, is illegal in Mexico. This behaviour is prohibited under Article 199 Septies of the Federal Penal Code, the General Law on the Rights of Girls, Boys, and Adolescents (LGDNNA), and international conventions aimed at protecting minors from exploitation.</p>
<p><b>Sexual extortion of children or soliciting children for sexual purposes</b></p>	<p>Illegal (dependent on the context)</p>	<p>Notice to LEA NTD to HPs</p>	<p>Sexual extortion is not specifically defined in Mexican law. However, certain aspects can be considered under existing legal provisions, such as Article 209 of the Jalisco Penal Code, which addresses extortion in a general context, and Article 199 Septies. The lack of specific regulation may create legal gaps, leaving the interpretation and application of the law to judicial discretion in each case.</p>
<p><b>Apparent self-generated sexual material</b></p>	<p>Illegal</p>	<p>Notice to LEA NTD to HPs</p>	<p>In Mexico, "apparent self-generated sexual material" can be illegal based on age and consent. Article 199 Octies of the Federal Penal Code makes it illegal to share intimate sexual content of an adult without their consent, while Articles 202 and 202 BIS prohibit the creation, distribution, and possession of child pornography, including simulated acts involving minors. Material involving minors is strictly illegal as child pornography, and material involving adults is illegal if shared without consent.</p>
<p><b>Sexualised modelling or posing</b></p>	<p>Dependent on the context</p>	<p>Notice to LEA NTD to HPs</p>	<p>In Mexican legislation, the term "sexualised" may not be explicitly defined. However, it generally refers to the portrayal or depiction of individuals in a sexual manner or context. This can include poses, clothing, or behaviours that emphasize or suggest sexual attractiveness or appeal. While not specifically defined, actions that involve sexualizing minors or exploiting them in a sexual context are prohibited under various laws protecting children's rights and combating sexual abuse.</p>
<p><b>Sexualised images of children</b></p>	<p>Illegal</p>	<p>Notice to LEA NTD to HPs</p>	<p>In Mexican legislation, the term "sexualised" may not be explicitly defined, but the sexualised images of children are illegal in Mexico</p>
<p><b>Text depictions of CSAM</b></p>	<p>Not illegal</p>	<p>None</p>	<p>Although this content is not illegal, it can be potentially used as evidence in a CSA judicial case.</p>
<p><b>Fictional text depictions of CSAM</b></p>	<p>Not Illegal</p>	<p>None</p>	<p>Although this content is not illegal, it can be potentially used as evidence in a CSA judicial case.</p>

<b>Praise of paedophilia or CSA</b>	Not Illegal	None	Although this content is not illegal, it can be potentially used as evidence in a CSA judicial case.
<b>Manual on CSA</b>	Not illegal	None	Although this content is not illegal, it can be potentially used as evidence in a CSA judicial case.
<b>Declaration of committing CSA</b>	Not illegal	None	Although this content is not illegal, it can be potentially used as evidence in a CSA judicial case.
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA	Based on Article 199 Septies of the Penal Code, it is considered illegal in Mexico to use communication means to contact individuals under 18 years of age or those incapable of understanding or resisting, requesting from them explicit sexual images, audio, or video or acts of sexual connotation. Therefore, the recording of Child Sexual Abuse Material (CSAM) in audio format is prohibited in Mexico, and its possession, distribution, or solicitation could result in imprisonment and fines.
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	None	Although this content is not illegal, it can be potentially used as evidence in a CSA judicial case.

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal	None	In general, images in a medical context are not illegal in Mexico when used appropriately and ethically. However, compliance with consent requirements, professional standards, and applicable laws is essential to ensure legal and ethical use of such images.
<b>Non-explicit images in a series of images that contain CSAM</b>	Not illegal	None	The content analysis process is done individually on each image or video and focuses specifically on sexual content, which is why the series before or after the abuse are only taken into account to identify the age of the victim, but they are not treated as CSAM.
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Not illegal	None	The content analysis process is done individually on each image or video and focuses specifically on sexual content, which is why the series before or after the abuse are only taken into account to identify the age of the victim, but they are not treated as CSAM.

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (Password protected)	Not allowed to access	Notice to LEA	
Peer to peer (torrent, emule, Kat)	Not allowed to access	Notice to LEA	
Dropbox/cloud/similar file hosting services	Not 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 ( <a href="#">Ftp://</a> )	Not allowed to access	Notice to LEA	
Social media accounts	Allowed to access	NTD to HPs	Only if the content is publicly viewable. Hotline does not access accounts with passwords (even if it is given them by a reporting person).
Email	Not allowed to access	Notice to LEA	
Usenet	N/A		
Messengers (Telegram, WhatsApp)	Not allowed to access	NTD to HPs	

## United States – CyberTipline<sup>9</sup>

### HOTLINE INFORMATION

**Operated by:** National Center for Missing and Exploited Children (NCMEC)



#### **Hotline mandate**

The hotline is allowed to process reports and issue NTD.

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

Allowed by law.

#### **Relationship with law enforcement**

CyberTipline works closely with the Internet Crimes Against Children Taskforces (ICACs) and sends them the majority of the CyberTipline reports that it is able to determine a location for. The hotline also works closely with Federal law enforcement.

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

CyberTipline works closely with HPs located within the US. The hotline sends direct notices when it can determine that content on their site is illegal. The hotline does not get feedback after the notice is sent out, but it does check to make sure that the content has come down and will send a secondary notification if the content is still up.

#### **Other content dealt with by the hotline**

CSAM, online enticement, child sexual molestation, child sex tourism, child sex trafficking, misleading domain names, misleading words or digital images on the internet, unsolicited obscene material sent to a child.

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<sup>9</sup> Please note that the information about the US in this section is from 2020.

## LEGISLATIVE CONTEXT

### Terminology & definition used in legislation referring to CSAM

“Child pornography” is used in the law in US.

### Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses

It depends on the state. Each state sets that age.

### Criminalised acts related to CSAM

(no information)

### Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

(no information)

### Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

(no information)

### Specific law regulating AI-generated CSAM

(no information)

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Not illegal (dependent on the context)	Notice to LEA.	It depends on the jurisdiction if these images are illegal. Most law enforcement in the US will not charge someone if they have just these images.
<b>Digitally generated CSAM</b>	(no information)		
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Not illegal (dependent on the context)		

<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA. NTD to HPs.	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Not illegal	None	
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Not illegal (dependent on context)	Notice to LEA	
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Not illegal (dependent on context)	Notice to LEA	
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Not illegal (dependent on context)	Notice to LEA	
<b>Apparent self-generated sexual material</b>	Illegal	Notice to LEA NTD to HPs	
<b>Sexualised modelling or posing</b>	Not illegal		It would be illegal if it meets the threshold for what is illegal in the US.
<b>Sexualised images of children</b>	Not illegal (dependent on context)		It would be illegal if it meets the threshold for what is illegal in the US.
<b>Text depictions of CSAM</b>	Not illegal		
<b>Fictional text depictions of CSAM</b>	Not illegal	Notice to LEA	
<b>Praise of paedophilia or CSA</b>	Not illegal	Notice to LEA	
<b>Manual on CSA</b>	Not illegal		
<b>Declaration of committing CSA</b>	Not illegal	Notice to LEA	
<b>Audio CSAM: recordings of CSA</b>	(no information)		
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	(no information)		

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<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 but treated as CSAM.	NTD to HPs	If these images depict nudity or do not meet the US definition of child pornography, the hotline will send its Exploitative notification so that HPs are able to remove but are not required to report back into the CyberTipline.
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Not illegal and not treated as CSAM.	NTD to HPs	CyberTipline will notify the HP of these types of comments.

<b>Content Location</b>	<b>Accessibility by Law</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Private site types (Password protected)</b>	Not allowed to access or send NTDs		CyberTipline is only allowed to access publicly available sites/content. For these types of reports CyberTipline accesses and documents what is publicly viewable. If there is no CSAM on the site it marks the report Unconfirmed.
<b>Peer to peer (torrent, emule, Kat)</b>	Not allowed to access or send NTDs		
<b>Dropbox/cloud/similar file hosting services</b>	Allowed to access	Notice to LEA	If the content is available to the public, CyberTipline can access these sites but if the folder is password protected it is not allowed.
<b>Tor/Onion</b>	Allowed to access	Notice to LEA	Same as above. If content is viewable when CyberTipline accesses, it sends a notice.
<b>Livestreamed CSE/CSA</b>	Allowed to access	Notice to LEA	CyberTipline will notify LEA if it accesses the URL, and the livestream is still occurring.
<b>File Transfer protocol (Ftp://)</b>	N/A		
<b>Social media accounts</b>	Allowed to access	Notice to LEA	Again, only if the content is publicly viewable. CyberTipline does not access accounts with passwords (even if it is given them by a reporting person).
<b>Email</b>	Not allowed to access or send NTDs		
<b>Usenet</b>	N/A		
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access	Notice to LEA	If the chat/content is publicly available, CyberTipline will view it. If the reporting person gives the hotline a copy of the chat logs it uses those. Otherwise CyberTipline does not access it.

INHOPE NETWORK

# Asia and Oceania



## Regional CSAM Legislative Framework in Asia and Oceania

While not binding legal instruments, a few legal frameworks in the region of Asia and Oceania are relevant to the protection against CSAM. **The ASEAN Declaration on the Protection of Children from All Forms of Online Exploitation and Abuse** (2019) emphasises regional cooperation to combat CSAM and protect children online. The Declaration makes seven recommended measures to protect children from online harm, including developing comprehensive national legal frameworks, enhancing law enforcement capacity, increasing the effectiveness of child protection services, strengthening data collection, promoting national education programmes and enhancing engagement with the private sectors.

Additionally, **the APEC Framework for the Protection of Children Online** provides guidelines for member economies to develop and implement effective measures to combat online child exploitation and abuse. It also includes encouragement of the criminalisation of the creation, distribution and possession of CSAM, promoting law enforcement capacity, supporting public awareness campaigns and educational initiatives, calling for industry cooperation, emphasising on data collection and advocating for victim support.

## Overview of national CSAM legislations in Asia and Oceania

The following section includes information of 7 countries in Asia and Oceania with an INHOPE hotline. Of the 7 countries, 2 (Australia, Philippines) use the precise term “child sexual abuse material” when referring to material depicting children in a sexually explicit behaviour, and 3 (Cambodia, Japan, Thailand) use the term “child pornography”. In Taiwan, the term “child exploitation material” is used generally to refer to such material in national legislations. In South Korea, “child or youth sexual exploitation material” is used.

None of the countries in the Asia-Pacific region has a specific law regulating AI-generated CSAM yet. However, in both Taiwan and Thailand, existing laws can be interpreted to cover realistic AI-generated content as CSAM.

### Digitally generated CSAM

Digitally generated CSAM is illegal in Cambodia, South Korea, Taiwan (if realistic) and Thailand. In Japan, if such image depicts a real child, it will be considered as CSAM. Even if a real child is not depicted, if genitals are explicitly depicted, the image will be considered as an illegal obscene image.

### Child grooming and sexual extortion

Child grooming is illegal in Australia, Japan, South Korea and Taiwan, whether it involves solicitation of a child for offline meetings or for online sexual activities. In Thailand, sexual conversation or viewing sexual activity are not illegal, but it becomes illegal if production of CSAM is involved. Similarly, in Cambodia, grooming itself is not illegal but if it involves distribution of CSAM or adult pornography to a minor, it is then punishable.

Regarding sexual extortion of children or soliciting children for sexual purposes, such act is illegal in Australia, Cambodia, South Korea, Taiwan and Thailand. In Japan, sexual extortion is illegal if the child is between the ages of 13 and 15 and the person making the request is at least five years older.

## Apparent self-generated sexual material

Apparent self-generated sexual material is illegal in Cambodia, South Korea and Thailand. In Japan, such material is illegal but when minor generate the material him/herself, him/her usually gets warning instead of being punished by law. Similarly in Taiwan, minors generating their own nudes is not considered are not prosecuted in practice; however, the person receiving such image may be considered to be involved in criminal behaviours. In Australia, some defences and exceptions have been introduced in relevant criminal legislation to prevent the criminalisation of children.

## Text CSAM

Both text depictions of CSAM and fictional text depictions of CSAM are generally illegal in Australia, Cambodia, Philippines, South Korea and Taiwan. In Thailand, text depictions of CSAM are illegal but not fictional text depictions of CSAM. In Japan, both types of content are not illegal.

## Audio CSAM

Audio CSAM is generally illegal in Australia, Cambodia, Philippines, South Korea, Taiwan and Thailand. Such material is not illegal in Japan.

## Australia – Cyber Report

### HOTLINE INFORMATION

**Operated by:** eSafety Commissioner



#### **Hotline mandate**

Under Australian law, the eSafety Commissioner can investigate complaints made about online child sexual abuse material (class 1 material) and direct its removal through giving removal notices to online services including social media services, relevant electronic services, designated internet services and hosting service providers.

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

The eSafety Commissioner (eSafety) was established in 2015 and is Australia's national independent regulator and educator for online safety. eSafety's mandate is to ensure Australians have safer and more positive experiences online. eSafety leads and coordinates online safety efforts across Australian Government departments, authorities and agencies, and engages with key online safety stakeholders internationally to amplify its impact across borders. The Online Safety Act 2021 gives the eSafety Commissioner powers to help protect Australians from serious online harm, including the power to investigate and direct the removal of illegal online content such as child sexual abuse material.

#### **Relationship with law enforcement**

eSafety has MoUs with Australian Federal, State and Territory Police. Referrals are sent to the appropriate police agency if CSAM is produced from or made available from Australia, or if the content involves an Australian victim and/or offender. CSAM identified on the dark web and overseas hosted CSAM located in a non-INHOPE member country is notified to the Australian Federal Police led Australian Centre to Counter Child Exploitation.

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

Under the Online Safety Act 2021, eSafety can give removal notices to hosting service providers requiring them to cease hosting class 1 material (such as CSAM) within 24 hours after the notice has been given. A hosting service provider does not need to have an Australian presence to be given a notice. eSafety has not had to give a removal notice for CSAM material hosted in Australia under the Act to date.

## **Other content dealt with by the hotline**

The Online Safety Act 2021 defines illegal and restricted online content as either “class 1 material” or “class 2 material”. Whether content is class 1 material and class 2 material is assessed with reference to Australia’s National Classification Scheme, a cooperative arrangement between the Australian Government and state and territory governments for the classification of films, computer games and certain publications. Class 1 material is material that is or would likely to be refused classification classified “RC” under the National Classification Scheme. It includes material that depicts child sexual abuse, terrorist activity, cruelty, violence and crime. Class 2 material is material that is or is likely to be depicts adult pornography or material inappropriate for children under 18 years old. If material is of abhorrent violent conduct material and its availability online is likely to cause significant harm to the Australian community, eSafety can give blocking notices to ISPs requiring them to block disable access to the material for a specified time.

eSafety can also assess whether content is “abhorrent violent material” under the Criminal Code Act. If material is abhorrent violent conduct material, eSafety can issue notices to the content and/or hosting service providing access to the content. If the service is later prosecuted for failing to remove or cease hosting the abhorrent violent material, the notice can be used in legal proceedings to show recklessness regarding the content.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

eSafety uses the term “child sexual abuse material”. This is in line with terminology used under the National Classification Scheme.

Legislation such as the Criminal Code also refers to other terms such as “child abuse material”.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

In Australia, a child is legally defined as a person who is under the age of 18 years old. The legal age for consensual sex varies between 16 and 17 years across Australian state and territory jurisdictions. Under the National Classification Scheme, material that describes or depicts child sexual abuse or any other exploitative or offensive descriptions or depictions involving a person who is or appears to be a child under 18 years is prohibited. The Criminal Code Act 1995 defines “child abuse material” as that which depicts a person, or a representation of a person, who is, or appears to be, in a way that reasonable persons would regard as offensive: Under 18 years of age, and a victim of torture, cruelty or physical abuse. Under the Criminal Code Act 1995 (Cth) it is an offence for a person to uses a carriage service to procure the recipient (groom) to engage in sexual activity with that recipient being or the sender believing the recipient to be under 16 years of age. This offence also requires that the offender be over the age of 18 at the time of the messages.

### **Criminalised acts related to CSAM**

Federal, state and territory legislation makes it a criminal offence to possess, create, and disseminate CSAM. There are also criminal offences in relation to the grooming of children using information and communication technology whether residing in Australia (State legislation) or overseas (Federal legislation). Offences also extend to the administering of digital

platforms used to disseminate CSAM, encouraging the use of a digital platforms to disseminate CSAM, and providing information about avoiding detection.

The Criminal Code contains specific offences for engaging in sexual intercourse or sexual activity with a child, grooming or procuring a child, and possessing, controlling, producing, supplying or obtaining child abuse material outside Australia or through a carriage or postal service.

It is illegal to engage with child abuse content, engage in sexual activity with a child under 16, contact or “groom” a child under 16 for sexual abuse.

It is illegal to import child abuse images or videos into Australia, produce or sell child abuse material, possess, access, send, receive, download or upload child abuse material.

### Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

It will depend on the matters of the case and jurisdiction but there are defences available for children involved in the taking and sharing of their own images in the form of sexting among partners/peers. However, if the images are determined to be CSAM, the children are treated as victims.

### Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

eSafety can take action to investigate and direct the removal of class 1 material (which includes child sexual abuse material). Under the National Classification Scheme “child” means a person under the age of 18 years.

### Specific law regulating AI-generated CSAM

The national law does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA NTD to HP	Non-real CSAM is illegal in Australia. Legislation does not differentiate between real or non-real depictions or descriptions.
Digitally generated CSAM	Illegal	Notice to LEA NTD to HP	Digitally generated CSAM is illegal in Australia. Legislation does not differentiate between real or non-real depictions or descriptions.
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA NTD to HP	Non-real CSAM is illegal in Australia. Legislation does not differentiate between real or non-real depictions or descriptions.

<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HP	Under the Classification Guidelines sexually explicit activity does not permit depictions of non-adult persons, including those aged 16 or 17 nor of adult persons who look like they are under 18 years, nor does it permit persons of 18 years of age or over to be portrayed as minors.
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HP	Under the Classification Guidelines sexually explicit activity does not permit depictions of non-adult persons, including those aged 16 or 17 nor of adult persons who look like they are under 18 years, nor does it permit persons of 18 years of age or over to be portrayed as minors.
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	<p>Criminal offences exist in relation to the grooming of children using information and communication technology whether residing in Australia (State legislation) or overseas (Federal legislation).</p> <p>It is an offence to make contact with a child online to sexually abuse them.</p> <p>It is an offence to use any form of electronic communication to contact a child with the intent to abuse them sexually.</p> <p>If the material meets the threshold for eSafety will also consider use of its removal powers.</p>
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA	<p>Criminal offences exist in relation to the grooming of children using information and communication technology whether residing in Australia (State legislation) or overseas (Federal legislation).</p> <p>It is illegal to “groom” a child for sex or ask them to send sexual content online.</p> <p>If the material meets the threshold for eSafety will also consider use of its removal powers.</p>
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA	<p>Criminal offences exist in relation to the grooming of children using information and communication technology whether residing in Australia (State legislation) or overseas (Federal legislation).</p> <p>Sextorting a child is an offence in Australia.</p>
<b>Apparent self-generated sexual material</b>	Illegal (if appears to be or is a child)	Notice to LEA NTD to HP	
<b>Sexualised modelling or posing</b>	Illegal (dependent on the context)	Notice to LEA NTD to HP	“Sexualised” is not defined in legislation. The definition from Australia’s National Dictionary would be used “to make sexual in nature” or “to imbue with sexual character”.
<b>Sexualised images of children</b>	Illegal (dependent on the context)	Notice to LEA NTD to HP	“Sexualised” is not defined in legislation. The definition from Australia’s National Dictionary would be used “to make sexual in nature” or “to imbue with sexual character”.
<b>Text depictions of CSAM</b>	Illegal (dependent	Notice to LEA NTD to HP	Under the classification guidelines, context is crucial in determining whether content is justified



	on the context)		or not. Fictional storylines or real commentary that may involve abuse or exploitation as part of a justified narrative may not be considered CSAM.
<b>Fictional text depictions of CSAM</b>	Illegal (dependent on the context)	Notice to LEA NTD to HP	Under the classification guidelines, context is crucial in determining whether content is justified or not. Fictional storylines that may involve abuse or exploitation as part of a justified narrative may not be considered CSAM.
<b>Praise of paedophilia or CSA</b>	Illegal (dependent on the context)	Notice to LEA NTD to HP	Under the classification guidelines, the promotion or provision of instruction in paedophile activity, including detailed instruction or promotion in matters of crime is prohibited.
<b>Manual on CSA</b>	Illegal	Notice to LEA NTD to HP	Under the classification guidelines the promotion or provision of instruction in paedophile activity, including detailed instruction or promotion in matters of crime is prohibited.
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA	Confessions of criminal activity and behaviour is notified to the police.
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA NTD to HP	
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Illegal (dependent on context)	Notice to LEA NTD to HP	Storylines that involve abuse or exploitation as part of a justified narrative may not be considered CSAM.

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal Not treated as CSAM		This content is unlikely to be considered illegal. The literary, artistic, and educational context is taken into consideration when assessing content.
<b>Non-explicit images in a series of images that contain CSAM</b>	Illegal Treated as CSAM	Notice to LEA NTD to HP	Surrounding context and juxtaposition is considered when assessing content. Non-explicit images that meet the threshold for exploitative or offensive depictions of a child (whether the child is engaged in sexual activity or not) are considered CSAM.
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Illegal Treated as CSAM	Notice to LEA NTD to HP	Surrounding context and juxtaposition is considered when assessing content.

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<b>Private site types (Password protected)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HP	
<b>Peer to peer (torrent, emule, Kat)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HP	eSafety downloads the file/s and refer relevant IP information obtained to LEA. eSafety requests websites to remove links to illegal BitTorrent content.
<b>Dropbox/cloud/similar file hosting services</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HP	
<b>Tor/Onion</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HP	CSAM sites located on TOR are notified to the Australian Federal Police led Australian Centre to Counter Child Exploitation.
<b>Livestreamed CSE/CSA</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HP	
<b>File Transfer protocol (Ftp://)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HP	
<b>Social media accounts</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HP	
<b>Email</b>	Allowed to access Allowed to send NTDs		
<b>Usenet</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HP	
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access Allowed to send NTDs		

## Cambodia – Internet Hotline Cambodia (IHC)

### HOTLINE INFORMATION

**Operated by:** Action Pour Les Enfants (APLE)



#### Hotline mandate

- **Process Reports:** Receive, record, and respond to reports of child sexual exploitation and abuse.
- **Issue Notices to Takedown (NTD):** Collaborate with national law enforcement, INHOPE hotline members and other relevant entities to issue NTDs for online content that violates child protection laws and policies.
- **Collaborate with Authorities:** Work closely with local and international law enforcement agencies to facilitate investigations and legal actions against perpetrators.
- **Provide Support Services:** Offer guidance and support to victims and their families, including referrals to appropriate services and resources.
- **Awareness and Education:** Engage in public awareness campaigns and educational initiatives to promote online safety and child protection.

#### Legal basis for operation

APLE works closely with the Royal Government of Cambodia and has signed a MoU to register and outline the scope of its work. Run by APLE, IHC operates based on the MoU between the Ministry of Interior and APLE signed on September 12, 2019.

#### Relationship with law enforcement

APLE has become a leading expert in responding to online and offline child sexual exploitation and abuse (CSEA) and works closely with Cambodia National Police and its specialist Anti-Human Tracking and Juvenile Protection Units and Anti-Cybercrime Units, aiding in preliminary investigation, capacity building and training.

#### Relationship with hosting providers

IHC engages Hosting Providers (HPs), webmasters, content providers, etc. in learning activities through dialogues and workshops where they can gain an understanding of online risks, how they can contribute to stopping the problem, and recommendations to make their service safer for their clients. If IHC finds content hosted in Cambodia to be illegal, IHC will

forward the information to Anti-Cybercrime Department (ACCD) to have the content removed and the matter investigated, or to the mandated agency. IHC will receive feedback from ACCD Type upon request.

## **Other content dealt with by the hotline**

The types of reports that the hotline dealt with include:

- Child Sexual Abuse Material (CSAM)
- Grooming (Online/Offline) for Sexual Purposes
- Sexual Extortion of Children (Sextortion)
- Live streaming of Child Sexual Exploitation
- Child Sexual Exploitation in Travel & Tourism
- Child Rape, Sexual Molestation, or Other

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Article 40 of the Law on Suppression of Human Trafficking and Sexual Exploitation, “Child pornography” shall mean a visible material such as a photograph or videotape, including a material in electronic form, depicting a minor’s naked figure which excites or stimulates sexual desire.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

A minor is a person below the age of 18 years. The legal age of consent for sexual activities is generally 15 years old. In CSAM offenses, the age associated is usually under 18 years, regardless of the age of consent.

### **Criminalised acts related to CSAM**

Criminalised acts related to CSAM include production, distribution, selling, leasing, displaying, projecting or presenting in public space. Possession of CSAM is criminalized only with the intent to commit the above acts.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

None.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The national law in Cambodia does not specifically define "child sexual exploitation material", but the hotline also processes these types of reports.

### Specific law regulating AI-generated CSAM

The national law does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal (dependent on the context)	Notice to LEA LEA sends NTD to HPs	Medical reason is an exception.
Digitally generated CSAM	Illegal	Notice to LEA LEA sends NTD to HPs	
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HPs	
A minor appearing to be an adult engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HPs	
An adult person appearing to be a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HPs	
Child grooming—solicitation of the child to meet offline (for contact offences)	Not illegal		If it involves distribution of CSAM or adult pornography to a minor, it can be punishable by law.  Then actions taken: Notice to LEA. LEA sends NTD to HP.
Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Not illegal (dependent on the context)		If it involves distribution of CSAM or adult pornography to a minor, it can be punishable by law.  Then actions taken: Notice to LEA. LEA sends NTD to HP.
Sexual extortion of children or soliciting children for sexual purposes	Illegal	Notice to LEA LEA sends NTD to HPs	
Apparent self-generated sexual material	Illegal	Notice to LEA LEA sends NTD to HPs	

<b>Sexualised modelling or posing</b>	Illegal (dependent on the context)	Notice to LEA LEA sends NTD to HPs	There is no specific law. However, if the content depicts any naked figure of a private part, it would be considered CSAM, otherwise such material would also be against cultural norm in the country.
<b>Sexualised images of children</b>	Illegal (dependent on the context)	Notice to LEA LEA sends NTD to HPs	
<b>Text depictions of CSAM</b>	Illegal (dependent on the context)	Notice to LEA LEA sends NTD to HPs	Medical reason is an exemption.
<b>Fictional text depictions of CSAM</b>	Illegal (dependent on the context)	Notice to LEA LEA sends NTD to HP	Medical reason is an exemption.
<b>Praise of paedophilia or CSA</b>	Not illegal	Notice to LEA LEA sends NTD to HPs	No specific law on this yet.
<b>Manual on CSA</b>	Illegal	Notice to LEA LEA sends NTD to HPs	
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA LEA sends NTD to HPs	
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA LEA sends NTD to HPs	
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Illegal	Notice to LEA LEA sends NTD to HPs	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal & not treated as CSAM		If the images are used in medical reason or education, IHC would take no action unless there is an abuse or privacy violation involved.
<b>Non-explicit images in a series of images that contain CSAM</b>	Not illegal but treated as CSAM	Notice to LEA LEA sends NTD to HPs	The report will be forwarded to national LEA/hosting provider or another responsible hotline.
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Not illegal & not treated as CSAM		Such content will be considered harmful content and removal request will be sent to hosting provider.

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<b>Private site types (Password protected)</b>	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	If the password was given by reporter, the hotline will access to analyse the content and the report will be forwarded to national LEA/hosting provider or another responsible hotline.
<b>Peer to peer (torrent, emule, Kat)</b>	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	The report will be forwarded to national LEA or another responsible hotline.
<b>Dropbox/cloud/similar file hosting services</b>	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	The report will be forwarded to national LEA/hosting provider or another responsible hotline.
<b>Tor/Onion</b>	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	The report will be forwarded to national LEA or another responsible hotline.
<b>Livestreamed CSE/CSA</b>	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	The report will be forwarded to national LEA/hosting provider or another responsible hotline.
<b>File Transfer protocol (Ftp://)</b>	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	The report will be forwarded to national LEA or another responsible hotline.
<b>Social media accounts</b>	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	The report will be forwarded to national LEA/hosting provider or another responsible hotline.
<b>Email</b>	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	The report will be forwarded to national LEA/hosting provider or another responsible hotline.
<b>Usenet</b>	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	The report will be forwarded to national LEA/hosting provider or another responsible hotline.
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	The report will be forwarded to national LEA/hosting provider or another responsible hotline.

## Japan – Internet Hotline Center (SIEMPLE)<sup>10</sup>

### HOTLINE INFORMATION

Operated by: SIEMPLE



**INTERNET  
HOTLINE CENTER  
JAPAN**

### Legal basis for operation

MoU with National Police Agency (NPA). The hotline operation is contracted and funded by NPA.

### Relationship with law enforcement

MoU with National Police Agency (NPA). The hotline shares reports which it assesses as illegal in accordance with its operational guideline.

### Relationship with hosting providers

Direct contact with hosting providers and hotline sends "Transmission Prevention Measure Request" (aka Notice and Takedown). The service providers do not provide feedback.

### Other content dealt with by the hotline

- Illegal information
  - Display of Obscene Electromagnetic Record Media (Item 1, Article 175 of Criminal Law)
  - Solicitation/Induction with the Purpose of Prostitution (Number 3, Article 5 and Number 3, Item 2, Article 6 of Anti-Prostitution Act)
  - Prohibited Induction Acts violating Act on Regulation on Soliciting Children by Using Opposite Sex Introducing Service on Internet (Article 6 of the said Act)
  - Acts of Committing Drug Crimes or Acts to Openly Induce the Abuse of Restricted Drugs\* (Article 9 of New Anti-Drug Act)
  - Advertisement of Restricted Drugs (Item 2, Article 20 of Stimulant Drugs Control Act, Item 2, Article 29 and Item 18, Article 50 of Narcotics and Psychotropics Control Act, Number 4, Item 1, Article 4 of Opium Control Act)

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<sup>10</sup> This section is based on the information provided by SIEMPLE. However, please note that SIEMPLE is no longer a member of INHOPE from April 2024.



- Advertisement of Specified Drugs (Item 5, Article 76 of Pharmaceutical Affairs Act)
- Advertisement of Objects Suspected as Specified Drugs (Number 2, Item 6, Article 76 of Restriction on Inspections and Manufacturing of Goods Suspected as Designated Substances)
- Advertisement of Unapproved Drugs Relevant to Dangerous Drugs (Article 68 of Pharmaceutical Affairs Act)
- Solicitation/Induction to Transfer, Sell, Buy such things as a bank account, an ATM card, and/or a bank book (Item 4, Article 28 of Act on Prevention of transfer of Criminal Proceeds)
- Solicitation/Induction to Transfer, Sell, Buy Unauthorised Mobile Phone Devices, etc. (Article 23 of Mobile Phone Device Improper Use Prevention Act)
- Acts of Illegally Requesting the entry of ID and/or Passcode (Phishing) (Number 1, Article 7 of Unauthorised Computer Access Law)
- Acts of Facilitating Unauthorised Computer Access (Article 5 of Unauthorised Computer Access Law)
- Information closely related to significant crimes
  - Transfer of handguns, etc.-- Information that directly and explicitly induces the transfer of handguns, rifles, machine guns, and artillery.
  - Manufacture of explosives, firearms, etc.-- Information that is deemed to directly and explicitly promote the illicit manufacture of explosives or firearms.
  - Murder, etc.-- Information that directly and expressly undertakes murder, robbery, non-consensual intercourse, etc., arson, kidnapping, injury, arrest and confinement, or intimidation.
  - Organ trafficking-- Information that directly and explicitly induces organ trafficking.
  - Human trafficking-- Information that directly and explicitly induces trafficking in persons.
  - Production of Hydrogen Sulfide gas-- Information that teaches how to produce Hydrogen Sulfide gas and induces its production.
  - Stalking-- Information that directly and explicitly induces the undertaking of stalking acts or acts that cause anxiety by "following" or "unsolicited acquisition of location information" under the Stalker Regulation Law.
  - Recruitment of perpetrators-- Information that recruits people to commit crimes by offering extremely high payments without disclosing the specific nature or details of the work.
- Suicide-inducing information, etc.
  - Suicide Involvement-- Information that offers to "help" or "undertake" the execution of suicide to a person implying committing suicide.
  - Solicitation or inducement of suicide-- Information that induces or solicits others to commit suicide, such as calls for mass suicide.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The terminology used in Japan is “child pornography”.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child= Under the age of 18. (Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children)

Legal age of consent for sexual activities: over the age of 16. If a child is between 13 and 15 years of age, sexual intercourse will be considered as a “crime of non-consensual intercourse” if the perpetrator is at least 5 years older than the child.

Age associated with CSAM offenses defined by law= Under the age of 18.

Age associated with grooming offenses= Under the age of 16 (Crime of Solicitation for Meeting).

### **Criminalised acts related to CSAM**

Manufacturing, possession, providing, public display, publication, storage

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

There are no such legal protections. However, since the legislative intent of the acts relating to child pornography is to protect children in the first place, it is unlikely that a prosecutor would prosecute a child. Procedures will be followed in accordance with the Juvenile Act, which is designed to protect and correct juveniles, and the child will be placed on probation or under the Child Welfare Act at the discretion of the family court.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The national legislation in Japan does not define “child sexual exploitation material”.

The hotline only processes CSAM.

### **Specific law regulating AI-generated CSAM**

The national legislation in Japan does not have specific regulations for AI-generated CSAM yet.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b> CSAM の絵/マンガ/芸術的解釈	Not illegal (dependent on the content)	もし性器が詳細に描写されている場合は、違法わいせつ画像として警察に通報します。  If the image explicitly depicts genitals, it will be reported to the police as an illegal obscene image.	In January 2020, the Supreme Court of Japan ruled that computer graphics depicting real-life naked children constitute child pornography, upholding a court ruling against a graphic designer who sold such images online. (making it the first judgement of its kind by the top court).
<b>Digitally generated CSAM</b> デジタル生成された CSAM	Not illegal	None	実在する児童を描写したものなら児童ポルノになる。実在する児童でなかったとしても性器が詳細に描写されていたら違法な猥褻画像になる。  If the image depicts a real child, it is considered as CSAM. Even if the image is not of a real child, if genitals are explicitly depicted, the image will be considered as an illegal obscene image.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Not illegal	None	Same as above.
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to NPA NTD to HPs	Legally, the image is considered as CSAM. However, if the hotlines is not able to determine whether the person depicted in the image is a child, the image will be considered an “obscene image” or legal.
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Not illegal (depending on the context)	None	If the genitals are explicitly depicted, the image will be an illegal obscene image.
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal	None (Not covered by the hotline’s guidelines at this time)	Requesting contact with a child under the age of 16 for obscene purposes is considered illegal.  However, if a child is between the ages of 13 and 15, it is only illegal if the person making the request is at least 5 years older, and it is difficult for the hotline to determine their ages only by posts online.
<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation,</b>	Illegal	None (Not covered by the hotline’s guidelines at this time)	Asking a child under the age of 16 to send an image or video of themselves performing sexual acts or exposing their sexual parts is illegal.

<b>production of CSAM, viewing sexual activities etc.)</b>			However, if a child is between the ages of 13 and 15, it is only illegal if the person making the request is at least 5 years older, and it is difficult for the hotline to determine their ages only by posts online.
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal (dependent on the context)	None (Not covered by the hotline's guidelines at this time)	Requesting a child under the age of 16 to meet for obscene purposes or to send self-generated images or videos performing sexual acts or exposing sexual parts.  However, if a child is between the ages of 13 and 15, it is only illegal if the person making the request is at least 5 years older, and it is difficult for the hotline to determine their ages only by posts online.
<b>Apparent self-generated sexual material</b>	Illegal	Notice to LEA	Generating of child pornography is illegal in Japan but if it is self-generated by the minor him/herself, they generally get warnings by the law enforcement or the court, and not punished by law.
<b>Sexualised modelling or posing</b>	Not illegal (dependent on the context)	Notice to LEA	To be illegal, it must fulfil the following statement "...the sexual body parts of the child (genital organs, the parts around them, buttocks or breasts) are exhibited or emphasized, which arouses or stimulates the viewer's sexual desire." (Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children).
<b>Sexualised images of children</b>	Not illegal (dependent on the context)	None	
<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>	Not illegal	None	
<b>Audio CSAM: recordings of CSA</b>	Not illegal	None	
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Not illegal	None	

Context	Legal Status	Actions Taken	Comments/ Explanations
Images in a medical context	Not treated as CSAM	None	
Non-explicit images in a series of images that contain CSAM	Not treated as CSAM	None	
Non-explicit images that have comments or captions of a sexual nature attached to them	Not treated as CSAM	None	

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (Password protected)	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline forwards the report to LEA if assessed as illegal based on its operational guideline.
Peer to peer (torrent, emule, Kat)	N/A		
Dropbox/cloud/similar file hosting services	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline forwards the report to LEA if assessed as illegal based on its operational guideline.
Tor/Onion	Allowed to access Allowed to send NTDs		Use Tor proxy for content analysis.
Livestreamed CSE/CSA	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline forwards the report to LAE if assessed as illegal based on its operational guideline.
File Transfer protocol (Ftp://)	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline forwards the report to LEA if assessed as illegal based on its operational guideline.
Social media accounts	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline forwards the report to LEA if assessed as illegal based on its operational guideline.
Email	N/A		
Usenet	N/A		
Messengers (Telegram, WhatsApp)	N/A		

## Philippines – eProtectKids



### HOTLINE INFORMATION

**Operated by:** ECPAT Philippines

#### **Hotline mandate**

The hotline is mandated to process reports and send Notice and Takedown orders.

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

ECPAT Philippines has a signed Memorandum of Understanding with the Council for the Welfare of Children (CWC) a government agency that is mandated to coordinate the implementation and enforcement of all laws, formulate, monitor and evaluate policies, programs and measures for children.

In addition to this, the Philippines' law Republic Act No 11930 or otherwise known as Anti-OSAEC and Anti-CSAEM Law stipulates on the section. 7 that "Any person who has the responsibility of reporting cases under this Act, blocking an internet address, removing a website or domain, taking down of shared videos, pictures, or messages for the services provided by an internet intermediary, and providing information for the purpose of an investigation or prosecution of a case involving acts of OSAEC shall not be held civilly, criminally or administratively liable: Provided, That the action was:

- (1) done in good faith;
- (2) necessary to prevent access or dissemination of CSAEMs; and
- (3) reported within twenty-four (24) hours from the act of blocking an internet address, removing a website or domain, or taking down of shared video, picture or messages."

And the section 8 that "Access, possession and recording of any CSAEM of any person for the purpose of complying with the duties under this Act; the reporting to government authorities; legitimate investigation and administration of the criminal justice system; and legitimate policy, scholarly and academic purposes with requisite ethical clearance, shall not be subject to any civil, criminal, or administrative liability."

#### **Relationship with law enforcement**

ECPAT Philippines does not have a Memorandum of Understanding (MOU) with law enforcement authorities. However, the hotline collaborates with LEAs through councils and local government units. ECPAT Philippines reports incidents of sexual exploitation of children (SEC) to the appropriate authorities.

However, ECPAT Philippines has a signed Memorandum of Understanding with the Council for the Welfare of Children (CWC) a government agency that is mandated to coordinate the implementation and enforcement of all laws, formulate, monitor and evaluate policies, programs and measures for children. The Council for the Welfare of Children established Makabata Helpline, this is a helpline where everyone can report any cases and issues relating to children. Through this collaboration, Makabata Helpline will refer CSAM-related reports to eProtectKids for validation and material takedown procedures. Simultaneously, eProtectKids will refer other child rights concerns to the Makabata Helpline for appropriate actions including those cases that needs immediate law enforcement actions.

## **Relationship with hosting providers**

National law mandates competent authorities to have the primary role in issuing Notice and Takedowns to hosting providers. “Competent authority refers to law enforcement authority, investigating authority, prosecutor, court, telecommunications/ICT regulator, cybercrime investigator/coordinator, data privacy regulator, or the National Coordination Center against OSAEC and CSAEM (NCC-OSAEC-CSAEM).”

## **Other content dealt with by the hotline**

The hotline also deals with exploitation of children in prostitution and child sex trafficking.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Under the Republic Act 11930, CSAM is defined as: “Child sexual abuse or exploitation material or child sexual abuse material (CSAEM/CSAM) refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child. For purposes of this Act, CSAEM may interchangeably be referred to as CSAM.

The law also has defined Image-based sexual abuse (ISA) as “a form of technology-facilitated sexual violence. The term describes a pattern of behaviour involving the nonconsensual creation, distribution, or threats to distribute nude or sexual images. It includes a diversity of behaviours including, but not limited to, "sextortion scams," the use of artificial intelligence to construct "deepfake" pornographic videos, threats to distribute photographs and videos; and the taking or sharing of sexual assault imagery;”

The law also identifies private sector and their duties and referred to them as Internet intermediaries which are “persons or entities that provide infrastructure, platforms, access to, and host, transmit and index content, products and services originated by third parties on the internet. These include, among others:

- (1) internet service providers;
- (2) web hosting providers including domain name registrars;

- (3) internet search engines and portals;
- (4) e-commerce intermediaries;
- (5) internet payment system providers; and
- (6) participative network platform providers including social media intermediaries;

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

As defined in the RA 11930 (Anti-OSAEC and Anti-CSAEM Law) a child is defined as “(a) Child refers to a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical, mental, intellectual or sensory disability or condition. For purposes of this Act, a child shall also refer to:

- (1) A person regardless of age who is presented, depicted or portrayed as a child as defined herein; and
- (2) Computer-generated, digitally or manually crafted images, or graphics of a person who is represented or who is made to appear to be a child as defined herein.”

Furthermore, the Philippine law Republic Act No 11648 an Act Promoting for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape....states on Section 5 that “Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse

"[...] (b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse: Provided, That when the victim is under sixteen (16) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, otherwise known as "The Revised Penal Code", for rape, or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under sixteen (16) years of age shall be reclusion temporal in its medium period; and [...]."

## **Criminalised acts related to CSAM**

Section 4. Unlawful or Prohibited Acts. — Regardless of the consent of the child, it shall be unlawful for any person to commit the following acts through online or offline means or a combination of both:

- (a) To hire, employ, use, persuade, induce, extort, engage, or coerce a child to perform or participate in whatever way in the creation or production of any form of OSAEC and CSAEM;
- (b) To produce, direct, manufacture, facilitate, or create any form of CSAEM, or participate in the production, direction, manufacture, facilitation or creation of the same;
- (c) To offer, sell, distribute, advertise, promote, export, or import, by any means, any form of CSAEM;
- (d) To knowingly publish, transmit and broadcast, by any means, any form of CSAEM;
- (e) To permit or influence the child to engage, participate or assist in any form of CSAEM;



- (f) To produce, direct, create, hire, employ or pay a facilitator to stream or livestream acts of child sexual abuse or exploitation
- (g) To stream or live-stream acts of, or any form of, child sexual abuse and exploitation;
- (h) To recruit, transport, transfer, harbour, provide, or receive a child or to induce or influence the same, for the purpose of violating this Act;
- (i) To introduce or match a child to a foreign national or to any person for the purpose of committing any of the offenses under this Act;
- (j) For film distributors, theatres and ICT services by themselves or in cooperation with other entities, to distribute any form of CSAEM or to facilitate the commission of any of the offenses under this Act;
- (k) To knowingly benefit from, financial or otherwise, the commission of any of the offenses of this Act;
- (l) To provide a venue for the commission of prohibited acts under this section such as dens, private rooms, cubicles, cinemas, houses, private homes, or other establishments;
- (m) To engage in the luring or grooming of a child: Provided, That grooming taking place offline as a prelude to violations under this Act shall also be penalized;
- (n) To sexualize children by presenting them as objects of sexual fantasy, or making them conversational subjects of sexual fantasies, in any online or digital platform;
- (o) To engage in pandering as defined under this Act;
- (p) To wilfully subscribe, join, donate to, or support an internet site that hosts OSAEC or the streaming or live-streaming of child sexual abuse and exploitation;
- (q) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means of any brochure, flyer, or any material that promotes OSAEC and child sexual abuse or exploitation
- (r) To possess any form of CSAEM: Provided, That possession of three (3) or more CSAEMs is prima facie evidence of the intent to sell, distribute, publish or broadcast;
- (s) To wilfully access any form of CSAEM; and
- (t) To conspire to commit any of the prohibited acts stated in this section:

Provided, That the investigation or prosecution of offenses under this Act shall be without prejudice to appropriate investigation and prosecution mechanisms under Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003," as amended, and other related laws.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

To legally protect children from criminalisation, Section 22 of the Republic Act 11930 mentioned that "In cases where the offender is a child, the prosecution of the offense shall be in accordance with Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006," as amended, and the child shall be accorded the appropriate treatment and services under the said law: Provided, That in cases of self-generated CSAMs, the child producing the sexualized materials shall be considered as a victim and not as an offender. The child victim shall be accorded the necessary treatment and services under this Act and in existing laws."

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The recent law on "Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act" or RA 11930 includes the definition: Child sexual abuse or exploitation material (CSAEM) or child sexual abuse material (CSAM) refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child. CSAEM may interchangeably be referred to as CSAM.

The hotline processes all types of CSAEM or CSAM as defined under this law.

## Specific law regulating AI-generated CSAM

Although RA 11930 covers computer generated images. The Philippines doesn't have any specific law on AI-Generated CSAM. The law also includes "computer-generated, digitally or manually crafted images, or graphics of a person who is represented or who is made to appear to be a child as defined herein." to define a child under this law.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal	Notice to LEA NTD to HPs	Under RA 11930, a child is also defined as "computer-generated, digitally or manually crafted images, or graphics of a person who is represented or who is made to appear to be a child as defined herein." to define a child under this law.  This basically includes drawings and those alike considered as CSAMs.
<b>Digitally generated CSAM</b>	Illegal	Notice to LEA NTD to HPs	Under RA 11930, a child is also defined as "computer-generated, digitally or manually crafted images, or graphics of a person who is represented or who is made to appear to be a child as defined herein." to define a child under this law.  This basically includes drawings and those alike considered as CSAMs.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	Child sexual abuse or exploitation material (CSAEM) or child sexual abuse material (CSAM) refers to <u>any representation</u> , whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, <u>of a child engaged or involved in real or simulated sexual activities</u> , or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include

			materials that focus on the genitalia or other private body parts of a child. CSAEM may interchangeably be referred to as CSAM;
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	Child sexual abuse or exploitation material (CSAEM) or child sexual abuse material (CSAM) refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child. CSAEM may interchangeably be referred to as CSAM;
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	Under RA 11930, a child is also defined as “a person regardless of age who is presented, depicted or portrayed as a child as defined herein”
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</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	Notice to LEA	The law also mentions: “That in cases of self-generated CSAMs, the child producing the sexualized materials shall be considered as a victim and not as an offender. The child victim shall be accorded the necessary treatment and services under this Act and in existing laws.”
<b>Sexualised modelling or posing</b>	Illegal	Notice to LEA	Section 4 (n) of RA 11930 includes in the list of unlawful and prohibited acts “to sexualize children by presenting them as objects of sexual fantasy, or making them conversational subjects of sexual fantasies, in any online or digital platform”
<b>Sexualised images of children</b>	Illegal	Notice to LEA	Section 4 (n) of RA 11930 includes in the list of unlawful and prohibited acts “to sexualize children by presenting them as objects of sexual fantasy, or making them conversational subjects of sexual fantasies, in any online or digital platform”
<b>Text depictions of CSAM</b>	Illegal	Notice to LEA	CSAM is defined as “...any representation, whether offline, or by, through or with the use of

			ICT, by means of visual, video, audio, <u>written</u> , or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object.”
<b>Fictional text depictions of CSAM</b>	Illegal	Notice to LEA	CSAM is defined as “...any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object.”
<b>Praise of paedophilia or CSA</b>	Not illegal	None	
<b>Manual on CSA</b>	Not illegal	None	
<b>Declaration of committing CSA</b>	Dependent on the context	Notice to LEA	The legality is not clear, but the law includes as prohibits “to conspire to commit any of the prohibited acts” related to CSAM and Online Sexual Exploitation of Children.
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA NTD to HPs	CSAM is defined as “...any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, <u>audio</u> , written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object.”
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Illegal	Notice to LEA NTD to HPs	CSAM is defined as “...any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, <u>audio</u> , written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object.”

Context	Legal Status	Actions Taken	Comments/ Explanations
<b>Images in a medical context</b>	Illegal	Notice to LEA NTD to HPs	The law did not issue any exemption to the definition of CSAM.
<b>Non-explicit images in a series of images that contain CSAM</b>	Not illegal	Notice to LEA	

<p><b>Non-explicit images that have comments or captions of a sexual nature attached to them</b></p>	<p>Illegal</p>	<p>Notice to LEA NTD to HPs</p>	<p>The image is not considered CSAM but the content (comments/captions) is illegal.</p> <p>Section 4 (n) of RA 11930 includes in the list of unlawful and prohibited acts “to sexualize children by presenting them as objects of sexual fantasy, or making them conversational subjects of sexual fantasies, in any online or digital platform;”</p>
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Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (Password protected)	Allowed to access	Notice to LEA NTD to HPs	
Peer to peer (torrent, emule, Kat)	Allowed to access	Notice to LEA NTD to HPs	
Dropbox/cloud/similar file hosting services	Allowed to access	Notice to LEA NTD to HPs	
Tor/Onion	Allowed to access	Notice to LEA NTD to HPs	
Livestreamed CSE/CSA	Allowed to access	Notice to LEA NTD to HPs	
File Transfer protocol ( <a href="#">Ftp://</a> )	Allowed to access	Notice to LEA NTD to HPs	
Social media accounts	Allowed to access	Notice to LEA NTD to HPs	
Email	Allowed to access	Notice to LEA NTD to HPs	
Usenet	Allowed to access	Notice to LEA NTD to HPs	
Messengers (Telegram, WhatsApp)	Allowed to access	Notice to LEA NTD to HPs	

## *Republic of Korea – KCSC*



### **HOTLINE INFORMATION**

**Operated by:** Korea Communications Standards Commission (KCSC)

#### **Hotline mandate**

Korea Communications Standards Commission (KCSC) is an independent statutory media content regulator in the Republic of Korea, responsible for overseeing and maintaining standards across broadcasting and telecommunications. Under Korean law, the KCSC operates national hotline and helpline to handle public complaints about online child sexual abuse material and takes corrective actions that include content deletion, access blocking and user account suspension and cancellation when needed.

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

Korea Communications Standards Commission (KCSC) is an independent statutory media content regulator in the Republic of Korea, responsible for overseeing and maintaining standards across broadcasting and telecommunications. Under Korean law, the KCSC operates national hotline and helpline to handle public complaints about online child sexual abuse material and takes corrective actions that include content deletion, access blocking and user account suspension and cancellation when needed.

#### **Relationship with law enforcement**

KCSC has MoUs with the Korean National Police Agency. Through a direct channel established between the institutions, the Korean National Police Agency and the Supreme Prosecutor’s Office forward online CSAM to KCSC so that KCSC can determine its illegality and enforce necessary corrective actions including content removal. KCSC also refers the case to law enforcement if the content involves a Korean victim and/or offender.

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

Under Korean law, KCSC issues enforcement notices to platform providers and hosting service providers requiring them to cease hosting CSAM materials without delay. Platform providers and hosting service providers do not need to have a Korean presence to receive a notice.

## **Other content dealt with by the hotline**

With regard to online safety, KCSC regulates matters under Article 44-7(Prohibition of Distribution of illegal information, etc.) of the *Act on Promotion of Information and Communications Network Utilization and Information Protection*. The Article 44-7 regulates the dissemination of content deemed harmful to society, including obscene or sexually explicit material, which involves pornographic content and images or videos depicting sexual acts or nudity. It also covers violent or gruesome material that depicts violence or extreme gore, potentially harming viewers' mental or emotional well-being, as well as material harmful to youth, as specified in the *Juvenile Protection Act*. Additionally, it includes content promoting illegal activities, such as drug use, prostitution, gambling, or the manufacture of firearms; discriminatory or defamatory material targeting specific races, genders, religions, or sexual orientations; and content that threatens national security, as defined by the *National Security Act*. It prohibits material that invades privacy through unauthorised dissemination of personal information or images, including illegal recordings, as well as transactions involving personal content that violate the *Act on Promotion of Information and Communications Network Utilization* and other relevant laws. Lastly, it addresses harmful content that causes damage, alteration, or interference with data or programs without legitimate justification. Through these regulations, KCSC is committed to enhancing online safety and protecting users from illegal and harmful content.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Under the *Act on the Protection of Children and Youth Against Sexual Offenses*, "Child or youth sexual exploitation material" refers to content that depicts a child or youth, or a person or representation clearly recognizable as a child or youth, engaging in sexual acts or contexts. This includes materials in the form of films, videos, games, images or texts transmitted through computers or other communication media.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Under the *Child Welfare Act*, a "Child" is defined as anyone under the age of 18. But the *Act on the Protection of Children and Youth Against Sexual Offenses* defines "Children or Youth" as individuals under 19, excluding those who turn 19 within the calendar year as of January 1<sup>st</sup>.

Regarding the legal age of consent for sexual activities, specific penalties apply to those who engage in sexual intercourse with minors under the ages of 16 and 13. According to the *Criminal Act*, sexual intercourse with minors below the age of consent is considered rape, even if the minor gives consent. Before a 2020 revision, only those who engaged in sexual intercourse with children under 13 were subject to punishment, regardless of their age. The 2020 amendment expanded this, making it illegal for adults aged 19 and over to engage in sexual intercourse with minors aged 13 to under 16.

The *Act on the Protection of Children and Youth Against Sexual Offenses* also defines the age for children, which is the same age used to determine CSAM offenses. While the law does not specify a victim's age for online grooming, which involves forming a relationship with the intent of sexual exploitation, the Act punishes grooming offenses involving minors. Therefore, the same age criteria for children in the Act apply to these cases as well.

## Criminalised acts related to CSAM

*Act on the Protection of Children and Youth Against Sexual Offenses* criminalizes the production, distribution, possession, downloading, and streaming of CSAM in Korea. Individuals involved in creating or sharing such material face severe penalties, including lengthy prison sentences. Additionally, facilitating the involvement of minors in the production of CSAM is also a criminal offense.

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

Korean law recognizes that minors may not fully understand the implications of sharing such content and seeks to protect them from being prosecuted as offenders. Instead, the focus is on penalizing those who exploit or distribute CSAM, ensuring that the children involved are treated as victims rather than perpetrators. Additionally, various support systems and legal frameworks aim to provide rehabilitation and counselling for affected minors, emphasizing their protection and well-being while addressing the responsibility of adults who exploit them.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The *Act on the Protection of Children and Youth Against Sexual Offenses* addresses "child sexual exploitation material". KCSC is responsible for receiving and reviewing reports related to this type of material.

## Specific law regulating AI-generated CSAM

The national legislation in South Korea does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal	The hotline decides on necessary actions <sup>11</sup> Notice LEA Send NTD to HPs	Non-real CSAM is illegal in Korea. Korean law defines "child or youth sexual exploitation material" as content that features a child or youth, or a person or representation that is clearly recognizable as a child or youth, engaging in sexual acts or contexts.

<sup>11</sup> KCSC Commissioners decide on necessary corrective actions, including content removal, and enforce their decisions. If the content is hosted outside Korea, removal action is sought via INHOPE and direct contact with foreign servers/hosting companies using a notice issued by KCSC.

Law enforcement forwards the content to KCSC for review and determination of its illegality.

Under Korean law, hosting providers must take action if they receive reports or become aware of child sexual exploitation materials on their websites. They are required to either address the issue or forward it to KCSC. Larger hosting providers must implement measures to detect, remove, and prevent the transmission of such materials.



<b>Digitally generated CSAM</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	Korean law defines "child or youth sexual exploitation material" as content that features a child or youth, or a person or representation that is clearly recognizable as a child or youth, engaging in sexual acts or contexts.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	Korean law defines "child or youth sexual exploitation material" as content that features a child or youth, or a person or representation that is clearly recognizable as a child or youth, engaging in sexual acts or contexts.
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	If the content is deemed pornographic or sexually explicit, including visual depictions or descriptions of sexual acts or nudity, the hotline classifies and regulates it as obscene material.
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	If child grooming occurs in open chat rooms and involves clear depictions of child sexual abuse, exploitation, or prostitution, KCSC will intervene to enforce removal. However, KCSC only takes action in public spaces and does not review/regulate content in personal or private messages.
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Apparent self-generated sexual material</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Sexualised modelling or posing</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	In Korean law, the term "sexualized" typically refers to content that involves or depicts sexual acts, sexual behaviour, or nudity in a manner intended to provoke sexual interest or arousal. The specifics can be found in various legal texts, such as the <i>Act on the Protection</i>

			<i>of Children and Youth Against Sexual Offenses and the Act on Promotion of Information and Communications Network Utilization and Information Protection</i> , which define and regulate sexual content to protect public morals and minors.
<b>Sexualised images of children</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	In Korean law, the term "sexualized" typically refers to content that involves or depicts sexual acts, sexual behaviour, or nudity in a manner intended to provoke sexual interest or arousal. The specifics can be found in various legal texts, such as the <i>Act on the Protection of Children and Youth Against Sexual Offenses</i> and the <i>Act on Promotion of Information and Communications Network Utilization and Information Protection</i> , which define and regulate sexual content to protect public morals and minors.
<b>Text depictions of CSAM</b>	Illegal (Dependent on the context)	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Fictional text depictions of CSAM</b>	Illegal (Dependent on the context)	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Praise of paedophilia or CSA</b>	Illegal: Dependent on context	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Manual on CSA</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Declaration of committing CSA</b>	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Audio CSAM: recordings of CSA</b>	Illegal: Dependent on context	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Illegal: Dependent on context	The hotline decides on necessary actions Notice LEA Send NTD to HPs	

Context	Legal Status	Actions Taken	Comments/ Explanations
Images in a medical context	Not illegal		
Non-explicit images in a series of images that contain CSAM	Dependent on context	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
Non-explicit images that have comments or captions of a sexual nature attached to them	Illegal	The hotline decides on necessary actions Notice LEA Send NTD to HPs	

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (Password protected)	Allowed to access Allowed to send NTDs	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
Peer to peer (torrent, emule, Kat)	Allowed to access Allowed to send NTDs	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
Dropbox/cloud/similar file hosting services	Allowed to access Allowed to send NTDs	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
Tor/Onion	Allowed to access Allowed to send NTDs	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
Livestreamed CSE/CSA	Allowed to access Allowed to send NTDs	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
File Transfer protocol (Ftp://)	Allowed to access Allowed to send NTDs	The hotline decides on necessary actions	

		Notice LEA Send NTD to HPs	
<b>Social media accounts</b>	Allowed to access Allowed to send NTDs	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Email</b>	Not allowed to access	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Usenet</b>	Allowed to access Allowed to send NTDs	The hotline decides on necessary actions Notice LEA Send NTD to HPs	
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access Allowed to send NTDs	The hotline decides on necessary actions Notice LEA Send NTD to HPs	

## Taiwan – Web547

### HOTLINE INFORMATION

**Operated by:** ECPAT Taiwan



#### Hotline mandate

ECPAT Taiwan-web547 hotline takes reports from the public about illegal and harmful content online, especially child sexual exploitation materials. In accordance with Taiwanese law, the hotline will notify LEA and relevant government agencies and send NTD to HPs. The hotline can do further proactive searches for child sexual exploitation content online.

#### Legal basis for operation

ECPAT Taiwan-Web547 hotline operates based on Taiwan Legal Systems, including:

- Child and Youth Sexual Exploitation Prevention Act
- The Protection of Children and Youths Welfare and Rights Act
- Criminal Code
- Personal Data Protection Act
- Game Software Rating Management Regulations

#### Relationship with law enforcement

The hotline doesn't have an MOU with LEA. However, the hotline sends official notifications to law enforcement regarding reported cases for further investigation, with the majority of reported cases involving child sexual exploitation.

#### Relationship with hosting providers

The hotline has direct contact with larger HPs. Typically, the hotline receives feedback after sending NTDs. For HPs without direct contact, the hotline can send NTD through their official reporting forms or email addresses. In most cases, the hotline also receives feedback.

#### Other content dealt with by the hotline:

In addition to CSAM, other types of content that the hotline deals with are:

- Child erotica

- Child nudism
- Child grooming activities
- Child trafficking
- Child sex tourism
- Adult porn accessible to children
- Adult pornography
- Extreme adult content
- Sexual transactions
- Sale of illegal porn DVD's
- Drugs
- Illegal online games
- Incorrectly rated online games
- Others (including NCII)

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Under the Child and Youth Sexual Exploitation Prevention Act, the content involving child sexual image or video, or any drawing, audio recording, or any other item of a child or a youth that is sexually relevant and, by objective standards, arouses sexual desire or shame shall be treated as Child Sexual Exploitation Material.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Children and youth are people under the age of 18. Children are aged below 12, and youth are those between the age of 12 and 18.

The legal age of consent for sexual activities is 16.

The age associated with CSAM and grooming offences is 18.

### **Criminalised acts related to CSAM**

Under the Child and Youth Sexual Exploitation Prevention Act, it is illegal to film, produce, distribute, broadcast, deliver, publicly display, or sell any sexual image or video involving a child or youth. This also includes any drawing, audio recording, or other item that, by common standards, arouses sexual desire or shame. Additionally, activities such as selling, grooming, mere possession, pay-to-view, and advertising are also considered criminal under this act.

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

In practice, minors generating their own nude images are not considered criminal offenders. However, this is not explicitly stated in the law.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

"Child sexual imagery" is used in the Child and Youth Sexual Exploitation Prevention Act, which also aligns with the definition in the criminal code.

The definition of "sexual imagery" in the Criminal Code Art.10(8) is:

1. Insertion of a reproductive organ into the reproductive organ, anus or mouth of another person or an act of making them connected.
2. Insertion of a body part or an object other than a reproductive organ into the reproductive organ or anus of another person or an act of making them connected.
3. Genitals or private parts of the body that are able to objectively arouse sexual desire or shame.
4. Acts that are able to objectively arouse sexual desire or shame by touching the part prescribed in the preceding paragraph with the body or utensils.
5. Other sex-related acts that are able to objectively arouse sexual desire or shame

The hotline processes all types of CSAM, child sexual exploitation material and harmful information for children.

## Specific law regulating AI-generated CSAM

AI-generated CSAM is not written in the article, but according to the legislative rationale of the Child and Youth Sexual Exploitation Prevention Act, AI-generated realistic content is considered as CSAM in Taiwan.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA LEA sends NTD to HPs	If the content involves drawings depicting real children, it is considered CSAM. However, if not involving real children, content depicting sexual violence, such as rape, sexual abuse, or bestiality, can be prosecuted under Article 235 of the Criminal Code, which addresses the dissemination of obscene material.
Digitally generated CSAM	Illegal	Notice to LEA LEA sends NTD to HPs	Limited to AI-generated and realistic CSAM.

<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA LEA sends NTD to HPs	According to the legislative rationale of the Child and Youth Sexual Exploitation Prevention Act, such content is considered CSAM.
<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—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA LEA sends NTD to HPs	
<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 LEA sends NTD to HPs	In practice, minors generating their own nude images are not considered criminal offenders. However, the person who received the image might be involved in criminal behaviour.
<b>Sexualised modelling or posing</b>	Not illegal	None	
<b>Sexualised images of children</b>	Not illegal (Depending on the context, it might be harmful content)	Sends NTD to HPs	
<b>Text depictions of CSAM</b>	Illegal	Sends NTD to HPs	
<b>Fictional text depictions of CSAM</b>	Illegal	Sends NTD to HPs	
<b>Praise of paedophilia or CSA</b>	Not illegal (Depending on the context)	Sends NTD to HPs	Depending on the context, it might be harmful content
<b>Manual on CSA</b>	Illegal	Notice to LEA LEA sends NTD to HPs	
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA LEA sends NTD to HPs	
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA LEA sends NTD to HPs	



<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Illegal	Sends NTD to HPs	
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<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal Not treat as CSAM	None	
<b>Non-explicit images in a series of images that contain CSAM</b>	Treated as CSAM	Notice to LEA LEA sends NTD to HPs	
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Not illegal Not treat as CSAM (Depending on the context, it might be harmful content.)	Sends NTD to HPs	

<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. Allowed to send NTD	Notice to LEA	Paid access to the website is not allowed.
<b>Peer to peer (torrent, emule, Kat)</b>	Allowed to access. Allowed to send NTD	Notice to LEA	
<b>Dropbox/cloud/similar file hosting services</b>	Allowed to access. Allowed to send NTD	Notice to LEA NTD to HP	
<b>Tor/Onion</b>	Allowed to access. Allowed to send NTD	Notice to LEA	
<b>Livestreamed CSE/CSA</b>	Allowed to access. Allowed to send NTD	Notice to LEA	
<b>File Transfer protocol (Ftp://)</b>	Allowed to access. Allowed to send NTD	Notice to LEA	
<b>Social media accounts</b>	Allowed to access. Allowed to send NTD	Notice to LEA	
<b>Email</b>	Not allowed to access or send NTD	None	
<b>Usenet</b>	Allowed to access. Allowed to send NTD	Notice to LEA	
<b>Messengers (Telegram, WhatsApp)</b>	Not allowed to access or send NTD	None	It is allowed to access Telegram groups and send NTD.

## *Thailand – ThaiHotline*



### HOTLINE INFORMATION

**Operated by:** Internet Foundation for the Development of Thailand

#### **Hotline mandate**

Receiving reports of websites that violate Thai law, including harmful content, analysing the reports received, and coordinating with relevant agencies such as law enforcement, internet service providers, or online platforms to remove content from the Internet or take action against offenders, are duties of ThaiHotline.

The hotline staff can conduct searches for and investigate content related to child sexual exploitation, child sexual abuse material. After verifying the content, the hotline will coordinate with relevant agencies to take action against such content.

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

Action permitted under Thai law: Criminal Code, Computer Crime Act B.E. 2550 (2007) and 2560 (2017), Child Protection Act B.E. 2546 (2003).

#### **Relationship with law enforcement**

MoUs with Law Enforcement Agencies, ISPs, CRC coalition Thailand and Department of Children and Youth. CSAM and child abuse cases, including other illegal content are sent to them.

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

The hotline does not have direct contact with hosting providers. Instead, it's a general request, and there is no response back. The hotline has to check by whether the content has been removed from the system or not.

#### **Other content dealt with by the hotline**

Adult pornography, Online gambling Drugs, Cyberbullying, human trafficking, scam/romance scam, other child abuse and harmful contents

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

“Child pornography” is used in Thai law.

In Thai law, the definition of child pornography is outlined primarily in the Child Protection Act B.E. 2546 (2003) and the Criminal Code. Here are some key aspects of the definition:

1. **Age of the Child:** Thai law defines a child as any person under the age of 18 years old. This means that any depiction or representation of a person under 18 years old in sexually explicit material falls under the purview of child pornography laws.
2. **Content:** Child pornography is broadly defined to include any material that depicts or represents a child engaged in sexual activities or poses for sexual purposes. This includes images, videos, drawings, animations, or any other form of visual representation.
3. **Explicitness:** The material does not have to show explicit sexual acts to be considered child pornography. Any material that is sexually suggestive or erotic in nature and involves children can be classified as child pornography under Thai law.
4. **Purpose:** The intent behind the creation, distribution, or possession of the material is also important. If the material is created, distributed, or possessed for the purpose of sexual gratification, arousal, or exploitation, it may be considered child pornography.
5. **Technology:** Child pornography laws in Thailand also cover digital or electronic media, including materials distributed over the internet or other electronic communication networks. This includes materials stored or transmitted through computers, smartphones, social media platforms, or other digital devices. (see computer crime act below)
6. **Commercial Exploitation:** Child pornography laws also address commercial exploitation, including the production, distribution, or sale of child pornography materials for profit.

Under the Computer Crime Act B.E. 2560 (2017) of Thailand, the dissemination or possession of pornographic content through computer systems is illegal. Specifically, Section 14(4) addresses the following actions:

*Section 14(4) states: "Whoever imports into a computer system any computer data that is obscene, and that data is accessible to the public," shall be subject to imprisonment for up to 5 years, a fine of up to 100,000 baht, or both.*

Actions that may fall under this category of obscene content include:

1. Disseminating or forwarding images or videos that are pornographic.
2. Making pornographic content accessible to the general public via the internet.
3. Creating, sharing, or storing pornographic content in digital formats.

Such actions are prosecutable under relevant laws and may result in imprisonment, fines, or both, as specified in the legislation.

Overall, Thai law takes a comprehensive approach to define and address child pornography to protect children from exploitation and abuse. These legal provisions aim to prevent the production and distribution of child pornography materials and prosecute those involved in such activities.

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Children are those under 18 years old. Please see above for other answers.

## **Criminalised acts related to CSAM**

Please see answers above.

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

The laws in Thailand stipulate that the minimum age for children to be penalized is 12 years old. However, when a child commits an offense, the legal process considers the child's best interests as the primary principle. The situation and possibilities of the child are carefully evaluated to ensure fairness and appropriateness in the court's decision-making.

In cases involving children, the Juvenile and Family Court is responsible for adjudication. The majority of the principles focus on the child's development, including avoiding the death penalty, life imprisonment, and case diversion. This is to promote positive behavior by sending the child to study and engage in beneficial activities in Juvenile Observation and Protection centers (not in prison). Additionally, there are measures in place to protect children during legal proceedings.

## **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

Currently, the laws in Thailand address child pornography specifically. However, there are numerous cases involving the exploitation of children for sexual purposes, often associated with the trade of child pornography materials or the sexual abuse of real children. The hotline is a member of CRC coalition Thailand also, ThaiHotline does process child sexual exploitation materials reports and other form of violence against children.

## **Specific law regulating AI-generated CSAM**

The national legislation does not have specific regulations on AI-generated CSAM yet, but current laws in Thailand do consider child sexual abuse materials produced by AI as child pornography (in the law said any form). Therefore, if anyone possesses, forwards, disseminates widely, or trades in such materials, they would be held legally accountable.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA NTD to HPs	
Digitally generated CSAM	Illegal	Notice to LEA NTD to HPs	
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	
Child grooming—solicitation of the child to meet offline (for contact offences)	Not illegal	None	
Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Dependent on the context	Process only when there is a production of CSAM as it is illegal by Thai law at the moment (If illegal, then Notice to LEA & NTD to HPs)	Production of CSAM is illegal, but not of sexual conversation, viewing sexual activity
Sexual extortion of children or soliciting children for sexual purposes	Illegal	Notice to LEA	Extortion is illegal in Thailand, and most cases of sextortion often involve possession, dissemination, and trades of child pornography. These are illegal.
Apparent self-generated sexual material	Illegal	Notice to LEA NTD to HPs	
Sexualised modelling or posing	Illegal	Notice to LEA NTD to HPs	If it contains children under 18 years old then it is considered CASM and illegal
Sexualised images of children	Illegal	Notice to LEA NTD to HPs	
Text depictions of CSAM	Illegal	Notice to LEA NTD to HPs	
Fictional text depictions of CSAM	Not illegal	Send to Ministry of Digital and Society for consideration to take down such content	Not illegal by law but may be considered harmful content
Praise of paedophilia or CSA	Dependent on the context	Send to Ministry of Digital and Society to determine whether the content is	It may not explicitly illegal and may require an analysis of the severity of the content to

		<p>illegal or considered as harmful according to their Computer Crime Act. Ministry of Digital and Society can block or take down the content.</p> <p>Children and Youth Department under Ministry of Social Development and Human Security may work with Ministry of Digital and Society on this. Child Protection Act has sections that protect children from harmful activities including harmful content that the public can access.</p>	determine whether it violates the law or is harmful to the society.
<b>Manual on CSA</b>	Dependent on the context	<p>Send to Ministry of Digital and Society to determine whether the content is illegal or harmful according to their Computer Crime Act. Ministry of Digital and Society can block or take down the content.</p> <p>Children and Youth Department under Ministry of Social Development and Human Security may work with Ministry of Digital and Society on this. Child Protection Act has sections that protect children from harmful activities including harmful content that the public can access.</p>	It may not explicitly illegal and may require an analysis of the severity of the content to determine whether it violates the law or is harmful to the society
<b>Declaration of committing CSA</b>	Illegal	<p>Notice to LEA</p> <p>NTD to HPs</p>	
<b>Audio CSAM: recordings of CSA</b>	Illegal	<p>Notice to LEA</p> <p>NTD to HPs</p>	
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Illegal	<p>Notice to LEA</p> <p>NTD to HPs</p>	

Context	Legal Status	Actions Taken	Comments/ Explanations
Images in a medical context	Legal Not treated as CSAM	None	
Non-explicit images in a series of images that contain CSAM	Illegal Treated as CSAM	Evidence is collected and forwarded to the law enforcement agencies for further investigation, Coordination with hosting provides for NTD content	
Non-explicit images that have comments or captions of a sexual nature attached to them	Legal Not treated as CSAM	None	

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (Password protected)	Allowed to access Allowed to send NTDs	Notice to LEA	
Peer to peer (torrent, emule, Kat)	Allowed to access Allowed to send NTDs	Notice to LEA	
Dropbox/cloud/similar file hosting services	Allowed to access Allowed to send NTDs	Notice to LEA	
Tor/Onion	Not allowed to access Not allowed to send NTDs	Notice to LEA	
Livestreamed CSE/CSA	Allowed to access Allowed to send NTDs	Notice to LEA	
File Transfer protocol ( <a href="#">Ftp://</a> )	No experience		
Social media accounts	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	
Email	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	
Usenet	No experience		
Messengers (Telegram, WhatsApp)	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	

INHOPE NETWORK

# Europe





## Regional CSAM Legislative Framework in Europe

The European Union (EU) has adopted a number of laws and policies to protect children from sexual exploitation and abuse and combat CSAM online. 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 2011, the EU adopted the **Child Sexual Abuse Directive (2011/93/EU)** which is currently the most important EU legislation on combatting child sexual abuse. This Directive implements many of the standards set down in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). In February 2024, the European Commission adopted a proposal to recast this Directive which will impose stricter penalties and outline stronger protections in online child protection. The Recast of the Directive focuses on expanding the definition of criminal offences related to child sexual abuse, strengthening prosecution, prevention and support, stepping up prevention and creating mandatory reporting of an offence by professionals working in close contact with children to address a major challenge in the efforts to stop child sexual abuse. In particular, it also provides a firm legal foundation for INHOPE member hotlines in the EU to process CSAM reports and work collaboratively with national LEAs and other hotlines to eliminate this material. Article 5(8) of the proposed Recast Directive, together with paragraph 45 of the preamble and the explanatory note, calls upon Member States to authorise hotlines to engage in at least 2 of the following activities:

1. Receiving and analysing suspected CSAM reports.
2. Notifying law enforcement authorities about illegal content.
3. Collaborating with organisations authorised to receive CSAM reports in other countries.
4. Conducting searches on publicly accessible material to detect the dissemination of CSAM.

**The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)** has been ratified by 48 countries and is open to accession by States worldwide. Most importantly, it mandates the criminalisation of all kinds of sexual offences against children. The Lanzarote Convention requires State Parties to adopt specific legislation and implement measures to prevent sexual violence, protect child victims, prosecute perpetrators and promote national and international co-operation. For more information about the Lanzarote Convention, please see the [Lanzarote Convention State Parties section](#). All of the countries analysed in the section below are Parties to the Lanzarote Convention.

On the other hand, in May 2022, the European Commission adopted a new **European strategy for a better internet for kids, the BIK+ strategy**, with the aim of improving age-appropriate digital services and ensuring that every child is protected empowered and respected online. The 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.

## Overview of national CSAM legislations in Europe

Currently in Europe, there are 40 INHOPE member hotlines across 36 countries. There is at least one hotline in each European Union Member State. Of the 36 countries, most still use the term “child pornography” or similar pornography-related terminology in their national laws. Only Belgium and Denmark use the terminology “child sexual abuse images” or “child sexual abuse material”, and Türkiye uses “sexual exploitation of children”. Some other more precise terminologies

include “an image depicting a child in a sexual manner” in Finland, “child indecent material” in Malta, and “offences relating to prostitution and sexual exploitation and corruption of minors” in Spain. In the UK, the terminology varies depending on the type of imagery: photographs and video are typically referred to as “indecent photographs” or “pseudo-photographs”, while non-photographic images are typically referred to as “prohibited images” of children. Nonetheless, a few countries, such as Latvia, are in the process of updating their national legislations to avoid using “child pornography” but “child sexual abuse material” instead.

No national legislation in Europe where INHOPE member hotlines operate specifically regulates AI-generated CSAM. However, several national laws can be interpreted to address the illegality of AI-generated CSAM. In Greece and Germany, AI-generated CSAM is considered illegal because virtual CSAM is deemed illegal. UK treats photo realistic AI-generated CSAM the same as CSAM. In Denmark, AI-generated CSAM is illegal only if it is realistic and indistinguishable from real CSAM. National legislation in Spain, Portugal, Poland, Malta, Ireland, Hungary, Estonia, Bulgaria, Belgium and Austria can also be interpreted to determine the legality of AI-generated CSAM.

## Digitally generated CSAM

The legality of “Digitally generated CSAM” varies across the 36 countries. In 26 countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Russia, Slovenia, Spain, Sweden, Türkiye, UK) digitally generated CSAM is treated as illegal. In Austria and Albania, the legality depends on the realism of images—whether real minors are depicted. In Bosnia and Herzegovina, Denmark, Finland, Moldova, Slovakia and Ukraine, digitally generated CSAM is not illegal. The legality is unclear in Bulgaria.

## Child grooming and Sextortion

In terms of child grooming, no matter if it is a solicitation of a child to meet offline or for online sexual activities (such as sexual conversation, production of CSAM or viewing sexual activities), it is considered illegal in 31 countries (Austria if the child is below 14, Belgium, Bulgaria, Croatia, Czech, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, Spain, Sweden, Türkiye, Ukraine, UK). In Bosnia and Herzegovina, child grooming to solicitate a child for online sexual activities is illegal, but grooming to solicitate a child to meet offline is not. Conversely, in Moldova, grooming a child for offline meeting is illegal, while the legality of grooming for online sexual activities depends on the context. In Albania, child grooming is not regulated as illegal but context-dependent, and there have been cases for prosecuting such act as a criminal act.

Sexual extortion of children or soliciting children for sexual purposes is illegal in all countries but Albania. Such act is not specifically regulated as illegal in Albania either but depends on the context and the prosecutor. In Moldova, the law does not criminalise “sexual extortion” as an offense. However, if an act meets the criteria of any crime, soliciting children for sexual purposes or sexual extortion can be interpreted as illegal.

## Apparent self-generated sexual material

Apparent self-generated sexual material containing a child is illegal in 21 countries (Austria, Belgium, Bulgaria, Cyprus, Finland, France, Germany, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Romania, Russia, Slovakia, Sweden, Türkiye, UK). In some countries, the legality of such material depends on the actions taken with it. In Ukraine, Hungary and Spain, generating such material is not illegal, but sharing/ distributing and possessing/ saving such material is illegal. In Croatia, Denmark, Estonia, and Slovenia, it is not illegal for children to produce and distribute self-generated material; however, it is illegal for anyone other than the children who generated the material to possess or distribute it. Croatia has stricter rules, where production and possession are only legal with mutual consent of the children and solely for their personal use. In Estonia, it is only legal with mutual consent and without payment or any other consideration as well as engaging any sexual intercourse or other act of a sexual nature that is not punishable as a criminal offense. In Bosnia and Herzegovina and Portugal, apparent self-generated sexual material is not illegal.

## Text CSAM

Text depiction of CSAM and fictional text depictions of CSAM are treated as illegal in 13 countries (Belgium, Cyprus, Germany, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Portugal, Slovenia, Türkiye). The legality of such materials depends on the context in Croatia, Czech Republic, Italy and Ukraine. In France, such materials are illegal, but no actions can be taken against websites hosting this type of content. Such materials are not illegal in Albania, Austria, Bosnia and Herzegovina, Bulgaria, Denmark, Estonia, Finland, Hungary, Moldova, Netherlands, Poland, Romania, Russia, Slovakia, Spain, Sweden and UK.

## Audio CSAM

Audio CSAM is illegal in Bulgaria, Czech Republic, Ireland, Malta, Portugal, Slovenia, Türkiye, Ukraine, and treated as illegal in Lithuania. The legality of such material depends on the context in Albania and Estonia. It is not illegal in Austria, Denmark, Finland, France, Germany, Hungary, Moldova, Netherlands, Poland, Romania, Sweden and UK. Such material is illegal but depends on the context in Belgium, Croatia and Latvia. In Bosnia and Herzegovina and Luxembourg, recordings of CSA are illegal, while story telling/ retelling scenes of CSA are not. The legality of such material is unclear in Italy and Slovakia.

## Albania – iSIGURT.al

### HOTLINE INFORMATION

Operated by: CRCA/ ECPAT Albania



#### Hotline mandate

iSIGURT.al functions as the National Centre for Safer Internet through two main hotlines: National Hotline for Child Internet Safety and National Hotline on Hate Speech. The aim of the Centre is to create a safer online space for everyone, in particular children and young people. The hotlines have the mandate to receive reports on CSAM and other online harms against children, online hate speech etc., analyse and remove them from the internet, in cooperation with the industry and law enforcement. The hotlines platform also serves as a digital information and education hub for children, youth, parents, teachers, child protection officers and law enforcement officials to increase their skills and awareness on child internet safety, online hate speech and other harms.

#### Legal basis for operation

There is a joint MoU with four Ministries of the Albanian Government on the establishment, role and support for iSIGURT.al as of 2015. In November 2023, a new National Pact on Protection of Children from Online and Offline Violence was signed with four Ministries to renew the commitments made in 2015. A New MoU will be signed individually with several ministries in 2024-2025.

#### Relationship with law enforcement

The joint MoU of 2015 is still in force, renewed with the Pact of 2024. A new MoU is being drafted to detail the exchange of information and sensitive data. Currently the hotline has to report to the Police on every case where an online crime has been committed against a child and has come to the hotline's attention. Upon their follow up and once the evidence has been gathered, the LEA will give the hotline the Ok to report and remove the page / profile to the provider or the hoster.

#### Relationship with hosting providers

The hotline has no relationship with the hosting providers, and they are not obliged to report to the hotline. Most of the reports the hotline gets are related to global social networks, which whom the hotline works closely together to remove any page or profile that does harm children. The hotline is trusted flagger for Meta, TikTok, YouTube, Discord etc.

#### Other content dealt with by the hotline

The Hotline also deals with reports on online hate speech, hate crimes, misogynist posts, bullying and online violence etc.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Albania continues to use the terminology of “child pornography”. The Criminal Code (of 1995) uses the term “child pornography”.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

The age of the child is 18 years old. The age of consent for sexual activities is 14 years old. Grooming is not a criminal act in Albania. CRCA has already proposed to the Albanian Parliament legal amendments to the Criminal Code to add sexting and grooming as criminal offences.

### **Criminalised acts related to CSAM**

Article 117 of the Criminal Code regulates “child pornography” and considers the production, possession, distribution, publication, generation and advertise of child pornography as criminal acts. The article also regulates also other aspects such as showing adult pornography to a child or young person.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

There are none. Albanian legislation lacks compliance with the EU and Council of Europe norms related to this issue.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The national legislation in Albania does not define “child sexual exploitation material”. As stated above, the legislation uses the term “child pornography”.

However, the hotline processes these types of reports.

### **Specific law regulating AI-generated CSAM**

The national law does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Dependent on the context	Notice to LEA NTD to HPs	
Digitally generated CSAM	Dependent on the context	Notice to LEA NTD to HPs	
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	Notice to LEA	
Child grooming—solicitation of the child to meet offline (for contact offences)	Not illegal (dependent on the context)	Notice to LEA	Not regulated in Albania. It depends on the prosecutor. There has been prosecutors that have followed up cases based on other grounds, and they have been successful. The hotline has proposed two new legal amendments to the code to include both sexting and grooming. In addition, the Ministry of Justice is working on a new criminal code, so it remains to be seen what will be included in the new text..
Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Not illegal (dependent on the context)	Notice to LEA	
Sexual extortion of children or soliciting children for sexual purposes	Not illegal (dependent on the context)	Notice to LEA	Not regulated in Albania. It depends on the prosecutor, which could classify the case under different article of the Criminal Code.
Apparent self-generated sexual material	Not illegal (dependent on the context)	Notice to LEA	Not regulated in Albania
Sexualised modelling or posing	Not illegal	Notice to LEA	The hotline could report such content, pending further analyses on the dangers that may present to the child, lie trafficking etc.
Sexualised images of children	Illegal	Notice to LEA NTD to HPs	
Text depictions of CSAM	Not illegal (dependent on the context)	Notice to LEA NTD to HPs	Not regulated in Albania. It depends on the prosecutor.
Fictional text depictions of CSAM	Not illegal (dependent on the context)	Notice to LEA NTD to HPs	
Praise of paedophilia or CSA	Not illegal (dependent on the context)	Notice to LEA NTD to HPs	Not regulated in Albania. It depends on the prosecutor.
Manual on CSA	Illegal	Notice to LEA NTD to HPs	

<b>Declaration of committing CSA</b>	Illegal	Notice to LEA NTD to HPs	LEA would collect evidence, before issuing an order or removal.
<b>Audio CSAM: recordings of CSA</b>	Dependent on the context	Notice to LEA NTD to HPs	LEA would collect evidence, before issuing an order or removal. However, audio recordings are considered circumstantial evidence.
<b>Audio CSAM: story telling /retelling scenes of CSA</b>	Dependent on the context	Notice to LEA	

Context	Legal Status	Actions Taken	Comments/Explanations
<b>Images in a medical context</b>	Treated as potential CSAM	Notice to LEA	Depending on the prosecutor the case can be open or won't be investigated for lack of evidence.
<b>Non-explicit images in a series of images that contain CSAM</b>	Treated as potential CSAM	Notice to LEA	
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Not illegal	Notice to LEA	Depending on the prosecutor the case can be open or won't be investigated for lack of evidence. In practice comments are never followed up.

Content Location	Accessibility by Law	Actions Taken	Comments/Explanations
<b>Private site types (Password protected)</b>	Allowed to access	Notice to LEA	
<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 and send NTD	Notice to LEA NTD to HPs	
<b>File Transfer protocol (Ftp://)</b>	Allowed to access	Notice to LEA	
<b>Social media accounts</b>	Allowed to access and send NTD	Notice to LEA NTD to HPs	Only URL reports can be sent. The hotline will notify LEA and upon their OK, the hotline would report to social media to remove the material or the account.
<b>Email</b>	Not allowed to access		
<b>Usenet</b>	(No information)		
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access		This is allowed but not used by the hotline.

## Austria – Stopleveline



### HOTLINE INFORMATION

**Operated by:** nic.at GmbH on behalf of ISPA - Internet Service Providers Austria

#### Hotline mandate

Stopleveline receives reports about potentially illegal content from the general public. Reports can be made via the web-form on [www.stopleveline.at](http://www.stopleveline.at) or e-mail. Stopleveline's content analysts review each and every report to judge whether the content violates Austrian law, either in regard to CSAM or National Socialism, the two topics the hotline deals with. At the moment, NTD is issued to the HP for content hosted in Austria. In parallel, the national LEA is informed about illegal content. All reports referring to CSAM are inserted into ICCAM. Following the procedures agreed upon with national LEA, Stopleveline is not performing proactive search at the moment.

#### 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 with national Law Enforcement but various support letters. The hotline works together with national Law Enforcement very closely, with regular meetings at least twice a year. There are two departments Stopleveline works with regarding the scope of activities – Bundeskriminalamt (BK) and Direktion Staatssicherheit und Nachrichtendienst (DSN), both running a hotline too. Stopleveline 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 by the hotline**

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

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The Austrian Criminal Code was updated in December 2023 and § 207 a now uses “Pictorial sexual child abuse material and pictorial sexual depictions of minors”. Before that, the law used the terminology “Pornographic depictions of minors”. Nevertheless, the term “child pornography” is still used in many occasions, even by media.

Stopleveline changed the terminology used back in 2018 to “Sexual abuse depictions of minors” when using the German language and CSAM when using English.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

A child in Austria is a person below the age of 18. From 0 – 14 years of age, children are called “minors under the age of consent” or “underage minors”. Children aged 14 and above are called “minors of legal age”.

The legal age of consent for sexual activities is 14.

CSAM (pursuant to section 207a Austrian Criminal Code - StGB) refers to images of sexual acts or pictures with a focus of the genitals of persons under the age of 18.

The age associated with grooming offenses is below 14.

### **Criminalised acts related to CSAM**

§ 207a of the Austrian Criminal Code criminalises the following activities related to CSAM: produce, offer, provide, hand over, demonstrate or otherwise make accessible to another person.

If the following activities – manufacturing, importing, transporting or exporting – are done for the purpose of distribution, the penalty is higher.

The penalty is also higher, if “many” (meaning more than 30) depictions are involved or the activities are done with commercial purpose.

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

§ 207a of the Austrian Penalty Code also covers the topic of self-generated content. Children below 14 are allowed to have self-generated content on their own device. Minors between 14 and 18 are allowed to have self-generated content on their own device and share it with somebody for their use. They are also allowed to have such depictions from other minors on their device if the depicted person consented to this.

Any publication is not allowed.

## Definition of “child sexual exploitation material” in national legislations / Hotline mandates on these types of reports

The national law does not specifically define “child sexual exploitation material”. The hotline does not process these types of reports.

## Specific law regulating AI-generated CSAM

The national law does not have specific regulations for AI-generated CSAM, but the general regulation about CSAM (§207a Austrian Criminal Code) covers all depictions for which “the viewing [...] - due to the alteration of an illustration or without the use of such an illustration - gives the impression under the circumstances that it is an illustration pursuant to items 1 to 3.” That means that if it seems to be a real image of child sexual abuse (even if it is not) it is covered by law.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Not illegal, as long as it is obvious that it is not real images.	None	
<b>Digitally generated CSAM</b>	Dependent on the context: if an observer gets the impression that real minors are depicted, it is illegal; otherwise, it is not.	Notice to LEA NTD to HPs	
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	

<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal, if it is not recognizable that the person is of legal age.	Notice to LEA NTD to HPs	
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal, if the child is below 14.	“Informal” notice to LEA	
<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal, if the child is below 14.	“Informal” notice to LEA	
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	“Informal” notice to LEA	
<b>Apparent self-generated sexual material</b>	Illegal	Notice to LEA NTD to HPs	
<b>Sexualised modelling or posing</b>	Not illegal, if criteria of § 207a Austrian Penalty Code is not fulfilled (focus on uncovered genitals, ...). See comments.	None	The law states “insofar as they are luridly distorted images, reduced to themselves and detached from other expressions of life, which serve the sexual arousal of the viewer”.
<b>Sexualised images of children</b>	Illegal, if criteria of § 207a Austrian Penalty Code is fulfilled (focus on uncovered genitals, ...). See comments.	Notice to LEA NTD to HPs	The law states “insofar as they are luridly distorted images, reduced to themselves and detached from other expressions of life, which serve the sexual arousal of the viewer”.
<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>	Illegal (dependent on context)	“Informal” notice to LEA	
<b>Manual on CSA</b>	Illegal (dependent on context)	“Informal” notice to LEA	It is illegal for a manual to be written to convince others to commit such a crime, but only if it is made publicly available.
<b>Declaration of committing CSA</b>	Not illegal (dependent on context)	“Informal” notice to LEA	
<b>Audio CSAM: recordings of CSA</b>	Not illegal		
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Not illegal		

Context	Legal Status	Actions Taken	Comments/ Explanations
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	Not illegal	None	

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

## Belgium – Child Focus



### HOTLINE INFORMATION

**Operated by:** Child Focus

#### **Hotline mandate**

In 2017, Child Focus entered a Memorandum of Understanding (MoU) with law enforcement and judicial authorities to streamline the handling of public reports. According to the MoU, Child Focus' responsibilities are limited to receiving, analysing the content, determining the origin and forwarding the civilian reports to the competent authorities.

Child Focus is not allowed to issue NTD, conduct proactive searches, or maintaining a database of images.

\*According to law (Art. 115/1 of law of 21 March 2022 modifying the criminal code concerning the sexual criminal law) Child Focus has legal capacity to be plaintiff/ civil party in the legal proceedings.

#### **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 Prosecution Service.

#### **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. 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 the 116000.

#### **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 by the hotline

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.abuseimages.be](http://www.abuseimages.be)), a helpline for all questions related to e-safety for children. The Centre 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.

## LEGISLATIVE CONTEXT

### Terminology & definition used in legislation referring to CSAM

The Belgian Legislator defines in Art.417/43 child sexual abuse images, as:

- Any material that depicts the visual representation of a child engaged in real or simulated sexually explicit conduct, or any depiction of a child’s sexual organs for primarily sexual purposes.
- Any material that depicts the visual representation of a person who appears to be a minor engaged in real or simulated sexually explicit conduct, or any depiction of a child’s sexual organs for primarily sexual purposes.
- Any realistic material that depicts a non-existent child engaged in real or simulated sexually explicit conduct, or any depiction of a child’s sexual organs for primarily sexual purposes.

### Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses

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.

### Criminalised acts related to CSAM

- **Art. 417/44 Criminal Code:** production and distribution (consisting in exhibit, offer, sell, hire, transmit, supply, distribute, make available, deliver, manufacture or import images of sexual abuse of a minor by any means whatsoever.)
- **Art. 417/46 Criminal Code:** detention and acquisition (consisting in holding or acquiring images of sexual abuse of minors, whether or not for a third party.)
- **Art. 417/47 Criminal Code:** Accessing images of sexual abuse of minors (consisting in accessing images of sexual abuse of minors through information and communication technologies).

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

**Art. 417/49 Criminal code:** It is not an offence when minors **over the age of sixteen** create their own sexual content with their **mutual consent**, send it to each other and possess it.

Mutual consent is required for the creation, possession and mutual transmission of such content.

This justification does not apply if:

- the sexual content is shown or distributed to a third party;
- a third party attempts to obtain the sexual content;
- the author is a relative or an ally in the direct ascending line, or an adopter, or a relative or an ally in the collateral line up to the third degree, or any other person occupying a similar position within the family, or any person who habitually or occasionally cohabits with the minor and has authority over him or her, or if
- the act was made possible by the perpetrator's use of a recognised position of trust, authority or authority over the minor.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

No, CSEM is not defined by Belgian law. Images that fall under "grey zone material" are processed through the hotline. These images are not defined by law, the hotline categorises them based on their professional judgement. This could potentially constitute CSEM reports. However, most CSEM reports are treated by the helpline service that provides psycho-social and technical assistance to victims of CSEM.

## Specific law regulating AI-generated CSAM

There is no specific mentioning of AI in national legislations, but it falls under the scope of child sexual abuse material, because it constitutes a visual representation of a child.

According to art. 417/43 of the Criminal Code, child sexual abuse material is indeed defined as:

- any material that visually depicts, by any means whatsoever, a minor engaged in real or simulated sexually
- sexually explicit behaviour, real or simulated, or depicting the sexual organs of a minor for primarily sexual purposes
- any material that visually depicts, by any means whatsoever, a person who appears to be a minor engaged in real or simulated sexually explicit conduct or depicting the sexual organs of that person for primarily
- sexual purposes;
- realistic images depicting a minor who does not exist, engaged in sexually explicit conduct, or explicit behaviour, or depicting the sexual organs of that minor for primarily sexual purposes.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA LEA sends NTD to HPs	
Digitally generated CSAM	Illegal	Notice to LEA witness to the concerned Crown Prosecution Service	
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HPs	
A minor appearing to be an adult engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HPs	
An adult person appearing to be a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HPs	
Child grooming— solicitation of the child to meet offline (for contact offences)	Illegal	Notice to LEA Transfer to Helpline	
Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal	Notice to LEA Transfer to Helpline	
Sexual extortion of children or soliciting children for sexual purposes	Illegal	Notice to LEA Transfer to Helpline	
Apparent self-generated sexual material	Illegal	Notice to LEA LEA sends NTD to HPs	
Sexualised modelling or posing	Illegal (dependent on context)	Notice to LEA 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 LEA sends NTD to HPs	No set definition of “sexualised”. Decided on case-by-case bases.
Text depictions of CSAM	Illegal	Notice to LEA LEA sends NTD to HPs	
Fictional text depictions of CSAM	Illegal	Notice to LEA LEA sends NTD to HPs	
Praise of paedophilia or CSA	Illegal	Notice to LEA	Since June 2022, art. 417/51 criminalizes the production or distribution of content of an extremely



			<p>pornographic or violent nature, which consists of exhibiting, offering, selling, renting, transmitting, supplying, disseminating, making available, handing over, manufacturing or importing content of an extremely pornographic or violent nature by any means whatsoever.</p> <p>“Extreme” means any content that is so pornographic or violent that it is likely to induce, traumatic effects or other harmful consequences for a normal and reasonable person.</p> <p>Praise of paedophilia or CSA could fall under this offence, but the hotline is waiting for case law on the topic.</p>
<b>Manual on CSA</b>	Illegal (depending on the context)	Notice to LEA	<p>Depending on the context, this content type could currently be considered illegal under offences of debauchery of minors or incitement to prostitution of minors or CSAM if there are images in the manual.</p> <p>Manuels on CSA are specifically criminalized in a new version of the Criminal Code which has been adopted on 22 Feb. 2024 but will only come into force in two years.</p>
<b>Declaration of committing CSA</b>	Illegal (dependent on context)	Notice to LEA LEA sends NTD to HPs	
<b>Audio CSAM: recordings of CSA</b>	Illegal (depending on the context)	Notice to LEA	<p>Not criminalised as such (art. 417/43 only criminalises <b>visual</b> supports) but could fall under art. 417/9 CC (non-consensual dissemination of sexual content – which consists in showing, making available or disseminating visual or <b>audio</b> content of a nude person or of a person who engages in explicit sexual activity without that person's consent or knowledge, even if that person has consented to their production</p>
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Illegal (depending on the context)	Notice to LEA	<p>This content type could also fall under 417/51 (The production or distribution of content of an extremely pornographic or violent nature), which consists in exhibiting, offering, selling, renting, transmitting, supplying, disseminating, making available, delivering, manufacturing or importing content of an extremely pornographic or violent nature by any means whatsoever. There are no case laws about this offence yet which was recently added to the criminal code (law of 21 March 2022)</p>

Context	Legal Status	Actions Taken	Comments/Explanations
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 by Law	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 LEA sends NTD to HPs	
Tor/Onion		Notice to LEA LEA sends NTD to HPs	
Livestreamed CSE/CSA	Allowed to access	Notice to LEA	
File Transfer protocol (Ftp://)		Notice to LEA LEA sends NTD to HPs	
Social media accounts	Allowed to access	Notice to LEA LEA sends NTD to HPs	
Email		Notice to LEA LEA sends NTD to HPs	
Usenet	Not allowed to access or send NTD		
Messengers (Telegram, WhatsApp)	Allowed to access.	Notice to LEA LEA sends NTD to HPs	

## *Bosnia and Herzegovina – SigurnoDijete*

### HOTLINE INFORMATION



**Operated by:** International Forum of Solidarity - EMMAUS

#### **Hotline mandate**

All relevant reports related to inappropriate materials and all forms of online violence are processed and forwarded to LEAs due to signed protocols and to other relevant agencies. Through signed protocols with all three police agencies in BiH, it was defined that the hotline serves as a filter for all received reports, where after analysis, all reports indicating CSAM are forwarded to the police.

If the analysis of the received materials reveals that it is a CSAM that is hosted outside of Bosnia and Herzegovina, it will be uploaded into the ICCAM database.

In addition to the above, the hotline cannot perform a proactive CSAM search.

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

Protocol on cooperation with LEAs.

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

The Protocol on cooperation of the Safer Internet Centre and Hotline with LEAs was signed in 2019 and 2020. Due to administrative and political division of Bosnia and Herzegovina (BiH), there are 3 LEAs. The hotline filters all reports and forwards CSAM-related and other illegal material to LEAs. The hotline has good communication/coordination with LEAs by phone or email, and coordination meetings take place regularly. Within the Protocol, LEAs delegate experts for prevention/education/information activities and implementation (e.g., training, seminars etc).

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

Thanks to strong advocacy efforts, the Communication Regulatory Agency of BiH (CRA) agreed to lead the process of establishing the coordination platform between CRA, ICT, service providers and law enforcement professionals. The Guidelines for socially responsible information and communication companies, in the field of protection of children from sexual exploitation and abuse, as the basis for the platform in BiH, have been developed, approved by the CRA, printed, and distributed to all currently licensed services providers.

**Other content dealt with by the hotline**

None

**LEGISLATIVE CONTEXT****Terminology & definition used in legislation referring to CSAM**

Crimes related to child pornography according to the legislation of the Federation of BiH and the Brčko District of BiH are defined as being the criminal offense of "Exploiting a child or minor for pornography", i.e. the criminal offense of "Introducing a child to pornography". By the Criminal Law of the Republic of Srpska, child pornography is defined as pornographic material that visually depicts a child or minor who is a participant in evident sexual behaviour and a realistic image that shows a child or a minor participating in the evident sexual behaviour.

Given the fact that sexual abuse of children and minors through information and communication means, especially the Internet, as such constitutes global criminal activity and taking into account the severity and the seriousness of the consequences affecting the victim, the criminal laws of the entity and Brčko District of BiH in the chapters "Criminal acts against sexual integrity and morals" and "Criminal acts against marriage and family", the following criminal acts are prescribed:

- inducement to prostitution;
- child trafficking and human trafficking;
- exploitation of children for pornography and exploitation of children for pornographic performances;
- production, possession, and display of child pornography;
- introducing the child to pornography.

As a significant example of efforts to protect children as effectively as possible from all forms of violence, and abuse through information and communication technologies in BiH, it is important to note the adoption of several strategic documents, such as the Strategy for Combating Violence over children in Bosnia and Herzegovina, the Action Plan for Children in Bosnia and Herzegovina and the Action Plan for improving the system for protection against child pornography and other forms sexual exploitation and abuse of children through information and of communication technologies in Bosnia and Herzegovina.

New Strategic Program and Action Plan for safety of children in digital environment in Federation of Bosnia and Herzegovina (2021 – 2024) has been adopted.

1. Criminal Law of Federation of Bosnia and Herzegovina
  - Article 211 Exploitation of a child or minor for pornography
    - (1) Whoever films a child or minor to make photographs, audiovisual material, or other objects of pornographic content, or possesses or imports or sells or distributes or displays such material or induces such persons to participate in a pornographic performance, shall be punished by a prison sentence of one up to five years.
    - (2) Items that were intended or used for the commission of the criminal offense referred to in paragraph 1 of this article shall be confiscated, and the items that resulted from the commission of the criminal offense referred to in paragraph 1 of this article shall be confiscated and destroyed.
  - Article 212 Introducing a child to pornography

(1) Whoever sells, shows, or makes publicly available to a child writings, pictures, audio-visual, and other objects of pornographic content, or shows a pornographic performance to a child, shall be punished by a fine or a prison sentence of up to one year.

(2) Items from paragraph 1 of this article will be confiscated.

## 2. Criminal Law of the Republic of Srpska

- Exploitation of children for pornography

### Article 175

(1) Whoever induces a child to participate in the recording of child pornography or who organizes or facilitates the recording of child pornography, shall be punished by a prison sentence of six months to five years.

(2) Whoever unauthorisedly records, produces, offers, makes available, distributes, spreads, imports, exports, obtains for himself or another, sells, gives, displays, or owns child pornography or knowingly accesses it via a computer network, shall be punished by imprisonment from one to eight years.

(3) Whoever, through the use of force, threat, deception, fraud, abuse of position, or difficult circumstances of a child or dependent relationship, forces or induces a child to record child pornography, shall be punished by a prison sentence of two to ten years.

(4) Objects used for the commission of this offense are confiscated, and pornographic material that was created by the commission of the offense is destroyed.

(5) A child will not be punished for the production and possession of pornographic material that depicts him personally or him and another child if they produced the material and possess it with the consent of each of them and exclusively for their personal use.

(6) Child pornography is material that visually or otherwise depicts a child or a realistically depicted non-existent child or a person who looks like a child, in real or simulated (explicit) evident sexual behaviour or that depicts the sexual organs of children for sexual purposes.

(7) Materials that have artistic, medical, or scientific significance are not considered pornography within the meaning of this article.

- Exploitation of children for pornographic performances

### Article 176

(1) Whoever induces a child to participate in pornographic performances shall be punished by a prison sentence of six months to five years.

(2) Whoever, by the use of force, threat, deception, fraud, abuse of the position or difficult circumstances of a child or dependent relationship, forces or induces a child to participate in a pornographic performance, shall be punished by a prison sentence of two to ten years.

(3) Whoever watches a pornographic performance live or through communication means, if he knew or should have known that a child was participating in it, will be punished with imprisonment from paragraph 1 of this article.

(4) The items used for the commission of the crime shall be confiscated, and the pornographic material created by the commission of the crime shall be destroyed.

- Introducing children to pornography

### Article 177

(1) Whoever sells, presents, displays, or publicly displays, through a computer network or other forms of communication or otherwise makes accessible writings, images, audio-visual material, or other objects of pornographic content or shows a pornographic performance to a child under the age of fifteen, shall be punished by imprisonment from six months to three years.

(2) Items used to commit this offense are confiscated, and pornographic material is destroyed.

(3) Pornography is considered to be material that visually or otherwise depicts a person in real or simulated evident sexual behaviour or that depicts the sexual organs of people for sexual purposes.

(4) Materials that have artistic, medical, or scientific significance are not considered pornography within the meaning of this article.

- Using a computer network or communication by other technical means to commit criminal acts of sexual abuse or exploitation of a child

#### Article 178

(1) Whoever, using a computer network or communication by other technical means, arranges a meeting with a child over the age of fifteen to perform sexual acts or similar sexual acts, or for the production of pornographic material, or other forms of sexual exploitation, and appears at the agreed place for a meeting, shall be punished by imprisonment from one to five years.

(2) If the offense referred to in paragraph 1 of this article is committed against a child under the age of fifteen, the perpetrator shall be sentenced to imprisonment for two to eight years.

### 3. Criminal Law of Brčko District

- Exploitation of a child for pornography

#### Article 207i

(1) Whoever induces a child to participate in the recording of child pornography or who organizes or enables the recording of child pornography, shall be punished by a prison sentence of six months to five years.

(2) Whoever records, produces, offers, makes available, distributes, spreads, imports, exports, obtains for himself or another, sells, gives, displays, or owns child pornography or knowingly accesses it through information and communication technologies, shall be punished with a prison sentence of one to eight years.

(3) Whoever, through the use of force, threat, deception, fraud, abuse of the position, or difficult circumstances of a child or a dependent relationship, forces or induces a child to record child pornography, shall be punished by a prison sentence of one to ten years.

(4) Objects, devices, means, computer programs, and data intended or used for the commission of the criminal offense referred to in paragraphs 1, 2, and 3 of this article or which were created by the commission of those criminal offenses shall be confiscated.

(5) A child will not be punished for the production and possession of pornographic material that depicts him personally or him and another child if they produced the material and possess it with the consent of each of them and exclusively for their personal use.

(6) Child pornography within the meaning of this article is material that visually or otherwise depicts a child or a realistically depicted non-existent child or a person who looks like a child in real or simulated sexually explicit behaviour or that depicts the sexual organs of children for sexual purposes.

(7) Materials that have artistic, medical, or scientific significance are not considered pornography within the meaning of this article.

- Exploitation of a child for pornographic performances

#### Article 207j

(1) Whoever induces a child to participate in pornographic performances shall be punished by imprisonment from six months to five years.

(2) Whoever, by the use of force, threat, deception, fraud, abuse of position, or difficult circumstances of a child or dependent relationship, forces or induces a child to participate in a pornographic performance, shall be punished by a prison sentence of two to ten years.

(3) Whoever makes money from pornographic performances in which a child participates or otherwise exploits a child for pornographic performances, shall be punished by a prison sentence of one to ten years.

(4) Whoever attends a pornographic performance shall be punished with imprisonment from paragraph 1 of this article if he knew or should have known that a child was participating in it.

(5) Items, devices, means, computer programs, and data intended or used for the commission of the criminal offense referred to in paragraphs 1, 2, 3, and 4 of this article or were created by the commission of those criminal offenses shall be confiscated.

(6) A pornographic performance within the meaning of this article is the live or through means of communication of a real child or a realistically depicted non-existent child or a person who looks like a child in real or simulated sexually explicit behaviour or the sexual organs of a real child, a realistically depicted non-existent child or a person who looks like a child as a child for sexual purposes.

- Introducing a child to pornography

#### Article 207k

(1) Whoever sells, presents, displays, or publicly exhibits to a child under the age of 15 through a computer system, network, or media for storing computer data or other forms of communication or otherwise makes accessible writings, images, audio-visual material or other items of pornographic material contents or shows him a pornographic performance, will be punished by a prison sentence of six months to three years.

(2) Items, devices, means, computer programs, and data intended or used for the commission of the criminal offense referred to in paragraph (1) of this Article or were created by the commission of the criminal offense shall be confiscated.

(3) Pornography within the meaning of this article is material that visually or otherwise depicts a person in real or simulated sexually explicit behaviour or that depicts human genitals for sexual purposes.

(4) Materials that have artistic, medical, or scientific significance are not considered pornography within the meaning of this article.

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Child/ minor is any person below the age of 18 years, according to Article 2 of the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings Federal Bosnia and Herzegovina, Republika Srpska and Brčko District.

### **Criminalised acts related to CSAM**

The Criminal Law of the Republic of Srpska in 2017 was harmonized with the Lanzarote Convention and other international standards in this area. It stipulates that a person who abuses a child or a minor for the production of images, audio-visual material, or other pornographic content, or abuses a child and a minor for pornographic purposes, constitutes a criminal offense under Article 175 (1) "Exploitation of children for pornography". Objects and means which are created or intended and used to commit these crimes will be confiscated. In addition, in the legal description of the criminal offense from Article 176 "Exploitation of children for pornographic performances", the act of execution was expanded in such a way that it is next to the production and display of child pornography, incriminated and action possession of child pornography. Additionally, the mentioned changes are stricter criminal sanctions for this crime, such as introducing a qualified form of the act, if it was committed against a person under the age of 18 years, and if it was carried out through means of public information or the Internet.

Criminal offenses related to child pornography in the criminal legislation of the Federation of Bosnia and Herzegovina and the Brčko District of Bosnia and Herzegovina are defined as being the criminal offense of "Exploiting a child or minor for pornography", that is, the criminal offense of "Introduction of a child to pornography". Determinants of the act of committing the exploitation of a child or minor pornography within the meaning of the provisions of the Act includes a recording of a child or minors making photographs, audio-visual material, or other items with pornographic content, i.e. possession, importation, sale, distribution or display of such material, or listing persons to participate in a pornographic performance.

Article 23 of the Lanzarote Convention imposed the obligation to undertake appropriate legislative and other measures to criminalize the act of recruiting children for sex purposes, including suggestions by an adult, addressed to a minor via modern information and communication technologies, to meet with a minor to commit an act of sexual exploitation and abuses, as well as accompanying material actions that lead to such meeting. However, such forms of sexual exploitation and abuse of children are not recognized in the criminal legislation in Bosnia and Herzegovina yet.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

There are no legal protections.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

Criminal Law in Bosnia and Herzegovina does not define "child sexual exploitation material".

The hotline processes CSEM due to the signed Protocols with LEAs. The hotline is able to process material related to child sexual exploitation in a broader sense, not just limited to abuse itself.

### **Specific law regulating AI-generated CSAM**

The national law does not have specific regulations for AI-generated CSAM.



Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Not illegal	Notice to LEA	This type is not defined by the law in BiH. If the received report contains CSAM, the hotline will forward it to the LEA for further processing.
<b>Digitally generated CSAM</b>	Not Illegal	Notice to LEA	This type is not defined by the law in BiH. If the received report contains CSAM, the hotline will forward it to the LEA for further processing.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Not illegal	Notice to LEA	This type is not defined by the law in BiH. If the received report contains CSAM, the hotline will forward it to the LEA for further processing.
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA LEA sends NTD to HP	It is defined in all 3 Criminal codes as "Exploitation of a child or minor for pornography."  If the received report contains CSAM, the hotline will forward it to the LEA for further processing.
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Not illegal	Notice to LEA	
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Not illegal	Notice to LEA	This type is not defined in the law in BiH, however, as BiH signed Lanzarote Convention in 2012, it can be subsumed under Article 23 of this Convention, or another relevant article depending on the situation.  If the hotline receives such report, it will be forward to the LEA for further processing.
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA	This offense is prescribed under the criminal offense of "Introduction of a child to pornography" which is defined by Criminal Law, Article 212, Article 207k and Article 177.  As BiH signed Lanzarote Convention in 2012, it can be subsumed under Article 23 of this Convention, or another relevant article depending on the situation.  If the hotline receives such report, it will be forward to the LEA for further processing.
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA LEA sends NTD to HP	The basic form of protection of children from sexual exploitation and abuse is contained in the framework of Criminal laws that apply in Bosnia and Herzegovina. National Criminal Law, in the group of criminal parts against humanity and values protected by international law, prescribes certain criminal acts that contain sexual abuse of children, i.e. in which they appear as persons younger than 18.

			If the received report contains CSAM, the hotline will forward it to the LEA for further processing.
<b>Apparent self-generated sexual material</b>	Not illegal	Notice to LEA	This type is not defined by the law in BiH. If the received report contains CSAM, the hotline will forward it to the LEA for further processing.
<b>Sexualised modelling or posing</b>	Not illegal	Notice to LEA	This type is not defined by the law in BiH. If the received report contains CSAM, the hotline will forward it to the LEA for further processing.
<b>Sexualised images of children</b>	Not illegal	Notice to LEA	This type is not defined by the law in BiH.
<b>Text depictions of CSAM</b>	Not illegal	Notice to LEA	This type is not defined by the law in BiH. If the received report contains CSAM, the hotline will forward it to the LEA for further processing.
<b>Fictional text depictions of CSAM</b>	Not illegal	Notice to LEA	This type is not defined by the law in BiH.
<b>Praise of paedophilia or CSA</b>	Not illegal	Notice to LEA	This type is not defined by the law in BiH. If the received report contains CSAM, the hotline will forward it to the LEA for further processing.
<b>Manual on CSA</b>	Not illegal	Notice to LEA	This type is not defined by the law in BiH. If the received report contains CSAM, the hotline will forward it to the LEA for further processing.
<b>Declaration of committing CSA</b>			
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA	This offense is prescribed under the criminal offense of "Exploiting children for pornography" which is defined by Article 211 of the Criminal Law of Bosnia and Herzegovina, Article 207i of the Criminal Law of Brčko District and Article 175 of the Criminal Law of Republic of Srpska.  If the received report contains CSAM, the hotline will forward it to the LEA for further processing.
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	Notice to LEA	This type is not defined in law in BiH. If the received report contains CSAM, the hotline will forward it to the LEA for further processing

Context	Legal Status	Actions Taken	Comments/ Explanations
<b>Images in a medical context</b>	Not illegal	Notice to LEA	If the Hotline receives images of this type through a report, which indicate that it is a CSAM, they will be treated as such and forwarded to the LEA.

<b>Non-explicit images in a series of images that contain CSAM</b>	Not illegal	Notice to LEA	If the Hotline receives images of this type through a report, which indicate that it is a CSAM, they will be treated as such and forwarded to the LEA.
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Not illegal	Notice to LEA	If the Hotline receives images of this type through a report, which indicate that it is a CSAM, they will be treated as such and forwarded to the LEA.

<b>Accessibility by Law</b>	<b>Accessibility by Law</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Private site types (Password protected)</b>	Allowed to access. (In certain situation and depending on the content - more in the comments) Allowed to send NTDs	Notice to LEA.	The Hotline is not able to proactively search these types of sites, however, if receives a report that links to these sites, it is allowed to analyse it and then forward the report to the LEA Furthermore, if a screenshot with data related to this location and containing CSAM is received through the report, the hotline will forward it to the LEA
<b>Peer to peer (torrent, emule, Kat)</b>	Allowed to access (In certain situations and depending on the content - more in the comments) Allowed to send NTDs	Notice to LEA.	The Hotline is not able to proactively search these types of locations, however, if receives a report that links to these locations, it is allowed to analyse it and then forward the report to the LEA Furthermore, if a screenshot with data related to this location and containing CSAM is received through the report, the hotline will forward it to the LEA.
<b>Dropbox/cloud/similar file hosting services</b>	Not allowed to access nor send NTDs	Notice to LEA.	The Hotline is not able to proactively search these types of locations, however, if receives a report that links to these locations, it is allowed to analyse it and then forward the report to the LEA Furthermore, if a screenshot with data related to this location and containing CSAM is received through the report, the hotline will forward it to the LEA.
<b>Tor/Onion</b>	Not allowed to access nor send NTDs	Notice to LEA.	The Hotline is not able to proactively search these types of locations, however, if it receives a report and there are grounds for suspicion that it is CSAM, the report will be forwarded to the LEA for further processing. Furthermore, if a screenshot with data related to this location and containing CSAM is received through the report, the hotline will forward it to the LEA

<p><b>Livestreamed CSE/CSA</b></p>	<p>Allowed to access (In certain situations and depending on the content - more in the comments)</p> <p>Allowed to send NTDs</p>	<p>Notice to LEA.</p>	<p>The Hotline is not able to proactively search these types of locations, however, if receives a report that links to these locations, it is allowed to analyse it and then forward the report to the LEA</p> <p>Furthermore, if a screenshot with data related to this location and containing CSAM is received through the report, the hotline will forward it to the LEA</p>
<p><b>File Transfer protocol (Ftp://)</b></p>	<p>Allowed to access (In certain situations and depending on the content - more in the comments)</p> <p>Allowed to send NTDs</p>	<p>Notice to LEA.</p>	<p>The Hotline is not able to proactively search these types of locations, however, if receives a report that links to these locations, it is allowed to analyse it and then forward the report to the LEA</p> <p>Furthermore, if a screenshot with data related to this location and containing CSAM is received through the report, the hotline will forward it to the LEA</p>
<p><b>Social media accounts</b></p>	<p>Allowed to access (In certain situations and depending on the content - more in the comments)</p> <p>Allowed to send NTDs</p>	<p>Notice to LEA.</p>	<p>The Hotline is not able to proactively search these types of locations, however, if receives a report that links to these locations, it is allowed to analyse it and then forward the report to the LEA</p> <p>Furthermore, if a screenshot with data related to this location and containing CSAM is received through the report, the hotline will forward it to the LEA</p>
<p><b>Email</b></p>	<p>Not allowed to access nor send NTDs</p>	<p>Notice to LEA.</p>	<p>The Hotline is not able to proactively search these types of locations, however, if receives a report that links to these locations, it is allowed to analyse it and then forward the report to the LEA</p> <p>Furthermore, if a screenshot with data related to this location and containing CSAM is received through the report, the hotline will forward it to the LEA</p>
<p><b>Usenet</b></p>	<p>Allowed to access (In certain situations and depending on the content - more in the comments)</p> <p>Allowed to send NTDs</p>	<p>Notice to LEA.</p>	<p>The Hotline is not able to proactively search these types of locations, however, if receives a report that links to these locations, it is allowed to analyse it and then forward the report to the LEA</p> <p>Furthermore, if a screenshot with data related to this location and containing CSAM is received through the report, the hotline will forward it to the LEA</p>
<p><b>Messengers (Telegram, WhatsApp)</b></p>	<p>Allowed to access (In certain situations and depending on the content - more in the comments)</p> <p>Allowed to send NTDs</p>	<p>Notice to LEA.</p>	<p>The Hotline is not able to proactively search these types of locations, however, if receives a report that links to these locations, it is allowed to analyse it and then forward the report to the LEA</p> <p>Furthermore, if a screenshot with data related to this location and containing CSAM is received through the report, the hotline will forward it to the LEA</p>

## ***Bulgaria – SafenetBG***

safenet.bg

### **HOTLINE INFORMATION**

**Operated by:** Association RODITELI

#### **Hotline mandate**

The Hotline is allowed to process reports and to forward reports to the LEA. The Hotline does not issue NTDs to hosting providers.

#### **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 – Directorate of Cybercrime 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 by the hotline**

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

## LEGISLATIVE CONTEXT

### **Terminology & definition used in legislation referring to CSAM**

The Penal code gives a general definition of a “pornographic material”: “Pornographic material” is prepared in any way, indecent, unacceptable or incompatible with public morality material, the content of which depicts real or simulated fornication, copulation, sexual intercourse, including sodomy, masturbation, sexual sadism or masochism, and lascivious display of the genitalia of a person.

In 2023, article 155a of the Penal Code was amended and now reads as follows:

Penal code, Art. 155a. (New - SG No. 38 of 2007, amended - SG No. 74 of 2015) (1) (Amended - SG No. 67 of 2023) “Anyone who, through information or communication technology or otherwise, provides or collects information about a person under the age of 18 in order to establish contact with them to commit fornication, intercourse, sexual intercourse, prostitution, to create pornographic material or to participate in a pornographic performance, shall be punished with imprisonment from three to ten years and a fine from ten thousand to twenty thousand BGN.”

Article 155 was also amended:

“Art. 155b. (1) (New - SG No. 27 of 2009, previous text of Art. 155b, amended - SG No. 26 of 2010, amended - SG No. 53 of 2022, amended - SG, No. 67 of 2023) Anyone who induces a person under the age of 14 to observe actual, virtual or simulated sexual intercourse between persons of the same or different sex or lascivious display of human genitals, sodomy, masturbation, sexual sadism or masochism, is punishable by imprisonment from three to ten years. (2) (New - SG No. 53 of 2022, amended - SG No. 67 of 2023) Anyone who induces a person under the age of 14 to participate in actual, virtual or simulated sexual intercourse between persons of the same or different sex or lascivious display of human genitals, sodomy, masturbation, sexual sadism or masochism, is punishable by imprisonment for five to ten years. (3) (New - SG No. 74 of 2015, previous para. 2 - SG No. 53 of 2022) When the act under para. 1 is done: 1. by use of force or threat; 2. by using a position of dependence or supervision; 3. by two or more persons who have agreed in advance; 4. (amended - SG No. 53 of 2022, amended - SG No. 67 of 2023) again, the punishment is imprisonment from five to fifteen years.”

The general provisions for pornography in relation to underaged persons remained unchanged: Art. 159. (Amended - SG No. 28 of 1982, in force from 01.07.1982, amended - SG No. 10 of 1993, amended - SG No. 62 of 1997, amended - SG No. 92 of 2002)

(1) (Amended - SG No. 38 of 2007) Whoever creates, exhibits, presents, broadcasts, offers, sells, rents out or in any other manner distributes pornographic material, shall be punished by imprisonment for up to one year and a fine of one thousand to three thousand BGN.

(2) (New - SG No. 38 of 2007, supplemented - SG No. 27 of 2009, amended - SG No. 74 of 2015) Anyone who distributes through information or communication technology or pornographic material in another similar way, is punishable by imprisonment for up to two years and a fine of one thousand to three thousand BGN.

(3) (Previous para. 2, amended - SG No. 38 of 2007, amended - SG No. 53 of 2022) Whoever exhibits, presents, offers, sells, rents or in any other manner distributes pornographic material to a person under the age of 16, shall be punished by imprisonment for up to six years and a fine of up to five thousand BGN.

(4) (Amended - SG No. 75 of 2006, in force from 13.10.2006, previous paragraph 3, amended - SG No. 38 of 2007, amended - SG No. 74 of 2015, amended - SG No. 67 of 2023) For the act under para. 1 - 3 the punishment is imprisonment from three to six years and a fine of up to ten thousand BGN, when:

1. A person under the age of 18 or a person who appears to be under the age of 18 was used to create the pornographic material;
2. A person who does not understand the nature or meaning of what was done was used to create the pornographic material;
3. Was committed by two or more persons;
4. Is redone.

(5) (Previous para. 4, amended - SG No. 38 of 2007, amended - SG No. 67 of 2023) When the act under para. 1 - 4 was committed on the order or in execution of a decision of an organized criminal group, the punishment is imprisonment from three to ten years and a fine of up to twenty thousand BGN, and the court can order the confiscation of part or all of the perpetrator's property.

(6) (Previous paragraph 5, amended - SG No. 38 of 2007, amended - SG No. 74 of 2015, amended - SG No. 67 of 2023) Anyone who holds or procures for himself or for another through information or communication technology or otherwise **pornographic material, for the creation of which a person under the age of 18 is used, or a person who appears to be such**, shall be punished by imprisonment for up to five years and with a fine of up to ten thousand BGN.

(7) (New - SG No. 74 of 2015) The penalty under para. 6 is also imposed on the one who, through information or communication technology, **knowingly accesses pornographic material, for the creation of which a person who has not reached the age of 18, or a person who looks like one, is used.**

(8) (New - SG No. 74 of 2015) In the cases under para. 1 - 7 the court may also impose deprivation of rights under Art. 37, para. 1, item 6 or 7.

(9) (Previous para. 6 - SG No. 38 of 2007, previous para. 7 - SG No. 74 of 2015) The object of the crime shall be confiscated for the benefit of the state, and if it is missing or alienated, its equivalent is awarded.

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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

## **Criminalised acts related to CSAM**

(Please see above)

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

There are some legal protection under Article 16: Art. 16a.

(1) (New - SG No. 84 of 2013, previous text of Art. 16a - SG No. 74 of 2015) The act committed by a person who suffered from human trafficking is not culpable, when it was forced to carry it out in direct connection with this capacity.

(2) (New - SG No. 74 of 2015) The act committed by a minor victim of a crime under Art. 155, 156, 158a and Art. 188, para. 2, or by a minor used to create pornographic material when they were forced to do so in direct connection with their

capacity.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The national legislation uses a different language, which can be assumed to be as equivalent to "child sexual abuse material" – “a pornographic material, for the creation of which a person who has not reached the age of 18, or a person who looks like one” is used.

## Specific law regulating AI-generated CSAM

The national law does not have specific regulations for AI-generated CSAM, but the wording “a pornographic material, for the creation of which a person who has not reached the age of 18, or a person who looks like on”, is used. It may be interpreted as also including AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA LEA sends NTD to HPs	
Digitally generated CSAM	unclear		
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA 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 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 LEA sends NTD to HPs	
Child grooming—solicitation of the child to meet offline (for contact offences)	Illegal	Notice to LEA	
Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	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	Notice to LEA LEA sends NTD to HPs	
<b>Sexualised modelling or posing</b>	Not illegal	None	
<b>Sexualised images of children</b>	Not illegal	Notice to LEA LEA sends NTD to HPs	
<b>Text depictions of CSAM</b>	Not illegal	Notice to LEA LEA sends NTD to HPs	
<b>Fictional text depictions of CSAM</b>	Not illegal	Notice to LEA LEA sends NTD to HPs	
<b>Praise of paedophilia or CSA</b>	Not illegal	Notice to LEA LEA sends NTD to HPs	
<b>Manual on CSA</b>	Not illegal	Notice to LEA LEA sends NTD to HPs	
<b>Declaration of committing CSA</b>	Illegal (dependent on context)	Notice to LEA	Usually this will lead to an investigation.
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Notice to LEA	

Context	Legal Status	Actions Taken	Comments/ Explanations
<b>Images in a medical context</b>	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.

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (Password protected)	Allowed to access	Notice to LEA	Based on the MoU and operational procedures confirmed by LEA there are no limitations to access any location.
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	

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

### **HOTLINE INFORMATION**

**Operated by:** CNZD – Centar za Nestalu i Dlostavljanu Djecu



#### **Hotline mandate**

The hotline is not allowed to view, process or analyse the reports, issue NTD or do proactive search.

#### **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 the Law Enforcement, without having to open the reports. The hotline merely detects the location of server where the content is hosted. If the content is hosted outside of Croatia, the hotline inserts the URL into ICCAM. If it is hosted in Croatia, the hotline sends the links to the national LEA.

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

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

#### **Other content dealt with by the hotline**

Hate speech, racial and ethnic discrimination, other types of cyberviolence, human trafficking.

### **LEGISLATIVE CONTEXT**

#### **Terminology & definition used in legislation referring to CSAM**

Croatian legislation still uses the term “Child pornography”

Definition: Article 163 of Croatian Criminal law Child pornography is material that visually or otherwise depicts a real child or realistically depicts a non-existent child or person who looks like a child, in real or simulated sexually explicit behaviour,

or that depicts the genitals of children for sexual purposes. Materials of artistic, medical, scientific, informative or similar significance shall not be considered pornography in the sense of this article

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

A child is every person who is Under 18 years of age.

Legal age of consent for sexual activities in Croatia is 15.

Age associated with CSAM offences defined by law is divided into under 15 and from 15 to 18.

Age associated with grooming offences is 15. In the Croatian Criminal law, article 161: An adult who, with the intention of committing a criminal offence of sexual abuse of a child under the age of 15, through information and communication technologies or otherwise proposes to meet with him or another person and who takes measures to make that encounter, shall be punished by imprisonment for a maximum term of three years.

## **Criminalised acts related to CSAM**

Article 163: Anyone who records, produces, offers, makes available, distributes, disseminates, imports, exports, obtains for themselves or another person, sells, gives, displays or possesses child pornography or knowingly accesses it through information and communication technologies will be punished by imprisonment from one to eight years.

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Article 163: A child shall not be punished for the production and possession of pornographic material depicting himself or herself or them and another child if they themselves produced and possessed this material with the consent of each of them and solely for their personal use.

## **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The national law does not specifically define "child sexual exploitation material". The hotline does not process these types of reports. The hotline does not have the legal mandate to process either CSAM or CSEM.

## **Specific law regulating AI-generated CSAM**

The national law does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA LEA sends NTD to HPs	
Digitally generated CSAM	Illegal	Notice to LEA LEA sends NTD to HPs	
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HPs	
A minor appearing to be an adult engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HPs	
An adult person appearing to be a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HPs	
Child grooming—solicitation of the child to meet offline (for contact offences)	Illegal	Notice to LEA LEA sends NTD to HPs	
Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal	Notice to LEA LEA sends NTD to HPs	
Sexual extortion of children or soliciting children for sexual purposes	Illegal	Notice to LEA LEA sends NTD to HPs	
Apparent self-generated sexual material	Illegal dependent on the context	Notice to LEA LEA sends NTD to HPs	Article 163: A child shall not be punished for the production and possession of pornographic material depicting himself or herself or them and another child if they themselves produced and possessed this material with the consent of each of them and solely for their personal use.
Sexualised modelling or posing	Illegal dependent on context	Notice to LEA LEA sends NTD to HPs	

<b>Sexualised images of children</b>	Illegal dependent on context	Notice to LEA LEA sends NTD to HPs	
<b>Text depictions of CSAM</b>	Illegal dependent on context	Notice to LEA LEA sends NTD to HPs	
<b>Fictional text depictions of CSAM</b>	Illegal dependent on context	Notice to LEA LEA sends NTD to HPs	
<b>Praise of paedophilia or CSA</b>	Illegal dependent on context	Notice to LEA LEA sends NTD to HPs	
<b>Manual on CSA</b>	Illegal dependent on context	Notice to LEA LEA sends NTD to HPs	
<b>Declaration of committing CSA</b>	Illegal dependent on context	Notice to LEA LEA sends NTD to HPs	
<b>Audio CSAM: recordings of CSA</b>	Illegal dependent on context	Notice to LEA LEA sends NTD to HPs	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal dependent on context	Notice to LEA LEA sends NTD to HPs	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal		
<b>Non-explicit images in a series of images that contain CSAM</b>	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.	

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (Password protected)	N/A	Notice to LEA	The hotline is not allowed to review reports; therefore, the content location is irrelevant in its work. All reports are sent 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	

## Cyprus – Cybersafety



### HOTLINE INFORMATION

**Operated by:** Cyprus Pedagogical Institute, Ministry of Education, Sport and Youth

#### Hotline mandate

The Hotline is allowed to process reports and to forward reports to the LEA. The Hotline does not issue NTDs to hosting providers.

#### Legal basis for operation

MOU with national Law Enforcement Agency.

The cooperation between the Cyprus Hotline and the police occurred on the basis of an agreement of collaboration. The Cyprus Hotline and the OCC/CP (Office for Combating Cybercrime of the Cyprus Police) cooperated extensively to combat Child Sexual Abuse Material (CSAM) that were reported to the Hotline.

CSAM pertains to content illustrating instances of sexual abuse involving children and emphasizing their genitalia. In a more expansive context, the term Child Sexual Exploitation Material (CSEM) can be applied to include any other sexually suggestive material involving minors.

Collaboration between the Cyprus Hotline and the police is facilitated through a formal cooperation agreement. Particularly, on April 28, 2017, an accord was forged between the Cyprus Pedagogical Institute (CPI) under the Cyprus Ministry of Education, Sport and Youth, and the OCC/CP. The agreement indicates the cooperation between the two authorities with the aim to combat criminally illegal online content and activity, including Child sexual abuse material, Online grooming, and Hate speech, under the national laws of Cyprus. Specifically, this cooperation follows an established procedure based on INHOPE's guide and best practice. The hotline operator notifies the OCC/CP appointed person of confirmed instances of illegal content/activity being reported or discovered. The OCC/CP investigates criminally illegal content/activity, notify all relevant bodies that need to take action (e.g. ISPs to remove illegal content, Interpol to trace accomplices etc.) and proceed to prosecution if applied.

#### 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.

Cyprus Cybersafety Hotline follows the process below to takedown CSAM:



1. When CSAM activity is reported, the necessary actions will be taken in collaboration with the hotline and the Cyprus Police. Reports that first reach the hotline are investigated and then sent to the police for further investigation.
2. Reports not hosted in Cyprus are forwarded to the relevant country's hotline, through collaboration and cooperation with other hotlines via the closed system ICCAM.
3. Notice and Takedown procedure do not fall under the hotline's remit. It is under the responsibility of Legal Enforcement Authority (LEA).

## **Relationship with hosting providers**

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

## **Other content dealt with by the hotline**

Hacking, network hijacking, cyber fraud, hate speech.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The term "Child Sexual Abuse Material" is increasingly employed as a more suitable alternative to "Child Pornography." This shift in terminology acknowledges that "pornography" primarily pertains to adults' consensual sexual activities, often legally distributed. Nevertheless, certain legal systems, such as the Cyprus legislation, still employ the term "child pornography."

The legal framework that governs the prevention and combating of sexual abuse, sexual exploitation of children, and child pornography is established in Law 91(I)/2014. It is important to note that the age of consent, under the Sexual Abuse Act Law 91(I)/2014, is defined as the age of seventeen (17) and any sexual act or activity, under the age of consent, such as has been mentioned in the articles of the relevant Legislation, it is considered a criminal offence. Minor is defined as any person under the age of eighteen (18). This law specifically addresses these issues in articles 7, 8, and 9, which outline the following provisions:

Sexual exploitation of children.

7.(1) Any person who causes a child to participate in pornographic performances or recruits a child to participate in them or profits from the participation of a child in pornographic performances or otherwise exploits a child for such purposes, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding twenty (20) years.

7.(2) Any person who coerces or forces a child to participate in pornographic performances or threatens a child for such purposes shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding twenty five (25) years.

Provided that, where the child is over the age of consent at the time of the offence, the sentence of imprisonment shall not exceed fifteen (15) years.

7.(3) Without prejudice to the provisions of section 12, any person who knowingly attends pornographic performances, or live child pornography or by other means, shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding fifteen (15) years.

Provided, where the child is over the age of consent at the time of the offence, the sentence of imprisonment shall not exceed ten (10) years.

7.(4) Any person who causes or proposes to a child who has not reached the age of consent, live or by means of information and communication technology, to participate in a pornographic performance for the purpose of, the person who causes the child, or suggests to the child, or the third party to attend this pornographic performance, shall be guilty of a felony and, in case of conviction, shall be liable on conviction to imprisonment not exceeding ten (10) years.

#### Child pornography

8.(1) Without prejudice to the provisions of section 12, any person who acquires or possesses child pornography shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding ten (10) years.

8.(2) Any person who knowingly obtains access to child pornography by means of information and communication technology shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding ten (10) years.

8.(3) Any person who distributes, disseminates, or transmits child pornography shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding fifteen (15) years.

8.(4) Any person who offers, supplies, or makes available child pornography or provides information on how to obtain child pornography shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding fifteen (15) years.

8.(5) Without prejudice to the provisions of section 12, any person who produces child pornography shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding twenty (20) years.

8.(6) Notwithstanding the provisions of subsections (1) to (5), any person who commits any of the offences of this section, where the child depicted on the material of child pornography is under thirteen (13) years old, shall be liable to life imprisonment.

#### Solicitation of children for sexual purposes

9.(1) Without prejudice to the provisions of article 12, whoever proposes to a child who has not reached the age of consent, through information technology and communications, to meet him, with the purpose of performing a sexual act with him or production of child pornography material or the sexual exploitation of a child who has not reached the age of consent, and said proposal is followed by the commission of acts which lead to an encounter, is guilty of a felony and, upon conviction, is liable to imprisonment that does not exceed ten (10) years.

9.(2) Subject to the provisions of section 12, whoever through information technology and communications, invites or approaches a child who has not reached the age of consent and attempts to obtain or attempts to obtain access or obtains or obtains access to material child pornography depicting that child, is guilty of a felony, and upon conviction, is liable to imprisonment for a term not exceeding ten years.

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Minors are considered to be under 18 years.

Age of consent, under the Sexual Abuse Act Law 91(I)/2014, is defined as the age of seventeen (17) and any sexual act or activity, under the age of consent, such as has been mentioned in the articles of the relevant Legislation.

## **Criminalised acts related to CSAM**

In Cyprus, criminal acts related to Child Sexual Abuse Material (CSAM) are governed by strict laws aimed at protecting minors from sexual exploitation and abuse. The primary legislative framework includes the "Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law of 2014" (Law 91(I)/2014). This law aligns with international conventions and European Union directives. The key criminal acts related to CSAM in Cyprus are as follows:

- **Production of CSAM:** It is a criminal offense to produce any material that depicts a child engaged in real or simulated explicit sexual activities or any material that predominantly depicts the sexual organs of a child for primarily sexual purposes.
- **Distribution, Dissemination, and Transmission of CSAM:** This includes the distribution, dissemination, or transmission of child pornography, whether for profit or not. It also covers offering or making available CSAM.
- **Acquisition and Possession of CSAM:** It is illegal to knowingly acquire or possess CSAM, including downloading or storing such material electronically or in any other form.
- **Accessing CSAM:** Intentionally accessing CSAM through information and communication technologies, such as the internet, is a criminal act.
- **Advertising and Promoting CSAM:** Advertising or promoting material that includes or refers to CSAM is prohibited.
- **Facilitating or Assisting in CSAM-related Activities:** Assisting, encouraging, or facilitating the commission of any of the above acts is also considered a criminal offense.
- **Failure to Report CSAM:** Certain professionals, particularly those working with children, are mandated to report suspected cases of child sexual abuse, including CSAM, to the relevant authorities. Failure to do so can result in criminal charges.
- **Participation in an Organisation Involved in CSAM:** Being part of an organisation or network that engages in any of the above criminal activities related to CSAM is also illegal.

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Cyprus also has rules that lead to the criminalisation of the distribution by children of self-generated sexual images and/or videos of other children. For more information please see [this document](#).

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

Child Sexual Abuse Material (CSAM) pertains to content illustrating instances of sexual abuse involving children and emphasizing their genitalia. In a more expansive context, the term Child Sexual Exploitation Material (CSEM) can be applied to include any other sexually suggestive material involving minors.

The hotline processes these types of reports and follow the same procedure as processing CSAM.

### Specific law regulating AI-generated CSAM

Cyprus does not have a dedicated law for AI-generated CSAM. Cyprus has legislation in place to combat cybercrime, which can encompass crimes involving the use of digital and AI technologies to create and distribute illicit materials.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA	
Digitally generated CSAM	Illegal	Notice to LEA	
Realistic images representing a minor engaged in sexually explicit conduct	N/A	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	N/A	Notice to LEA	
Child grooming— solicitation of the child to meet offline (for contact offences)	N/A	Notice to LEA	
Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	N/A	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	Notice to LEA	
<b>Sexualised modelling or posing</b>	Not illegal	Notice to LEA	
<b>Sexualised images of children</b>	Illegal	Notice to LEA	Any visual depictions that involve children in sexually explicit conduct, whether real or simulated.
<b>Text depictions of CSAM</b>	Illegal	Notice to LEA	
<b>Fictional text depictions of CSAM</b>	Illegal	Notice to LEA	
<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	Notice to LEA	
<b>Audio CSAM: recordings of CSA</b>	N/A	Notice to LEA	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	N/A	Notice to LEA	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	N/A		
<b>Non-explicit images in a series of images that contain CSAM</b>	Illegal	Notice to LEA	
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Not illegal		

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (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	Allowed to access	Notice to LEA	
Email	Allowed to access	Notice to LEA	
Usenet	N/A		
Messengers (Telegram, WhatsApp)	Allowed to access	Notice to LEA	

## Czech Republic – STOPonline.cz

### HOTLINE INFORMATION

Operated by: CZ.NIC



#### Hotline mandate

The operator of the STOPonline.cz service is the CZ.NIC Association. Individual incidents are analysed and further processed by the National Security Team CSIRT.CZ.

Stoponline.cz receives reports about potentially illegal content from the general public. Reports can be made via the web-form on <https://stoponline.cz/en/> (reports can also be anonymous) or e-mail. Analysts review each and every report to judge whether the content violates the law. All reports referring to CSAM are inserted into ICCAM. Thanks to the memorandum concluded between CZ.NIC and the Police of the Czech Republic, effective cooperation is ensured, and the communication takes place via an agreed communication channel. In the meantime, the hotline also conducts proactive searches.

#### Legal basis for operation

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

The Declaration of Cooperation with the Police of the Czech Republic, the National Headquarters for Combating Organised Crime, Criminal Police, and Investigation Service sets out the relationship with LEA. The hotline sends all reports received through ICCAM to the LEA.

#### 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.

Individual incidents are analysed and further processed by the National Security Team CSIRT.CZ. Thanks to the cooperation with members of the Association, it is possible in serious cases to prevent further display and dissemination of illegal content on the Internet, as soon as possible after such content is announced.

CSIRT.cz holds annual meetings with ISPs from the Czech Republic, which is also attended by analysts from STOPonline.cz and have the opportunity to get to know and meet each other in a friendly environment. Thanks to this, the cooperation between the hotline and the Czech ISPs is very close. Requests to remove illegal content are usually granted within tens of minutes.

## **Other content dealt with by the hotline**

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.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The Czech Criminal Code does not refer to CSAM but uses the term child pornography. Although, the term child pornography is not directly defined by the Czech Criminal Code, the Czech legislation is based on 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, replacing Council Framework Decision 2004/68/JHA.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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.

### **Criminalised acts related to CSAM**

The Czech Criminal Code criminalizes the following activities related to child pornography: handling with child pornography, its production, import, export, transport, offering, making available to the public, providing, placing in circulation, selling or otherwise procuring pornographic works depicting or otherwise abusing a child or a person appearing to be a child; or gaining access to child pornography through information or communication technologies (Section 192 of the Criminal Code).

It is also criminal to abuse a child for production of pornography (Section 193 of the Criminal Code).



## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

The minimal age of criminal liability is defined as 15 years of age. Children under the age of 15 are not criminally liable.

A person who is over the age of 15 but under the age of 18 (the person between age 15 and 18 is a juvenile and is liable under special code – the Act. 218/2003 Coll., on the liability of young people for unlawful acts and on the youth justice system) and who creates a pornographic work could be held criminally liable for the offence of production and other disposal of child pornography under Section 192 of the Criminal Code.

It should be added that in specific cases the degree of social harm would be assessed.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The Czech Criminal Law does not define "child sexual exploitation material".

## Specific law regulating AI-generated CSAM

There is no specific regulation mentioning AI.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal (dependent on context)	Notice to LEA NTD to HPs	Depends on the intention of the perpetrator to use it for child pornography and the degree of reality of the image.
Digitally generated CSAM	Illegal	Notice to LEA NTD to HPs	
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	
Child grooming— solicitation of the child to meet offline (for contact offences)	Illegal	Notice to LEA NTD to HPs	
Child grooming— solicitation of the child for	Illegal	Notice to LEA	

<b>online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>		NTD to HPs	
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA NTD to HPs	
<b>Apparent self-generated sexual material</b>	Illegal dependent on the context	Notice to LEA 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 the context	Notice to LEA 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 the context	Notice to LEA	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 the context	Notice to LEA 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 the context	Notice to LEA 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 the context	Notice to LEA 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.
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Notice to LEA NTD to HPs	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<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	

<p><b>Non-explicit images that have comments or captions of a sexual nature attached to them</b></p>	<p>Illegal</p>	<p>Notice to LEA NTD to HP</p>
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Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<p><b>Private site types (Password protected)</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	
<p><b>Peer to peer (torrent, emule, Kat)</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	
<p><b>Dropbox/cloud/similar file hosting services</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	
<p><b>Tor/Onion</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	
<p><b>Livestreamed CSE/CSA</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	
<p><b>File Transfer protocol (Ftp://)</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	
<p><b>Social media accounts</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	
<p><b>Email</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	
<p><b>Usenet</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	
<p><b>Messengers (Telegram, WhatsApp)</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	

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

### **HOTLINE INFORMATION**

**Operated by:** Save the Children Denmark (Red Barnet)



#### **Hotline mandate**

The hotline is allowed to process reports and issue NTD.

#### **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 by the hotline**

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.

### **LEGISLATIVE CONTEXT**

#### **Terminology & definition used in legislation referring to CSAM**

“Child sexual abuse material” is used in Denmark.

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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.

## **Criminalised acts related to CSAM**

The Danish criminal law

§ 226 Production of CSAM

§ 235, 1 Distribution and publication of CSAM

§ 235, 2 Possession of CSAM

§ 231 Grooming

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

A child under the age of 15 is below the age of criminal responsibility and will thus not be able to incriminate itself by producing CSAM.

According to the Danish criminal code a child between 15 and 18 years can legally consent to participating in sexual acts. Where such consent exists the material will not be considered CSAM.

In conclusion, there is no pertinent risk of children below the age of 18 being prosecuted for producing CSAM involving themselves.

## **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The Danish legislation does not define CSEM and the hotline doesn't process these types of reports

## **Specific law regulating AI-generated CSAM**

Under current legislation, AI-generated CSAM is only illegal if it's realistic and if you can't tell the difference from real CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Not illegal	None	
Digitally generated CSAM	Not illegal	None	
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 (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—solicitation of the child to meet offline (for contact offences)	Illegal	Notice to LEA NTD to HPs	This is rarely reported to the hotline, but more often to the Danish helpline SletDet.
Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal	Notice to LEA NTD to HPs	
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 organisation'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 if illegal	"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
Sexualised images of children	Not illegal (dependent on context)	Notice to LEA	

			(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.
<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.
<b>Audio CSAM: recordings of CSA</b>	Not illegal	Notice to LEA according to the physical abuse	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal		

Context	Legal Status	Actions Taken	Comments/ Explanations
<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.

<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. Allowed to send NTDs.	Notice to LEA 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 Allowed to send NTDs	Notice to LEA NTD to HPs	Occurs very rarely
<b>Dropbox/cloud/similar file hosting services</b>	Allowed to access location Allowed to send NTDs	Notice to LEA NTD to HPs	Occurs very rarely
<b>Tor/Onion</b>	Allowed to access location Allowed to send NTDs	Notice to LEA NTD to HPs	
<b>Livestreamed CSE/CSA</b>			The Danish hotline is not allowed to access livestreamed CSE/ CSA.
<b>File Transfer protocol (Ftp://)</b>	Allowed to access location Allowed to send NTDs	Notice to LEA NTD to HPs	Occurs very rarely.
<b>Social media accounts</b>	Allowed to access location Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline can only access if the user has an open account.
<b>Email</b>			Not allowed
<b>Usenet</b>	Allowed to access location Allowed to send NTDs	Notice to LEA NTD to HPs	Occurs very rarely
<b>Messengers (Telegram, WhatsApp)</b>			Not allowed



## Estonia – Vihjeliin



### HOTLINE INFORMATION

**Operated by:** Estonian Hotline – Vihjeliin is a part of Estonian Safer Internet Centre project and is operated by Estonian Union for Child Welfare.

#### **Hotline mandate**

The aim of the hotline is to combat the spread of child sexual abuse material on the Internet and to prevent child sexual abuse on the Internet. For this purpose, the hotline takes reports from the public and other hotlines. The hotline's operations are described in the hotline's manual, which includes its rights and responsibilities in relation to receiving and handling reports. The website address given in the report is opened and its content is assessed in accordance with the laws of the Republic of Estonia. The hotline only checks material on public websites. Hotline cannot access sites that require registration and login, including paid online environments. The hotline does not conduct a proactive search or its own database. Information about materials with illegal content is recorded and kept in the hotline's register after the information has been forwarded to the PPA contact person until confirmation of receipt of the information is received from him. The hotline maintains a database that provides statistics on the messages received, the nature of their content and handling.

The hotline carries out awareness-raising activities about sexual abuse of children on the Internet and about the competence of the hotline among the public as well as target groups (youth, parents, professionals).

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

The work of the hotline is recognized at the level of state institutions, including by the Ministry of Justice and the Ministry of the Interior, although it is not mentioned in the Penal Code. The hotline's operating manual is recognized by the Ministry of Justice.

#### **Relationship with law enforcement**

The hotline has a written agreement with the Estonian Police and Border Guard Board (EPBGB). According to the guidelines of the hotline and the agreement with the EPBGB, the hotline sends information about reports that contain information about an environment that presents child sexual abuse to the contact person of the Estonian Police and Border Guard Board.

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

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

The hotline can send a notification to the provider if the message contains information about material that is not illegal but may be inappropriate or disturbing.

## **Other content dealt with by the hotline**

The hotline also deals with the following areas:

- human trafficking with respect to minors (Penal Code § 175)
- requesting access to child pornography and watching thereof (Penal Code § 175')
- manufacture of works involving child pornography or making child pornography available (Penal Code § 178)
- agreement of sexual purpose for meeting with child (Penal Code § 178')
- sexual enticement/grooming of children (Penal Code § 179)
- manufacture of works involving child under fourteen years old in erotic situation (Penal Code § 178)

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Penal Code still uses the expression “child pornography” (Penal Code § 175', § 178), but it also uses the expression “sexual offences” (Penal Code 178').

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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

Regarding involving into prostitution and child sexual abuse material offenses, the child is defined as a person under 18 years.

Grooming/sexual solicitation is illegal against a person under the age of 16 or under the age of 18 who was not capable of understanding the situation. It is also illegal to arrange a meeting with a person under the age of 16 for sexual purposes.

### **Criminalised acts related to CSAM**

The Penal Code criminalizes the following acts:

Manufacture, acquisition or storing, handing over, displaying or making available to another person in any other manner of pictures, writings or other works or reproductions of works depicting Manufacture, acquisition or storing, handing over, displaying or making available to another person in any other manner of pictures, writings or other works or reproductions of works depicting a person of less than eighteen years of age in a pornographic situation – CSAM; or a person of less than fourteen years of age in a pornographic or erotic situation – CSAM.

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

Regarding self-generated CSAM, the Penal Code states that, if 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 then it is not criminalised.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

There is no explicit definition of "child sexual exploitation material", but the term of depicting a child under 14 years old in erotic situation could be referred as such. In these situations, the child may be dressed in underwear or clothing unsuited to their age or depicted in a provocative pose or a pose suggestive of a sexual act. As such, the erotic nature of a picture is not unequivocally defined by law; determinations are made in this regard by experts.

These types of reports are in the remit of the hotline.

## Specific law regulating AI-generated CSAM

National legislation in Estonia does not explicitly regulate AI-generated CSAM. However, as section 178 of the Penal Code contains a list that includes an image, writing or other work or a reproduction thereof, it also applies to an AI-generated work.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA LEA sends NTD to HP if is hosted in Estonia.	
Digitally generated CSAM	Illegal	Notice to LEA LEA sends NTD to HP if is hosted in Estonia.	
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HPs	
A minor appearing to be an adult engaged in sexually explicit conduct	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—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	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>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA	
<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>	Dependent on the context	Notice to LEA	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>	Dependent on the context	Notice to LEA	The law doesn't include terms “sexualised modelling” 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>	Dependent on the context	Notice to LEA	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	
<b>Fictional text depictions of CSAM</b>	Illegal	Notice to LEA LEA sends NTD to HPs	
<b>Praise of paedophilia or CSA</b>	Illegal dependent on context	Notice to LEA 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	
<b>Declaration of committing CSA</b>	Dependent on the context	Notice to LEA	If it concerns a specific child according to the Child Protection Act, everyone has a duty to inform about a child in need or in danger.
<b>Audio CSAM: recordings of CSA</b>	Dependent on the context	Notice to LEA	Legislation does not explicitly include this type of CSAM
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Dependent on the context	Notice to LEA	Legislation does not explicitly include this type of CSAM

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal	LEA could be informed	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>	Not illegal	Notice to LEA	This type of information would be sent to LEA for their assessment.

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<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 if it happens in closed environment.	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 if it is private	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>	Allowed to access	Notice to LEA	In case the content can be assessed.
<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>	N/A	Notice to LEA	Notice to LEA for assessing.

## Finland – Nettivihje



### HOTLINE INFORMATION

**Operated by:** Save the Children Finland

#### **Hotline mandate**

The Finnish hotline Nettivihje is part of the operations of Save the Children Finland (SCF), and its central aim is to prevent and combat child sexual abuse. SCF has a letter of support from the National Bureau of Investigation, which confirms well-established cooperation between the hotline and law enforcement. In addition to child sexual abuse material (CSAM) reports, the hotline processes both reports on online and offline child sexual abuse (CSA).

The current Finnish criminal code alongside EU legislation allows the Finnish Hotline to work without special authorisations in the law. The hotline is allowed to process reports, recommend NTD within the scope of the law, and do proactive work. Proactive work is only conducted by further-processing reports received from the public and the hotline does not do new searches. The Finnish Hotline does not access sites requiring registration, download, save, or possess child sexual abuse material.

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

The Finnish hotline Nettivihje aligns with The Finnish Criminal Code (including the updated Sexual Offences Code) and other relevant legislation like the Child Welfare Act. In addition, Nettivihje also has a Letter of Support from the Finnish National Bureau of Investigation (NBI) and their Child Sexual Exploitation (CSE) unit.

#### **Relationship with law enforcement**

Nettivist forwards information to the CSE unit if the reports received by Nettivist include CSAM or other technologically facilitated sexual crimes against children (e.g. grooming, sextortion). The CSE unit is also informed when illegal material is hosted in Finland and if the material has Finnish references (e.g. Finnish language, Finnish items). Reports regarding “grey area” and “doubtful” material are also forwarded to the CSE unit.

The cooperation between The Finnish hotline and the NBI's Child Sexual Exploitation (CSE) unit is continuous, and its nature is consultative. In addition to quarterly joint meetings, the hotline is in frequent contact with the CSE unit through phone consultations and report processing transmissions.

If the hotline receives other material assessed as illegal (e.g., material depicting adults and animals in a sexual context or other forms of severe violence), it is also forwarded to the NBI.

If the hotline receives reports depicting child sexual abuse, that does not take place in an online or digital environment, the report is forwarded to local police departments instead of the NBI. The hotline has guidelines given by the different police departments stating who to contact in these instances.

## **Relationship with hosting providers**

The hotline can send a Notice and Takedown message to ISPs, but the hotline cannot send ISPs the URL addresses that need to be taken down. The NTD notification includes instructions to contact the NBI for further URL information to proceed with the takedown process.

## **Other content dealt with by the hotline**

In addition to the illegal material regarding children (CSAM), the hotline also assesses “grey area” material every day, including pictures of children in explicit pornographic contexts and AI-generated CSAM. The hotline also receives a handful of reports regarding other illegal activity and content (e.g. human trafficking, hate speech, forms of extortion).

Since 2023, The Finnish Hotline Nettivihje has covered 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, the hotline receives 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).

In addition, since the fall of 2023, the hotline has covered reports regarding child sexual abuse outside digital and online environments. This includes the following areas: 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)

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The recently reformed sexual offences legislation (chapter 20) in the Finnish Criminal Code includes 3 sections related to CSAM. The term for child sexual abuse material used in the legislation is “an image depicting a child in a sexual manner”. According to the definition given in these sections, “an image depicting a child in a sexual manner is an image or visual recording that has been produced in a situation in which the child has, in actual fact, been portrayed in a sexual manner,



and realistic, if it is deceptively similar to an image or visual recording produced through photography or in another equivalent manner in a situation in which the child has been portrayed in a sexual manner.”

In addition, the criminal code also states that “following a performance presenting a child in a sexual manner” is a punishable act.

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

In Finnish legislation, a child is a person under 18 years of age. The general age of consent in Finland regarding sexual activity is 16. However, if an adult has a relevant position of power in relation to the child (e.g. parent, teacher, coach) the age of consent is 18.

Regarding CSAM-offences, a child is defined as a person under 18 years of age and a person whose age cannot be determined but who is, on justified grounds, assumed to be under 18.

## **Criminalised acts related to CSAM**

The current criminal code criminalises the following acts related to CSAM:

- Distribution of an image depicting a child in a sexual manner
- Aggravated distribution of an image depicting a child in a sexual manner
- Possession of an image depicting a child in a sexual manner
- Following a performance presenting a child in a sexual manner

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

There is no explicit mention of CSAM which appears to be self-generated and the criminalisation of children featured in the Finnish criminal code. However, the criminal code has a restrictive provision that can be applied to these instances. It states that, “An act shall not be deemed rape of a child, sexual assault of a child or sexual abuse of a child, if it does not violate the right to sexual self-determination of the person at whom the act is directed and if there is no great difference in the age and maturity of the parties involved.” In addition to this restrictive provision, the minimum age of criminal liability in Finland is 15 years.

## **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

National legislation does not explicitly mention child sexual exploitation material (CSEM), but some of this type of material can be determined to be illegal (e.g. sexualised posing). The hotline processes CSEM reports.

## Specific law regulating AI-generated CSAM

National legislation does not explicitly mention AI-generated CSAM and there are no set legal guidelines regarding AI-generated CSAM. However, the hotline processes AI-generated material as possibly illegal, if it is hyper realistic or cannot be distinguished from non-AI-generated CSAM. The NBI is informed of these instances.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Not illegal	None	
<b>Digitally generated CSAM</b>	Not illegal	None	If the material is distinctly digitally generated (e.g. CGI-characters, easily determined as AI-generated) then the material is legal.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA	There are no set legal guidelines regarding AI-generated CSAM.  The definition of a law: “an image depicting a child in a sexual manner is an image or visual recording that has been produced in a situation in which the child has, in actual fact, been portrayed in a sexual manner, and realistic, if it is deceptively similar to an image or visual recording produced through photography or in another equivalent manner in a situation in which the child has been portrayed in a sexual manner.”
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA 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— solicitation of the child to meet offline (for contact offences)</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>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</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 LEA sends NTD to HPs	The criminal code does not differentiate between self-generated and non-self-generated CSAM.
<b>Sexualised modelling or posing</b>	Dependent on the context	Notice to LEA. LEA sends NTD to HPs	The Criminal Code does not sufficiently define a sexually offensive picture of a child.
<b>Sexualised images of children</b>	Dependent on the context	Notice to LEA. LEA sends NTD to HPs	The Criminal Code does not sufficiently define a sexually offensive picture of a child.
<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 the context)	Notice to LEA	If a declaration provides identifiable information on the child, the hotline will inform LEA & social services.
<b>Audio CSAM: recordings of CSA</b>	Not illegal	None	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	None	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<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 will assess it and possibly consult with the NBI.
<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.

<p><b>Non-explicit images that have comments or captions of a sexual nature attached to them</b></p>	<p>Not illegal</p>	<p>Notice to LEA</p>	<p>The hotline would forward these types of reports to the LEA for their assessment.</p>
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Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<p><b>Private site types (Password protected)</b></p>	<p>Not allowed to access or send NTDs</p>	<p>No action</p>	
<p><b>Peer to peer (torrent, emule, Kat)</b></p>	<p>Not allowed to access or send NTDs</p>	<p>No action</p>	
<p><b>Dropbox/cloud/similar file hosting services</b></p>	<p>Allowed to access location. Not allowed to download.</p>	<p>Notice to LEA LEA sends NTD to HPs</p>	<p>If the site is not password-protected and does not require downloading, the hotline will assess it and forward all illegal material to LEA.</p>
<p><b>Tor/Onion</b></p>	<p>Allowed to access</p>	<p>Notice to LEA.</p>	<p>Illegal material is forwarded to LEA if the image includes a reference to Finland.</p>
<p><b>Livestreamed CSE/CSA</b></p>	<p>Allowed to access</p>	<p>Notice to LEA.</p>	<p>Illegal material is forwarded to LEA.</p>
<p><b>File Transfer protocol (Ftp://)</b></p>	<p>Unknown</p>		
<p><b>Social media accounts</b></p>	<p>Allowed to access location if it does not require registration. Allowed to send NTDs.</p>	<p>Notice to LEA LEA sends NTD to HPs</p>	<p>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.</p>
<p><b>Email</b></p>	<p>Allowed to access.</p>	<p>Notice to LEA.</p>	<p>Illegal material is forwarded to LEA.</p>
<p><b>Usenet</b></p>	<p>Allowed to access.</p>	<p>Notice to LEA.</p>	<p>If the hotline has access to the content, the hotline will assess it and forward illegal material to LEA.</p>
<p><b>Messengers (Telegram, WhatsApp)</b></p>	<p>Not allowed to access</p>	<p>Notice to LEA</p>	

## France – Point de Contact



### HOTLINE INFORMATION

**Operated by:** Point de Contact

#### **Hotline mandate**

The hotline is allowed to process reports and issue NTD, but not allowed to do proactive search.

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

MoU with LEA.

#### **Relationship with law enforcement**

The hotline has an MoU with the LEA since 2010. The hotline forwards 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. 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.

#### **Other content dealt with by the hotline**

- CSAM/CSEM, Article 227-23 of the French Criminal Code

- Child grooming activities, Article 227-22-1 of the French Criminal Code
- Sexual extortion involving minors and Sexual harassment, Article 222-33-2-2 of the French Criminal Code
- Sexual extortion involving adults, Article 312-10 of the French Criminal Code
- Non-consensual sharing of intimate imagery, Article 226-1 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

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Legislation uses the following: “image or representation of a minor with a pornographic connotation” punishing sharing and the production of CSAM. Administrative norms use either “child pornography” (despite incentives from NGOs and politics to stop using this term) or “minor sexual exploitation content”. None of these terms have a clear definition in French legislation but received clearer definitions by the jurisprudence.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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

### **Criminalised acts related to CSAM**

French legislation criminalizes sharing, recording, hosting, transferring, publishing, obtaining by any means or consuming any imagery or representation of a minor with a pornographic connotation.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

In 2021, French legislation added a new article to the French Criminal code with article 227-23-1, which put the penal responsibility for the production of self-generated CSAM content on an adult when they were the one requesting the content from the child. Additionally, below 13 years old, a minor cannot be held responsible in France for a criminal action.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The French legislation does not have a legal definition for "child sexual exploitation material". The hotline is allowed to process all reports that could potentially be illegal in accordance with the French law, but the hotline will only be able to assess illegal content that fills the correct criteria for national illegality.

### Specific law regulating AI-generated CSAM

At the moment, French legislation does not have a specific norm regulating AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal	Notice to LEA NTD to HPs	This type is not defined by the law but is found in the jurisprudence.
<b>Digitally generated CSAM</b>	Illegal	Notice to LEA NTD to HPs	This type is not defined by the law but is found in the jurisprudence.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA 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 the context)	Notice to LEA 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 the context)	Notice to LEA 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.
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA NTD to HPs	This specific case is aggravated by article 227-22-1 of the French Criminal Code: 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.
<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA NTD to HPs	Two separate articles of the French Criminal Code are in place to prevent this kind of grooming behaviour:  - 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.  - Article 227-23-1: the act of sexual solicitation by an adult to a minor for the dissemination or transmission of sexual content.
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA NTD to HPs	Sexual extortion and solicitation of minors are prohibited by the same legal for both adults and children, but the sentence will be aggravated if the victim is under 15 years old.
<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 the context)	None	Textual content depicting CSAM is not taken into account in law articles criminalizing CSAM. They can however be regarded as pornographic or violent texts available to minors, which are illegal according to article 227-24 of the French Criminal Code. However, due to the current legal context in France, no action can be taken against website hosting this type of content.
<b>Fictional text depictions of CSAM</b>	Illegal (dependent on the context)	None	Textual content depicting CSAM is not taken into account in law articles criminalizing CSAM. They can however be regarded as pornographic or violent texts available to minors, which are illegal according to article 227-24 of the French Criminal Code. However, due to the current legal context in France, no action can be taken against website hosting this type of content.
<b>Praise of paedophilia or CSA</b>	Not illegal	None	
<b>Manual on CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Audio CSAM: recordings of CSA</b>	Not illegal	None	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	None	

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

<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. Allowed to send NTD	Notice to LEA NTD to HP	Including online gaming chat. If illegal, notice to LEA and HPs.
<b>Peer to peer (torrent, emule, Kat)</b>	Allowed to access Allowed to send NTD	Notice to LEA 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		
<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 Allowed to send NTDs	Notice to LEA NTD to HP	If illegal, notice to LEA and HPs.
<b>File Transfer protocol (Ftp://)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HP	If illegal, notice to LEA and HPs.
<b>Social media accounts</b>	Allowed to access Allowed to send NTDs	Notice to LEA 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		
<b>Usenet</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HP	If illegal, notice to LEA and HPs.
<b>Messengers (Telegram, WhatsApp)</b>	Not allowed to access (dependent on the context) Allowed to send NTDs	Notice to LEA 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).” Additionally, if the channel allows a “preview” function, allowing anonymous user to view the channel content without a need for registration, the hotline will be allowed to use this functionality to access the private channel and take actions accordingly to their assessment.

## Germany – eco



### HOTLINE INFORMATION

**Operated by:** eco – Verband der Internetwirtschaft e.V. (Association of the Internet Industry).

#### **Hotline mandate**

See legal basis for operation below – this covers both report processing, NTD to all relevant entities and proactive measures (theoretically), etc.

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

Generally, everybody can report illegal content. Regarding CSAM, the law prohibits everybody from distributing and obtaining this kind of content which might include the simple online access as saving something in the cache can amount to possession. However, there is an exception in the Criminal Code which allows the processing of reports and further hotline actions related to their work concerning such content. This is only applicable if the actions 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 Criminal Police Office (BKA) which allows eco's work under Nr. 2 of this exception.

#### **Relationship with law enforcement**

The MOU with the BKA also includes the other German Hotlines as well as the Federal Department for Media Harmful to Young Persons (BzKJ), and eco works closely together with all of these national partners. Meetings and quick exchanges occur regularly. The consortium also holds training and legal/comparison sessions as needed. In day-to-day business, eco sends reports about child sexual abuse material under the Criminal Code to the BKA.

#### **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 founded following a member's 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 by the hotline**

The hotline's remit includes, but is not necessarily limited to, contents violating the following legal provisions:

- §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, etc.
- §§ 86, 86a StGB: distribution of symbols and propaganda materials of unconstitutional organisations
- § 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 organisations
- § 111 German Criminal Code (StGB): Public incitement to crime
- § 7 Act Against Unfair Competition (UWG): Unauthorised sending of advertising emails and newsletters

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The German Criminal Code (Sections 184b and 184c) still uses the phrase “child pornography” for CSAM depicting a person under 14 years of age and “youth pornography” if it depicts a person between 14 and 18 years of age.

Such material is defined as relating to a depiction of a child or young person when there is also a depiction of

- a) sexual acts performed by, on or in the presence of the minor,
- b) the partially unclothed minor in a provocatively sexual pose or
- c) the sexually provocative reproduction of the minor's bare genitalia or bare buttocks.

The Interstate Treaty on the Protection of Minors does not offer a different terminology, but also bans depictions that would fall under category b) above where the minor is not partially unclothed.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Generally, sexual acts with a person under the age of 14 (defined as a child) are prohibited in Germany (Section 176 of the Criminal Code). This includes offences around the production of CSAM. However, there are multiple provisions for the

protection of minors over this age (and even adults), including acts of grooming. There are also exceptions, e.g. for depictions of juveniles (a person over 14 and under 18) in a mutual relationship producing and sharing consensual intimate material between each other.

## Criminalised acts related to CSAM

Generally speaking, and with the relevant legal nuances, the Criminal Code and other provisions named above prohibit the dissemination, making available in public, undertaking to make available, undertaking to obtain possession of for another, production, acquisition, supply, storage, offering, advertising, or undertaking of import or export, undertaking to retrieve or possess and possession of CSAM content.

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

Generally, the person depicted – typically the victim of a CSAM-related crime – is exempt from the criminal offence. Moreover, a person under the age of 14 is not criminally liable. See above for the “Romeo and Juliet” exemptions for juveniles.

## Definition of “child sexual exploitation material” in national legislations / Hotline mandates on these types of reports

This term is not used by the law, neither is “CSEM”. The hotline processes any content in this context that is criminally illegal or the distribution of which is prohibited under youth protection laws. This should cover most, if not all, content that would fall under either of these terms or their definitions.

## Specific law regulating AI-generated CSAM

The national law in Germany does not have specific regulations for AI-generated CSAM. There is no need, though, as, generally, any virtual content, be it drawn, produced using CGI, AI generated or otherwise, is covered by mostly the same provisions and prohibitions as content depicting a real person.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA NTD to HPs	There is generally no legal difference between fictional or real content in Germany.
Digitally generated CSAM	Illegal	Notice to LEA NTD to HPs	There is generally no legal difference between fictional or real content in Germany.

<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal, dependent on the context	Notice to LEA NTD to HPs	It depends on the individual case. "Appearing" means the setting, the appearance must be intentional.
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA NTD to HPs	NTD if possible, which might not be the case e.g. in 1:1 chats or other inaccessible places
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA. NTD to HPs	NTD if possible, which might not be the case e.g. in 1:1 chats or other inaccessible places
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA NTD to HPs	NTD if possible, which might not be the case e.g. in 1:1 chats or other inaccessible places
<b>Apparent self-generated sexual material</b>	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.
<b>Sexualised modelling or posing</b>	Illegal	Notice to LEA NTD to HPs	
<b>Sexualised images of children</b>	Illegal (dependent on context)	NTD to HPs	This really depends on the content. Images that show minors posing are illegal (according to German media and/or Criminal Law) and must be removed. If they are sexualised by context, e.g. sexual comments on (legal) images, this might be illegal or harmful to children and thus be removed or amended.
<b>Text depictions of CSAM</b>	Illegal	Notice to LEA NTD to HPs	There is generally no legal difference between fictional or real content in Germany.
<b>Fictional text depictions of CSAM</b>	Illegal	Notice to LEA NTD to HPs	There is generally no legal difference between fictional or real content in Germany.
<b>Praise of paedophilia or CSA</b>	Illegal (dependent on the content)	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.

<b>Manual on CSA</b>	Illegal (dependent on the content)	Notice to LEA NTD to HPs	If the content of the manual can be seen as CSAM itself, it is illegal as that. Otherwise, it can be illegal under “dissemination and possession of instructions to commit sexual abuse of children”
<b>Declaration of committing CSA</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	It depends on the content. Detailed descriptions of the CSA might be illegal as that. If concrete enough, it might be illegal under a different Section.
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Notice to LEA NTD to HPs	There is generally no legal difference between fictional or real content in Germany.

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal and not treated as CSAM		It must 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>	Generally not illegal, but dependent on the content/context	Notice to LEA NTD to HPs	If it includes children posing fully or partly clothed in a sexualized manner, it’s considered CSAM. 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 NTD to HPs	If the text is explicit, it might be considered as text CSAM, and/or could be harmful to minors. The same goes for cases where the combination of (legal) images and sexualized text force the combined content to be considered 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 Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline reports the content to LEA and to the HP for removal afterwards.
<b>Peer to peer (torrent, emule, Kat)</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>Dropbox/cloud/similar file hosting services</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline reports the content to LEA and to the HP for removal afterwards.
<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.
<b>Livestreamed CSE/CSA</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline reports the content to LEA and to the HP for removal afterwards. Depending on if the hotline has an emergency channel with the platform, the hotline uses that channel in these cases.
<b>File Transfer protocol (Ftp://)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline reports the content to LEA and to the HP for removal afterwards.
<b>Social media accounts</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline reports the content to LEA and to the HP for removal afterwards.
<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.
<b>Usenet</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline reports the content to LEA and to the HP for removal afterwards.
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline reports the content to LEA. Notice and takedown is only possible in these cases if the content is publicly available or if hotline can join a closed group.

## Germany – FSM

### HOTLINE INFORMATION

**Operated by:** FSM – Freiwillige Selbstkontrolle Multimedia-Diensteanbieter e.V.

#### **Hotline mandate**

The Hotline is in charge for any content harmful to minors according to the Interstate Treaty on the protection of minors and human dignity: Interstate Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and in Telemedia (kjm-online.de)

The Hotline is allowed to process reports, issue NTD and do proactive search.

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

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

#### **Relationship with law enforcement**

The hotline has an excellent relationship with the LEA, with several meetings during the year to stay updated with each other. There has been an MoU since 2007, which was renewed in 2011, 2017 and 2023 between the German Hotlines (eco, jugendschutz.net, FSM), the Federal Criminal Police Office (BKA) and the Federal Review Board for Media Harmful to Minors (BzKJ). The Hotline deals with any kind of child- and youth pornography hosted in Germany and countries with or 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 BzKJ 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, the hotline contacts them on their own.

#### **Other content dealt with by the hotline**

§ 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.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Section 184b Dissemination, procurement and possession of child pornographic content

(1) Whoever

1. disseminates child pornographic content or makes it available to the general public, whereby pornographic content (section 11 (3)) is deemed to be child pornography if it relates to
  - a) sexual acts performed by, on or in the presence of a person under 14 years of age (child),
  - b) the reproduction of a child in a state of full or partial undress in a provocatively sexual pose or
  - c) the sexually provocative reproduction of a child's bare genitalia or bare buttocks,
2. undertakes to make available to or obtain possession of, for another, child pornographic content which reproduces an actual or a realistic act,
3. produces child pornographic content which reproduces an actual act or
4. produces, obtains, supplies, stocks, offers, advertises or undertakes to import or export child pornographic content in order to use it within the meaning of no. 1 or no. 2, or to facilitate such use by another, unless the offence is subject to a penalty under no. 3,

incurs a penalty of imprisonment for a term of between one year and 10 years. If, in the cases under subsection (1) sentence 1 no. 1 and no. 4, the child pornographic content reproduces no actual or realistic act, the penalty is imprisonment for a term of between three months and five years.

(2) In the cases under subsection (1) sentence 1, the penalty is imprisonment for a term of at least than two years if the offender acts on a commercial basis or as a member of a gang whose purpose is the continued commission of such offences and if, in the cases under subsection (1) sentence 1 nos. 1, 2 and 4, the content reproduces an actual or a realistic act.

(3) Whoever undertakes to retrieve or obtain possession of child pornographic content which reproduces an actual or a realistic act, or whoever possesses such content incurs a penalty of imprisonment for a term of between one year and five years.

(4) The attempt is punishable in the cases under subsection (1) sentence 2 in conjunction with sentence 1 no. 1.

(5) Subsection (1) sentence 1 no. 2 and subsection (3) do apply 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.

(6) Subsection (1) sentence 1 nos. 1, 2 and 4 and sentence 2 does not apply to an official act done in the course of preliminary criminal investigations if

1. the act relates to child pornographic content which neither reproduces actual events nor was produced using a photograph or other image of a child or juvenile, and
2. discovery of the facts by other means would offer no prospect of success or would be significantly more difficult.

(7) Objects to which an offence under subsection (1) sentence 1 no. 2 or no. 3 or subsection (3) relates are to be confiscated. Section 74a applies.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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

### **Criminalised acts related to CSAM**

Please see above.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

The draft bill that has now been presented downgrades all offenses under Section 184b (1) and (3) StGB to misdemeanours by lowering the minimum penalties. However, the increase in the maximum prison sentence to ten years for the more serious offenses under Section 184b (1) StGB will be retained. This ensures that serious offenses under Section 184b (1) sentence 1 and (3) StGB can continue to be appropriately sanctioned in the future. At the same time, the law enforcement authorities are once again given the opportunity to react appropriately to proceedings in which the accusation is at the lower end of the range of punishability. As before the amendment in 2021, these proceedings can therefore once again be discontinued in accordance with Sections 153 and 153a of the Code of Criminal Procedure or settled by summary penalty order in accordance with Sections 407 et seq. of the Code of Criminal Procedure if the requirements are met in the individual case.

This proposal is not yet in force but shall take into account self-generated CSAM content by the minor itself.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The hotline does not differentiate between sexual exploitation and sexual abuse since to the understanding a sexual exploitation goes hand in hand with a sexual abuse. Therefore, the hotline processes and deals with those reports.

### **Specific law regulating AI-generated CSAM**

This is not necessary as the current law already implies the depiction of virtual presentations. AI is at the end not more than a virtual depiction and therefore illegal in Germany.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal	Notice to LEA NTD to HPs	
<b>Digitally generated CSAM</b>	Illegal	Notice to LEA NTD to HPs	
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal (dependent on the context)	Notice to LE NTD to HPs	
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal	None	The hotline does not handle child grooming reports. However, if the hotline receives a reasonable report, they forward the information to LEA. Additionally, the hotline also takes actions against such content if it violates the Interstate Treaty on the protection of minors – JMStV (e.g., if it is distributed in public chats).
<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	None	The hotline does not handle child grooming reports. However, if the hotline receives a reasonable report, they forward the information to LEA. Additionally, the hotline also takes actions against such content if it violates the Interstate Treaty on the protection of minors – JMStV (e.g., if it is distributed in public chats).
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA NTD to HPs	
<b>Apparent self-generated sexual material</b>	Illegal (dependent on context)	Notice to LEA 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.
<b>Sexualised modelling or posing</b>	Illegal	Notice to LEA 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.  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.

			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.
<b>Sexualised images of children</b>	Illegal	Notice to LEA NTD to HPs	
<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>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	
<b>Manual on CSA</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	
<b>Declaration of committing CSA</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA NTD to HPs	Never had this case
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Notice to LEA NTD to HPs	Never had this case

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<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/ Explanations
<b>Private site types (Password protected)</b>	Allowed to access Allowed to send NTDs	Notice to LEA 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>	Allowed to access	Notice to LEA NTD to HPs	
<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 Allowed to send NTDs	Notice to LEA 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 Allowed to send NTDs	Notice to LEA 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 Allowed to send NTDs	Notice to LEA 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>	Allowed to access and process		
<b>Usenet</b>	Allowed to access		
<b>Messengers (Telegram, WhatsApp)</b>	Telegram: allowed to access	Notice to LEA NTD to HP	Telegram can be viewed in a browser and can get reported. For Whatsapp and other interpersonal communication, this is not possible due to the end-to-end protection.

# Germany – jugendschutz.net



## HOTLINE INFORMATION

**Operated by:** LPR-Trägersgesellschaft für jugendschutz.net gGmbH (jugendschutz.net)

### **Hotline mandate**

The hotline is allowed to process reports, issue NTD and to do proactive search in the forefield of child sexual abuse material (e.g. Sexualization of everyday depictions).

### **Legal basis for operation**

MoU with LEA, Bundeszentrale für Kinder- und Jugendmedienschutz (“Federal Center for Child and Youth Media Protection” - BzKJ) and two other German hotlines, eco – Verband der Internetwirtschaft e.V. and FSM – Freiwillige Selbstkontrolle Multimedia-Diensteanbieter; Articles 18, 4 Interstate Treaty for the Protection of Minors on the Internet (JMStV); Articles 184b and 184c German Criminal Code (StGB).

### **Relationship with law enforcement**

The hotline has a MoU with LEA, BzKJ and all three German hotlines (newest updated version dates back to 2023). The hotline forwards any type of content within its remit assessed as manifestly illegal to the LEA, regardless of 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 several times a year.

### **Relationship with hosting providers**

After contacting LEA, jugendschutz.net sends NTD requests to the HPs. Some HPs send feedback, and some just remove the content.

### **Other content dealt with by the hotline**

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; Article 4(1) No. 10 JMStV)
- Child grooming activities (Articles 176a, 176b StGB)



- Dissemination of propaganda material of unconstitutional and terrorist organisations (Article 4 (1) No. 1 JMStV and Article 86 StGB)
- Use of symbols of unconstitutional and terrorist organisations (Article 4 (1) No. 2 JMStV and Article 86a StGB)
- Hate speech related to an act committed under the rule of National Socialism of the kind indicated in section 6 (1) of the Code of Crimes against International Law (Article 4 (1) No. 4 JMStV)
- Hate speech, (Article 130 StGB, Article 4 (1) No. 3 JMStV) Violent content (Article 131 StGB; Article 4 (1) No.5 JMStV)
- Instructions for certain crimes defined by Criminal Law (Article 4 (1) No. 6 JMStV and Article 126 StGB)
- Pornographic content (Article 184, 184a d StGB, Article 4 (2) No. 1 JMStV)
- Content inciting to terrorism (Article 4 (2) No. 3 JMStV)
- Content seriously violating human dignity (Article 4 (1) No. 8 JMStV)
- Minors in sexualised poses (Article 4 (1) No. 9 JMStV)
- Content that was ruled by a competent legal body as harmful to minors (Article 4 (1) No. 11 and (2) No. 2 JMStV)
- Content inciting minors to play games putting them in physical danger, incitement to suicide and any other content that can cause serious danger to minors (Article 4 (2) No. 3 JMStV)
- Content glorifying war (Article 4 (1) No. 7 JMStV)

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

German Law does not use the term “CSAM” but still the term "child pornography". Child pornography is legally defined and is deemed to be

- a) sexual acts performed by, on or in the presence of a person under 14 years of age (child),
- b) the reproduction of a child in a state of full or partial undress in a provocatively sexual pose or
- c) the sexually provocative reproduction of a child’s bare genitalia or bare buttocks.

The legal definition is very broad, and the intention of the law is to include any exploitative material.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

- German Law defines a “minor” as a person under 18 years old, a “child” as a person under 14 years old and a “young person” as a person between 14 and 18 years old (Articles 184b, 184c StGB, § 3 Nr. 3,4 JMStV). The German Criminal Code differentiates slightly between the definition of CSAM in regard to a child and in regard to a young person, but prohibits such material regarding both.
- Age associated with CSAM offences defined by law: under 14 = child pornography, between 14 and 17 = youth pornography (Articles 184b, c STGB)
- Legal age of consent for sexual activities: 14 years (Article 176 StGB)
- Age associated with grooming offenses: under 14 years (Articles 176a, b StGB)

## Criminalised acts related to CSAM

Distribution or making the content available to the public – regarding real or fictional imagery; passing on or making available to any other person in regard to real or seemingly real imagery; production of real imagery; the production, obtaining, delivery, having available, offering, promoting or ex- or importing real or fictional imagery with the intent of passing it on to a third party in any way; making efforts to obtain the possession or the possession of real or seemingly real imagery.

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

Children under 14 years old are not criminally responsible in Germany – thus, a child under 14 cannot be charged with any acts in regard to CSAM. In regard to imagery of minors between the ages of 14 and 18 the law is not to be applied if the images were produced exceptionally for private use by consenting minors (Article 184 c (4) StGB).

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The German legislation does not explicitly define "CSEM", but some forms of it – as defined on- the INHOPE-Website (<https://www.inhope.org/EN/articles/what-is-csem>). Some forms of sexual exploitation that can be considered CSEM are regulated. Thus, perpetuating intimate images in a private setting without consent of the person depicted can be a crime (Article 201a StGB). Sextortion is illegal as any type of extortion (Article 253 StGB). Grooming is also explicitly regulated in the German Criminal Code and is obviously illegal (Article 176a, 176b StGB). Sexting can be illegal if it involves minors and include other requirements of the criminal offence of "child pornography" (Articles 184b, 184c StGB).

## Specific law regulating AI-generated CSAM

The criminal law applicable to CSAM does include fictional images, it does not differentiate how they were produced but thus includes images produced through AI.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA NTD to HPs	Illegal if distributed or intended to be distributed
Digitally generated CSAM	Illegal	Notice to LEA NTD to HPs	As above
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA NTD to HPs	

<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	Illegal if the context does not allow the conclusion that the depicted person is indeed an adult.
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA NTD to HPs	Cyber-grooming often takes place in private communication. If an affected person or parents contact the hotline, the hotline asks them to report it to the police.  If the contact requests are publicly visible, for example in comments, the hotline takes action as well.
<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA NTD to HPs	Cyber-grooming often takes place in private communication. If an affected person or parents contact the hotline, the hotline asks them to report it to the police.  If the requests are publicly visible, for example in comments, the hotline takes action as well.
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA NTD to HPs	
<b>Apparent self-generated sexual material</b>	Illegal (depending on context)	Notice to LEA NTD to HPs	Illegal if depicting a child under 14 years old. Illegal in case of 14 to 18 year olds distributed publicly or used without the consent of the depicted person – in this group age only self-generated material for private use is not liable.
<b>Sexualised modelling or posing</b>	Illegal	Notice to LEA NTD to HPs	Depends on the context, when for example depicting sexually provocative poses as usually known in adult pornography, being “partially undressed”.
<b>Sexualised images of children</b>	Illegal (depending on context)	Notice to LEA NTD to HPs	As mentioned above. Also, images focusing on children’s genitalia for sexual purposes. If the sexualisation is outside of an image – e.g. through comments – it can be a misdemeanour according to the German media law because damaging to children or the comments/other context itself is sexually as explicit that it constitutes CSAM.

<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>	Illegal (depending on context)	Notice to LEA NTD to HPs	This could be illegal if the written text drifts into text depiction of CSAM.  Otherwise, it can be a misdemeanour because this speech would be considered damaging to minors. Can be a crime if proven as intentionally inducing another person to commit the crime.
<b>Manual on CSA</b>	Illegal	Notice to LEA NTD to HPs	A recent change in Criminal Law, applicable since September 2021; Article 176e StGB.
<b>Declaration of committing CSA</b>	Illegal (dependent on context)	Notice to LEA NTD to HPs	
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Notice to LEA NTD to HPs	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<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>	Depending on Context	Notice to LEA NTD to HPs	If the images show children in sexualized poses (also those that show children fully or partially clothed), see above in regard to sexualised images of children.
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Depending on Context	NTD to HPs	If the written text drifts into text depiction of CSAM (very explicitly) it is considered illegal. Otherwise – if the images themselves are in no way considered CSAM (see above regarding posing and other imagery) - in can be a misdemeanour according to German media law, if considered damaging for Children (e.g. because promoting the sexualisation of children).

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<b>Private site types (Password protected)</b>	Allowed to access Allowed to send NTDs	Notice to LEA 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 Allowed to send NTDs	Notice to LEA NTD to HPs	
<b>Tor/Onion</b>	Allowed to access.	Notice to LEA	The hotline reports content on the Tor network to LEA for further investigation. NTD is not possible.
<b>Livestreamed CSE/CSA</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	
<b>File Transfer protocol (Ftp://)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	
<b>Social media accounts</b>	Allowed to access Allowed to send NTDs	Notice to LEA 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	Notice to LEA	The hotline reports information to LEA in case of suspicion of CSAM-distribution if there is a reference to Germany.
<b>Usenet</b>	Not allowed to access		
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access, if chats or channels are publicly accessible Allowed to send NTDs	Notice to LEA. 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



### HOTLINE INFORMATION

**Operated by:** Institute of Computer Science, Foundation for Research and Technology – Hellas (FORTH)

#### **Hotline mandate**

SafeLine is allowed to process reports and issue Notice and Takedown (NTD).

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

The hotline signed an 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 can 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 by the hotline**

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

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

In the Greek Penal Code, the term “child pornography” is still being used.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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.

### **Criminalised acts related to CSAM**

Production, offer, sale, distribution, transfer, purchase, acquisition, and broadcast of information concerning the executions of such actions through a computer system or through the internet.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

There are no legal protections to avoid criminalisation of a child featured in CSAM which appears to be self-generated. According to the Greek Penal Code, a minor is liable of a criminal offence in case he/she is older than 12 years old.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The term "Child Sexual Exploitation Material – CSEM" is not defined in Greek legislation. However, some types of CSEM are considered illegal according to the Greek Penal Code. Therefore, SafeLine processes reports of CSEM, such as sexting, grooming, sextortion, revenge porn since this type of material/activity are illegal according to the national law.

### **Specific law regulating AI-generated CSAM**

According to the 348A par. 3 of the Greek Penal Code, " Pornographic material ... consists of any representation or an actual or virtual depiction, in electronic or any other form of material, of the body of or part of the body of a minor, 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." Despite the fact that there is not any specific law regulating AI-generated CSAM, since virtual images of CSAM is considered to be illegal, AI generated CSAM are illegal too.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA NTD to HPs	Art.348A §3 PC
Digitally generated CSAM	Illegal	Notice to LEA NTD to HPs	Art.348A §3 PC
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	None	
Child grooming— solicitation of the child to meet offline (for contact offences)	Illegal	Notice to LEA NTD to HPs	
Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal	Notice to LEA NTD to HPs	Art. 348B PC
Sexual extortion of children or soliciting children for sexual purposes	Illegal	Notice to LEA NTD to HPs	
Apparent self-generated sexual material	Illegal (dependent on context)	Notice to LEA NTD to HPs	
Sexualised modelling or posing	Illegal	Notice to LEA 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 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	



<b>Manual on CSA</b>	Not illegal	Notice to LEA	
<b>Declaration of committing CSA</b>	Not illegal	Notice to LEA	
<b>Audio CSAM: recordings of CSA</b>	Not illegal	None	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	None	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not treated as CSAM.	None	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>	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.

<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 Allowed to send NTDs	Notice to LEA NTD to HPs ICCAM	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 Allowed to send NTDs	Notice to LEA NTD to HPs ICCAM	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. Allowed to send NTDs	Notice to LEA NTD to HPs ICCAM	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
<b>Tor/Onion</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs ICCAM	
<b>Livestreamed CSE/CSA</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	

<b>File Transfer protocol (Ftp://)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs ICCAM	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>Social media accounts</b>	Allowed to access Allowed to send NTDs	Notice to LEA 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 Allowed to send NTDs	Notice to LEA NTD to HPs	
<b>Usenet</b>	Allowed to access Allowed to send NTDs	Notice to LEA 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 Allowed to send NTDs	Notice to LEA NTD to HPs	

## Hungary – Biztonságosinternet



### HOTLINE INFORMATION

**Operated by:** International Children's Safety Service (ICSS)

#### **Hotline mandate**

The hotline is allowed to process reports and issue NTD, but not allowed to do proactive search.

#### **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**

Biztonsagosinternet.hu Hotline is in daily contact with LEA (National Bureau of Investigation), and in-person meetings are held several times a year. MoU was signed on 22 October 2019. 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 posted without consent and Phishing, financial fraud.

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

There is no cooperation agreement with hosting providers. Biztonsagosinternet.hu 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 Biztonsagosinternet.hu Hotline, Hungarian service providers mostly cooperate and respond to the requests.

#### **Other content dealt with by the hotline**

The hotline operates a web-based reporting site where illegal online content can be reported in nine reporting categories: Child sexual abuse material, Content posted without consent, Online harassment, Violent content, Racist and xenophobic content, Phishing, financial fraud, Content offering or enticing drug use, Cruelty to animals and Other harmful content.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Child Pornography (Act C of 2012 on the Criminal Code 204-204/A. §)

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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.

### **Criminalised acts related to CSAM**

Obtains or have, produces, offers, supplies or makes available, distributes, deals with or makes.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

The Hungarian Criminal Code does not distinguish between underage and adult offenders, so children over the age of 14 can also be prosecuted for self-generated CSAM. It is up to the discretion of the individual prosecutor to decide on the sentence to be applied in a particular case, with age being a mitigating factor.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

In Hungary, there is still no separate definition for child sexual abuse and exploitation material. According to the hotline's experience, CSEM can include e.g. child sexual abuse and exploitation material, live streaming of child sexual abuse, online grooming or sexual extortion of children.

### **Specific law regulating AI-generated CSAM**

Under the Hungarian Criminal Code, the depiction of child pornography in a realistic manner (e.g. CGI) is also punishable.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Not illegal	NTD to HPs	
<b>Digitally generated CSAM</b>	Illegal (dependent on the context)	Notice to LEA	Under the Hungarian Criminal Code, the depiction of child pornography in a realistic manner (e.g. CGI) is also punishable.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal (dependent on the 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—solicitation of the child to meet offline (for contact offences)</b>	Illegal (dependent on the context)	Notice to LEA	The act of grooming is not included in the Hungarian Criminal Code. Anyone requesting minors to send self-made sexually explicit images, might commit the crime of (online) harassment, child pornography, sexual violence, sexual abuse or indecent exposure.
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</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	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	
<b>Audio CSAM: recordings of CSA</b>	Not illegal	None	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	None	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal	None	
<b>Non-explicit images in a series of images that contain CSAM</b>	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.
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Illegal (dependent on the context)	Notice to LEA	Depending on context, such reports might be forwarded to LEA.

<b>Content Location</b>	<b>Accessibility by Law</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Private site types (Password protected)</b>	Not allowed to access		If a report is highly likely to be illegal, the hotline forwards it to LEA.
<b>Peer to peer (torrent, emule, Kat)</b>	Not allowed to access		If a report is highly likely to be illegal, the hotline forwards it to LEA.
<b>Dropbox/cloud/similar file hosting services</b>	Not allowed to access		If a report is highly likely to be illegal, the hotline forwards it to LEA.

<b>Tor/Onion</b>	Allowed to access	Notice to LEA	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.
<b>Livestreamed CSE/CSA</b>	Allowed to access	Notice to LEA	Hotline analysts are not entitled to record such Livestreamed content.
<b>File Transfer protocol (Ftp://)</b>	Allowed to access	Notice to LEA	Hotline analysts are entitled to download such content (Ftp://)
<b>Social media accounts</b>	Allowed to access	NTD to social media platforms	Hotline analysts are not entitled to access password protected content. In cases where such an account is public (i.e., can be viewed without a password), it may be assessed.
<b>Email</b>	Not allowed to access		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.
<b>Usenet</b>	N/A		
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access without registration	Notice to LEA NTD to messengers	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***

## **HOTLINE INFORMATION**

**Operated by:** National Media and Infocommunications Authority



### **Hotline mandate**

The Internet Hotline is allowed to process reports and issue NTD, but it does not do proactive search.

### **Legal basis for operation**

(1) Article 149/B-D of Act C of 2003 on Electronic Communications modified by law of Act LXXXV of 2020 and (2) the Memorandum of Understanding (MoU) with the Law Enforcement Agencies (LEA).

and

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

### **Relationship with law enforcement**

The MoU between the National Media and Infocommunications Authority and the Hungarian National Police Headquarters and the National Bureau of Investigation of Hungary (LEA) was signed in 2012. The MoU was renewed in December 2023. Internet Hotline is in daily contact with LEA, 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: child pornography/CSAM, content promoting or encouraging the use of illegal psychoactive substances, content inciting or promoting illegal acts of violence.

### **Relationship with hosting providers**

There is no cooperation agreement with hosting providers. Based on Article 4/A and 7 of Act CVIII of 2001 on Electronic Commerce and on 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 the concerned website. Based on experience of Internet Hotline, Hungarian service providers mostly cooperate and respond to the requests.

### **Other content dealt with by the hotline**

The hotline operates a web-based reporting site where illegal online content can be reported in eight reporting categories: (1) Child pornography/CSAM, (2) Content published without consent, (3) Online harassment, (4) Data phishing, (5) Racist



content, content inciting hatred against the community or (6) Content promoting or encouraging the use of illegal psychoactive substances, (7) Content inciting or promoting illegal acts of violence (8) Other content harmful to minors.

Notice and Take Down action: It is important to note that in the case of CSAM, the hotline typically does not contact the service provider.

In case a reported content constitutes CSAM, the hotline's procedure is determined by the fact whether the content has Hungarian relevance (e.g. hosted in Hungary or the victim/perpetrator is suspected to be Hungarian) and if the abuse is ongoing/happening at the time of the reporting. In case of Hungarian relevance or ongoing abuse, the content is sent to LEA for investigation and the hotline's further action is determined by LEA's instruction, action can be e.g. inserting content into ICCAM or contacting the service provider. In case of no Hungarian relevance, the content URL is inserted into ICCAM and at the same time sent to LEA for information only.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The Hungarian Criminal Code uses the terminology "Child Pornography" (Article 204-204/A of Act C of 2012 on the Criminal Code).

Child pornography is defined as a representation of a child, i.e. a person under the age of 18, in a position or pose that may arouse sexual desire in others. In particular, child pornography can be defined as a representation that depicts sexuality in a highly indecent manner, i.e. depicting genitalia, real or simulated sexual acts involving a minor either as an active or passive participant or showing a minor's genitalia.

The criminal act of child pornography can be constituted not only by the depiction of real persons under the age of 18, but also by the realistic depiction of a non-existent person or persons.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

In line with international definitions, a person under the age of 18 is considered a child.

A child over the age of 12 may have sexual activities with a person under the age of 18 with consent. From the age of 14, sexual activities with a person over 18 is also allowed with consent.

### **Criminalised acts related to CSAM**

Any person who obtains or has, produces, offers, supplies or makes available, distributes, deals with or makes available to the general public pornographic images of a person under the age of 18 years, commits the crime of child pornography (Article 204).

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

A minor who makes an intimate recording of him-/herself and shares it with others is not punishable. But in general, the age of criminal responsibility under the Hungarian Criminal Code is 14 years. Anyone who has reached this age can be prosecuted for child pornography.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The Hungarian national legislation does not define child sexual exploitation material (CSEM). However, the hotline receives and handles reports of CSEM.

## Specific law regulating AI-generated CSAM

Since 2021 due to change of definition of child pornography in the Hungarian Criminal Code, AI-generated pictures might be considered to be CSAM if the picture is realistic.

According to Hungarian Criminal Code, realistic means a representation that is deceptively similar to a real person, when it is not possible or cannot reasonably be expected from an ordinary observer to judge whether the person is real or has been created by some computer tools.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Not illegal (dependent on the context)	Notice to LEA	In practice, the Hungarian Criminal Code does not categorise manga and hand-drawn artwork, as CSAM. If it is made with photoshop or other computer techniques (CGC – computer generated content) and it is in fact realistic, that might be considered to be CSAM, in which case a report will be sent to LEA.
<b>Digitally generated CSAM</b>	Illegal (dependent on the context)	Notice to LEA	If the picture is realistic, that might be considered to be CSAM, report will be sent to the LEA.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal (dependent on context)	Notice to LEA	If the picture is realistic, that might be considered to be CSAM, a report will be sent to the LEA.
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Not illegal (dependent on the context)	Notice to LEA	If the report reveals the real age of the victim - for example, because a close relative reports it - it is illegal.

			If the victim's real age is unknown, it is not illegal, because to the ordinary observer the underage person in the video/photo appears to be over 18.
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Not illegal (dependent on the context)	Notice to LEA	If the victim's real age is known, it is not illegal.
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal (dependent on the context)	Notice to LEA	The act of grooming is not included in the Hungarian Criminal Code; however, the act may give effect to several statutory elements.
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal (dependent on the context)	Notice to LEA	The act of grooming is not included in the Hungarian Criminal Code, however the act may give effect to several statutory elements.  Anyone requesting self-made sexually explicit images/videos from minors, might commit the crime of (online) harassment, child pornography or other sexual offenses.
<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 the context)	Notice to LEA	It is not illegal for a minor to take a nude of himself/herself and to share it with others. In this case, the minor does not commit any crime however, if the receiver of the nude saves and distributes it, that might be considered to be CSAM.
<b>Sexualised modelling or posing</b>	Not illegal (dependent on the context)		If the model photo depicts sexuality in a highly indecent manner, i.e. depicting genitalia, real or simulated sexual acts involving a minor either as an active or passive participant, or showing a minor's genitalia, that might be considered to be CSAM.
<b>Sexualised images of children</b>	Not illegal		It is not regulated by the law.
<b>Text depictions of CSAM</b>	Not illegal		It is not regulated by the law.
<b>Fictional text depictions of CSAM</b>	Not illegal		It is not regulated by the law.
<b>Praise of paedophilia or CSA</b>	Not illegal (dependent on the context)	Notice to LEA	It is not regulated by the law; however, such reports might be forwarded to LEA for investigative interest.
<b>Manual on CSA</b>	Not illegal (dependent on the context)	Notice to LEA	It is not regulated by the law; however, such reports might be forwarded to LEA for investigative interest.
<b>Declaration of committing CSA</b>	Not illegal (dependent on the context)	Notice to LEA	It is not regulated by the law; however, such reports might be forwarded to LEA for investigative interest.

<b>Audio CSAM: recordings of CSA</b>	Not illegal	Notice to LEA	It is not regulated by the law; however, such reports might be forwarded to LEA for investigative interest.
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	Notice to LEA	It is not regulated by the law; however, such reports might be forwarded to LEA for investigative interest.

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<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 (dependent on the context)	Notice to LEA	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>	Not illegal	Notice to LEA	Depending on context, such reports might be forwarded to LEA.

<b>Content Location</b>	<b>Accessibility by Law</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Private site types (Password protected)</b>	Not allowed to access	Notice to LEA	Such reports are forwarded to LEA.
<b>Peer to peer (torrent, emule, Kat)</b>	Not allowed to access	Notice to LEA	Such reports are forwarded to LEA.
<b>Dropbox/cloud/similar file hosting services</b>	Not allowed to access	Notice to LEA	Such reports are forwarded to LEA.
<b>Tor/Onion</b>	Not allowed to access	Notice to LEA	Such reports are forwarded to LEA.
<b>Livestreamed CSE/CSA</b>	Allowed to access	Notice to LEA	Hotline analysts are not entitled to keep a record of such livestreamed content. Such reports are forwarded to LEA because in case these become justified, LEA has appropriate investigative tools to detect these.
<b>File Transfer protocol (Ftp://)</b>	N/A	Notice to LEA	Should an incoming hotline report refer to content available on FTP, analysts are

			not entitled to download the content. Such reports are forwarded to LEA because in case these become justified, LEA has appropriate investigative tools to detect these.
<b>Social media accounts</b>	Allowed to access	Notice to LEA	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. Such reports are forwarded to LEA because in case these become justified, LEA has appropriate investigative tools to detect these.
<b>Email</b>	Not allowed to access	Notice to LEA	Hotline analysts are not entitled to access password protected content. In case the reporter provides the hotline with an email account, the analysts may read it, but they are not entitled to enter email accounts, even if username and password are provided by the reporter. Such reports are forwarded to LEA because in case these become justified, LEA has appropriate investigative tools to detect these.
<b>Usenet</b>	Not allowed to access	Notice to LEA	Such reports are forwarded to LEA because in case these become justified, LEA has appropriate investigative tools to detect these.
<b>Messengers (Telegram, WhatsApp)</b>	Not allowed to access	Notice to LEA	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 and password are provided by the reporter. Such reports are forwarded to LEA because in case these become justified, LEA has appropriate investigative tools to detect these.



## *Iceland – Barnaheill<sup>12</sup>*

### HOTLINE INFORMATION

**Operated by:** Save the Children Iceland

#### **Hotline mandate**

The hotline is mandated to process reports.

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

MoU with the State police of Iceland and a contract with three ministries.

#### **Relationship with law enforcement**

Barnaheill works in a very close relationship with LEA sends all reports to the national LEA directly who handle assessment of content. Viewing of content is illegal and Barnaheill have not had an exception from that rule. The relationship is based on a MoU/contract.

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

The national LEA handles Notice and Takedown on behalf of the hotline and communication with hosting providers.

#### **Other content dealt with by the hotline**

Barnaheill deals with threats, grooming, offering of narcotics to children, offering of alcohol to children, trafficking, prostitution, hate-speech, other punishable acts that concern/involve children and bullying. The applicable laws are the Criminal Code, Child protection law, law about alcohol and tobacco.

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<sup>12</sup> Please note that the information about Iceland in this section is from 2020.

## LEGISLATIVE CONTEXT

### Terminology & definition used in legislation referring to CSAM

“Child pornography” is used in the legislation in Iceland.

### Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses

A child is an individual below 18 years of age. The age is the same when it comes to child sexual abuse.

### Criminalised acts related to CSAM

(no information)

### Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

(no information)

### Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

(no information)

### Specific law regulating AI-generated CSAM

(no information)

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA LEA sends NTD to HP	
Digitally generated CSAM	Illegal	Notice to LEA LEA sends NTD to HP	
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HP	

<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Apparent self-generated sexual material</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Sexualised modelling or posing</b>	Illegal	Notice to LEA LEA sends NTD to HP	The Icelandic law is based on the ratification of the Lanzarote convention and builds upon the definition used by the convention.
<b>Sexualised images of children</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Text depictions of CSAM</b>	Illegal	Notice to LEA LEA sends NTD to HP	The likelihood of this being illegal is high, but it would depend on the context.
<b>Fictional text depictions of CSAM</b>	Illegal	Notice to LEA LEA sends NTD to HP	The likelihood of this being illegal is high, but it would depend on the context.
<b>Praise of paedophilia or CSA</b>	Illegal	Notice to LEA LEA sends NTD to HP	The likelihood of this being illegal is high, but it would depend on the context.
<b>Manual on CSA</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Audio CSAM: recordings of CSA</b>	(no information)		
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	(no information)		



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

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

## Ireland – Hotline.ie



### HOTLINE INFORMATION

**Operated by:** Internet Service Providers. Association of Ireland (ISPAI).

#### **Hotline mandate**

Hotline.ie is mandated to operate public report mechanism for the purpose of receiving reports of suspected illegal material, such as CSAM, and assessing with regard to Irish law to ultimately seek its removal through the notice and takedown process. It is currently not mandated to carry out proactive search for CSAM.

#### **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, 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

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 (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 by the hotline

- Activities relating to the sexual exploitation of children, i.e., child grooming - Child Trafficking and Pornography Act, 1998 & Criminal Law (Sexual Offences) Act 2017
- Intimate Image Abuse - Harassment, Harmful Communications and Related Offences Act 202
- 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.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The terminology used in Ireland is “child pornography”.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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 laid out in the Criminal Law (Sexual Offences) Act 2017 vary in the ages they apply to.

### **Criminalised acts related to CSAM**

Under the Child Trafficking and Pornography Act, 1998 as amended by the Criminal Law (Sexual Offences) Act 2017, the following acts are criminalised:

- Allowing a child to be used for child pornography.
- Knowingly producing any child pornography
- Knowingly distributing, transmitting, disseminating, printing or publishing any child pornography
- Knowingly publishing, distributing, transmitting or disseminating any advertisement likely to be understood as conveying that the advertiser or any other person produces, distributes, transmits, disseminates, prints, publishes, imports, exports, sells, shows, supplies or makes available any child pornography
- Encouraging, knowingly causes or facilitates any activity above.
- Knowingly possessing child pornography for the purpose of distributing, transmitting, disseminating, publishing, exporting, selling or showing it.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

No direct legal protections exist.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

There is no legal definition for “child sexual exploitation material” in Ireland. CSEM is understood as an umbrella term inclusive of CSAM, but also one referring to material that does meet the threshold of CSAM in law. In relation to material that is sexually exploitative but does not meet the threshold under Irish law, Hotline.ie will act to remove this material in certain circumstances.

## Specific law regulating AI-generated CSAM

There is no specific law regulating AI-generated CSAM. However, under the *Child Trafficking and Pornography Act, 1998 as amended by the Criminal Law (Sexual Offences) Act 2017*, any visual representation of child pornography is illegal irrespective of how or through what medium the representation, description or information has been produced, transmitted or conveyed and includes any representation, description or information produced by or from computer-graphics or by any other electronic or mechanical means.

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</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>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—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA. NTD to HPs	
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</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 the 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 the 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 the 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 the 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.
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA NTD to HPs	Any audio representation of a person who is or is represented as being a child and who is engaged in or is represented as being engaged in explicit sexual activity is illegal under the Child Trafficking and Pornography Act 1998.
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	Any audio representation of a person who is or is represented as being a child and who is engaged in or is represented as being engaged in explicit sexual activity is illegal under the Child Trafficking and Pornography Act 1998.

Context	Legal Status	Actions Taken	Comments/ Explanations
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/ Explanations
Private site types (Password protected)	Allowed to access 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 Siochana. 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 Allowed to send NTDs	Notice to LEA NTD to HPs	
Dropbox/cloud/similar file hosting services	Allowed to access Allowed to send NTDs	Notice to LEA 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.

<b>Livestreamed CSE/CSA</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	The hotline is in the process of reviewing the NTD procedure in cooperation with national LEA.
<b>File Transfer protocol (Ftp://)</b>	N/A		
<b>Social media accounts</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	If the platform is publicly accessible, it is actioned through the usual procedures.
<b>Email</b>	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.
<b>Usenet</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	Forwarded to LEA and online service providers.
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	If the platform is publicly accessible, it is actioned through the usual procedures.



## Italy – Save the Children Italy



### HOTLINE INFORMATION

**Operated by:** Save the Children Italy

#### **Hotline mandate**

According to Italian Law n. 269/98, updated in 2006 with Law n. 38 and, in 2012 with Law 172, hotlines operating in the country, including the Stop-It, are not allowed to check the content of the reports received whether by general public or other INHOPE hotlines. The Law 38/2006 established the “National Centre for Combating On-line Child Pornography” – C.N.C.P.O. – which is in charge of combating online child sexual abuse; it is the focal point for reporting the material (by Industry, NGOs, general public, etc.) and for analysing and investigating the material including with the purpose of identifying the victims.

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

MOU with the Law Enforcement

#### **Relationship with law enforcement**

- The hotline has a MOU with law enforcement
- 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 by the hotline**

None.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The Italian national legislation still uses the term “child pornography”: any representation, by any means, of a child under eighteen years of age involved in real or simulated sexually explicit activities, or any representation of the sexual organs of a child under eighteen years of age for sexual purposes (Law 172/2012 - Ratification of the Lanzarote Convention - Art 4).

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

- Age of a Child: Child/minor is any person below the age of 18.
- Legal age of consent for sexual activities: the age of consent is 14.
- Age associated with CSAM offences defined by law: any person below the age of 18 (Article 600-ter of the Italian Criminal Code).
- Age associated with grooming offenses: Article 609-undecies of the Italian Criminal Code, introduced after the ratification of the Lanzarote Convention, criminalises the solicitation/ grooming of children **under 16 years of age** with the intention of committing a sexual offence. Grooming is defined as any act aimed at gaining the trust of the child by using various means including the Internet and ICTs. The intention to meet the child is not required for it to constitute a crime and all acts conducted in order to build a relationship of trust with the intention of committing a sexual offence are criminalised.

### **Criminalised acts related to CSAM**

In summary, the Italian law always considers and punish any conduct concerning “child pornography” content: production, detention, dissemination, trade, advertising of the material and - from 2022 – intentional access to sites containing child pornographic material intentionally and without justified reason (Law 238/ 2021, in force from 17 January 2022), even without downloading or storing the material.

The Italian legislation also bans viewing pornographic exhibitions and shows involving children (Article 600-ter.2.). This provision could be used to criminalise live streaming of child sexual abuse.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

This topic is currently being discussed by the jurisprudence.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

CSEM is an umbrella term and the definition of “child sexual exploitation material” according to the Italian legislation is not clear, even if Law covers the phenomenon of child exploitation, such as “child prostitution”. Art. 600-bis (Criminal Code) prohibits child prostitution, and in particular, when a person recruits, induces, promotes, exploits, manages, or controls the

prostitution of a minor. Art. 600-ter prohibits child pornography, and in particular, it criminalises a person who exploits minors to produce pornographic exhibitions or induces them to take part in pornographic exhibitions.

The hotline doesn't process these types of report. It doesn't have the mandate to assess any material reported.

## Specific law regulating AI-generated CSAM

There is no specific legislation regulating AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Not illegal (dependent on the context)	Notice to LEA 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</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Not illegal (dependent on the 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— solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	Article 609-undecies of the Italian Criminal Code

<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA	The intention to meet the child is not required for it to constitute a crime and all acts conducted in order to build a relationship of trust with the intention of committing a sexual offence are criminalised.
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA.	Multiple Articles of the Italian Criminal Code
<b>Apparent self-generated sexual material</b>	Not illegal (dependent on the context)	Notice to LEA 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 the 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 (dependent on the context)	Notice to LEA LEA sends NTD to HP	If in an investigative context, the LEA finds out that a minor was exploited, it is illegal. If the image is a part of a CSAM series, it is illegal.
<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	Art. 414 bis Italian Criminal Code - Incitement to paedophilia and child pornography practices. Reasons or purposes of an artistic, literary, historical or customary nature cannot be invoked as an excuse.
<b>Manual on CSA</b>	Illegal	Notice to LEA	
<b>Declaration of committing CSA</b>	Illegal (dependent on the context)	Notice to LEA	Declaring yourself a paedophile is not a crime; the apologia of paedophilia is a crime.
<b>Audio CSAM: recordings of CSA</b>	N/A		The legal status of audio CSAM is not explicitly defined.

<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	N/A		The legal status of audio CSAM is not explicitly defined.
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Context	Legal Status	Actions Taken	Comments/ Explanations
<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 appears 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	Comments/ Explanations
<b>Private site types (Password protected)</b>	N/A	Notice to LEA	The hotline does not have the mandate to check the content of the reports received
<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	

## *Italy – Clicca e segnala*

### **HOTLINE INFORMATION**

**Operated by:** Telefono Azzurro



#### **Hotline mandate**

According to *Italian Law n. 238/2021, art. 20 paragraph 1 lett.a*, which modifies the previous art. 600 quarter of the Criminal Code, hotlines operating in the country are not allowed to access and check reports' content received by general public or other INHOPE member. Law 38/2006 established the "National Centre for Combating On-line Child Pornography" – C.N.C.P.O. - which, in charge of combating online child sexual abuse, serves as the focal point for reporting material (by Industry, NGOs, general public, etc.) and for analysing and investigating the material, including with the purpose of identifying the victims.

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

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

#### **Relationship with law enforcement**

- The hotline has a MOU with law enforcement.
- The alleged CSAM material sent from the public and received by the hotline is directly forwarded to the National Centre to Fight Child Pornography Online (CNCPO). The Centre, a specialized unit within the Postal and Communications Police under the Ministry of Interior's National Police, serves as the competent authority responsible for evaluating and investigating suspected cases of CSAM. It also initiates procedures to block and remove confirmed CSAM, including those of cross-border nature.

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

The hotline does not have direct contact with hosting providers.

#### **Other content dealt with by the hotline**

- 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-quater 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)

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The term “child pornography” is still used in Italian national legislation, defined as any depiction, whether real or simulated, of a person under the age of eighteen engaged in sexually explicit activities, or any portrayal of the sexual organs of a person under the age of eighteen for sexual purposes (Law 172/2012 - Ratification of the Lanzarote Convention - Art 4).

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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.

### **Criminalised acts related to CSAM**

Italian law consistently addresses and penalizes any actions related to "child pornography" content, encompassing production, possession, distribution, trafficking, promotion of the material, and - as of 2022 - deliberate access to websites containing child pornographic material without valid justification (Law 238/2021, effective from January 17, 2022), even if the material is not downloaded or stored.

Additionally, Italian legislation prohibits the viewing of pornographic performances and shows involving children (Article 600-ter.2.). This stipulation could be utilized to prosecute the live streaming of child sexual abuse.

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

This topic is currently being discussed by the jurisprudence.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The Italian legislation does not explicitly define "child sexual exploitation material" (CSEM) as a distinct legal term. However, Article 600-ter of the Italian Criminal Code criminalizes individuals who exploit minors for the production of pornographic content or induce them into participating in pornographic exhibitions, while Article 600-bis prohibits child prostitution, targeting actions such as recruiting, inducing, promoting, exploiting, managing, or controlling the prostitution of minors.

The hotline does not process these types of reports. It doesn't have the mandate to assess any material reported.

## Specific law regulating AI-generated CSAM

There is no specific legislation regulating AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Not illegal (dependent on the context)	Notice to LEA LEA sends NTD to HPs	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).  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</b>	Illegal	Notice to LEA LEA sends NTD to HPs	



<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA LEA sends NTD to HPs	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 LEA sends NTD to HPs	This type could fall under article 600-quater1, 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 LEA sends NTD to HPs	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—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA LEA sends NTD to HPs	This type is specifically defined by the Law: article 609-undecies, Penal Code.
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA LEA sends NTD to HPs	The intent to physically meet the child is not necessary for the act to be considered a crime, and all actions taken to establish a trusting relationship with the intention of committing a sexual offense are punishable by law.
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA. 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 the context)	Notice to LEA 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 the context)	Notice to LEA 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 (dependent on the context)	Notice to LEA 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>	Illegal	Notice to LEA 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>	Illegal	Notice to LEA 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 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 (dependent on the context)	Notice to LEA 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	
<b>Audio CSAM: recordings of CSA</b>	N/A		The legal status of audio CSAM is not explicitly defined.
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	N/A		The legal status of audio CSAM is not explicitly defined.

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<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	Comments/ Explanations
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.lv



### HOTLINE INFORMATION

**Operated by:** Latvian Internet Association

#### Hotline mandate

The hotline is allowed to process reports and send non legally binding requests to remove illegal content. The hotline doesn't do proactive search.

#### Legal basis for operation

The hotline is operated by the Latvian Safer Internet Center (LSIC) on the basis of cooperation contract with the 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 the 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, Internet Services Providers (ISPs) are obliged to remove or block the CSAM stored on their servers.

The Law on Information Society Services (<https://likumi.lv/ta/en/en/id/96619-law-on-information-society-services>) regulates the duties of ISPs operating in Latvia, including the obligation for ISPs to comply with the requests of competent state authorities. Moreover, Section 10 of this law provides the liability for the ISPs in case illegal content is hosted knowingly. Therefore, in order to evade criminal/administrative liability, the ISPs must block access or remove all content that is known to be illegal.

The LSIC Hotline has no legal authority to request anything from ISPs because it is not an official authority. The Memorandum of Understanding is signed between LSIC and major ISPs. The MoU provides possibility for LSIC to pass information to the ISPs 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 ISPs, but this notification is not legally binding as such. However, LSIC can inform the ISPs about the fact it is hosting illegal content, and according to the abovementioned Law on Information Society Services the ISP has to react and remove CSAM. ISPs generally react to such notifications as the liability of the ISPs for the illegal content hosted is triggered in situations when ISP knew about illegal content but did not remove it.

## Other content dealt with by the hotline

- 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>)

## LEGISLATIVE CONTEXT

### Terminology & definition used in legislation referring to CSAM

Child sexual abuse material term in laws is used as “child pornography”; however, the terminology change process has been initiated to replace the term “child pornography” with CSAM in all laws and documents when the “child pornography” term is used.

### Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses

A person below 18 is considered a minor. Child Sexual Abuse Material (Child Pornography) is material where depicted person is under 18 years. Legal age of consent for sexual activities is 16.

## Criminalised acts related to CSAM

- Law on Pornography Restrictions (<http://likumi.lv/ta/en/en/id/157638-law-on-pornography-restrictions>) Criminal Law section 166. Violation of Provisions Regarding the Demonstration of a Pornographic Performance, Restriction of Entertainment of Intimate Nature and Handling of a Material of Pornographic Nature (<https://likumi.lv/ta/en/en/id/88966-criminal-law>)
- Criminal Law section 172. Involvement of a Minor in a Criminal Offence (<https://likumi.lv/ta/en/en/id/88966-criminal-law>)
- 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>)

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

No

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

According to law, child sexual exploitation material falls under the category of child sexual abuse material (Child pornography).

## Specific law regulating AI-generated CSAM

The national law does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA NTD to ISPs	
Digitally generated CSAM	Illegal	Notice to LEA NTD to ISPs	
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA NTD to ISPs	
A minor appearing to be an adult engaged in sexually explicit conduct	Illegal	Notice to LEA NTD to ISPs	
An adult person appearing to be a minor engaged in sexually explicit conduct	Not illegal (dependent on the 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—solicitation of the child to meet offline (for contact offences)</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>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</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 NTD to ISPs	
<b>Apparent self-generated sexual material</b>	Illegal	Notice to LEA NTD to ISPs	
<b>Sexualised modelling or posing</b>	Illegal	Notice to LEA NTD to ISPs	<p>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:</p> <p>a) a child who is involved in sexual activities, a child completely or partially without clothing in a 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 NTD to ISPs	
<b>Text depictions of CSAM</b>	Illegal	Notice to LEA NTD to ISPs	
<b>Fictional text depictions of CSAM</b>	Illegal (dependent on the context)	Notice to LEA NTD to ISPs	
<b>Praise of paedophilia or CSA</b>	Illegal	Notice to LEA NTD to ISPs	
<b>Manual on CSA</b>	Illegal	Notice to LEA NTD to ISPs	
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA NTD to ISPs	



<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA NTD to ISPs	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal (dependent on the context)	Notice to LEA NTD to ISPs	

Context	Legal Status	Actions Taken	Comments/ Explanations
<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> <ul style="list-style-type: none"> <li>i) the process of education, for scientific, research or medical purposes.</li> <li>ii) in specialised sectors of literature, as well as in libraries of the relevant sector (in specialised libraries).</li> <li>iii) law enforcement institutions and courts - for the performance of duties thereof, prescribed by regulatory enactments.</li> <li>iv) in so far as is necessary for a State or local government institution - for the performance of duties prescribed by regulatory enactments.</li> </ul> <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 the context)	Notice to LEA NTD to ISPs	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 the context)	Notice to LEA NTD to ISPs	If comments sexualize a child, that content is illegal.

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (Password protected)	Allowed to access. Allowed to send NTDs	Notice to LEA. NTD to ISPs	Hotline evaluates content and if it is illegal, forward it to LEA and later to HP or insert into ICCAM.
Peer to peer (torrent, emule, Kat)	Not allowed to access or send NTDs	Notice to LEA NTD to ISPs	Report is forwarded to LEA without evaluation
Dropbox/cloud/similar file hosting services	Not allowed to access or send NTDs		
Tor/Onion	Allowed to access Allowed to send NTDs	Notice to LEA NTD to ISPs	The hotline evaluates content and if it is illegal, forwards it to LEA and later to ISP and ICCAM if there is link to the clear web.
Livestreamed CSE/CSA	Allowed to access Allowed to send NTDs	Notice to LEA NTD to ISPs	The hotline has never received such a report. In the case that the hotline receives such a report, LEA would be informed immediately.
File Transfer protocol (Ftp://)	Allowed to access Allowed to send NTDs	Notice to LEA NTD to ISPs	
Social media accounts	Allowed to access Allowed to send NTDs	Notice to LEA NTD to ISPs	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.
Email	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.
Usenet	N/A		
Messengers (Telegram, WhatsApp)	N/A		

## Lithuania – Svarus Internetas



### HOTLINE INFORMATION

**Operated by:** Communications Regulatory Authority of the Republic of Lithuania (RRT)

#### **Hotline mandate**

The hotline is allowed to process reports about CSAM, issue NTD, do proactive search.

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

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

After 10 years of operation, recognition of the hotline in legislation 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**

The hotline has had written agreements with the Police Department since 2007 when the hotline was established. The hotline sends 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 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 10 largest hosting service providers in Lithuania have joined the Memorandum.

## **Other content dealt with by the hotline**

Pornography, content inciting racial or ethnic hatred, cyberbullying, content leading to violence, drugs, and other content which can make negative impact on minors.

Description of types of content which can make negative impact on minors are provided in the Law on the Protection of Minors against the Detrimental Effect of Public Information.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

In Lithuania, instead of the terms “child sexual abuse material” or “child pornography”, the term “pornography where child is depicted” is used.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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

### **Criminalised acts related to CSAM**

The following acts are criminalised in the Lithuanian Criminal Code: Production, possession, distribution, publication, generation, advertisement of pornography, where child is depicted.

Sexual solicitation of a child under the age of sixteen

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

No direct legal protections exist.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

National legislation doesn't define "child sexual exploitation material", but the hotline processes these types of reports.

### Specific law regulating AI-generated CSAM

There is no specific law in Lithuania regulating AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal	Notice to LEA NTD to HPs	This type is not defined by the law but is found in the jurisprudence.  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 after having forwarded a report to LEA.
<b>Digitally generated CSAM</b>	Treated as illegal	Notice to LEA NTD to HPs	
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA 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 NTD to HPs	
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA NTD to HPs	
<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA NTD to HP	

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

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<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 illegal	Notice to LEA NTD to HPs	
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Treated as illegal	Notice to LEA NTD to HPs	

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<b>Private site types (Password protected)</b>	Allowed to access 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 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 Allowed to send NTDs	Notice to LEA	
<b>File Transfer protocol (Ftp://)</b>	Allowed to access Allowed to send NTDs	Notice to LEA	
<b>Social media accounts</b>	Allowed to access 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 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**

### **HOTLINE INFORMATION**



**Operated by:** KJT (Kanner-Jugendtelefon)

#### **Hotline mandate**

The BEE SECURE Stopline is allowed to process reports. The hotline is not doing proactive search.

#### **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, revisionism and hate speech, such as terrorism.

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

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

#### **Other content dealt with by the hotline**

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*).

### **LEGISLATIVE CONTEXT**

#### **Terminology & definition used in legislation referring to CSAM**

The term used in legislation (Art.384) is the term of minors. This law indicates to proceed "anyone who has knowingly possessed or consulted written material, printed matter, images, photographs, films or other objects of a pornographic nature involving or depicting minors".



Although the legislation also uses the term “pornography related to minors” in Art. 383: " The production, transport or dissemination by any means whatsoever and regardless of the medium of a message of a violent or pornographic nature or of a nature seriously prejudicial to human dignity, or the marketing of such a message, is punishable by imprisonment of between one month and three years and a fine of between 251 and 50,000 euros where the message is likely to be seen or perceived by a minor.”

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: anyone under the age of 18

Legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses: Anyone under the age of 16.

## **Criminalised acts related to CSAM**

Possession, consulting, production, transport or dissemination by any means of written material, printed matter, images, photographs, films or other objects of a pornographic nature involving or depicting minors

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

No direct legal protections exist. However, drafting is underway for a new Juvenile Criminal Code. It will provide for an age of criminal responsibility to be set.

## **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The Luxembourg legislation does not contain a definition of child sexual exploitation material. However, the "Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, opened for signature in Lanzarote on 25 and 26 October 2007" is adopted by the law (Loi du 16 Juillet 2011, Art. 1). The text of the law, in particular articles 379/383/383bis/383ter and 384, largely adopts the text of the Lanzarote Traité.

Under a consensus between KJT, SNJ, LEA and prosecution, based on the definitions of EUROPOL, ECPAT, national law and the EU Directive 2011/93/UE article 2, Child Sexual Exploitation Material (CSEM) and Child Sexual Abuse Material (CSAM) are synonymous and include each other.

## **Specific law regulating AI-generated CSAM**

There is no specific law regulating AI-generated CSAM. However, under the EU Directive 2011/93/UE article 2 and national law, any visual representation of child pornography is illegal regardless of how or through what medium the representation of a minor has been produced.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA LEA sends NTD to HP	If hosted nationally, LEA starts NTD procedure (contacting hosting providers)
Digitally generated CSAM	Illegal	Notice to LEA LEA sends NTD to HP	
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HP	
A minor appearing to be an adult engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HP	
An adult person appearing to be a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HP	
Child grooming—solicitation of the child to meet offline (for contact offences)	Illegal	Notice to LEA LEA sends NTD to HP	
Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal	Notice to LEA LEA sends NTD to HP	
Sexual extortion of children or soliciting children for sexual purposes	Illegal	Notice to LEA LEA sends NTD to HP	
Apparent self-generated sexual material	Illegal	Notice to LEA LEA sends NTD to HP	
Sexualised modelling or posing	Illegal	Notice to LEA. LEA sends NTD to HP	
Sexualised images of children	Illegal	Notice to LEA LEA sends NTD to HP	
Text depictions of CSAM	Illegal	Notice to LEA LEA sends NTD to HP	
Fictional text depictions of CSAM	Illegal	Notice to LEA LEA sends NTD to HP	
Praise of paedophilia or CSA	Not illegal (dependent on the context)		
Manual on CSA	Illegal	Notice to LEA LEA sends NTD to HP	
Declaration of committing CSA	Illegal	Notice to LEA LEA sends NTD to HP	

<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal		

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Can be treated as CSAM, but needs more detailed analysis	Notice to LEA LEA sends NTD to HP	In the cases where these images fulfil criteria of posing/ sexual aspect 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 LEA sends NTD to HP	

<b>Content Location</b>	<b>Accessibility by Law</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</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 – Childwebalert**



### **HOTLINE INFORMATION**

**Operated by:** Aġenzija Appoġġ

#### **Hotline mandate**

The hotline is mandated to process reports, analyse and view the content and insert them into ICCAM to classify. If the content is hosted in Malta, the hotline will liaise with the police to issue NTD. The hotline is not allowed to do proactive search.

#### **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 by the hotline**

Grooming and hate speech.

### **LEGISLATIVE CONTEXT**

#### **Terminology & definition used in legislation referring to CSAM**

According to the Maltese legislation, the terminology used to refer to CSAM is “Child indecent Material”.

## Article 208 A: Indecent photographs, films, etc., of persons underage

(1) Any citizen or permanent resident of Malta whether in Malta or outside Malta, as well as any person in Malta, who makes or produces or permits to be made or produced any indecent material involving or showing persons under age or produces, distributes, disseminates, imports, exports, offers, sells, supplies, transmits, makes available, procures for oneself or for another, or shows such indecent material shall, on conviction, be liable imprisonment for a term from twelve months to five years.(1A) The offence in sub-article (1) shall be punishable with imprisonment for a term from two to eight years, with or without solitary confinement, in each of the following cases: (a) when the offender wilfully or recklessly endangered the life of the person under age; (b) when the offence involves violence or grievous bodily harm on such person; (c) when the offence is committed with the involvement of criminal organisation within the meaning of article 83A(1).(1B) Any person who acquires, knowingly obtains access through information and communication technologies to, or is in possession of, any indecent material which shows, depicts or represents a person under age, shall, on conviction, be liable to imprisonment for a term from not exceeding three years. (1C) For the purposes of sub-article (1) the expression "permanent resident" shall have the same meaning assigned to it by article 5(1)(d).

(2) A photograph, film, video recording or electronic image shall, if it shows a person under age and is indecent, be treated for all purposes of this article as an indecent photograph, film, videorecording or electronic image.(3) Where the offences in sub-articles (1) and (1B) are committed by any ascendant by consanguinity or affinity, or by anyone of the adoptive parents, or by the tutor, or by any other person charged, even though temporarily, with the care, education, instruction, control or custody of the person under age shown, depicted or represented in the indecent material, or where such person under age has not completed the age of nine years or where the indecent material shows, depicts or represents a minor involved in acts of bestiality, brutality, sadism or torture:

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

A child is a minor below the age of 18. The age of sexual consent in Malta is 16 years. However, when dealing with Child Sexual abuse material, all images of children under the age of 18 are deemed illegal.

## **Criminalised acts related to CSAM**

The production, possession, distribution, publication, generation, advertisement. Text and cartoons containing CSAM are also deemed illegal.

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

There is no legal protection to avoid criminalisation of children.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

As a hotline child sexual exploitation material is dealt with. It is not really defined however the umbrella of Child Indecent Material covers that too.

### Specific law regulating AI-generated CSAM

(1B) Any person who acquires, knowingly obtains access through information and communication technologies to, or is in possession of, any indecent material which shows, depicts or represents a person underage, shall, on conviction, be liable to imprisonment for a term from not exceeding three years.” The fact that the code states that the content depicts or represents a person underage, could be taken that AI generated content depicting a child is also deemed illegal.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA LEA sends NTD to HP.	
Digitally generated CSAM	Illegal	Notice to LEA LEA sends NTD to HP	The fact that the content depicts a child
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HP	
A minor appearing to be an adult engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HP	
An adult person appearing to be a minor engaged in sexually explicit conduct	Illegal	Notice to LEA LEA sends NTD to HP	
Child grooming— solicitation of the child to meet offline (for contact offences)	Illegal	Notice to LEA LEA sends NTD to HP	
Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal	If the perpetrator is known, vice squad is contacted immediately, in cases where the perpetrator is using a false persona, cybercrime unit will carry out the investigation.	
Sexual extortion of children or soliciting children for sexual purposes	Illegal	Notice to LEA LEA sends NTD to HP	

<b>Apparent self-generated sexual material</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Sexualised modelling or posing</b>	Illegal	Notice to LEA LEA sends NTD to HP	The legislation states indecent material so that material that depicts the child in sexual posing or naked
<b>Sexualised images of children</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Text depictions of CSAM</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Fictional text depictions of CSAM</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Praise of paedophilia or CSA</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Manual on CSA</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA LEA sends NTD to HP	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Notice to LEA LEA sends NTD to HP	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not treated as CSAM	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>	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



## Moldova – Sigur Online



### HOTLINE INFORMATION

**Operated by:** La Strada Moldova

#### **Hotline mandate**

Siguronline Hotline is mandated to operate the national CSAM reporting hotline, receiving and assessing reports of CSAM according to national criminal legislation, and seeking its removal through the notice and takedown process directed at hosting providers. The Hotline is not permitted to conduct proactive searches for CSAM.

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

La Strada Moldova has signed a Memorandum of Understanding (MoU) with the General Police Inspectorate, outlining the roles and responsibilities of each party in combating child sexual abuse materials (CSAM). The General Police Inspectorate approved the Mechanism of functioning of the hotline through an internal Order. Also, Regulations indicating the responsibilities of La Strada and the General Police Inspectorate, have been developed and signed by both parties.

#### **Relationship with law enforcement**

According to the MoU, the Siguronline Hotline is authorised to receive reports of CSAM, possess the materials for analysis, classify the severity and nature of the content, and subsequently send the information to the national police for further investigation. Additionally, the Siguronline Hotline is responsible for notifying hosting providers to facilitate the removal of the illegal content.

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

The Siguronline Hotline is authorised to send notice and takedown (NTD) requests to hosting providers, requesting the removal of child sexual abuse materials (CSAM). The hotline has established collaboration agreements with several hosting providers to streamline this process. If the content is not removed within 72 hours of the initial request, the hotline sends reminders until the content is successfully taken down. Hosting providers are expected to provide feedback once the content has been removed. In instances where hosting providers are uncooperative and fail to remove the content, the hotline escalates the matter by involving the national police to ensure the necessary actions are taken.

**Other content dealt with by the hotline**

None.

**LEGISLATIVE CONTEXT****Terminology & definition used in legislation referring to CSAM**

The Criminal Code uses the term “child pornography”.

**Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Child – a person who has not reached the age of 18 years old

The legal age of consent for sexual activities is 16 years old (art 174 of the Criminal Code of Moldova).

The age associated with CSAM offenses is 18 years old (art. 208/1 of the Criminal Code of Moldova).

The age associated with grooming offenses is 18 years old (art. 175/1 of the Criminal Code of Moldova).

**Criminalised acts related to CSAM**

Art. 208/1 of the Criminal Code of Moldova - producing, distributing, broadcasting, importing, exporting, offering, selling, procuring, exchanging, using or possessing images or other representations of one or more children involved in explicit, real or simulated sexual activities, or images or other representations of organs of a child, represented in a lewd or obscene manner, including in electronic form.

**Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

None. The Criminal Code of the Republic of Moldova, on equal terms, establishes criminal liability for persons aged between 16 and 18 (for the offense committed under Article 208<sup>1</sup> Criminal Code of the Republic of Moldova, mentioned above) committing offenses, just as for adults. For children under the age of 16, they cannot be subject to criminal liability.

**Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The national legislation does not define “child sexual exploitation materials”. The hotline may refer these types of reports to the police for further investigation. However, these materials are not illegal. This can be relevant evidence while investigating another category of OCSEA crime.

**Specific law regulating AI-generated CSAM**

The national law does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Not illegal	None	Moldovan law does not criminalize these categories of CSAM, so no action is taken.
<b>Digitally generated CSAM</b>	Not illegal	None	Moldovan law does not criminalize these categories of CSAM, so no action is taken.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	According to national law, images or other representations of one or more children involved in explicit, real or simulated sexual activities, or imagines or other representations of organs of a child represented in a lewd or obscene manner, including in electronic form is illegal (art. 208/1 of the Criminal Code from Moldova)
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Appears to be illegal	None	Moldovan law does not criminalize these categories of CSAM, so no action is taken.
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Not illegal	None	Moldovan law does not criminalize these categories of CSAM, so no action is taken.
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	The Siguronline Hotline refers these reports to police for further investigations.
<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Partially illegal	Notice to LEA	Sexual conversation with a child, viewing sexual activities is not clearly defined in law as illegal, when committed with a child, depending on interpretation. Production of CSAM is illegal.
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal (depending on the context)	Notice to LEA	It is a matter of interpretation. Moldovan Law does not criminalise “sexual extortion” as an offense. Soliciting children for sexual purposes or sexual extortion may be considered illegal, if it meets the elements of any crime (sexual harassment, grooming, blackmail, etc.).
<b>Apparent self-generated sexual material</b>	Illegal (depending on the context)	Notice to LEA NTD to HPs	These materials are reported to the police for further investigations. Law enforcement is collecting data to analyze if these materials were published by the children, or if the publication of the material was realized without the child’s consent. From the

			CSAM perspective, the hotline does not consider this relevant so in any case, the hotline will request their removal.
<b>Sexualised modelling or posing</b>	Not illegal	None	
<b>Sexualised images of children</b>	Not illegal	None	
<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 (depending on the context)	Notice to LEA	Moldovan law does not criminalize these categories of CSAM, however, this information is reported to LEA. They will analyze the information, which may be considered as evidence for a certain OCSEA crime.
<b>Manual on CSA</b>	Not illegal	Notice to LEA	Moldovan law does not criminalize these categories of CSAM, however, this information is reported to LEA. They will analyze the information, which may be considered as evidence for a certain OCSEA crime.
<b>Declaration of committing CSA</b>	Not illegal	Notice to LEA	Moldovan law does not criminalize these categories of CSAM, however, this information is reported to LEA. They will analyze the information, which may be considered as evidence for a certain OCSEA crime.
<b>Audio CSAM: recordings of CSA</b>	Not illegal	Notice to LEA	Moldovan law does not criminalize these categories of CSAM, however, this information is reported to LEA. They will analyze the information, which may be considered as evidence for a certain OCSEA crime.
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	Notice to LEA	Moldovan law does not criminalize these categories of CSAM, however, this information is reported to LEA. They will analyze the information, which may be considered as evidence for a certain OCSEA crime.

Context	Legal Status	Actions Taken	Comments/ Explanations
Images in a medical context	Not illegal	None	
Non-explicit images in a series of images that contain CSAM	Not illegal	Notice to LEA	Moldovan law does not criminalize these categories of CSAM, however, this information is reported to LEA. They will analyze the information, which may be considered as evidence for a certain OCSEA crime.
Non-explicit images that have comments or captions of a sexual nature attached to them	Not illegal	Notice to LEA	Moldovan law does not criminalize these categories of CSAM, however, this information is reported to LEA. They will analyze the information, which may be considered as evidence for a certain OCSEA crime.

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (Password protected)	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	If the content is accessible and illegal according to Moldovan law, the Hotline will apply the usual NTDs proceedings. The hotline requests the removal only from HPs.
Peer to peer (torrent, emule, Kat)	Allowed to access	Notice to LEA NTD to HPs	According to the Hotline Regulations and Memorandum of Understanding of police, the hotline can access and assess all the content reported, not depending on the content location. The hotline cannot download the materials. The hotline requests the removal only from HPs.
Dropbox/cloud/similar file hosting services	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	According to the Hotline Regulations and Memorandum of Understanding of police, the hotline can access and assess all the content reported, not depending on the content location. The hotline cannot download the materials. The hotline requests the removal only from HPs.
Tor/Onion	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	According to the Hotline Regulations and Memorandum of Understanding of police, the hotline can access and assess all the content reported, not depending on the content location. The hotline cannot download the materials. The hotline requests the removal only from HPs.
Livestreamed CSE/CSA	Allowed to access	Notice to LEA	According to the Hotline Regulations and Memorandum of Understanding of

	Allowed to send NTDs		police, the hotline can access and assess all the content reported, not depending on the content location. The hotline cannot record the livestreamed abuse/download CSAM. The hotline requests the removal only from HPs.
<b>File Transfer protocol (Ftp://)</b>	N/A		
<b>Social media accounts</b>	Allowed to access	Notice to LEA	According to the Hotline Regulations and Memorandum of Understanding of police, the hotline can access and assess all the content reported, not depending on the content location. The hotline cannot download the materials. The hotline requests the removal only from HPs.
<b>Email</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	According to the Hotline Regulations and Memorandum of Understanding of police, the hotline can access and assess all the content reported, not depending on the content location. The hotline cannot download the materials. The hotline requests the removal only from HPs.
<b>Usenet</b>	N/a		According to the Hotline Regulations and Memorandum of Understanding of police, the hotline can access and assess all the content reported, not depending on the content location. The hotline cannot download the materials. The hotline requests the removal only from HPs.
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access	Notice to LEA	According to the Hotline Regulations and Memorandum of Understanding of police, the hotline can access and assess all the content reported, not depending on the content location. The hotline cannot download the materials. The hotline requests the removal only from HPs.

## Netherlands – Meldpunt Kinderporno/EOKM

### HOTLINE INFORMATION

Operated by: Offlimits



#### Hotline mandate

The hotline is mandated to operate the national CSAM reporting hotline and assess reports of CSAM received from (amongst others) ICCAM, citizens and (inter)national law enforcement agencies, and seeks its removal through the notice and takedown process directed at hosting providers.

#### 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. Moreover, the hotline and Dutch LEA (as well as the public prosecutor's office) work very closely together, in exchanging information and reports as well as introducing each other to external partners when necessary.

#### 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 by the hotline

The hotline only deals with CSAM, according to the Criminal Code (Wetboek van Strafrecht) Article 252 (which was previously Article 240b, before the law for all sexual offenses changed in July 2024).

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Dutch law refers to CSAM as “child pornography”.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of the child: under 18.

Legal age of consent for sexual activities:16

### **Criminalised acts related to CSAM**

The production, possession, distribution, publication, generation, advertisement or access of CSAM is prohibited.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

The baseline is that the child depicted in a self-generated CSAM photo or video is treated as a victim and should be safeguarded. This is described in a policy document on how law enforcement and the public prosecution service deal with cases of sexting. More formally, the policy document refers to the legal context: prosecution is legally impossible because of the lack of (conditional) intent or because of the fact that it is generally not in the best interest of those involved.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

There is no legal definition for “child sexual exploitation material” in the Netherlands. CSEM is understood as an umbrella term inclusive of CSAM, but also one referring to material that does meet the threshold of CSAM in law. The public prosecutor's guideline does define this term more precisely, in order for law enforcement to make a good assessment. Within this definition various criteria for the character and the context of the photo or video are defined, which can be used to determine its legal or illegal nature. The hotline does not send NTDs for material that is not deemed to be illegal.

### **Specific law regulating AI-generated CSAM**

Realistic AI-generated CSAM is illegal in the Netherlands. According to article 252 of the Criminal Code, sexual visual representations in which a person who appears to be under the age of 18 is involved or appears to be involved are illegal. This means that an image is illegal irrespective of through what medium the representation has been produced and whether or not a real child was involved.



Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal (dependent on context)	NTD to HPs	<p>In the Netherlands illegal images are only shared with Dutch LEA when the image appears to be taken in the Netherlands or when there is a Dutch context, or when the image is from a country that is not part of the INHOPE network.</p> <p>According to article 252 of the Criminal Code, for this to be illegal, the drawing must be a realistic representation of a child.</p> <p>If illegal: notice is sent to HP.</p>
<b>Digitally generated CSAM</b>	Illegal (dependent on context)	NTD to HPs	<p>According to article 252 of the Criminal Code, for this to be illegal, the image must be a realistic representation of a child.</p> <p>If illegal: notice is sent to HP.</p>
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal (dependent on context)	NTD to HPs	
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	NTD to HPs	<p>Article 252 of the Criminal Code makes no reference to appearance of age, only whether the person is under the age of 18</p>
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal (dependent on context)	NTD to HPs	<p>Depends on whether it can be proven if the depicted person was 18+ by the time the image was taken.</p> <p>Officially: when someone appears to be underage, it can be marked as illegal. According to Dutch law, there does not have to be proof of age for an image to be categorized as illegal. So, in this case: report it to the HP.</p> <p>However, if it can be proven that the person is 18 years or older, it is technically not illegal.</p>
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	N/A	<p>Hotline only deals with images.</p>
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	N/A	
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	N/A	

<b>Apparent self-generated sexual material</b>	Illegal	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>	Illegal	NTD to HPs	Sexualised is not formally defined in the Dutch legislation, however the public prosecutor's guidelines define sexualised as an unnatural pose, a clearly sexually suggestive pose, or a pose with a focus on the genitalia
<b>Sexualised images of children</b>	Illegal	NTD to HPs	
<b>Text depictions of CSAM</b>	Not illegal	N/A	Hotline only deals with images.
<b>Fictional text depictions of CSAM</b>	Not illegal	N/A	
<b>Praise of paedophilia or CSA</b>	Not illegal	N/A	
<b>Manual on CSA</b>	Illegal	N/A	
<b>Declaration of committing CSA</b>	Not illegal	N/A	
<b>Audio CSAM: recordings of CSA</b>	Not illegal	N/A	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	N/A	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Dependent on content	NTD to HPs	
<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 on whether 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).

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

## Poland – Dyżurnet.pl



### HOTLINE INFORMATION

**Operated by:** National Research and Academic Computer Network (NASK)

#### **Hotline mandate**

The hotline is allowed to process reports, issue notifications to ISP and send reports to LEA.

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

According to the Act on the National Cyber Security System, NASK-PIB is 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 by the hotline**

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)

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The terminology used in the Criminal Code is "pornographic content involving a minor".

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

A minor is any person below 18 years of age (art. 202. C.C).

The age of consent is 15 (art. 200. § 1 C.C).

The age associated with CSAM offences - below 18 years of age.

The age associated with grooming offenses - below 15 years of age (art. 200a. C.C.)

### **Criminalised acts related to CSAM**

The recording, importing, production, possession, distribution, dissemination, presentation, gaining access.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Persons under 17 years of age are subject to the Act on proceedings in juvenile cases. Instead of punishment, the family court will apply educational, therapeutic or corrective measures intended for minors.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

No such term in Polish Criminal Code. If such content is on Polish server, the notification of ToS abuse is sent to web admin or ISP and the content is removed, usually.

### **Specific law regulating AI-generated CSAM**

Producing, distributing, presenting, keeping or holding pornographic content presenting produced or reproduced image of a minor participating in a sexual act is penalized in Polish Criminal Code. "Produced or reproduced" refers to AI-generated as well. (Art. 202. § 4b C.C.)

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal (dependent on the context)	Notice to LEA NTD to HPs	The legality depends on the context - minor must be involved in a sexual act
Digitally generated CSAM	Illegal	Notice to LEA NTD to HPs	Minor must participate in a sexual act.
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 (dependent on the 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.
An adult person appearing to be a minor engaged in sexually explicit conduct	Not illegal	None	
Child grooming— solicitation of the child to meet offline (for contact offences)	Illegal	Notice to LEA	Concerns minors under 15 years of age.
Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal	Notice to LEA	Concerns minors under 15 years of age.
Sexual extortion of children or soliciting children for sexual purposes	Illegal	Notice to LEA	Concerns minors under 15 years of age.
Apparent self-generated sexual material	Illegal	Notice to LEA NTD to HPs	Concerns pornographic content.
Sexualised modelling or posing	Not illegal	NTD to HPs	Modelling/posing classified by Dyżurnet.pl as child sexual exploitation material (CSEM).  There is no legal definition of “sexualised”, but the hotline will use Universal Classification Schema.
Sexualised images of children	Not illegal	NTD to HPs	Concerns explicit sexual context.  There is no legal definition of “sexualised”, but the hotline will use Universal Classification Schema.
Text depictions of CSAM	Not illegal	Notice to LEA	Latest interpretation by The Polish Supreme Court excludes text

		NTD to HPs	depictions. Only vision depictions are illegal.
<b>Fictional text depictions of CSAM</b>	Not illegal	Notice to LEA 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 NTD to HPs	
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA	
<b>Audio CSAM: recordings of CSA</b>	Not illegal		Only visual depictions are illegal
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal		Only visual depictions are illegal

Context	Legal Status	Actions Taken	Comments/ Explanations
<b>Images in a medical context</b>	Not illegal		Medical material cannot be treated as illegal pornography.
<b>Non-explicit images in a series of images that contain CSAM</b>	Not treated as CSAM		Dyzurnet.pl assess every single image.
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	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/ Explanations
<b>Private site types (Password protected)</b>	Allowed to access	Notice to LEA NTD to HPs	If the login data is provided. If illegal, Notice to LEA and HP
<b>Peer to peer (torrent, emule, Kat)</b>	N/A		If illegal, Notice to LEA and HP
<b>Dropbox/cloud/similar file hosting services</b>	Allowed to access	Notice to LEA NTD to HPs	If illegal, Notice to LEA and HP

<b>Tor/Onion</b>	Allowed to access	Notice to LEA NTD to HPs	If illegal, Notice to LEA and HP
<b>Livestreamed CSE/CSA</b>	Allowed to access	Notice to LEA NTD to HPs	If illegal, Notice to LEA and HP
<b>File Transfer protocol (Ftp://)</b>	Allowed to access	Notice to LEA NTD to HPs	If the login data is provided
<b>Social media accounts</b>	Allowed to access	Notice to LEA NTD to HPs	If illegal, Notice to LEA and HP
<b>Email</b>	Allowed to access	Notice to LEA NTD to HPs	If illegal, Notice to LEA and HP
<b>Usenet</b>	N/A		If illegal, Notice to LEA and HP
<b>Messengers (Telegram, WhatsApp)</b>	Allowed to access	Notice to LEA NTD to HPs	If the login data is provided



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

### **HOTLINE INFORMATION**

**Operated by:** The Portuguese Association for Victim Support (APAV)



#### **Hotline mandate**

The hotline can process reports. Hotline staff are permitted to access reported CSAM during their duties, and issue NTDs.

There is an NTD template supported by relevant national legislation. The Hotline is not incorporated as a judicial authority: NTD requests are not mandatory. However, requests for the takedown on web-based platforms are invariably complied with. Application-based platforms, typically chat platforms, have proved more difficult to engage

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

MOU with Law Enforcement (judiciary police)

#### **Relationship with law enforcement**

The relationship between the hotline and law enforcement is also close, supportive, and mutually respectful. The hotline notifies the Judicial Police when CSAM is hosted in Portugal, sharing the relevant case information and issuing the NTD. If the content is not removed within the established timeframe, the Judicial Police are also informed so they can take the necessary measures.

The hotline also notifies the Judiciary Police when it involves platforms with text (no images) in Portuguese, even if it is not hosted in Portugal. The hotline also seeks guidance directly from the inspectors whenever the case falls outside the usual patterns.

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). On the other hand, the Judiciary Police can also refer victims to Linha Internet Segura to receive specialised support (mainly psychological, legal and social support).

## **Relationship with hosting providers**

To date, whenever LIS had content hosted in Portugal, it has been hosted in the same hosted provider. LIS is a trusted flagger for several platforms (such as Discord, Meta, YouTube, X, TikTok, etc.), so part of content removal notices is also made through these channels. For all others, LIS uses the available abuse email to request removal.

If the content is not removed within the established timeframe, the Judicial Police are also informed so they can take the necessary measures.

LEA also notifies the hosting provider of the takedown, and LEA gives the hotline feedback.

## **Other content dealt with by the hotline**

Hate Speech and incitement to violence - criminalized under article 240.º of the Portuguese Penal Code. . Starting this summer, LIS will receive reports of online terrorist content

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

“Child pornography” is used in the legislation in Portugal.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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 as 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. Articles 176 and 176-A of the Penal Code, concerning Child Pornography and Child Grooming for Sexual Purposes, respectively, cover children between the ages of 0 and 18.

### **Criminalised acts related to CSAM**

Article 176º of the Penal Code addresses intimate image abuse involving minors.

This includes the production, distribution, or dissemination of sexual abuse materials involving minors.

There are also penalties for using minors in pornographic performances or enticing them for such purposes, as well as for producing, distributing, or displaying pornographic materials involving minors.

Offenders may face imprisonment ranging from one to five years, with increased penalties for professional or profit-driven activities and acts committed using threats, coercion, or violence. Additionally, acquiring, holding, accessing, or facilitating access to pornographic materials involving minors through computer systems or other means is punishable by imprisonment for up to two years. Moreover, individuals who knowingly facilitate or provide access to pornographic performances involving minors, whether in person or through computer systems or other means, may be imprisoned for up to three years. These penalties also apply to profit-driven activities involving such acts.

The law defines pornographic material as any material representing minors engaged in sexually explicit behaviours, real or simulated, or containing depictions of their sexual organs or other parts of their bodies for sexual purposes. The attempt is punishable. It is a public crime.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Children will not be penalised/ criminalised for self-generated material.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The legislation in Portugal does not directly define "child sexual exploitation materia". Exploitative behaviours are criminalised, such as grooming, acting on a child under 14 years of age through conversation, writing, performance or pornographic object, etc.

### **Specific law regulating AI-generated CSAM**

Article 176 of the Penal Code considers all material representing minors engaged in sexually explicit behaviours, real or simulated, or containing depictions of their sexual organs or other parts of their bodies for sexual purposes. Thus, AI-generated CSAM is already covered.

<b>Content Type</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal	Notice to LEA NTD to HPs	
<b>Digitally generated CSAM</b>	Illegal	Notice to LEA NTD to HPs	
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	

<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA NTD to HPs	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Not illegal	N/A	
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	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.
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	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.
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	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.
<b>Apparent self-generated sexual material</b>	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.
<b>Sexualised modelling or posing</b>	Illegal (dependent on the context)	Notice to LEA NTD to HPs	<p>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.</p> <p>Considering the definition of “sexualised”: In the Portuguese legal system, sexual crimes protect, on one hand, the sexual freedom of adults; and, on the other hand, the free development of minors in the field of sexuality, considering that certain acts or behaviours of a sexual nature can (even without violence), due to the young age of the victim, seriously harm their harmonious growth and, consequently, the free development of their personality.</p> <p>The legislator considered that a significant sexual act is an active behaviour, which objectively assumes a nature, a content, and a meaning directly related to the sphere of sexuality and, thus, with the freedom of sexual self-determination of the person who suffers or practices it.</p> <p>Therefore, a significant sexual act will be any behaviour that, from an objective point of view, can be recognised by a common observer as possessing a sexual character and that, given the species, intensity, or duration, offends the victim's freedom of sexual determination.</p>

<b>Sexualised images of children</b>	Illegal	Notice to LEA NTD to HPs	<p>Considering the definition of “sexualised”: In the Portuguese legal system, sexual crimes protect, on one hand, the sexual freedom of adults; and, on the other hand, the free development of minors in the field of sexuality, considering that certain acts or behaviours of a sexual nature can (even without violence), due to the young age of the victim, seriously harm their harmonious growth and, consequently, the free development of their personality.</p> <p>The legislator considered that a significant sexual act is an active behaviour, which objectively assumes a nature, a content, and a meaning directly related to the sphere of sexuality and, thus, with the freedom of sexual self-determination of the person who suffers or practices it.</p> <p>Therefore, a significant sexual act will be any behaviour that, from an objective point of view, can be recognised by a common observer as possessing a sexual character and that, given the species, intensity, or duration, offends the victim's freedom of sexual determination.</p>
<b>Text depictions of CSAM</b>	Illegal (dependent on the 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.
<b>Fictional text depictions of CSAM</b>	Illegal (dependent on the context)	Notice to LEA	
<b>Praise of paedophilia or CSA</b>	Illegal (dependent on the 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.
<b>Manual on CSA</b>	Illegal (dependent on the context)	Notice to LEA	
<b>Declaration of committing CSA</b>	Illegal (dependent on the context)	Notify LEA.	If it is a confession of a crime, it is treated as that crime - child sexual abuse.
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notify LEA	<p>It is illegal to use minors in photography, film, or pornographic recording, regardless of its format, or to entice them for this purpose.</p> <p>It is also illegal to produce, distribute, import, export, disclose, display, assign, or make available, by any means or under any title, the materials provided for in the preceding paragraph.</p>
<b>Audio CSAM: story telling/retelling scenes of CSA</b>	Illegal (dependent on the context)	Notify LEA	It is only considered a crime if the audio depictions of CSAM are in the context of a conversation with a minor.

Context	Legal Status	Actions Taken	Comments/ Explanations
Images in a medical context	Illegal (dependent on the context)	Notice to LEA 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/ Explanations
Private site types (Password protected)	Allowed to access	Notice to LEA 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 NTD to HPs	
Tor/Onion	Allowed to access	Notice to LEA NTD to HPs	
Livestreamed CSE/CSA	Allowed to access	Notice to LEA NTD to HPs	
File Transfer protocol (Ftp://)	Allowed to access	Notice to LEA NTD to HPs	
Social media accounts	Allowed to access	Notice to LEA NTD to HPs	
Email	Allowed to access	Notice to LEA NTD to HPs	
Usenet	N/A		
Messengers (Telegram, WhatsApp)	Allowed to access	Notice to LEA NTD to HPs	

## Romania – Ora de Net



### HOTLINE INFORMATION

**Operated by:** Save the Children Romania

#### **Hotline mandate**

The hotline is authorised to receive notifications, process reports and notify competent authorities or INHOPE network partners of confirmed cases.

#### **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. The Ora de Net Hotline will apply for Trusted Flagger status.

#### **Other content dealt with by the hotline**

- Grooming: 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.

- 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.
- 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.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Criminal law defines CSAM materials by art. 374 para. 4: "Child pornography is any material which depicts a minor or a person of full age as a minor engaging in sexually explicit conduct or which, although not depicting a real person, credibly simulates a minor engaging in such conduct, as well as any depiction of a child's genitals for sexual purposes."

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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

From 1 January 2024, the legal age of consent has been changed to 16 years (previously it was 15 years old).

### **Criminalised acts related to CSAM**

Art 374 (1) Penal Code: "Producing, possessing, procuring, storing, displaying, promoting, distributing and making available in any way pornographic material involving minors shall be punishable by imprisonment for a term of one to five years."

With the penalty provided in paragraph (1), it shall also be punishable by the penalty of inciting or recruiting a minor to participate in a pornographic performance, obtaining benefits from such a performance in which minors participate or exploiting a minor in any other way for the purpose of pornographic performances.



## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

There is no express non-punishment clause in national law for self-generated material. However, Article 15 of the Criminal Code stipulates that "1) An offence is an act provided for by criminal law, committed with guilt, unjustified and imputable to the person who committed it. (2)The offence is the only ground for criminal liability,, in conjunction with Art. 27 Minority of the offender, stating "An act provided for by criminal law committed by a minor who at the time of its commission did not meet the legal conditions for criminal liability shall not be imputable" . Minors under 14 are not criminally liable. When minors over the age of 14 are involved, judicial practice takes into account what the Lanzarote Convention Committee has pointed out: "self-produced sexual material does not qualify as child pornography when it has been produced solely for private use."

Possession of such material by minors cannot be considered as possession of child pornography when the purpose was strictly private.

The voluntary and consensual distribution between children of such material cannot be considered as offering or making available, distributing or transmitting, procuring or accessing child pornography when the purpose was strictly private.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The national law does not specifically define "child sexual exploitation material".

The hotline processes these types of reports.

## Specific law regulating AI-generated CSAM

The national law does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Not illegal if the material does not credibly depict a minor	Process according to the procedure for CSAM reports	
<b>Digitally generated CSAM</b>	Illegal if it credibly depicts a minor	Process according to the procedure for CSAM reports	
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA 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.

<p><b>A minor appearing to be an adult engaged in sexually explicit conduct</b></p>	<p>Illegal</p>	<p>Notice to LEA LEA sends NTD to HPS</p>	<p>It is handled as CSAM if there are suspicions or evidence that the depicted person is a minor.</p>
<p><b>An adult person appearing to be a minor engaged in sexually explicit conduct</b></p>	<p>Illegal</p>	<p>Notice to LEA LEA sends NTD to HPS</p>	<p>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.</p>
<p><b>Child grooming—solicitation of the child to meet offline (for contact offences)</b></p>	<p>Illegal</p>	<p>Notice to LEA</p>	<p>Art. 222: Recruitment of minors for sexual purposes  The act of a person of full age of proposing to a minor who has not attained the age of 16 years to meet for the purpose of committing a sexual act of any kind or for the purpose of committing an act referred to in Article 374, including when the proposal has been made by means of distance transmission, shall be punishable by imprisonment for a term of 6 months to 3 years.</p>
<p><b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b></p>	<p>Illegal</p>	<p>Notice to LEA</p>	<p>Art. 374 (3.2) The act of an adult requesting a minor to record, produce, distribute, display or transmit by any means, including electronic means of communication or social media, pornographic images, videos or other material depicting the minor engaging in sexually explicit conduct shall be punishable by imprisonment for a term of 6 months to 3 years.</p> <p>Art. 221: Sexual corruption of minors  4)The inducement by an adult of a minor who has not attained the age of 16 years to assist in the commission of acts of an exhibitionist nature or in shows or performances in which sexual acts of any kind are committed, as well as the provision of pornographic material, shall be punishable by imprisonment for a term of three months to three years or a fine.</p> <p>4.1)The act of an adult who incites a minor who has not attained the age of 16 years, by means of remote transmission, electronic communication or social networks, to commit any act of a sexual nature on himself, on a person or together with a person, including when the act of a sexual nature is not committed, shall be punishable by imprisonment from 6 months to 3 years or a fine.</p>

<p><b>Sexual extortion of children or soliciting children for sexual purposes</b></p>	<p>Illegal</p>	<p>Notice to LEA</p>	<p>Art. 218(1): Rape committed against a minor            (1) Sexual intercourse, oral or anal sexual intercourse, as well as any other acts of vaginal or anal penetration committed by an adult with a minor who has not attained the age of 16 years shall be punishable by imprisonment for a term of 7 to 12 years and disqualification from exercising certain rights.            (1.1) Sexual intercourse, oral or anal sexual intercourse, as well as any other acts of vaginal or anal penetration committed by a minor with another minor under the age of 14 shall be punishable in accordance with the provisions of Article 114.            (5) If the acts referred to in paragraph (1) and (1.1) were committed in exchange for remuneration, material benefit or advantage in kind or the promise of such benefits, the special limits of the penalty shall be increased by one third.</p>
<p><b>Apparent self-generated sexual material</b></p>	<p>Illegal</p>	<p>Notice to LEA            LEA sends NTD to HPs</p>	
<p><b>Sexualised modelling or posing</b></p>	<p>Not illegal</p>	<p>Notice to LEA</p>	
<p><b>Sexualised images of children</b></p>	<p>Not illegal</p>	<p>Notice to LEA</p>	
<p><b>Text depictions of CSAM</b></p>	<p>Not illegal</p>	<p>Notice to LEA</p>	
<p><b>Fictional text depictions of CSAM</b></p>	<p>Not illegal</p>	<p>Notice to LEA.</p>	
<p><b>Praise of paedophilia or CSA</b></p>	<p>Not illegal</p>	<p>Notice to LEA.</p>	
<p><b>Manual on CSA</b></p>	<p>Not illegal</p>	<p>Notice to LEA.</p>	
<p><b>Declaration of committing CSA</b></p>	<p>Not illegal</p>	<p>Notice to LEA.</p>	
<p><b>Audio CSAM: recordings of CSA</b></p>	<p>Not illegal</p>	<p>Notice to LEA</p>	
<p><b>Audio CSAM: story telling/ retelling scenes of CSA</b></p>	<p>Not illegal</p>	<p>Notice to LEA</p>	

Context	Legal Status	Actions Taken	Comments/ Explanations
Images in a medical context	Not illegal	Notice to LEA	
Non-explicit images in a series of images that contain CSAM	Not illegal Treated as CSAM by the hotline	Notice to LEA	Notice LEA or partner hotlines
Non-explicit images that have comments or captions of a sexual nature attached to them	Not illegal Treated as CSAM by the hotline	Notice to LEA	Notice LEA or partner hotlines

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (Password protected)	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	Notice LEA or partner hotlines
Peer to peer (torrent, emule, Kat)	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	Notice LEA or partner hotlines
Dropbox/cloud/similar file hosting services	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	Notice LEA or partner hotlines
Tor/Onion	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	Notice LEA or partner hotlines
Livestreamed CSE/CSA	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	Notice LEA or partner hotlines
File Transfer protocol (Ftp://)	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	Notice LEA or partner hotlines
Social media accounts	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	Depending on circumstances, for content on public accounts, reported by another user a notice is sent to LEA.
Email	Not allowed to access or send NTDs	None	
Usenet	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	Notice LEA or partner hotlines
Messengers (Telegram, WhatsApp)	Allowed to access Allowed to send NTDs	Notice to LEA LEA sends NTD to HPs	The hotline can access content found on public chat rooms.

## Russia – Friendly Runet Foundation

### HOTLINE INFORMATION

**Operated by:** Friendly Runet Foundation



#### **Hotline mandate**

The hotline is mandated to process reports and issue NTD.

The hotline has MoU with law enforcement agencies and is actively studying the statistics of CSAM distribution in the regions of the Russian Federation. The hotline interacts with LEAs to predict and timely prevent cases of CSAM spread. The hotline also promptly notifies the Ministry of Internal Affairs of identified violators for their subsequent operational elaboration and bringing to criminal responsibility. This is one of the main methods of proactive CSAM search of the hotline.

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

MoU with Law Enforcement Agencies.

#### **Relationship with law enforcement**

MoU with LEA since 2009. The hotline forwards to LEA 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 it is in doubt as per the legality of content. LEA and the hotline are regularly in contact and discuss on various topics 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.

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

The hotline does not have direct contact with its country's hosting providers. The hotline sends them Notice and Takedown requests. The hosting providers do not provide feedback after the hotline's requests, but the hotline has an automated system for detecting resource closures and this information is transmitted to ICCAM automatically via the API.

#### **Other content dealt with by the hotline**

The Friendly Runet Foundation hotline deals only with Child Sexual Abuse Material.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

By Federal Law No. 76-FZ dated 07.05.2013 "On Ratification of the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse", the Russian Federation ratified the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse (hereinafter – the Convention). The Convention defines the concept of "child pornography", which means any material depicting a child performing real or simulated sexually explicit acts, or any image of a child's genitals mainly for sexual purposes.

Since ratification means expressing the consent of the Russian Federation to be bound by the norms of the ratified act, this definition of "Child pornography" is used in the exercise of the powers of hotline in the field of protecting children from information harmful to their health and development.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

18 years constitutes a child in Russian Federation. This age does not differ from the age at which child sexual abuse laws apply. 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.

### **Criminalised acts related to CSAM**

The current legislation provides for criminal liability for trafficking in child pornography.

The punishment established by Article 242.1 of the Criminal Code of the Russian Federation is from 2 to 15 years, depending on the qualification, for the Manufacture, acquisition, storage and (or) movement across the State border of the Russian Federation for the purpose of distribution, public demonstration or advertising, or distribution, public demonstration or advertising of materials or objects with pornographic images of minors.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

The Russian legislation provides protection to avoid the criminalisation of children featured in CSAM which appears to be self-generated.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The Russian legislation defines "child sexual exploitation" and the hotline processes these types of reports.

## Specific law regulating AI-generated CSAM

There is no specific law regulating AI-generated CSAM, but the Russian legislation provides responsibility for the creation and distribution of AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal	Notice to LEA NTD to HPs	This type is not defined by the law but is found in the jurisprudence.
Digitally generated CSAM	Illegal	Notice to LEA NTD to HPs	
Realistic images representing a minor engaged in sexually explicit conduct	Illegal	Notice to LEA NTD to HPs	This type is not defined by the law but is found in the jurisprudence.
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	Notice to LEA NTD to HPs	
Child grooming— solicitation of the child to meet offline (for contact offences)	Illegal	Notice to LEA. NTD to HPs	
Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal	Notice to LEA. NTD to HPs	
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	Illegal	None	
Sexualised modelling or posing	Illegal	None	
Sexualised images of children	Illegal	None	
Text depictions of CSAM	Not illegal		

<b>Fictional text depictions of CSAM</b>	Not illegal		
<b>Praise of paedophilia or CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Manual on CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA NTD to HPs	Regarding "mass media", there is a specific article of the criminal or administrative code behind each type of CSAM content. The hotline sends all questionable video materials with CSAM to LEAs, and the LEAs will give instructions on how to deal with these reports.
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Notice to LEA NTD to HPs	

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



Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<b>Private site types (Password protected)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	When CSAM is detected, the hotline notifies LEA and, after their consent, sends NTD to providers.
<b>Peer to peer (torrent, emule, Kat)</b>	N/A	None	
<b>Dropbox/cloud/similar file hosting services</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	When CSAM is detected, the hotline notifies LEA and, after their consent, sends NTD to providers.
<b>Tor/Onion</b>	N/A	None	
<b>Livestreamed CSE/CSA</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HP	When CSAM is detected, the hotline notifies LEA and, after their consent, sends NTD to providers.
<b>File Transfer protocol (Ftp://)</b>	N/A	None	
<b>Social media accounts</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	When CSAM is detected, the hotline notifies LEA and, after their consent, sends NTD to providers.
<b>Email</b>	Allowed to access Allowed to send NTDs	Notice to LEA. NTD to HPs	When CSAM is detected, the hotline notifies LEA and, after their consent, sends NTD to providers.
<b>Usenet</b>	N/A	None	
<b>Messengers (Telegram, WhatsApp)</b>	N/A	None	

## Serbia – Net Patrola



### HOTLINE INFORMATION

**Operated by:** Center for Missing and Abused Children in Serbia

#### **Hotline mandate**

Hotline is restricted to sending a notice to LEA.

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

MoU with LEA since September 2023. The hotline forwards to LEA content within its remit assessed as manifestly illegal and hosted in Serbia. LEA may request further feedback. Illegal content outside Serbia is processed through ICCAM.

#### **Relationship with law enforcement**

Reports from Net Patrola have priority status.

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

The hotline has direct contact with sbb.rs. Hosting providers do not provide feedback after the request.

#### **Other content dealt with by the hotline**

Net Patrola hotline deals only with Child Sexual Abuse Material.

### LEGISLATIVE CONTEXT

#### **Terminology & definition used in legislation referring to CSAM**

Child pornography is the terminology used in the legislation in Serbia.

Under Article 185, paragraph 6 of the Criminal Code, any material visually presenting a minor involved in an actual or simulated sexually explicit behaviour shall be regarded as an object of pornographic content generated through an abuse of a minor (child pornography), as shall any presentation of genital organs of a child for sexual purposes.

## Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses

18 years constitutes a child in Serbia. This age does not differ from the age at which child sexual abuse laws apply.

## Criminalised acts related to CSAM

Viewing, production, possession, distribution, publication

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

In 2010, Serbia signed the Lanzarote Convention on protection of children against sexual exploitation and sexual abuse. As Serbia has also ratified and applies this convention since 2010 and has its own representative in the Committee, the authorities will have to harmonize practice and legislation with the latest (2019) findings and recommendations of the committee in this area.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The national legislation does not specifically define "child sexual exploitation material". The concept is covered under child pornography in Article 185 of the Criminal Code.

## Specific law regulating AI-generated CSAM

The national law does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	(no information)		
Digitally generated CSAM	(no information)		
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	

<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	(no information)		
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA NTD to HPs	
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</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	
<b>Apparent self-generated sexual material</b>	Illegal	Notice to LEA NTD to HPs	
<b>Sexualised modelling or posing</b>	(no information)		
<b>Sexualised images of children</b>	(no information)		
<b>Text depictions of CSAM</b>	(no information)		
<b>Fictional text depictions of CSAM</b>	(no information)		
<b>Praise of paedophilia or CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Manual on CSA</b>	(no information)		
<b>Declaration of committing CSA</b>	(no information)		
<b>Audio CSAM: recordings of CSA</b>	(no information)		
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	(no information)		

Context	Legal Status	Actions Taken	Comments/ Explanations
Images in a medical context	Not Illegal and not treated as CSAM		
Non-explicit images in a series of images that contain CSAM	Not Illegal and not treated as CSAM		
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/ Explanations
Private site types (Password protected)	Allowed to access.	Notice to LEA NTD to HPs	
Peer to peer (torrent, emule, Kat)	N/A		
Dropbox/cloud/similar file hosting services	N/A		
Tor/Onion	(no information)		
Livestreamed CSE/CSA	N/A		
File Transfer protocol (Ftp://)	(no information)		
Social media accounts	Allowed to access.	Notice to LEA NTD to HPs	
Email	(no information)		
Usenet	(no information)		
Messengers (Telegram, WhatsApp)	Allowed to access.	Notice to LEA NTD to HPs	

## Slovakia – OCHRÁŇ MA



### HOTLINE INFORMATION

**Operated by:** OCHRÁŇ MA – PROTECT ME

#### **Hotline mandate**

OCHRÁŇ MA is mandated by MOU with Ministry of Social things and Ministry of Interior on behalf of Slovak police to operate public report mechanism for the purpose of receiving reports of suspected illegal material, such as CSAM, and assessing with regard to Slovak law to ultimately seek its removal through the notice and takedown process. It is currently not mandated to carry out proactive search for CSAM.

#### **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 by the hotline**

The hotline deals 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.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

“Child pornography” is the terminology used in the legislation in Slovakia.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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

- 1) juvenescent/juvenile - 13-18 years of age;
- 2) minors - 0-12 years of age.

### **Criminalised acts related to CSAM**

Production - Whoever uses, obtains, offers or otherwise exploits a child for the production of child pornography or child pornographic performances, or facilitates such exploitation, or otherwise participates in such production

Distribution, publication - Who reproduces, transports, provides, makes available or otherwise distributes child pornography

Possession - Who possesses child pornography or who acts with intent to access child pornography by means of an electronic communication service

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

According to criminal code, its same as production mentioned above.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

There is no legal definition for “child sexual exploitation material”, it’s just child pornography in general.

### **Specific law regulating AI-generated CSAM**

The national law does not have specific regulations for AI-generated CSAM up to date.

<b>Content Type</b>	<b>Legal Status</b>	<b>Actions Taken:</b>	<b>Comments/ Explanations</b>
<b>Drawings/manga/artistic interpretations of CSAM</b>	Not illegal		
<b>Digitally generated CSAM</b>	Not illegal		The hotline receives reports on real CSAM only. Up this date only real CSAM.  AI-generated CSAM is not distinguished in Slovak law and therefore is not liable to any criminal prosecution.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Not illegal		
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Notice to LEA and NTD	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Not illegal		
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</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	Notice to LEA and NTD	
<b>Sexualised modelling or posing</b>	Illegal	Notice to LEA and NTD	
<b>Sexualised images of children</b>	Illegal	Notice to LEA and NTD	
<b>Text depictions of CSAM</b>	Not illegal	Notice to LEA and sending a letter to ISP to inform them	
<b>Fictional text depictions of CSAM</b>	Not illegal	Notice to LEA and sending a letter to ISP to inform them	
<b>Praise of paedophilia or CSA</b>	Illegal	Notice to LEA and sending a letter to ISP to inform them	



<b>Manual on CSA</b>	Not illegal	Notice to LEA and sending a letter to ISP to inform them	
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA and sending a letter to ISP to inform them	
<b>Audio CSAM: recordings of CSA</b>	Questionable. Not in the criminal code, but criminal investigation could be started.	Notice to LEA and sending a letter to ISP to inform them	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Questionable. Not in the criminal code, but criminal investigation could be started.	Notice to LEA and sending a letter to ISP to inform them	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	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.
<b>Non-explicit images in a series of images that contain CSAM</b>	Illegal	Notice to LEA and sending a letter to ISP to inform them	
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Not illegal and not treated 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		
<b>Peer to peer (torrent, emule, Kat)</b>	Allowed to access		

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

## Slovenia – Spletno oko



### HOTLINE INFORMATION

**Operated by:** University of Ljubljana, Faculty of Social Science

#### **Hotline mandate**

Hotline is allowed to receive and forward all received reports of alleged CSAM to the LEA without previous assessment.

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

The process of receiving and forwarding the reports 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 by the hotline:**

None.

### LEGISLATIVE CONTEXT

#### **Terminology & definition used in legislation referring to CSAM**

The term used in the Penal Code is pornographic or other sexual material depicting minors or their realistic images.

## Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses

Child is any person below the age of 18 years. / 15 years is the age of consent. / 18 years is the age associated with CSAM offences. / Article 173a of the Penal Code refers to solicitation of persons under below fifteen years of age.

## Criminalised acts related to CSAM

Acquiring, producing, distributing, selling, importing, exporting, offering, supplying, possessing, obtaining access.

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

In Article 176 of the Penal Code: The act referred to in paragraph 3 of this Article, defined as obtaining, producing, possessing or gaining access by means of information or communication technologies to pornographic or other sexual material, shall not be unlawful if it is committed among minors of comparable age who have consented to the act, is appropriate to their level of mental and physical maturity and depicts such persons.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The legislation does not define "child sexual exploitation material".

The hotline does not process these types of reports.

## Specific law regulating AI-generated CSAM

The national law does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	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).
Digitally generated CSAM	Illegal	Notice to LEA	

<b>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 (dependent on the 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 (dependent on the 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—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	Child grooming of children under fifteen years to meet offline is prohibited in article 173a of the Penal Code of the Republic of Slovenia.
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA	Defined in the Article 176 as solicitation to manufacture pornographic or other sexual material or to participate in a pornographic or other sexual performance to 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 Articles 173 and 176 of the Slovenian Penal Code.
<b>Apparent self-generated sexual material</b>	Illegal (dependent on the 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 (dependent on the context)	Notice to LEA	If LEA can prove it.
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Notice to LEA	

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

<b>Content Location</b>	<b>Accessibility by Law</b>	<b>Actions Taken</b>	<b>Comments/Explanations</b>
<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	
<b>Usenet</b>	N/A	Notice to LEA	
<b>Messengers (Telegram, WhatsApp)</b>	N/A	Notice to LEA	

## Spain – INCIBE



### HOTLINE INFORMATION

**Operated by:** National Cybersecurity Institute (INCIBE)

#### **Hotline mandate**

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

#### **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. Moreover, in October 2024, it is foreseen the transposition into Spanish law of Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022, on measures aimed at ensuring a high common level of cybersecurity across the Union.

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, currently Ministry for the Digital Transformation and of the Public Affairs) for the strengthening in terms of cybersecurity, signed in October 2012 for the first time and renewed in July 2022.

In 2022, INCIBE also signed an Agreement with the Prosecutor Office to improve the processes for detection, criminal prosecution and removal of CSAM. Specifically, with the following objectives:

- 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.

In 2023, the three partners (INCIBE, Spanish LEAs and the General Prosecutor Office) has started working in the cooperative procedures of the Hotline.

## **Relationship with law enforcement**

INCIBE works with the LEA and the General Prosecutor Office 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, and the subsequent agreement with the General Prosecutor Office (GPO).

Specifically, INCIBE sends possible CSAM that have been identified through the public citizen report and the INHOPE ICCAM platform directly to LEAs and GPO. 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. Currently, INCIBE does not participate in the CSAM Notice and Takedown procedure with service providers. The Agreement signed with the Prosecutor Office has among its objectives to promote the role of INCIBE in the NTD process.

## **Other content dealt with by the hotline**

None.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

The Spanish Penal Code incorporates unlawful acts under the term "Offences relating to prostitution and sexual exploitation and corruption of minors" and which can be associated with the concept of child sexual abuse on the European level.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

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 183.1 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).

## **Criminalised acts related to CSAM**

The Spanish Penal Code comprises the following articles linked to the production, possession, distribution, publication or generation of CSAM:

- Art. 189.1 child pornography:
  - a) *"Any material that visually depicts [photographs and videos] a minor engaged in real or simulated sexually explicit conduct."*
  - b) *"Any representation of the sexual organs of a minor (...) for primarily sexual purposes".*
  - c) *'any material that visually depicts a person appearing to be a minor engaged in real or simulated sexually explicit conduct, or any depiction of the sexual organs of a person appearing to be a minor, for primarily sexual purposes, unless the person appearing to be a minor is found to be actually eighteen years of age or older at the time the images were obtained'.*
  - d) *'realistic images of a minor engaged in sexually explicit conduct or realistic images of the sexual organs of a minor, primarily for sexual purposes'.*

*According to the document, "despite not harming a specific minor, this type of content contributes to the sexualisation of children and adolescents and may minimise the perception of the seriousness of sexual abuse and exploitation of minors, especially in the eyes of potential aggressors".*

*If the victim is under sixteen years of age, the penalty shall be imprisonment for a term of five to nine years.*

- Article 189a. Dissemination by technological means of content relating to prostitution, sexual exploitation, corruption of minors and its removal:
  - *"The distribution or public dissemination via the Internet, phone or any other information or communication technology of content specifically intended to promote, encourage or incite the commission of the offences (...)"*
  - *"The judicial authorities shall order the adoption of the necessary measures for the removal of the content referred to in the previous paragraph, for the interruption of the services which predominantly offer such content, or for the blocking of both when they are based abroad".*
- Article 188.1 Sexual exploitation of children:
  - *"Anyone who induces, promotes, favours or facilitates the prostitution of a minor or a disabled person in need of special protection, or profits therefrom, or otherwise exploits a minor or a disabled person for these purposes, shall be punished by a prison sentence of two to five years and a fine of twelve to twenty-four months"*

Finally, the following situations are excluded from the concept of child pornography and are therefore not criminally punishable:

- *Non-visual (e.g., literary) depictions of minors in behaviours, including explicit ones.*
- *Depictions of any kind of behaviour that is not explicit in a sexual sense.*
- *Depictions of any kind of parts of the child's body other than sexual organs.*

- *Representation of the child's sexual organs for other purposes, such as research.*
- *Representation of any kind of adults, even if they look like minors.*

## Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated

There is no express non-punishment clause in national law for self-generated material. However, Article 15 of the Criminal Code stipulates that "1) An offence is an act provided for by criminal law, committed with guilt, unjustified and imputable to the person who committed it. (2) The offence is the only ground for criminal liability, in conjunction with Art. 27: Minority of the offender." "An act provided for by criminal law committed by a minor who at the time of its commission did not meet the legal conditions for criminal liability shall not be imputable."

Minors under 14 are not criminally liable. When minors over the age of 14 are involved, judicial practice takes into account what the Lanzarote Convention Committee has pointed out: self-produced sexual material does not qualify as child pornography when it has been produced solely for private use.

Possession of such material by minors cannot be considered as possession of child pornography when the purpose was strictly private. The voluntary and consensual distribution between children of such material cannot be considered as offering or making available, distributing or transmitting, procuring or accessing child pornography when the purpose was strictly private.

## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The Spanish Penal Code incorporates unlawful acts under the term "Offences relating to prostitution and sexual exploitation and corruption of minors" and which can be associated with the concept of child sexual abuse on the European level.

## Specific law regulating AI-generated CSAM

Spain currently does not have a law regulating AI-generated CSAM, although the Spanish penal code already punishes the creation of real or simulated images, which would include AI, as seen in article 189.1.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal (dependent on the 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.  Judicial processing of reports by LEA. Content removed by HPs (court order required).

<b>Digitally generated CSAM</b>	Illegal (dependent on the context)	Notice to LEA	Idem
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Notice to LEA	<p>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.</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p>
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal (dependent on the context)	Notice to LEA	<p>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 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—solicitation of the child to meet offline (for contact offences)</b>	Illegal (dependent on context)	Notice to LEA	<p>The Spanish Penal Code (PC) establishes various crimes related to grooming (desensitisation, enticement, blackmail, threats for the purpose of sexual abuse, or to obtain child sexual abuse and exploitation content)</p> <p>Art. 183.1 PC (contacting a minor for the purpose of proposing a sexual encounter or obtaining sexual content)</p> <p>In certain cases, it could also be linked to:</p> <p>Art. 186 PC (disseminating or showing sexual material to minors)</p> <p>Art. 189 PC (child pornography)</p> <p>Art. 189 bis PC (distribution of content to incite sexual offences against minors)</p> <p>Art. 169 PC (threats, causing a criminal wrong)</p> <p>Art. 171 PC (threats, causing a non-criminal wrong)</p> <p>Art. 172 PC (coercion)</p> <p>Art. 172 ter CP (The offence of stalking includes opening profiles on social networks or public media with the intention of harassing or humiliating the victim)</p> <p>Art. 173 PC (degrading treatment, offences against moral integrity)</p> <p>Art. 208 PC (insults)</p> <p>Art. 197 PC (discovery and disclosure of secrets,)</p> <p>Art. 190 PC (all crimes that fall under the so-called "crimes against sexual freedom" if convicted by a foreign court, it will be comparable to the conviction by</p>

			<p>Spanish courts for the purposes of aggravating circumstances and recidivism.</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p>
<p><b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b></p>	<p>Illegal (dependent on context)</p>	<p>Notice to LEA</p>	<p>The Spanish Penal Code (PC) treats this issue within Art. 186 PC (disseminating or showing sexual material to minors)</p>
<p><b>Sexual extortion of children or soliciting children for sexual purposes</b></p>	<p>Illegal (dependent on the context)</p>	<p>Notice to LEA</p>	<p>The Spanish Penal Code (PC) considers the sexual extortion within the articles regarding the child grooming:</p> <p>Art. 183.1 PC (contacting a minor for the purpose of proposing a sexual encounter or obtaining sexual content)</p> <p>In certain cases, it could also be linked to:</p> <p>Art. 186 PC (disseminating or showing sexual material to minors)</p> <p>Art. 189 PC (child pornography)</p> <p>Art. 189 bis PC (distribution of content to incite sexual offences against minors)</p> <p>Art. 169 PC (threats, causing a criminal wrong)</p> <p>Art. 171 PC (threats, causing a non-criminal wrong)</p> <p>Art. 172 PC (coercion)</p> <p>Art. 172 ter CP (The offence of stalking includes opening profiles on social networks or public media with the intention of harassing or humiliating the victim)</p> <p>Art. 173 PC (degrading treatment, offences against moral integrity)</p> <p>Art. 208 PC (insults)</p> <p>Art. 197 PC (discovery and disclosure of secrets,)</p> <p>Art. 190 PC (all crimes that fall under the so-called "crimes against sexual freedom" if convicted by a foreign court, it will be comparable to the conviction by Spanish courts for the purposes of aggravating circumstances and recidivism.</p>
<p><b>Apparent self-generated sexual material</b></p>	<p>Illegal (dependent on the context)</p>	<p>Notice to LEA</p>	<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 the hotline finds jurisprudence that has not condemned the sending of images between minors when it comes to minors of similar ages). The dissemination of such content by third parties is also punished.</p>

			Judicial processing of reports by LEA. Content removed by HPs (court order required).
<b>Sexualised modelling or posing</b>	Illegal (dependent on the 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> <p>The definition of "sexualised" by the Spanish law comprises the following situations:</p> <p>a) Any material that visually depicts a minor or a person with a disability in need of special protection participating in sexually explicit conduct, whether real or simulated.</p> <p>b) Any representation of the sexual organs of a minor or person with a disability in need of special protection for primarily sexual purposes.</p> <p>c) Any material that visually depicts a person who appears to be a minor engaging in sexually explicit conduct, real or simulated, or any representation of the sexual organs of a person who appears to be a minor, for primarily sexual purposes, except that the person who appears to be a minor turns out to be eighteen years old or older at the time the images were obtained.</p> <p>d) Realistic images of a minor engaging in sexually explicit conduct or realistic images of a minor's sexual organs, for primarily sexual purposes.</p>
<b>Sexualised images of children</b>	Illegal (dependent on the context)	Notice to LEA	<p>The Spanish Penal Code does not specify either explicit and non-explicit sexual content types, but punishes the production, sale, distribution, exhibition or facilitation of the production, sale, dissemination or exhibition by any means of pornographic material in the production of which minors or incapable persons have been used, even if the material has its origin abroad or is unknown. For the purposes of the PC, it is considered child pornography or the production of which has been used by people with disabilities in need of special protection " (art. 189).</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p> <p>The definition of "sexualised" by the Spanish law comprises the following situations:</p> <p>a) Any material that visually depicts a minor or a person with a disability in need of special protection participating in sexually explicit conduct, whether real or simulated.</p> <p>b) Any representation of the sexual organs of a minor or person with a disability in need of special protection for primarily sexual purposes.</p> <p>c) Any material that visually depicts a person who appears to be a minor engaging in sexually explicit</p>

			<p>conduct, real or simulated, or any representation of the sexual organs of a person who appears to be a minor, for primarily sexual purposes, except that the person who appears to be a minor turns out to be eighteen years old or older at the time the images were obtained.</p> <p>d) Realistic images of a minor engaging in sexually explicit conduct or realistic images of a minor's sexual organs, for primarily sexual purposes.</p>
<b>Text depictions of CSAM</b>	Not illegal	None	Text depictions of CSAM are not typified under the Spanish law.
<b>Fictional text depictions of CSAM</b>	Not illegal	None	Fictional text depictions of CSAM are not typified under the Spanish law.
<b>Praise of paedophilia or CSA</b>	Not illegal	None	In Spain the crime of apology for paedophilia is not typified.
<b>Manual on CSA</b>	Illegal (dependent on the 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 typified.</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 the 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 typified.</p> <p>Judicial processing of reports by LEA. Content removed by HPs (court order required).</p>
<b>Audio CSAM: recordings of CSA</b>	Not illegal (dependent on the context)	None	<p>Within what is understood of child pornography, audio material is not included, it must integrate some kind of visual representations, in the report given by the Fiscal Council of January 8, 2013 it is stipulated that "with the new definition... audio material that until now was considered included, not without debate, would be excluded from the concept of child pornographic material. However, the audio tracks could be of interest when determining the pornographic nature or not of the video material".</p> <p>Even though the hotline doesn't consider audio material as child pornography, any other type of media material is included.</p>
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	None	Written pornographic material such as novels, stories, et) are not included within the typical radius of child pornography.

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

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
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	

## Sweden – ECPAT Hotline



### HOTLINE INFORMATION

**Operated by:** ECPAT Sweden

#### **Hotline mandate**

The hotline is allowed to process reports, issue NTD and do some proactive work.

#### **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 by the hotline**

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.



## LEGISLATIVE CONTEXT

### **Terminology & definition used in legislation referring to CSAM**

Child pornography

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

The age of legal consent for sexual activities in Sweden is 15 years. This is also the age associated with the grooming offence in Swedish legislation, *contact with a child for sexual purposes*.

When it comes to, what still in the Swedish Criminal Code is called *child pornography offence*, a child is defined as a person whose pubertal development is not complete or who is under 18 years of age. If the child's pubertal development is complete, responsibility is assigned when it comes to dissemination, acquiring or offering material, mediating contact, possessing, and viewing material if it can be seen from the image and its attendant circumstances that the person depicted is under 18 years of age. When it comes to depicting a child in a pornographic image responsibility is also assigned to a person who did not have intent but was negligent regarding the circumstance that the person depicted is under 18 years of age.

### **Criminalised acts related to CSAM**

As above mentioned, *child pornography offence*, chapter 16 section 10 a in the Swedish Criminal Code.

*Rape of a child*, chapter 6 section 4 of the Swedish Criminal Code. The offence includes acts online and offline. It also includes situations when a person by improper means induces the child to undertake or submit to a sexual act. This can involve situations where a perpetrator induces a child to film themselves performing a sexual act on themselves and then sends the film to the perpetrator. The perpetrator does not have to be present when the sexual act is committed.

*Unlawful breach of privacy*, chapter 4 section 6 c in the Swedish Criminal code. This offence includes situations when a person intrudes into the private life of another person by disseminating for example images or other information about a person's sexual life or images of a person's wholly or partially naked body.

*Intrusive photography*, chapter 4 section 6 a in the Swedish Criminal Code. This offence includes situations where a person unlawfully, by means of a technical device, covertly records an image of a person who is indoors in a home, or in a toilet, dressing room or other similar space.

*Exploitation of a child for sexual posing*, chapter 6 section 8 in the Swedish Criminal code. This offence includes situation when a person promotes or exploits the performance of or participation in sexual posing by a child under fifteen years of age. The same applies to a person who places the child, or exploits the fact that some other person has placed the child, in a situation that involves sexual posing. The first paragraph also applies to a person who commits an act referred to there against a child who has attained fifteen but not eighteen years of age, if the posing is liable to damage the child's health or development.

According to the Act on Responsibility for Electronic Bulletin Boards, a provider of such services has the responsibility to remove messages from the service or by other measures prevent the dissemination of this message, if the content of the messages is clearly in the meaning of certain criminal offences, such as child pornography offence.

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

In Sweden, if a child sends a nude/sexual picture of themselves, the child that sends the picture cannot be convicted of child pornography offence. The one who is receiving the image can be convicted of the offence.

In chapter 16 section 10 b in the Swedish Criminal Code there is a general exception to the child pornography offence. The prohibitions in Section 10a on depiction and possession do not apply to a person who, in accordance with the first or second paragraph of that section, produces a pornographic image of a child, if the difference in age and development between the person depicted and the person who produces the image is minor and the circumstances do not otherwise call for the imposition of liability.

The age of criminal liability in Sweden is 15 years.

## **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The Swedish legislation defines child pornography as following: An image that is pornographic means that it, without having any scientific or artistic value, depicts a sexual subject in an undisguised and provocative manner. It is not limited to images in which children are involved in acts that are obviously of a sexual nature, but criminal liability may also apply to pornographic images in which children appear together with one or more adults who carry out such acts. In addition, images in which a child is depicted, through special camera arrangements, in a way that is likely to appeal to the sexual urge, without the child being said to have participated in sexual behaviour at the time of the depiction, may be conceivable.

ECPAT Sweden's hotline handles child sexual exploitation material.

## **Specific law regulating AI-generated CSAM**

Sweden does not have a specific law regulating AI-generated CSAM. The legislation in Sweden on sexual crimes is neutral when it comes to technological measures.

On EU-level there is a proposal on legislation regarding AI. The proposal provides for AI systems to be analysed and classified according to the risk they pose to users. Depending on the level of risk a system has, it either imposes more or less obligations on suppliers and users. The proposal, if approved, will be the world's first legislation on AI.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal (dependent on the context)	Notice to LEA 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</b>	Illegal (dependent on the level of realism)	Notice to LEA NTD to HPs	
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal (dependent on the context)	Notice to LEA 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 the context)	Notice to LEA 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—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</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 the context)	Notice to LEA NTD to HPs	Needs to be a child to be illegal.
<b>Sexualised modelling or posing</b>	Illegal	Notice to LEA NTD to HPs	

<b>Sexualised images of children</b>	Illegal	Notice to LEA 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 the 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.
<b>Audio CSAM: recordings of CSA</b>	Not illegal	Notice to LEA	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	Notice to LEA depending on context	

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

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<b>Private site types (Password protected)</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	
<b>Peer to peer (torrent, emule, Kat)</b>	N/A		
<b>Dropbox/cloud/similar file hosting services</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	
<b>Tor/Onion</b>	Allowed to access	Notice to LEA	
<b>Livestreamed CSE/CSA</b>	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	
<b>File Transfer protocol (Ftp://)</b>	Allowed to access	Notice to LEA	As long as the ftp is open 'for all' and does not demand a log-in.
<b>Social media accounts</b>	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.
<b>Email</b>	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.
<b>Usenet</b>	N/A		
<b>Messengers (Telegram, WhatsApp)</b>	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.

## Türkiye – IhbarWeb



### HOTLINE INFORMATION

**Operated by:** Information & Communication Technologies Authority of the Republic of Türkiye (BTK)

#### **Hotline mandate**

Internet users can report illegal contents they encounter on the Internet. Reports are evaluated technically and legally in accordance with the Law No. 5651 and the relevant legislation. The hotline is the competent authority in Türkiye for evaluating reports, taking necessary actions to NTD content and conducting necessary research on illegal content.

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

Law no. 5651 "Regulation of Publications on the Internet and Combating Crimes Committed by Means of Such Publications".

#### **Relationship with law enforcement**

Information and Communication Technologies Authority (BTK) is the national telecommunication regulatory authority. It has a MoU with the national LEA. The hotline sends content which includes CSAM hosted in Türkiye or CSAM concerning Turkish people to LEA.

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

Hosting providers' liabilities are mentioned in Article 5 in the Law no. 5651. The hotline has direct contact with them and sends them Notice and Takedown requests. HPs shall provide feedback about the requests.

#### **Other content dealt with by the hotline**

- Provocation for committing suicide
- Sexual exploitation of children
- To ease the use of drugs
- Supplying drugs which are dangerous for health
- Obscenity
- Prostitution
- To provide place and opportunity for online gambling

- Crimes mentioned in the Law on Crimes Against Atatürk
- Illegal Betting

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

Sexual exploitation of children

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

A child means every human being below the age of 18 years.

### **Criminalised acts related to CSAM**

Any person who introduces, reproduces, offers for sale, sells, transports, stores, exports, possesses or makes CSAM products available to others shall be sentenced to imprisonment and a judicial fine.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Minors under 12 are not criminally liable in Türkiye.

### **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

There is no direct definition of "child sexual exploitation material" in the law. Keeping this in mind, Turkish Penal Code foresees imprisonment and a judicial fine for any person who uses children, representative images of children or persons who look like children in the production of products containing obscene images, writings or words.

It is decided to remove the content and/or block access to the publications made on the Internet where there is sufficient suspicion that the content constitutes the crime of sexual exploitation of children.

### **Specific law regulating AI-generated CSAM**

The national law does not have specific regulations for AI-generated CSAM.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal	NTD to HPs	This type is not defined by the law but is found in the jurisprudence.
<b>Digitally generated CSAM</b>	Illegal	NTD to HPs	This type is not defined by the law but is found in the jurisprudence.
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	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	Notice to LEA 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 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	Notice to LEA NTD to HPs	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.
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Notice to LEA	
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Notice to LEA NTD to HPs	
<b>Apparent self-generated sexual material</b>	Illegal	Notice to LEA NTD to 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	Notice to LEA NTD to HPs	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. "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	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, ) 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	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>	Illegal	Notice to LEA NTD to HPs	
<b>Manual on CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Declaration of committing CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Audio CSAM: recordings of CSA</b>	Illegal	Notice to LEA NTD to HPs	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Notice to LEA NTD to HPs	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal (dependent on the context)		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 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>	Treated as CSAM	Notice to LEA NTD to HPs	Sexualised comments attached to/added on a picture/video make this content illegal (see sexualised images of children).

Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
Private site types (Password protected)	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	Notice to LEA and HPs.
Peer to peer (torrent, emule, Kat)	N/A	Notice to LEA	LEA acts on it.
Dropbox/cloud/similar file hosting services	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	Notice to LEA and HPs.
Tor/Onion	Allowed to access	Notice to LEA	LEA acts on it.
Livestreamed CSE/CSA	Allowed to access	Notice to LEA	LEA acts on it.
File Transfer protocol (Ftp://)	Allowed to access	Notice to LEA	LEA acts on it.
Social media accounts	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	Public social media accounts publishing CSAM/CSEM 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/CSEM, or exchanging CSAM/CSEM in private, or committing child grooming or sextortion are also reported to LEA and the social media platform for investigation and possible removal/blocking depending on the circumstances.
Email	Allowed to send NTDs	Notice to LEA NTD to HPs	LEA acts on it. In addition the email service provider is made aware of the situation in order for possible investigation and removal/blocking depending on the circumstances.
Usenet	Unknown	Notice to LEA	LEA acts on it.
Messengers (Telegram, WhatsApp)	Allowed to access Allowed to send NTDs	Notice to LEA NTD to HPs	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)

## *Ukraine – StopCrime*



### **HOTLINE INFORMATION**

**Operated by:** NGO Magnolia

#### **Hotline mandate**

The hotline allowed to process reports from general public, partners, send official reports to Ukrainian Cyber Police Department and other LEA after previous assessment.

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

NGO “Magnolia” has a signed MOU with Ukrainian Cyber Police Department. The hotline sends official reports on CSAM and other crimes against children to Cyber Police Departments and other LEA (if needed).

#### **Relationship with law enforcement**

The hotline forwards all received reports of CSAM to the LEA after previous assessment for further investigation.

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

According to signed MOU with Ukrainian Cyber Police Department, Cyber Police is responsible for Notice and Takedown requests to hosting providers. Hosting providers provide feedback to Ukrainian Cyber Police Department

#### **Other content dealt with by the hotline**

Missing children, child abduction, child trafficking, war crimes against children

### **LEGISLATIVE CONTEXT**

#### **Terminology & definition used in legislation referring to CSAM**

In Ukrainian law, “child pornography” is used.

## **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Child – under 18 years. Legal age of consent for sexual activities – 16 years. Age associated with CSAM – under 18 years.

## **Criminalised acts related to CSAM**

Production, possession, distribution, publication, generation, advertisement

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Criminal responsibility comes to a person aged 18 and 18+ according to Crime Code of Ukraine, so children are protected from criminalisation.

## **Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports**

The definition is in Article 36.1 of Ukrainian Law "On media":

1: Restrictions on the content of information

6) pornographic materials, as well as materials that encourage sexual exploitation and violence against children, demonstrate the sexual relations of children, use the image of children (visual recording of the image of children) in spectacular events of a sexual or erotic nature;

## **Specific law regulating AI-generated CSAM**

The national law does not have specific regulations for AI-generated CSAM currently.

<b>Content Type</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal	Notice to LEA	
<b>Digitally generated CSAM</b>	Not illegal		
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	N/A		
<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		
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Notice to LEA	
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</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 the context)	Notice to LEA	Generation is not illegal; sharing those materials is illegal
<b>Sexualised modelling or posing</b>	Not illegal		
<b>Sexualised images of children</b>	N/A		
<b>Text depictions of CSAM</b>	Dependent on the context	Notice to LEA	It can be considered by LEA only as there is additional evidence of crime.
<b>Fictional text depictions of CSAM</b>	Not illegal		
<b>Praise of paedophilia or CSA</b>	Illegal	Notice to LEA	In Ukrainian law it is considered as propaganda of paedophilia
<b>Manual on CSA</b>	Illegal	Notice to LEA	In Ukrainian law it is considered as propaganda of paedophilia

<b>Declaration of committing CSA</b>	Illegal	Notice to LEA	
<b>Audio CSAM: recordings of CSA</b>	Illegal (dependent on the context)	Notice to LEA	It can be considered by LEA as additional evidence of crime
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Notice LEA	In Ukrainian law it is considered as propaganda of paedophilia

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal		
<b>Non-explicit images in a series of images that contain CSAM</b>	Not illegal		
<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>Comments/ Explanations</b>
<b>Private site types (Password protected)</b>	Allowed to access	Notice to LEA	
<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 (<a href="#">Ftp://</a>)</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	

## United Kingdom – Internet Watch Foundation (IWF)

### HOTLINE INFORMATION



**Operated by:** Internet Watch Foundation (IWF)

#### **Hotline mandate**

The IWF Hotline has a mandate to process reports from members of the public as well as industry, LEA and Third sector stakeholders. The Hotline supports international reporting via its portals and has a mandate to carry out Proactive search activities to identify new/novel CSAM. The Hotline operates two independent victim reporting services that enable victims to upload their abuse images directly to the IWF for assessment and hashing. The IWF issues NTD's across the UK and additionally undertakes removal activities globally.

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

IWF's status as a relevant authority for reporting, assessing, and removing child sexual abuse material on the internet is recognised in a Memorandum of Understanding between the Crown Prosecution Service (CPS) and the National Police Chief's Council (NPCC) - linked to Section 46 of the Sexual Offences Act 2003.

#### **Relationship with law enforcement**

As above, the IWF operates legally protected by its MoU and additionally has a Service Level Agreement (SLA) in place with the National Crime Agency. Where content is found to be hosted in the UK, the IWF notifies the NCA (National Crime Agency) to provide informational intelligence and transparency. In 2023 the SLA was updated to enable the IWF to issue NTDs without requiring additional permission or deconfliction checks. Notices are sent to the Host. The IWF also reports to NCA content hosted outside the UK, including onion Dark web and P2P Torrent sites. The Hotline additionally provides Victim and offender Identification referrals where appropriate.

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

As above, NTDs are issued to any UK company found to be hosting CSAM. Where they are an IWF Member, the hotline ensures it has a designated contact and extremely swift response in those instances should occur. Where content has been found with a non-Member, the IWF will explore all avenues for contact and maintain appropriate records regarding most fruitful options for quick communication. If the IWF Membership team deem them suitable, they will naturally pursue them to try to get them into Membership – particularly if hosting becomes common. All UK hosts are contacted by phone to alert

them to the NTD being issued and to advise that swift action is required. The Hotline additionally issues Simultaneous Alerts (CSAM notifications) to US based Members by special agreement with NCMEC in the US.

## **Other content dealt with by the hotline**

Non-photographic/ Prohibited child sexual abuse images (NPI) where they are found to be hosted in the UK only - IWF operates a NPI blocking list which is an optional service available to IWF members. The list contains criminal NPI URLs which are hosted outside of the UK. The Hotline mandate and legal framework allows it to action and treat Photo realistic AI content as CSAM, where AI content does not meet the threshold to be considered realistic, images are actioned as NPI.

## **LEGISLATIVE CONTEXT**

### **Terminology & definition used in legislation referring to CSAM**

UK Legislation terminology is specific to the type of imagery being referenced. Photographs and video are typically referred to as “indecent photographs” or “pseudo-photographs”. Non-Photographic Images are typically referred to as “Prohibited Images” of children. ([Protection of Children Act 1978 \(legislation.gov.uk\)](#))

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Under 18 years old.

The age of consent in the UK is 16 years old.

### **Criminalised acts related to CSAM**

The production, possession, distribution, publication, generation, advertisement of indecent images are prohibited in the UK. As is any guide (Written or audio) that may be assessed to be an instruction on how to sexually abuse a child (Paedophile Handbook etc.)

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

This is to a degree discretionary; however, there are provisions such as [Outcome 21](#).

Reporting Services such as the IWF Report Remove service rely on this approach to enable victims to report their own imagery without unnecessary concern about police intervention.



## Definition of "child sexual exploitation material" in national legislations / Hotline mandates on these types of reports

The IWF does not currently have a mandate to process exploitative material, it only acts on images deemed criminal. Under the Online Harms Act there are multiple definitions or categories of harm, however they are not all specifically classed as illegal, but there are obligations for industry and other stakeholders to act in accordance with guidance and protocols under more general harms to children to mitigate harm and remove harmful content from online platforms etc. [Online Safety Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/19/section/1)

## Specific law regulating AI-generated CSAM

As set out previously, UK law treats photo realistic AI-generated CSAM the same as CSAM. NPI considerations to be taken into account particularly in Scotland that does not have a specific law that tackles NPI imagery at this moment in time.

Content Type	Legal Status	Actions Taken	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	Illegal	Notice to LEA NTD to HPs	<p>There are now case law examples of individuals being prosecuted for possession of NPI.</p> <p>The IWF will only address reports concerning such images when they are hosted in the UK.</p> <p>On those rare occasions where such images are believed to be criminal and are depicted on a website hosted in the UK, the hotline will work in partnership with the hosting provider and LEA to remove the content and provide information to assist investigations into its distribution.</p> <p>Industry members can refer to the IWF as a point of expertise for advice on whether such images on their networks are potentially criminal and should be considered for investigation by LEA.</p> <p>The IWF has no role in the direct investigation of those involved in the distribution or possession of this content.</p> <p>Where NPI is deemed actionable under UK law, the hotline offers an NPI List service to Members so that they can protect users/customers from inadvertently accessing this material. As per the URL List service, this requires a licence agreement.</p>
<b>Digitally generated CSAM</b>	Illegal	Notice to LEA NTD to HPs	<p>The Photo realism of the imagery will dictate the scope for removal.</p>

<p><b>Realistic images representing a minor engaged in sexually explicit conduct</b></p>	<p>Illegal</p>	<p>Notice to LEA NTD to HPs</p>	<p>NTD's are issued by the IWF not the LEA.  The IWF will only address reports concerning such images regardless of hosting country. Working within INHOPE protocols, the IWF will notify Hotlines and LEA partners in the first instance and will subsequently peruse content removal by the hosting county is not timely.</p>
<p><b>A minor appearing to be an adult engaged in sexually explicit conduct</b></p>	<p>Illegal</p>	<p>Notice to LEA NTD to HPs</p>	<p>If a child is engaged in any sexual activity, it is illegal under UK law.  Where hosted in the UK, the IWF requests authorisation from NCA to issue a NTD, then issues the NTD direct to the host and continues to chase until removed.</p>
<p><b>An adult person appearing to be a minor engaged in sexually explicit conduct</b></p>	<p>Not illegal</p>	<p>None</p>	<p>N/A</p>
<p><b>Child grooming—solicitation of the child to meet offline (for contact offences)</b></p>	<p>Illegal</p>	<p>Notice to LEA NTD to HPs</p>	<p>The investigation of grooming offences is currently a matter for UK police and is outside of the operational scope and remit of the IWF.  Where images or videos of child sexual abuse material are involved, the usual process as per below will take place. If the IWF encounters livestreaming that appears to show a child being groomed at that time with no illegal content, the hotline would report to NCA. The IWF is developing technical solutions to help detect and aid the disruption of grooming.</p>
<p><b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b></p>	<p>Illegal</p>	<p>Notice to LEA NTD to HPs</p>	<p>The investigation of grooming offences is currently a matter for UK police and is outside of the operational scope and remit of the IWF.  Where images or videos of child sexual abuse material are involved, the usual process as per below will take place. If the IWF encounters livestreaming that appears to show a child being groomed at that time with no illegal content, the hotline would report to NCA. The IWF is developing technical solutions to help detect and aid the disruption of grooming.</p>
<p><b>Sexual extortion of children or soliciting children for sexual purposes</b></p>	<p>Illegal</p>	<p>Notice to LEA NTD to HPs</p>	<p>Only where an image or video is involved can the usual processes take place for content removal. The IWF encourages the public to report directly to the police where other illegal activities are concerned that are not directly within the hotline's remit.</p>
<p><b>Apparent self-generated sexual material</b></p>	<p>Illegal</p>	<p>Notice to LEA NTD to HPs</p>	<p>IWF issues a NTD direct to the host and continues to chase until removed. If victim identification information/intelligence is available this <i>may</i> be forwarded to the NCA for investigation with a view to safeguarding the child. Self-Gen material is otherwise not treated differently from other CSAM outside of the Report Remove service.</p>

<b>Sexualised modelling or posing</b>	Illegal	Notice to LEAs. NTD to HPs	Sexualised modelling or posing falls within the UK Sentencing Council's Sexual Offences Definitive Guideline category C – "Other indecent images not falling within categories A or B".  Where hosted in the UK the hotline requests authorisation from NCA to issue a NTD, then issues the NTD direct to the host and continue to chase until removed. Images classified as CSAM in the UK will be reported to all countries.
<b>Sexualised images of children</b>	Not illegal	None	
<b>Text depictions of CSAM</b>	Not illegal	None	Unless there is clear intelligence/suggestion of immediate risk/harm to a child in which case it would be reported to NCA as intelligence.
<b>Fictional text depictions of CSAM</b>	Not illegal	None	
<b>Praise of paedophilia or CSA</b>	Not illegal	Notice to LEA NTD to HPs	If hosted in the UK, the NCA would be advised, and permission sought to issue a NTD.
<b>Manual on CSA</b>	Illegal	Notice to LEA	Possession is illegal. The IWF would issue a notice to UK hosts.
<b>Declaration of committing CSA</b>	Not illegal (dependent on the context)	Notice to LEA	Report to NCA where information provided indicates a genuine declaration and would be providing them with helpful intelligence.
<b>Audio CSAM: recordings of CSA</b>	Not illegal (dependent on the context)	Notice to LEA	If instructional then will treat as paedophile handbook and issue NTD
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Not illegal	Notice to LEA dependent on context	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not treated as CSAM	None	The hotline makes assessments in an online context. If collections of such images were found to be in possession of an offender, then this may influence a police investigation and possible prosecution.
<b>Non-explicit images in a series of images that contain CSAM</b>	Not treated as CSAM		Where images relate to a known series, it could not be a completely innocuous image - i.e. if the child is fully clothed even if the hotline knows further along the series there will be CSAM images.  The hotline is likely to be less strict however with category C content where it knows the images are part of a set.

<p><b>Non-explicit images that have comments or captions of a sexual nature attached to them</b></p>	<p>Not illegal and not treated as CSAM</p>	<p>Notice to LEA</p>	<p>If appropriate and sufficient details available an “Intelligence” report may be passed to the NCA if the hotline believes that it is possible to identify a person and that there is risk of harm to a child.</p>
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Content Location	Accessibility by Law	Actions Taken	Comments/ Explanations
<p><b>Private site types (Password protected)</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	<p>If passwords are made available or are otherwise publicly accessible, the hotline will review content behind password protected services and action if appropriate to do so.</p>
<p><b>Peer to peer (torrent, emule, Kat)</b></p>	<p>Not allowed to access or send NTDs</p>		<p>This is currently an operational area reserved for UK law enforcement.</p>
<p><b>Dropbox/cloud/similar file hosting services</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	
<p><b>Tor/Onion</b></p>	<p>Allowed to access</p>	<p>Notice to LEA</p>	<p>All previously unidentified (new) Tor sites are notified to the NCA.</p>
<p><b>Livestreamed CSE/CSA</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA</p>	<p>Where livestreaming of CSAM is happening and the hotline comes across it at the time, the IWF reports it to the NCA as it happens and capture evidence to document the event. Any captured evidence can then be shared with the NCA if required to assist with any onward investigation.</p>
<p><b>File Transfer protocol (Ftp://)</b></p>	<p>Not allowed to access or send NTDs</p>		
<p><b>Social media accounts</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	<p>If the CSAM is publicly available.</p>
<p><b>Email</b></p>	<p>Not allowed to access or send NTDs</p>		
<p><b>Usenet</b></p>	<p>Allowed to access Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	<p>Where CSAM found, NTD process is followed.</p>
<p><b>Messengers (Telegram, WhatsApp)</b></p>	<p>Allowed to send NTDs</p>	<p>Notice to LEA NTD to HPs</p>	<p>Only where the content is accessible without joining a group. i.e., some telegram content can be viewed online freely with accessible by the IWF and out of scope.</p>

LANZAROTE CONVENTION

# Lanzarote Convention State Parties without INHOPE hotlines

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## The Lanzarote Convention

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, also known as “the Lanzarote Convention”, is a Council of Europe multilateral treaty that criminalises all types of sexual offences against children. Adopted in Lanzarote, Spain in 2007, the Lanzarote Convention entered into force in 2010. As of August 2024, [48 countries](#) have signed and ratified the Lanzarote Convention, including all Council of Europe Member States and is open to accession by States worldwide.

The Lanzarote Convention requires State Parties to ensure a holistic response to sexual violence against children, through Prevention, Protection, Prosecution and Promotion of national and international cooperation – the “4 Ps approach”. It establishes common criteria to ensure an effective, proportionate, and dissuasive criminal legal framework across all countries. In particular, the following acts are specified in the Convention to be criminalised: child sexual abuse, sexual exploitation through prostitution, child sexual abuse material, exploitation of a child in sexual performances, corruption of children, and solicitation of children for sexual purposes. Notably, the Convention also requires member states to ensure that statutes of limitation for sexual offenses against children run for a sufficient period to allow criminal proceedings to be initiated even after the victim reaches adulthood. In addition, the Lanzarote Convention aims to prevent repeat offenses against children by encouraging states to implement intervention programs targeting sex offenders, which may operate within the healthcare and welfare systems rather than solely within the penal system.

To monitor the implementation of these regulations set out in the Lanzarote Convention, the Lanzarote Committee conducts regular visits to members states and requires governments to report on all taken measures. It evaluates the current national level of child protection against sexual violence based on information provided by national authorities, including the legal framework, judicial procedures and data collection mechanisms to protect children against sexual abuse. The Committee also reviews strategies related to awareness-raising, education and training.

The Lanzarote Committee requires all member states to designate independent local institutions for the promotion and protection of children’s right. It also provides support to member states by offering educational material about the sexual exploitation and abuse of children and the associated negative long-term consequences.

# Andorra

## LEGISLATIVE CONTEXT

### Terminology & definition used in legislation referring to CSAM

The Law 9/2005, of 21 February, on the Penal Code, defines child pornography as that in which images of minors engaged in explicit, real or reality-like sexual activities appear, or any other representation of the sexual parts of a minor for primarily sexual purposes, punishing anyone who: recruits, uses a minor or a person with a disability for pornographic or exhibitionist purposes or encourages their participation, and whoever produces, acquires, sells, imports, exports, distributes, disseminates, transfers or exhibits this material by any means. (Art. 155)

### Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses

- Age of a child: under 18 years of age
- Legal age of consent for sexual activities:

The legal age of consent for sexual relations, as stipulated in article 144 of the Andorran Penal Code that typifies sexual assaults, is understood to be committed without consent the behaviour or sexual relationship carried out with people under fourteen (14) years of age.

- Age associated with CSAM offences defined by law

The Penal Code in Andorra refers to minors (under eighteen years of age), although it considers qualified aggression when the victim is especially vulnerable due to their age, disability, illness or situation, and in any case, it considers that the victim is especially vulnerable due to their age when they are under fourteen (14) years of age.

This is clear from Article 155. "Use of minors and people with disabilities for pornography 1. Anyone who captures images of a minor or a person with a disability with the intention of producing pornographic material shall be punished with a prison sentence of a maximum duration of two years. [...]", and also, in Article 157. Dissemination of pornography in relation to minors or a person with a disability [...] 2. Anyone who promotes, advertises, exhibits, disseminates or sells child pornographic material or any sexual content of a minor, real or with the appearance of reality, or a person with a disability, through social media, the Internet or other information and communication technologies, in such a way that this material is made accessible to a large number of people must be punished with a prison sentence of one to four years. The same penalty shall be imposed on anyone who promotes, advertises, exhibits, disseminates or sells pornographic material to minors or people with disabilities using the means referred to in the previous paragraph.

In the case of a **minor under fourteen years of age**, Article 158 of the same legal text will impose an aggravated penalty, as follows: "[...] c) The victim is particularly vulnerable due to their age, illness, disability or situation. In any case, the victim is considered to be especially vulnerable due to his age when he is under fourteen years of age."

- Age associated with grooming offenses

Regarding virtual sexual harassment of minors, the age range is the same as that referred to in the previous sections, under eighteen years of age but with a special qualification in the case of children under fourteen years of age, considering that under this age they are especially vulnerable children.

## **Criminalised acts related to CSAM**

The Penal Code, in article 155, specifically punishes the following acts:

Article 155. Use of minors and people with disabilities for pornography

1. Anyone who captures images of a minor or a person with a disability with the intention of producing pornographic material shall be punished with a prison sentence of a maximum duration of two years.

The attempt is punishable.

2. Anyone who recruits, uses a minor or a person with a disability for pornographic or exhibitionist purposes or encourages their participation, and who produces, acquires, sells, imports, exports, distributes, disseminates, assigns or exhibits by any means pornographic material in which images of minors engaged in explicit, real or reality-like sexual activities appear, or any other representation of the sexual parts of a minor for primarily sexual purposes must be punished with a prison sentence of one to four years. [...]

3. Anyone who offers, possesses, procures for himself or for another, or accesses through any communication or information technology pornographic material in which images of minors engaged in explicit, real or reality-like sexual activities appear, or any other representation of the sexual parts of a minor for primarily sexual purposes, shall be punished with imprisonment for a maximum of two years.

The attempt is punishable. [...]

In 2022, in order to adapt the legislation to the new times, Law 45/2022, of 22 December, qualified as an amendment to Law 9/2005 of the Criminal Code, added the article 157 ter. "Use of social media, the Internet, or other information and communication technologies

1. Anyone who promotes, advertises, exhibits, disseminates or sells to third parties images or audiovisual recordings or any other material of intimate content through social media, the Internet or other information and communication technologies without the authorisation of the person concerned shall be punished with a prison sentence of up to one year and a fine of up to 6.000 euros.
2. Anyone who deceives or threatens, through social media, the Internet or other information and communication technologies, another person to obtain sexual satisfaction through erotic, pornographic images or any other sexual information of the victim shall be punished with a prison sentence of up to one year and a fine of up to 6,000 euros.
3. Anyone who carries out the acts referred to in the previous section towards minors or people with disabilities to obtain sexual satisfaction through erotic, pornographic images or any other sexual information of the minor or disability shall be punished with the same penalty in the upper half.

The attempt is punishable.



## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

In general terms, the legal system of Andorra, through the Law 14/2019, of 15 February, on the rights of children and adolescents which is part of the commitment of the Principality of Andorra guarantees the full effectiveness of the human rights of children and adolescents. Considering the best interests of minors, the law regulates a framework of protection to provide an immediate, safe and decisive response for the child or adolescent who is or may be in danger, in accordance with good practices and the most recognized and advanced systems in comparative law.

Thus, according to Law 14/2019, several precepts can be applied in order to avoid the criminalisation of children facing self-generated CSAM cases. For example, article 31 refers to the right to the protection of the honour, privacy and self-image of children:

“1. Children and adolescents have the right to the protection of their honour, personal and family privacy, and their own image. These rights also include the inviolability of the family home and correspondence, as well as the secrecy of communications, including communications produced through information and communication technologies.

2. The exercise of the right to the protection of honour, privacy and self-image corresponds to the child or adolescent in accordance with their age and conditions of maturity, and always in accordance with their best interests.

3. It is presumed that any person over sixteen years of age has sufficient capacity to be able to exercise the protection of their honour, privacy and their own image, unless the applicable regulations, considering their own interests, establish otherwise.

4. Children and adolescents must be protected from the dissemination of their personal data, images that threaten their dignity and the economic exploitation of their image, especially in communications produced through information and communication technologies. Your consent to the use of your name, voice or likeness for advertising, promotional, commercial or similar purposes may not be given by means of mass contracts or adhesion.

5. The public administrations, within the scope of their powers, shall pay special attention to compliance with the provisions of section 4 above in the event that children and adolescents have been subjected to violence or are involved in any judicial or administrative process that affects them. The Public Prosecutor's Office and the specialised child and adolescent care service may initiate the corresponding actions ex officio to ensure that the appropriate measures are taken to protect children and adolescents from such interference.”

More specifically, Section 5 of Article 54, which regulates the protection of goods harmful to health and development, provides that: “Public administrations must ensure that publications with pornographic content, incitement to violence or containing any type of discrimination that is harmful to their development or contrary to their rights and freedoms are not sold, exhibited or disseminated to children and adolescents. Public administrations must also ensure that audiovisual material with the content referred to in this section is not sold, exhibited, disseminated or projected.”

Article 59. Protection against any type of abuse:

“1. Public administrations, within the scope of their powers, must protect children and adolescents against any type of abuse, to guarantee their well-being and their healthy and full development.

2. The child and adolescent protection system comprises the set of actions, measures and services aimed at preventing, detecting, notifying, referring, intervening, providing care and facilitating the recovery and social reintegration, as appropriate, of any form of abuse suffered by these children and adolescents.

3. Abuse is understood to be any type of violence, physical or psychological, such as corporal punishment, neglect, sexual abuse, gender, domestic or family violence and sexual, labour or any other exploitation, including when it is carried out through information and communication technologies, regardless of the environment or the person or institution that generates it. So is the lack of attention to the basic needs of the child that affect their development.”

### Definition of "child sexual exploitation material" in national legislations

The legislation of Andorra does not define child sexual exploitation material.

### Specific law regulating AI-generated CSAM

The Government of the Principality of Andorra in order to safeguard these rights, in line with the initiatives that are being implemented internationally, it is developing a Code on the Ethics of Artificial Intelligence in Andorra, putting people at the centre of the development of this technology in order to promote its responsible use. The code, currently still pending approval, will advocate important values and principles to respect, protect and promote dignity, human rights and fundamental freedoms in the application and use of AI.

Content Type	Legal Status	Actions Taken by LEA	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	The legality depends on the context	Investigation and clearing of criminal responsibilities	
<b>Digitally generated CSAM</b>	Illegal	Investigation and clearing of criminal responsibilities	
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Investigation and clearing of criminal responsibilities	
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Research, if there is no prevalence the age of sexual consent is 14 years	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Illegal	Investigation	From now on, this mention may involve requests for judicial authorization to determine the author or origin, with the collaboration of the Technological Crimes Group
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal	Research	

<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Research, and request for judicial authorization to obtain origin and identify authors	
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Investigation and legal action to ensure the safety of minors	
<b>Apparent self-generated sexual material</b>	Illegal	Research	It depends on whether there has been dissemination
<b>Sexualised modelling or posing</b>	The legality depends on the context	It depends on the circumstances.	
<b>Sexualised images of children</b>	The legality depends on the context	Research	
<b>Text depictions of CSAM</b>	The legality depends on the context	Investigation and prosecution	
<b>Fictional text depictions of CSAM</b>	The legality depends on the context	It depends on the circumstances.	
<b>Praise of paedophilia or CSA</b>	Illegal	Research	
<b>Manual on CSA</b>	Illegal	Research	
<b>Declaration of committing CSA</b>	Illegal	Investigation to corroborate facts, prosecution	
<b>Audio CSAM: recordings of CSA</b>	Illegal	Research	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Research	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken by LEA</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	The legality depends on the context	It depends on the circumstances.	
<b>Non-explicit images in a series of images that contain CSAM</b>	Illegal	Research	
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Illegal	Research	

# Armenia

## LEGISLATIVE CONTEXT

### **Terminology & definition used in legislation referring to CSAM**

Child pornography is the term used in the Criminal Code, article 300.

Definition by the article: “Creating, producing, acquiring, distributing, selling, exporting, importing, offering, advertising, making available, possessing, accessing through information or communication technology or on a computer, computer system, computer network or other computer equipment or any other child pornography saving child pornography or viewing child pornography.”

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: 18 years old

Legal age of consent for sexual activities: 16 years old

Age associated with CSAM offences defined by law: The same age approach is defined by law.

Age associated with grooming offenses: The same age approach is defined by law.

### **Criminalised acts related to CSAM**

The Criminal Code, article 300 part 2, defines the scope of CSAM as follows:

Creating, producing, acquiring, distributing, selling, exporting, importing, offering, advertising, making available, possessing, accessing through information or communication technology or on a computer, computer system, computer network or other computer equipment or any other child pornography saving child pornography or viewing child pornography.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Children above 16 years old (the age of general criminal responsibility) are subject to criminal responsibility for production of self-generated materials. Children under this age are not subject, as they are not liable to criminal responsibility for light and medium gravity crimes.

## Definition of "child sexual exploitation material" in national legislations

There is no specific regulation on this term. The wider definition of child pornography covers all aspects, including materials.

## Specific law regulating AI-generated CSAM

There is no specific law or regulation on AI-generated CSAM.

Content Type	Legal Status	Actions Taken by LEA	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	The legality depends on the context	Investigation (dependent on the context)	The legality depends on the context of the creation and use of the drawing. Depending on the definition where it is artwork or pornography, the law enforcement may start investigation.
<b>Digitally generated CSAM</b>	Illegal	Investigation	
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Investigation	
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Investigation	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	The legality depends on the context		More often this is non-criminal responsibility
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal	Investigation	
<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Investigation	
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Investigation	

<b>Apparent self-generated sexual material</b>	Illegal	Investigation	
<b>Sexualised modelling or posing</b>	The legality depends on the context	Investigation (dependent on the context)	
<b>Sexualised images of children</b>	The legality depends on the context	Investigation (dependent on the context)	If there is an evidence of pornography investigation will start
<b>Text depictions of CSAM</b>	The legality depends on the context	Investigation (dependent on the context)	
<b>Fictional text depictions of CSAM</b>	The legality depends on the context		
<b>Praise of paedophilia or CSA</b>	Illegal	Investigation	
<b>Manual on CSA</b>	Illegal	Investigation	
<b>Declaration of committing CSA</b>	Illegal		
<b>Audio CSAM: recordings of CSA</b>	Illegal	Investigation	This is also a material referred to in the criminal code as child pornography- use production, possession and dissemination of child CSAM
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Investigation	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken by LEA</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Illegal	Investigation	
<b>Non-explicit images in a series of images that contain CSAM</b>	Illegal	Investigation (dependent on the context)	
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	Illegal	Investigation	

## Azerbaijan

### LEGISLATIVE CONTEXT

#### **Terminology & definition used in legislation referring to CSAM**

Child pornography is used in the legislation in Azerbaijan. In the Azerbaijani Criminal Code, Article 171 covers the involvement of minors in prostitution, participation in pornographic spectacles and immorality actions. It also covers the circulation of child pornography. Article 242 covers offenses related to the illegal production and distribution of pornographic materials or items, specifically addressing the involvement of minors and the possession of child pornography.

#### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: 18 years old

Legal age of consent for sexual activities: 16 years old

#### **Criminalised acts related to CSAM**

Article 171-1 of the Criminal Code provides a clear definition of child pornography and provides for certain offences related to distributing, advertising, sale, transfer, sending, acquisition or manufacture or possession with intent to distribute or advertise such images. importation, production, sale of or distribution of pornographic items in general.

#### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

(No information)

#### **Definition of "child sexual exploitation material" in national legislations**

There is no specific legislation defining "child sexual exploitation material". The wider definition of child pornography covers all aspects.

#### **Specific law regulating AI-generated CSAM**

(No information)

<b>Content Type</b>	<b>Legal Status</b>	<b>Actions Taken by LEA</b>	<b>Comments/ Explanations</b>
<b>Drawings/manga/artistic interpretations of CSAM</b>	Appears to be illegal		
<b>Digitally generated CSAM</b>	(no information)		
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Appears to be illegal		
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Appears to be illegal		
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	(no information)		
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal		
<b>Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal		
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal		
<b>Apparent self-generated sexual material</b>	(no information)		
<b>Sexualised modelling or posing</b>	(no information)		
<b>Sexualised images of children</b>	Illegal		
<b>Text depictions of CSAM</b>	(no information)		
<b>Fictional text depictions of CSAM</b>	(no information)		
<b>Praise of paedophilia or CSA</b>	(no information)		
<b>Manual on CSA</b>	(no information)		
<b>Declaration of committing CSA</b>	(no information)		
<b>Audio CSAM: recordings of CSA</b>	(no information)		



<p><b>Audio CSAM: story telling/ retelling scenes of CSA</b></p>	<p>(no information)</p>		
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<p><b>Context</b></p>	<p><b>Legal Status</b></p>	<p><b>Actions Taken by LEA</b></p>	<p><b>Comments/ Explanations</b></p>
<p><b>Images in a medical context</b></p>	<p>(no information)</p>		
<p><b>Non-explicit images in a series of images that contain CSAM</b></p>	<p>(no information)</p>		
<p><b>Non-explicit images that have comments or captions of a sexual nature attached to them</b></p>	<p>(no information)</p>		

## Georgia

### LEGISLATIVE CONTEXT

#### **Terminology & definition used in legislation referring to CSAM**

Under the Criminal Code of Georgia (Article 255), illegal making or sale of a pornographic work or other items is punishable. Aggravating circumstance of the said offence is knowingly purchasing, storing, possessing, attending the demonstration of, or using pornographic work containing images of minors. It should be noted that pursuant to the abovementioned article, a pornographic work containing images of minors shall mean a visual or audio-visual material produced by any method, also a staged performance which, using various means, depicts the participation of minors or of characters with the appearance of a minor in the actual, simulated or computer-generated sexual scenes or displays genitalia of a minor for the gratification of a consumer's sexual needs. A work shall not be considered to be pornography if it has medical, scientific, educational or artistic value. It should be note that engagement of minors in illegal production and sale of pornographic works or other similar items is also punishable.

#### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: 18 years old

Legal age of consent for sexual activities: 16 years old

Age associated with grooming offenses: 16 years old

#### **Criminalised acts related to CSAM**

Illegal making or sale of a pornographic work or other items is punishable. Aggravating circumstance of the said offence is knowingly purchasing, storing, possessing, attending the demonstration of, or using pornographic work containing images of minors.

#### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Children are potentially criminally liable for the distribution or transmission of self-generated CSAM in Georgia. Furthermore, Georgia has rules that lead to the criminalisation of the distribution by children of self-generated CSAM of other children.

## Definition of "child sexual exploitation material" in national legislations

There is no specific legislation defining "child sexual exploitation material". The wider definition of child pornography covers all aspects.

## Specific law regulating AI-generated CSAM

There is no record directly related to AI, but as mentioned above, pornographic work containing images of minors shall mean a visual or audio-visual material produced by any method, including a staged performance which, using various means, depicts the participation of minors or of characters with the appearance of a minor in the actual, simulated or computer-generated sexual scenes or displays genitalia of a minor for the gratification of a consumer's sexual needs. A work shall not be considered to be pornography if it has medical, scientific, educational or artistic value.

Content Type	Legal Status	Actions Taken by LEA	Comments/ Explanations
<b>Drawings/manga/artistic interpretations of CSAM</b>	The legality depends on the context		If the image is pornographic in nature and has been distributed, an investigation may be initiated
<b>Digitally generated CSAM</b>	Illegal	Investigation	
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Investigation	
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Investigation	
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	The legality depends on the context	Investigation	If the recording is intended for personal use and does not contain evidence of unlawful acquisition of privacy.
<b>Child grooming— solicitation of the child to meet offline (for contact offences)</b>	Illegal	Investigation	
<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal	Investigation	

<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal	Investigation	
<b>Apparent self-generated sexual material</b>	The legality depends on the context	Investigation	Sending self-generated sexual materials of minor to adult upon his/her request, is punishable act for an adult.
<b>Sexualised modelling or posing</b>	Illegal	Investigation	
<b>Sexualised images of children</b>	Illegal	Investigation	
<b>Text depictions of CSAM</b>	The legality depends on the context	Investigation	It doesn't matter if the text is real or fictional, if the text is intended for a child with sexual content, this act will be considered a lewd act.
<b>Fictional text depictions of CSAM</b>	The legality depends on the context	Investigation	
<b>Praise of paedophilia or CSA</b>	(no information)		
<b>Manual on CSA</b>	(no information)		
<b>Declaration of committing CSA</b>	(no information)		
<b>Audio CSAM: recordings of CSA</b>	Illegal	Investigation	
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	Illegal	Investigation	

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken by LEA</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal		
<b>Non-explicit images in a series of images that contain CSAM</b>	(no information)		
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	The legality depends on the context	Investigation	May contain signs of lewd act.

# Liechtenstein

## LEGISLATIVE CONTEXT

### **Terminology & definition used in legislation referring to CSAM**

The Criminal Code of Liechtenstein uses the term “pornographic depictions of minors”.

§ 219 (5) of the Criminal Code states that: “the following shall be deemed pornographic depictions of minors: 1. images or pictorial representations of a sexual act on a minor or of a minor on himself, on another person, or with an animal, 2. images or pictorial representations of the genitalia or the pubic region of minors, to the extent they are images reduced to the image itself and separated from other expressions of life, serving to sexually arouse the spectator.”

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: 18

Legal age of consent for sexual activities: 14

Age associated with CSAM offences: 18

### **Criminalised acts related to CSAM**

§ 219(1) and (2) of the Criminal Code (StGB) lays down an absolute prohibition on the circulation of pornographic depictions of minors. Paragraph 1 criminalises the production, acquisition, or possession of pornographic depictions of a minor as well as offering such depictions to a third party, procuring them for a third party, leaving them to a third party, or otherwise presenting them or making them accessible to a third party. According to paragraph 2, the production, import, transport, or export of pornographic depictions of minors for the purpose of dissemination as well as commission of the offences set out in paragraph 1 on a commercial basis are punishable. Moreover, § 219(4) StGB also criminalises access to pornographic depictions of minors with the help of information and communication technology, if such access occurs knowingly. This already criminalises the viewing of certain internet content by accessing relevant websites, if such access occurs knowingly, without having to additionally save the content on data carriers.

According to § 215a(1) StGB, the solicitation, offering, or arranging of a minor for the purposes of participation in a pornographic performance and the exploitation of a minor participating in a pornographic performance, with the intent to gain a pecuniary advantage for oneself or a third party, is punishable. Knowingly attending pornographic performances involving the participation of minors is criminalised in § 215a(4) StGB. Liechtenstein law does not limit criminal responsibility in the manner set out in Article 21, paragraph 2 of the Convention.

**Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Under § 219(6) StGB, criminal liability is excluded for the production or possession of child pornography material if production or possession of the pornographic depiction of an adolescent is with the adolescent's consent and for the adolescent's own use. According to the legal definition set out in § 74(1)(2) StGB, an adolescent is a person between the age of 14 and 18. The transfer of pornographic depictions by the adolescent depicted and the transfer of pornographic depictions of other adolescents or children by adolescents are, however, prohibited by criminal law.

Children under the age of 14 have not reached the age of criminal responsibility and thus cannot be held criminally responsible for the production, possession, or transfer of pornographic depictions of a minor (i.e. of a person who has not reached the age of 18), irrespective of whether the depictions are transferred to other children/adolescents or to adults.

Children between the age of 14 and 18 could be prosecuted specifically for the distribution of self-generated sexually explicit images of other children to peers or to adults. If the requirements of §22a Code of Criminal Procedure ("Diversion") are met (e.g. the suspect's culpability is not considered to be serious, the offence did not result in a person's death, and no sexual assault under § 201 StGB or sexual abuse of a defenceless or mentally impaired person under § 204 StGB has occurred), the Public Prosecutor will consider alternative measures, such as the measures described in §§ 22c, 22d, or 22f of the Code of Criminal Procedure (the payment of an amount of money, the performance of community service, the setting of a probation period, possibly in connection with supervised probation and compliance with duties).

**Definition of "child sexual exploitation material" in national legislations**

There is no specific legislation defining "child sexual exploitation material". The wider definition of child pornography covers all aspects.

**Specific law regulating AI-generated CSAM**

The national law does not have specific regulations for AI-generated CSAM, but the definition of pornographic depictions of minors in § 219(5) StGB of the Criminal Code indicates that no distinction is made among real pornography, simulated pornography, and virtual pornography, and the criterion of a realistic style also does not have to be met, which is why all real or entirely artificial depictions made on a computer such as photographs, slides, other images and films, comics, animated films, CD-ROMs, DVDs, computer games and the like are covered by the offence of pornographic depictions of minors.

Content Type	Legal Status	Actions Taken by LEA	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Illegal		The definition of pornographic depictions of minors in § 219(5) StGB of the Criminal Code indicates that no distinction is made among real pornography, simulated pornography, and virtual pornography, and the criterion of a realistic style also does not have to be met, which is why all real or entirely artificial depictions made on a computer such as photographs, slides, other images and films, comics, animated films, CD-ROMs, DVDs, computer games and the like are covered by the offence of pornographic depictions of minors.
Digitally generated CSAM	Illegal		
Realistic images representing a minor engaged in sexually explicit conduct	Illegal		The criterion for distinguishing pornographic from non-pornographic images or visual depictions is defined in Liechtenstein criminal law such that "pornographic" refers to images and visual depictions that are for their own sake, are detached from other expressions of life, and serve to sexually stimulate the viewer.
A minor appearing to be an adult engaged in sexually explicit conduct	Appears to be illegal		
An adult person appearing to be a minor engaged in sexually explicit conduct	(no information)		
Child grooming— solicitation of the child to meet offline (for contact offences)	Illegal		
Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal		
Sexual extortion of children or soliciting children for sexual purposes	Illegal		
Apparent self-generated sexual material	Illegal (dependent on the context)		There is an exemption from liability for the production and possession of one's sexually explicit images only

			where the children in question are above the age of sexual consent and where the material is produced/possessed with their consent for their own private use.
<b>Sexualised modelling or posing</b>			
<b>Sexualised images of children</b>	Illegal		
<b>Text depictions of CSAM</b>	(no information)		
<b>Fictional text depictions of CSAM</b>	(no information)		
<b>Praise of paedophilia or CSA</b>	(no information)		
<b>Manual on CSA</b>	(no information)		
<b>Declaration of committing CSA</b>	(no information)		
<b>Audio CSAM: recordings of CSA</b>	(no information)		
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	(no information)		

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken by LEA</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	(no information)		
<b>Non-explicit images in a series of images that contain CSAM</b>	(no information)		
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	(no information)		



# Monaco

## LEGISLATIVE CONTEXT

### **Terminology & definition used in legislation referring to CSAM**

The Penal Code of Monaco uses the term “child pornography”.

Article 294-3 of the Penal Code states that “... the following are considered to be images of a pornographic nature:

- 1°) the image or representation of a minor undergoing or engaging in sexually explicit behaviour;
- 2°) the image or representation of a person who appears to be a minor undergoing or engaging in sexually explicit behaviour;
- 3°) the realistic image representing a minor engaging in sexually explicit behaviour.

The expression ‘realistic image’ designates, in particular, the altered image of a natural person, in whole or in part created by digital methods.”

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: 18 years old

Legal age of consent for sexual activities: 15 years old

Age associated with CSAM offences: 18 years old

### **Criminalised acts related to CSAM**

Article 294-3 of the Penal Code criminalises each aspect of the production, possession and distribution of child pornography, as well as the viewing, recording and all forms of dissemination and transmission of child pornography.

The same article also provides for increased penalties incurred when a communications network has been used to disseminate the image or representation of a minor. It states:

“The fact, with a view to its dissemination, of fixing, recording, producing, obtaining or transmitting the image or representation of a minor when this image or this representation is of a pornographic nature is punishable by imprisonment of three to five years and the fine provided for in number 3 of article 26. Attempt is punishable by the same penalties. The fact of knowingly offering or disseminating such an image or representation, by any means whatsoever, of importing or exporting it, of having it imported or having it exported, is punishable by the same penalties.

Knowingly possessing such an image or representation is punishable by six months to two years' imprisonment and the fine provided for in point 2 of article 26.

Knowingly accessing such an image or representation is punishable by the same penalties.”

In addition, Article 294-4 of the Penal Code provides that “When the images or representations provided for in the preceding article have been brought to their attention during their professional activity, operators or service providers responsible for the operation of telecommunications and electronic communications networks and services, or one of their agents, are required to carry out operations tending to prohibit public access to such images, and to make them available to the judicial authority, for the purposes of research, observation and prosecution of criminal offenses.

Failure to comply with the obligations provided for in the preceding paragraph is punishable by imprisonment of one year and the fine provided for in number 4 of article 26, without prejudice to the penalties incurred by the authors, co-authors or accomplices of the offenses referred to. in paragraphs one to five of the preceding article.”

Article 294-5 of the Penal Code also criminalises:

1°) forcing a minor to watch or participate in pornographic scenes or shows or taking advantage of them or exploiting a minor in any other way for this purpose;

2°) the fact of recruiting, with the use of coercion, violence or fraudulent manoeuvres, a minor so that he attends or participates in pornographic scenes or shows or of encouraging the participation of a minor in such shows;

3°) attending pornographic shows involving the participation of minors.

The same penalties apply to intentionally causing a minor to witness or participate in sexual activities.”

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Domestic law in Monaco does not have a dedicated criminal offense concerning the production or possession by children of self-generated sexually explicit images and/or videos or self-generated sexual content. However, the distribution or transmission to peers or adults of self-generated sexually explicit images and/or videos or self-generated sexual content can be criminalised according to Penal Code.

Additionally, the production and possession of self-generated material were not criminalised when the child(ren) in question have reached the legal age for sexual activities. The same applies if the self-produced sexually explicit images and/or videos or self-produced sexual content transmitted or distributed concerns other children.

### **Definition of "child sexual exploitation material" in national legislations**

There is no specific legislation defining “child sexual exploitation material”. The wider definition of child pornography covers all aspects.

### **Specific law regulating AI-generated CSAM**

(No information)

Content Type	Legal Status	Actions Taken by LEA	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Appears to be illegal		
Digitally generated CSAM	N/A		
Realistic images representing a minor engaged in sexually explicit conduct	Appears to be illegal		
A minor appearing to be an adult engaged in sexually explicit conduct	Appears to be illegal		
An adult person appearing to be a minor engaged in sexually explicit conduct	(no information)		
Child grooming—solicitation of the child to meet offline (for contact offences)	Illegal		Article 294-6 of the Penal Code states: “The act of an adult intentionally proposing, through the use of an electronic communications network, a meeting with a person, with knowledge of their status as a minor, with the aim of committing against them any offense of a sexual nature punishable by A prison sentence greater than or equal to three years is punishable by imprisonment of six months to two years and the fine provided for in number 2 of article 26.
Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal		When this meeting has taken place, the penalties are increased from three to five years of imprisonment and the fine provided for in number 4 of article 26.
Sexual extortion of children or soliciting children for sexual purposes	Illegal		
Apparent self-generated sexual material	Not illegal (dependent on the context)		The Penal Code does not specifically criminalised self-generated sexual material. However, there is a general scope of application allowing the criminal prosecution of persons possessing, disseminating, transmitting, distributing sexually explicit images or videos self-generated by children.
Sexualised modelling or posing	(no information)		

<b>Sexualised images of children</b>	Illegal		
<b>Text depictions of CSAM</b>	(no information)		
<b>Fictional text depictions of CSAM</b>	(no information)		
<b>Praise of paedophilia or CSA</b>	(no information)		
<b>Manual on CSA</b>	(no information)		
<b>Declaration of committing CSA</b>	(no information)		
<b>Audio CSAM: recordings of CSA</b>	(no information)		
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	(no information)		

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken by LEA</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	(no information)		
<b>Non-explicit images in a series of images that contain CSAM</b>	(no information)		
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	(no information)		

# Montenegro

## LEGISLATIVE CONTEXT

### **Terminology & definition used in legislation referring to CSAM**

In the normative sense of the word, the term child pornography and sexually explicit content is used.

Child pornography is deemed to be any material that visually depicts a child engaged in real or simulated sexually explicit conduct and any depiction of a child's sexual organs for primarily sexual purposes.

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: 18 years old

Legal age of consent for sexual activities: Normatively, there is no age limit for sexual activities.

Age associated with CSAM offences defined by law: All children enjoy legal protection, regardless of age.

Age associated with grooming offenses: Article 211b of the Criminal Code prescribes as a criminal offense luring a child under the age of fourteen with the aim of committing criminal offenses against sexual freedom.

### **Criminalised acts related to CSAM**

Misuse of Someone Else's Recording, Photograph, Portrait, Audio Recording or Document with Sexually Explicit Content  
Article 175a:

- (1) Whoever makes available to a third person a video or other recording, photograph, portrait, audio recording or document with sexually explicit content, without the consent of the person to whom the document relates, or without the consent of the person shown on the recording, photograph or portrait or whose voice is recorded on audio recording, shall be punished by a prison term up to two years.
- (2) The punishment referred to in paragraph 1 of this Article shall also be imposed on whomever through a computer system or otherwise makes a new or alters an existing video or other recording, photograph, portrait, audio recording or document with sexually explicit content and uses or makes available to a third person such recording, photograph, portrait, audio recording, or document as genuine.
- (3) The punishment referred to in paragraph 1 of this Article shall also be imposed on whomever threatens another to make available to a third person his video or other recording, photograph, portrait, audio recording or document with sexually explicit content.

- (4) Whoever commits the offence referred to in paragraph 1 or 2 of this Article via information and communication technologies or otherwise as a result of which a video or other recording, photograph, portrait, audio recording or document with sexually explicit content has become available to a large number of persons, shall be punished by a prison term up to three years.
- (5) Where the offence referred to in paragraphs 1 to 4 of this Article was committed against a child, the perpetrator shall be punished by a prison term from one to eight years.
- (6) Where the offence referred to in paragraphs 1 to 5 of this Article was committed by a public official while performing his duties, he shall be punished by a prison term from three months to four years for the offence referred to in paragraphs 1, 2 and 3 of this Article, by a prison term from three months to five years for the offence referred to in paragraph 4 of this Article, and by a prison term from two to ten years for the offence referred to in paragraph 5 of this Article.
- (7) Video or other recordings, photographs, portraits, audio recordings and documents, as well as specific devices through which the criminal offence referred to in this Article was committed shall be confiscated

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Montenegro has rules allowing for the criminalisation of the production, possession, distribution and transmission of sexually explicit images generated by children themselves. Currently, Montenegro relies on the age of criminal responsibility (14), meaning that children below the age of criminal responsibility cannot be held criminally liable for acts they commit to demonstrate compatibility with the above-mentioned exclusion of criminal liability for the production and possession of self-generated sexually explicit images.

## **Definition of "child sexual exploitation material" in national legislations**

"Child sexual exploitation material" is not defined in the legislation in Montenegro.

## **Specific law regulating AI-generated CSAM**

There is no specific law regulating AI-generated CSAM, but protection against it is provided by the norms of the Criminal Code of Montenegro and the Law on Misdemeanours.

Content Type	Legal Status	Actions Taken by LEA	Comments/ Explanations
<p><b>Drawings/manga/artistic interpretations of CSAM</b></p>	<p>Illegal (dependent on the context)</p>		<p>The behaviour is criminalized as a misdemeanour, and it is assessed in each specific case whether all the elements of the misdemeanour have been achieved by the actions of the perpetrator.</p> <p>Article 19 of the Law on Public Order and Peace criminalizes as a misdemeanor the behavior of a natural person who in a public place by speech, inscription, sign or otherwise insults another on the basis of national, racial or religious affiliation, ethnic origin or other personal characteristic, for which offense will be punished by a fine of 250 euros to 1,500 euros or a prison sentence of up to 60 days. Article 20 of the same law stipulates that a legal entity that produces or puts into circulation or otherwise makes available to the public a sign, drawing or object that offends another based on national, racial or religious affiliation, ethnic origin or other personal characteristic, will be punished for the offense by a fine of 1,000 euros to 15,000 euros.</p>
<p><b>Digitally generated CSAM</b></p>	<p>Illegal</p>		<p>Exploiting Children for Pornography Article 211: (1) Whoever sells, gifts, shows, or makes accessible to a child below the age of fourteen years by publicly exhibiting, via information and communication technologies or otherwise photographs, texts, audio-visual material or other items of pornographic content or who shows the child a pornographic performance shall be punished by a prison sentence from two to ten years. (2) Whoever induces or exploits a child to produce photos, audio-visual material, or other items of pornographic content (child pornography) or for a pornographic performance shall be punished by a prison sentence from three to ten years. (3) The penalty referred to in paragraph 2 of this Article shall be imposed on whomever unauthorisedly records, produces, offers, makes accessible, distributes, imports, exports, procures for themselves or for another, sells, gives, shows, publicly displays, or possesses photos, audio-visual material or other items of pornographic content (child pornography). (4) Where the offence referred to in paragraphs 1 and 2 of this Article is committed against a juvenile, the perpetrator shall be punished by a prison sentence from one to eight years. (5) Where the offence referred to in paragraph 2 of this Article is committed by means of force or threats, the perpetrator shall be punished by a prison sentence from three to fifteen years. (6) The objects referred to in paragraphs 1 to 3 of this Article shall be confiscated and destroyed. (7) Child pornography, within the meaning of this Article, is deemed to be any</p>

		material that visually depicts a child engaged in real or simulated sexually explicit conduct and any depiction of a child's sexual organs for primarily sexual purposes
<b>Realistic images representing a minor engaged in sexually explicit conduct</b>	Illegal	Misuse of a photograph of a child with sexually explicit content, in the sense of making it available to others without the consent of the person in the photograph, then creating a new or altering an existing photograph with sexually explicit content and using it or making it available to a third party as true, the mere threat that the photograph will be used, making it available to a larger number of persons through information and communication technologies or in another way, making it available to a child under the age of 14, directing or exploiting a child for the production of photographs with pornographic content, images, audiovisual or other objects with pornographic content, who unauthorised filming, producing, offering, making available, distributing, importing, exporting, obtaining for oneself or another, selling, giving, showing, publicly exhibiting or possessing images of pornographic content (child pornography) are behaviours that are criminalized as a criminal offense and for which prison sentences were imposed.
<b>A minor appearing to be an adult engaged in sexually explicit conduct</b>	Illegal	Exploitation of children for pornography is provided for in Article 211 paragraph 2 of the Criminal Code, which stipulates that anyone who induces or uses a child for the production of images, audiovisual or other objects with pornographic content (child pornography) or for a pornographic performance, will be punished with imprisonment from three to ten years.
<b>An adult person appearing to be a minor engaged in sexually explicit conduct</b>	Not illegal	According to the provisions of the current Criminal Code, the abuse of someone else's recording, photograph, portrait, audio recording or file with sexually explicit content is punishable. Therefore, the voluntary action of an adult who produces such content and does not abuse it is not punishable.
<b>Child grooming—solicitation of the child to meet offline (for contact offences)</b>	Illegal	Enticing a child under the age of fourteen in order to commit crimes against sexual freedom is prescribed as a criminal offense in Article 211b of the CC.  It stipulates that an adult who, with the intention of committing a criminal offense from Article 204 paragraph 6, Article 205 paragraph 3, Article 206, Article 207 paragraph 3, Article 208 paragraph 1, Article 209, Article 210 paragraph 1 and Article 211 paragraph 1 and 4 of this Code using the means of information and communication technologies or in another way arranges a meeting with a child under the age of fourteen and undertakes actions to make that meeting happen, shall be punished by imprisonment of five to ten years.



<b>Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)</b>	Illegal		
<b>Sexual extortion of children or soliciting children for sexual purposes</b>	(no information)		
<b>Apparent self-generated sexual material</b>	(no information)		
<b>Sexualised modelling or posing</b>	(no information)		
<b>Sexualised images of children</b>	Illegal		
<b>Text depictions of CSAM</b>	Illegal		
<b>Fictional text depictions of CSAM</b>	(no information)		
<b>Praise of paedophilia or CSA</b>	(no information)		
<b>Manual on CSA</b>	(no information)		
<b>Declaration of committing CSA</b>	(no information)		
<b>Audio CSAM: recordings of CSA</b>	(no information)		
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	(no information)		

Context	Legal Status	Actions Taken	Comments/ Explanations
Images in a medical context	Not illegal		
Non-explicit images in a series of images that contain CSAM	(no information)		
Non-explicit images that have comments or captions of a sexual nature attached to them	Illegal		<p>Sexual harassment Article 211c</p> <p>(1) Anyone who sexually harasses another person, shall be punished by a prison term up to six months. (2) Anyone who sexually harasses another person to whom he is superior or who is in a dependent position in relation to the perpetrator or who is particularly vulnerable due to his age, illness, disability, dependency, pregnancy, severe physical or mental impairment, shall be punished by a prison term up to two years. (3) For the purposes of this Article, sexual harassment shall mean any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person or a group of persons, in particular when such conduct causes fear or creates a hostile, humiliating, intimidating, degrading or offensive environment. (4) Prosecution for the offence referred to in paragraph 1 of this Article shall be instituted by a private action.</p>

## North Macedonia

### LEGISLATIVE CONTEXT

#### **Terminology & definition used in legislation referring to CSAM**

Child pornography is the terminology used in the legislation in North Macedonia.

Article 122 item 24 of the Criminal Code lays down a definition of the term child pornography: “child pornography shall mean pornographic material visually depicting obvious sexual acts involving a minor or an adult resembling a minor, or depicting the minor or the adult resembling a minor in an obvious sexual posing, or real images depicting obvious sexual acts with a minor or depicting the minor or the adult resembling a minor in an obvious sexual posing.”

#### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: 18 years old

Legal age of consent for sexual activities: 16 years old

#### **Criminalised acts related to CSAM**

Article 193-A “Production and distribution of child pornography” of the Criminal Code provides punishment of the following actions:

(1) A person who produces child pornography in order for its distribution or transfer or offers or otherwise making available child pornography shall be punished with imprisonment of at least five years.

(2) A person who purchased child pornography for himself or another or possess child pornography, shall be punished with imprisonment from five to eight years.

(3) If the crimes referred to paragraphs (1) and (2) of this article is committed through computeric systems or other means of mass communication, shall be punished with imprisonment of at least eight years.

(4) If the crime of this article is performed by a legal person, shall be punished by a fine

In addition, Article 193 “Showing pornographic material to a child” also states that:

(1) A person who will sell, display or with public displays to a child under 14 years or in otherwise makes available pictures, audio-visual or other items with pornographic content or shows him a pornographic performance, as well as he who participate to the show will be punished with imprisonment of six months to three years.

(2) If the crime is committed by the means of public information, the perpetrator shall be punished with imprisonment of three to five years.

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Both children and adults may be perpetrators of the aforementioned criminal acts because the law uses an impersonal pronoun for perpetrators of these criminal acts: “One who...” If the perpetrator is an adult, the provisions of the Criminal Code and Law on Criminal Procedure shall apply. If the perpetrator is a child, the provisions of the Law on Juvenile Justice (Official Gazette of the Republic of Macedonia No.148/2013) shall apply.

Nevertheless, the Law on Juvenile Justice entails forms of restorative justice. Article 19 lays down a definition of a child at risk:

- A child at risk up to 14 years of age is a juvenile who at the time of perpetrating an act defined by law as a criminal act for which a fine or a prison sentence of over three years has been imposed or an act defined by law as a misdemeanour has reached seven, but not 14 years of age and
- A child at risk between 14 and 18 years of age is a juvenile who at the time of perpetrating the act defined by law as a criminal act for which a fine or a prison sentence of over three years has been imposed or an act defined by law as a misdemeanour, was at the age of 14, but had not reached 18 years of age.

In accordance with Chapter II, the measures for assistance and protection shall be applied for a child at risk under the age of 14 and a child at risk over 14 years of age only if the centre for social work assesses that the risk situation is reflected in the development of the personality of the child and the proper upbringing thereof. The measures may be applied for the parent or legal guardian if they have neglected or misused their rights and obligations regarding the protection of the personality, the rights and the interests of the child. The measures for assistance and protection are laid down by law in the area of education, health, social, family and other forms of protection. (Article23)

These provisions stipulate that the Centre for Social Work shall be informed about an act of a child at risk under the age of 14, which is defined by law as a criminal act for which a prison sentence of over three years has been stipulated, as well as if there are other persons involved in perpetrating of this act, against whom a court procedure may be initiated, and about an act of a child of over 14 years of age, defined by law as a criminal act for which a prison sentence of up to three years or a fine has been stipulated, and the Centre shall initiate a classified procedure for determining the factual circumstances of the specific risk event or risk state. The team of experts of the Centre shall implement a Plan on the Measures and Activities for an individual work with a child and a parent with an aim of removing the reasons for the child's behaviour and the risk state.

If the parent does not implement the plan of the Centre, in case of having a child at risk of over 14 years of age, and if the Centre, after all attempts, fails to implement it, within seven days as of establishing such a circumstance, shall inform the competent judge about the child, and the judge, within three days shall adopt a decision on application of the measures contained in the Plan, provided with guidelines by the Centre. If the parent does not act in accordance with the court's decision, the court shall inform the Public Prosecutor's Office about further acting thereof.

Also, if through the act, defined by law as a criminal act or a misdemeanour, the child at risk acquired proceeds of crime or caused damage to another person, the Centre for Social Work shall perform a mediation procedure between the child at risk or the child’s parent or legal guardian and the harmed person for mutual reconciliation and a promise that the act will not be perpetrated again as well as for returning the proceeds of crime or compensating for the caused damage.

## Definition of "child sexual exploitation material" in national legislations

There is no specific legislation defining “child sexual exploitation material”. The wider definition of child pornography covers all aspects.

## Specific law regulating AI-generated CSAM

(No information)

Content Type	Legal Status	Actions Taken by LEA	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	(no information)		
Digitally generated CSAM	N/A		
Realistic images representing a minor engaged in sexually explicit conduct	Appears to be illegal		
A minor appearing to be an adult engaged in sexually explicit conduct	Appears to be illegal		
An adult person appearing to be a minor engaged in sexually explicit conduct	(no information)		
Child grooming— solicitation of the child to meet offline (for contact offences)	Illegal		Article 193-B of the Criminal Code “Enticement of statutory rape or other sexual act on a child under 14 years” states that crime is committed when "He who through means of computer-communication with scheduling a meeting or otherwise entices a child less than 14 years of statutory rape or other sexual act or the production of child pornography and if with that intention is realized immediate meeting with minor, shall be punished with imprisonment from one to five years.”
Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal		

<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal		Article 193-b regulates the criminal act: enticing a child under the age of 14 to sexual intercourse or other sexual act. The following actions are criminalised: A person who through a computer communication device by scheduling a meeting or in other way shall entice a child below the age of 14 to sexual intercourse or other sexual act or to production of child pornography and if the person has arranged a meeting with the minor with such an intention. The Criminal Code stipulates imprisonment between one and five years.
<b>Apparent self-generated sexual material</b>	Illegal		
<b>Sexualised modelling or posing</b>	(no information)		
<b>Sexualised images of children</b>	(no information)		
<b>Text depictions of CSAM</b>	(no information)		
<b>Fictional text depictions of CSAM</b>	(no information)		
<b>Praise of paedophilia or CSA</b>	(no information)		
<b>Manual on CSA</b>	(no information)		
<b>Declaration of committing CSA</b>	(no information)		
<b>Audio CSAM: recordings of CSA</b>	(no information)		
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	(no information)		

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken by LEA</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	(no information)		
<b>Non-explicit images in a series of images that contain CSAM</b>	(no information)		
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	(no information)		

## Norway

### LEGISLATIVE CONTEXT

#### **Terminology & definition used in legislation referring to CSAM**

Intentional conduct involving depictions of the sexual abuse of children or depictions that sexualise children (that are equivalent to “child pornography” as described in Article 20) is a criminal offence pursuant to the Penal Code, section 311. The term “child pornography” is not used in Norway since the term is regarded as unclear, imprecise, and misleading. Norway is an international advocate for the improved use of terms and terminology in line with the Luxembourg Guidelines. In the Penal Code, Section 311 refers to “depiction of sexual abuse of children or depiction which sexualises children”.

#### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: 18 years old

Legal age of consent for sexual activities: 16 years old

Age associated with CSAM offences: 18 years old

#### **Criminalised acts related to CSAM**

The Norwegian Penal Code Section 311 “Depiction of sexual abuse of children or depiction which sexualises children” states that a penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who

- a. produces a depiction of sexual abuse of children or a depiction which sexualises children,
- b. publishes, offers, sells, supplies to another person, makes available or otherwise seeks to disseminate depictions as specified in a),
- c. acquires, imports or possesses depictions as specified in a), or intentionally acquires access to such material,
- d. gives a public presentation or arranges a public performance or exhibition of depictions as specified in a), or
- e. induces a person under 18 years of age to allow himself/herself to be depicted as part of commercial production of moving or still pictures with sexual content.

A person who negligently commits an act specified in the first paragraph shall be subject to a fine or imprisonment for a term not exceeding six months. The same penalty shall apply to any proprietor or superior who intentionally or negligently fails to prevent the commission of an act as specified in the first paragraph within an enterprise.

The penalty may be waived for a person who takes and possesses a picture of a person between 16 and 18 years of age if this person consented and the two are approximately equal in age and development.

This provision does not apply to depictions that must be regarded as justifiable for artistic, scientific, informational or similar purposes. Nor does this provision apply to any film or video gram that the Norwegian Media Authority has by prior review approved for commercial screening or sale.

## **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

All forms of conduct described above is punishable pursuant to Section 311 of the Norwegian Penal code, if the child is 15 years old or more. Children under the age of 15 years are not liable for punishment. According to the preliminary works of the Penal Code Section 311, which is meant to protect the child (the intention is not to punish the same child that the law is meant to protect). For children 15 years or older, they can be liable for punishment if the image or video show other children in addition to themselves, or if they send self-generated material to other children that have not consented to it, cf. Penal Code Section 305 (Sexually offensive conduct, etc. directed at a child under 16 years of age).

They can also be liable for punishment if they send self-generated material to other adults that have not consented to, cf. Section 298 (Sexually offensive conduct in public or without consent). In practice this section is seldom in use.

They can be liable for punishment if they send self-generated material depicting other children to their peers, cf. Penal Code Section 311. Cf. Section 311 the penalty may be waived for a person who takes and possesses a picture / material of a person between 16 and 18 years of age if this person consented and the two are approximately equal in age and development.

In addition, young offenders, aged between 15 and 18, can be sentenced to youth sentence/punishment or youth follow-up. Youth sentence/punishment is an alternative to prison for young offenders who has committed serious or repeated crime. Youth follow-up is for young offenders that have committed less serious crimes and are considered to be at risk for committing further crime and has a need for follow up measures and support. The youth follow-up can be decided by the court or by prosecutors and has a maximum duration of one year.

## **Definition of "child sexual exploitation material" in national legislations**

There is no specific legislation defining "child sexual exploitation material". The wider definition of "Depiction of sexual abuse of children or depiction which sexualises children" covers all aspects.

## **Specific law regulating AI-generated CSAM**

(No information)



Content Type	Legal Status	Actions Taken by LEA	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Appears to be illegal		
Digitally generated CSAM	(no information)		
Realistic images representing a minor engaged in sexually explicit conduct	Appears to be illegal		
A minor appearing to be an adult engaged in sexually explicit conduct	Appears to be illegal		
An adult person appearing to be a minor engaged in sexually explicit conduct	(no information)		
Child grooming— solicitation of the child to meet offline (for contact offences)	Illegal		
Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal		
Sexual extortion of children or soliciting children for sexual purposes	Illegal		The Penal Code does not distinguish between offenses on the basis of the means employed by the perpetrator. Therefore, it is not the use of ICT but the nature of perpetrator's behaviour (coercion, extortion etc.) that will determine whether his/her action constitutes a criminal offence. In cases of sexual abuse of children the use of ICT can even be treated as an aggravating circumstance while it is much easier that way to mislead a victim, hide one's identity or cause serious harm and suffering (e.g. by publication of victim's pictures in social platforms).
Apparent self-generated sexual material	Illegal (dependent on the context)		According to Section 311 (c) and (b) of the Norwegian Penal Code, adults possessing, distributing or transmitting child self-generated sexually explicit images and/or videos is illegal.  Children under the age of 15 years are not liable for punishment. For

children 15 years or older, they can be liable for punishment if the image or video show other children in addition to themselves, or if they send self-generated material to others that have not consented to, or if they send self-generated material showing other children.

<b>Sexualised modelling or posing</b>	(no information)		
<b>Sexualised images of children</b>	(no information)		
<b>Text depictions of CSAM</b>	(no information)		
<b>Fictional text depictions of CSAM</b>	(no information)		
<b>Praise of paedophilia or CSA</b>	(no information)		
<b>Manual on CSA</b>	(no information)		
<b>Declaration of committing CSA</b>	(no information)		
<b>Audio CSAM: recordings of CSA</b>	(no information)		
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	(no information)		

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken by LEA</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal		
<b>Non-explicit images in a series of images that contain CSAM</b>	(no information)		
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	(no information)		

## San Marino

### LEGISLATIVE CONTEXT

#### **Terminology & definition used in legislation referring to CSAM**

The Criminal Code uses the term “child pornography”.

#### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: 18

Legal age of consent for sexual activities: 14

Age associated with CSAM offenses: 18

#### **Criminalised acts related to CSAM**

Article 177ter of the Criminal Code states that: "Anyone using a child under the age of eighteen years in child pornography performances, artworks or material that visually represent a child involved in sexually explicit conduct for the purpose of sexual incitement, shall be punished by third-degree imprisonment and disqualification. The same penalties also apply to those trading in such child pornography. Without prejudice to the cases provided for in the previous paragraphs, anyone providing others, whether or not in return for payment, with child pornography material shall be punished by first-degree imprisonment or second-degree arrest and, in any case, by first-degree disqualification. Without prejudice to the cases provided for in the previous paragraphs, anyone distributing, procuring or advertising child pornography material, even through computerised systems, or distributing information aimed at solicitation of children for sexual purposes or sexual exploitation of children under the age of eighteen years shall be punished by third-degree imprisonment and disqualification."

It's important to note that the mere possession of “child pornography” is not yet criminalised in San Marino but the legal situation is under review.

#### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

Under the San Marino Criminal Code, the age of criminal liability is set at 14 years (previously such age was 12 years; since 2014 – in response to various requests by some international bodies – the age of criminal liability was raised to 14 years). The punishment is reduced by one to two degrees in case of minors over 14 but below 18, for whom the judge has

established full possession of their faculties. However, children are potentially criminally liable for the distribution or transmission of their own self-generated CSAM in San Marino. There are also rules that lead to the criminalisation of the distribution by children of self-generated CSAM of other children.

## Definition of "child sexual exploitation material" in national legislations

There is no specific legislation defining "child sexual exploitation material". The wider definition of child pornography covers all aspects.

## Specific law regulating AI-generated CSAM

(No information)

Content Type	Legal Status	Actions Taken by LEA	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Appears to be illegal		
Digitally generated CSAM	(no information)		
Realistic images representing a minor engaged in sexually explicit conduct	Appears to be illegal		
A minor appearing to be an adult engaged in sexually explicit conduct	Appears to be illegal		
An adult person appearing to be a minor engaged in sexually explicit conduct	(no information)		
Child grooming—solicitation of the child to meet offline (for contact offences)	Appears to be illegal		
Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Appears to be illegal		

<b>Sexual extortion of children or soliciting children for sexual purposes</b>	Illegal		
<b>Apparent self-generated sexual material</b>	Illegal		
<b>Sexualised modelling or posing</b>	(no information)		
<b>Sexualised images of children</b>	Illegal		
<b>Text depictions of CSAM</b>	(no information)		
<b>Fictional text depictions of CSAM</b>	(no information)		
<b>Praise of paedophilia or CSA</b>	(no information)		
<b>Manual on CSA</b>	(no information)		
<b>Declaration of committing CSA</b>	(no information)		
<b>Audio CSAM: recordings of CSA</b>	(no information)		
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	(no information)		

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken by LEA</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	(no information)		
<b>Non-explicit images in a series of images that contain CSAM</b>	(no information)		
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	(no information)		

# Switzerland

## LEGISLATIVE CONTEXT

### **Terminology & definition used in legislation referring to CSAM**

Switzerland does not have a legislative definition, prosecutorial practice or case law to rely upon to describe child sexual abuse material. In Article 197 of the Swiss Criminal Code, it is stated that:

“(1) Any person who offers, shows, passes on or makes accessible to a person under the age of 16 pornographic documents, sound or visual recordings, depictions or other items of a similar nature or pornographic performances, or broadcasts any of the same on radio or television shall be liable to a custodial sentence not exceeding three years or to a monetary penalty.

(4) Any person who produces, imports, stores, markets, advertises, exhibits, offers, shows, passes on or makes accessible to others, acquires, or procures or possesses via electronic media or otherwise items or recordings as described in paragraph 1 above that contain sexual acts involving animals or non-genuine sexual acts with minors shall be liable to a custodial sentence not exceeding three years or to a monetary penalty.

If the items or recordings contain genuine sexual acts with minors, the penalty is a custodial sentence not exceeding five years or a monetary penalty.”

### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: 18 years old

Legal age of consent for sexual activities: 16 years old

Age associated with CSAM offenses: 18 years old

### **Criminalised acts related to CSAM**

Article 197 of the Swiss Criminal Code states that:

“(1) Any person who offers, shows, passes on or makes accessible to a person under the age of 16 pornographic documents, sound or visual recordings, depictions or other items of a similar nature or pornographic performances, or broadcasts any of the same on radio or television shall be liable to a custodial sentence not exceeding three years or to a monetary penalty.

(4) Any person who produces, imports, stores, markets, advertises, exhibits, offers, shows, passes on or makes accessible to others, acquires, or procures or possesses via electronic media or otherwise items or recordings as described in paragraph 1 above that contain sexual acts involving animals or non-genuine sexual acts with minors shall be liable to a custodial sentence not exceeding three years or to a monetary penalty.

If the items or recordings contain genuine sexual acts with minors, the penalty is a custodial sentence not exceeding five years or a monetary penalty.”

### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

The production of pornographic representations with minors an art. 197, par. 4 of the Swiss Criminal Code states that anyone can be the author of such material. The law is worded in such a way that children can also be punishable. Art. 197, par. 4, CP does not contain any concrete indication as to whether the representations of minors are made by themselves or by third parties. However, art. 197, par. 8, CP also provides that a minor aged 16 or over who produces, possesses or consumes objects or representations, with the consent of another minor aged 16 or over, is not punishable.

Thus, children who are below the age of criminal responsibility (the age of 10) and above the legal age for sexual activities (the age of 16) cannot be held criminally liable for production and possession of self-generated CSAM in Switzerland. However, children younger than 16 may be held criminally liable, but no sentence would be pronounced for a series of reasons (e.g. if the sentence would jeopardise the purpose of a protective measure already ordered or to be ordered in the context of the proceedings, if the juvenile's culpability and the consequences of the act are of little importance, if the juvenile has been directly affected by the consequences of his or her act to such an extent that a sentence would be inappropriate, if the juvenile has already been sufficiently punished by his or her parents, if a relatively long period has elapsed since the act, if the juvenile's behaviour has been satisfactory and if the public interest and the interest of the injured party in prosecuting the juvenile are of little importance as foreseen by Article 21 Droit Pénal des mineurs (DPMIn)). Furthermore, the investigating authority, the juvenile prosecutor's office or the court shall waive criminal prosecution in cases where the conditions for exemption under Article 21 of the DPMIn are fulfilled and no protective measures are required.

Paragraph 8bis was added to Article 197 of the criminal code by a federal law reform of 16 June 2023 that entered into force on 1 July 2024 to protect children who generate, possess or use materials of themselves or share them with another person with their consent. The person who receives them is not liable for possession or use of CSAM provided that they were not provided in exchange for remuneration, that they knew each other personally and, if one of them is an adult that the difference in age does not exceed 3 years.

### **Definition of "child sexual exploitation material" in national legislations**

There is no specific legislation defining “child sexual exploitation material”.

### **Specific law regulating AI-generated CSAM**

(No information)

Content Type	Legal Status	Actions Taken by LEA	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Appears to be illegal		
Digitally generated CSAM	(no information)		
Realistic images representing a minor engaged in sexually explicit conduct	Appears to be illegal		
A minor appearing to be an adult engaged in sexually explicit conduct	Appears to be illegal		
An adult person appearing to be a minor engaged in sexually explicit conduct	(no information)		
Child grooming— solicitation of the child to meet offline (for contact offences)	Illegal		Swiss criminal law does not provide for a specific incrimination. The acts described in art. 23 of the convention are sanctioned by articles 187, ch. 1, par. 1/art. 22 al 1, CP (attempted sexual acts with children) and 197, al 4/art. 22 para. 1, CP (attempts to manufacture child pornography). The Federal Court has clearly positioned itself, in its case law, on the delimitation between non-reprehensible preparatory acts and punishable attempt. According to this definition, there is a punishable attempt as soon as the suspect reaches the meeting place. According to Swiss law, anyone who communicates with a child on the Internet is already punishable:
Child grooming— solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Illegal		- confronts him with pornographic texts or representations (art. 197, ch. 1, CP); - causes him to commit a sexual act on himself and observes him, e.g. by means of a camera (art. 187, ch. 1, 2nd sentence, CP);
Sexual extortion of children or soliciting children for sexual purposes	Illegal		“Sextortion”, facilitated by the use of ICT, is not explicitly mentioned in national legislation. Articles on pornography (art. 197 CP), on blackmail/extortion (art. 156 CP), on slander (art. 174 CP), on the violation of the secret domain or the private domain by means of a camera (art. 179 quater CP) and on constraint (art. 181 CP) apply.
Apparent self-generated sexual material	Illegal (dependent on the context)		
Sexualised modelling or posing	(no information)		



<b>Sexualised images of children</b>	Illegal		
<b>Text depictions of CSAM</b>	(no information)		
<b>Fictional text depictions of CSAM</b>	(no information)		
<b>Praise of paedophilia or CSA</b>	(no information)		
<b>Manual on CSA</b>	(no information)		
<b>Declaration of committing CSA</b>	(no information)		
<b>Audio CSAM: recordings of CSA</b>	(no information)		
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	(no information)		

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	Not illegal		
<b>Non-explicit images in a series of images that contain CSAM</b>	(no information)		
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	(no information)		

## Tunisia

### LEGISLATIVE CONTEXT

#### **Terminology & definition used in legislation referring to CSAM**

The term pornography is used in the legislation in Tunisia. Decree-Law no. 2022-54 of 13 September 2022 states that “anyone who intentionally produces, displays, provides, publishes, sends, obtains or holds computer data with pornographic content showing a child or a person having the appearance of a child engaging in explicit or suggestive sexual practices or being a victim of such practices.”

#### **Age of a child / legal age of consent for sexual activities / age associated with CSAM offences defined by law / age associated with grooming offenses**

Age of a child: 18 years old

Legal age of consent for sexual activities: 16 years old

Age associated with CSAM offenses: 18 years old

#### **Criminalised acts related to CSAM**

Decree-Law no. 2022-54 of 13 September 2022 on combating offences relating to information and communication systems criminalises anyone who intentionally produces, displays, provides, publishes, sends, obtains or holds computer data with pornographic content showing a child or a person having the appearance of a child engaging in explicit or suggestive sexual practices or being a victim of such practices.

Article 26 of the Decree-Law, in section 3 entitled "Exploitation of children and bodily assaults", provides that: Subject to specific legislation, anyone who intentionally produces, displays, provides, publishes, sends, obtains or holds computer data with pornographic content showing a child or a person having the appearance of a child engaging in explicit or suggestive sexual practices, or being a victim of such practices, shall be punished by six years' imprisonment and a fine of fifty thousand dinars.

Anyone who intentionally uses information systems to publish or disseminate images or video sequences of physical or sexual assaults on others shall be liable to the same penalties as set out in the first paragraph of this article.

#### **Legal protections to avoid the criminalisation of the child or children featured in CSAM which appears to be self-generated**

(No information)

## Definition of "child sexual exploitation material" in national legislations

There is no specific legislation defining "child sexual exploitation material". The wider definition of pornographic content showing a child or a person having the appearance of a child covers all aspects.

## Specific law regulating AI-generated CSAM

(No information)

Content Type	Legal Status	Actions Taken by LEA	Comments/ Explanations
Drawings/manga/artistic interpretations of CSAM	Appears to be illegal		
Digitally generated CSAM	(no information)		
Realistic images representing a minor engaged in sexually explicit conduct	Appears to be illegal		
A minor appearing to be an adult engaged in sexually explicit conduct	Appears to be illegal		
An adult person appearing to be a minor engaged in sexually explicit conduct	Appears to be illegal		
Child grooming—solicitation of the child to meet offline (for contact offences)	Appears to be illegal		
Child grooming—solicitation of the child for online sexual activities (including sexual conversation, production of CSAM, viewing sexual activities etc.)	Appears to be illegal		
Sexual extortion of children or soliciting children for sexual purposes	Appears to be illegal		
Apparent self-generated sexual material	(no information)		
Sexualised modelling or posing	(no information)		

<b>Sexualised images of children</b>	Appears to be illegal		
<b>Text depictions of CSAM</b>	(no information)		
<b>Fictional text depictions of CSAM</b>	(no information)		
<b>Praise of paedophilia or CSA</b>	(no information)		
<b>Manual on CSA</b>	(no information)		
<b>Declaration of committing CSA</b>	(no information)		
<b>Audio CSAM: recordings of CSA</b>	(no information)		
<b>Audio CSAM: story telling/ retelling scenes of CSA</b>	(no information)		

<b>Context</b>	<b>Legal Status</b>	<b>Actions Taken by LEA</b>	<b>Comments/ Explanations</b>
<b>Images in a medical context</b>	(no information)		
<b>Non-explicit images in a series of images that contain CSAM</b>	(no information)		
<b>Non-explicit images that have comments or captions of a sexual nature attached to them</b>	(no information)		

## ***Conclusion***

The Global CSAM legislation overview provides a comprehensive analysis of national, regional, and international laws regulating child sexual abuse and exploitation online across 61 countries. This overview highlights the diversity in legal frameworks, enforcement measures, and commitments to combatting CSAM globally. Despite varying approaches and levels of enforcement, the document underscores the critical need for continued international collaboration and harmonisation of laws to effectively tackle this global crime that knows no state borders. By identifying gaps and best practices, this overview serves as a crucial resource for policymakers, governmental and non-governmental organisations, and other stakeholders dedicated to strengthening the fight against CSAM worldwide.

For a Summary of this document, please refer to [Global CSAM Legislative Overview - Executive Summary](#). In case of questions or need for additional information, INHOPE can be reached through [info@inhope.org](mailto:info@inhope.org).

INTERNATIONAL ASSOCIATION OF INTERNET HOTLINES

# **INHOPE**

Global CSAM Legislative Overview  
INHOPE (Co-office)  
Bos- en Lommerplein 280

1055 RW Amsterdam  
The Netherlands  
[www.inhope.org](http://www.inhope.org)