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NOTE

From:	Presidency
To:	Delegations
Subject:	Proposal for a Directive on combating sexual abuse and sexual exploitation of children and child sexual aubse material (recast) – Additional information on artificial intelligence systems (provided by the European Parliament)

Upon request of the Presidency, the European Parliament has explained other jurisdictions where artificial systems are being regulated. This is the case of the United Kingdom, where the Crime and Policing Bill will criminalise AI models. Because the bill is currently passing through the House of Lords and has not been adopted yet, there are no cases to share of these provisions being applied yet. Since the United Kingdom is already in the process of passing this legislation, the EU should not stay behind, the European Parliament points out. This is the opportunity to criminalise this new and very concerning development and avoid loopholes. We should prevent AI-CSAM to be created, since the damage to victims is irreversible once AI-CSAM is created and distributed. Therefore, the problem should be tackled at the core, by criminalising the AI-systems that enable the creation of AI-CSAM. In response, the Presidency has shared concerns on the evidentiary obstacles for prosecution when applying such provision. Delegations will find in annex additional information shared by the European Parliament on this point.

In relation to article 5, the European Parliament has shared the following documentation, including some specific quotes, with the Presidency on the use and impact of AI for CSAM purposes:

- Internet Watch Foundation, How AI is being abused to create child sexual abuse imagery, October 2023, see: iwf-ai-csam-report_public-oct23v1.pdf

    - *Not to criminalise these models risks their widespread distribution across CSAM communities – at present, any perpetrator can download everything that they need to generate (offline, undetected) as many images of known victims of child sexual abuse as they without committing any offence.*

- Internet Watch Foundation, What has changed in the AI CSAM landscape?, July 2024, iwf-ai-csam-report_update-public-jul24v12.pdf

    - *One user, seemingly mostly active in these peer-to-peer networks, shared an anonymous webpage containing links to fine-tuned models for 128 different named victims of child sexual abuse.*

    - *In the dark web CSAM forum from which images were scraped for this year's study, 35% of (apparently CSAM-trained) models whose links were directly shared were for [redacted]; the remainder were based on older versions. It is, however, notable that it is possible to use those older fine-tuned models with [redacted].*

    - *An AI model for generating novel images of Olivia is available to download for free, just a couple of clicks away. The user can choose to use a particular version of the model. It's a potentially 'popular' model among AI CSAM communities – as one user asks elsewhere, "Anyone trained a LoRA for [Olivia] yet? Would be really cool to see".*

    - *That user is pointed towards the anonymous link that IWF has identified. Before the advent of AI-generated images, survivors of childhood sexual abuse like Olivia already had to contend with the potential for the images and videos displaying their abuse being shared across the internet. Each time one of those images was shared or viewed added another link in a long chain of child sexual abuse.*

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- *Fine-tuned models like Olivia's have been trained on the imagery that IWF was seeing five times a day in 2018 but was unable to eradicate. The consequence of this is a new way of adding links to the chain – each time re-victimising survivors of child sexual abuse – and potentially without end, since perpetrators can generate as many images of those children as they like without fear of detection or prevention.*

- BBC, Dozens arrested in global hit against AI-generated child abuse, February 2025, AI-generated child abuse global hit leads to dozens of arrests

- Europol, 25 arrested in global hit against AI-generated child sexual abuse material | Europol

Self-generated child sexual material constitutes a significant share of the CSAM that is detected. AI models able to generate or alter images are being abused by offenders to produce CSAM and for sexual extortion. Such models are widely available and have developed quickly, with output that now increasingly resembles genuine material, making it harder to identify as artificially generated.

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