

Chat-controls: EU plans to abolish privacy for digital communications

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Mostly unnoticed by the public, the EU Commission, in coordination with EU governments, has been working on abolishing regulations ensuring the privacy of digital communications. Under the guise of combating online child abuse, a regulation is to be agreed upon that imposes a duty upon all network-providers to search all communication content for depictions of child abuse or child grooming attempts by adults, if ordered by the authorities.

As reported by netzpolitik.org, even a user's devices could be searched for depictions of child abuse if such an order were made. Under these so-called "client-side-scans" (CSS), a check will be run on all outgoing messages on the sender's device to see if any child abuse images have been included. If a supposed hit is triggered, an automatic alert would be sent to the control point, which can then involve the relevant authorities in the case.

Client-Side-Scanning abolishes the privacy of digital communications, which is normally guaranteed by end-to-end encryption, because messages are checked prior to encryption regardless of any reasonable suspicion. Apple has planned a similar procedure on its devices, against protests by recognized IT security researchers. In a study, the latter concluded that CSS represented a danger to privacy, IT security, freedom of expression and democracy as a whole.

The current draft legislation does not prescribe any definitive technical procedures that would be part of a binding protocol. The ordering of such procedures is being left to a still-to-be-established body, which should be integrated into Europol and can impose orders on individual providers. This will create a Europe-wide, police surveillance centre, with far reaching powers to abrogate the privacy of communications.

Civil rights organisations are highly critical of the current draft. The chat-controls are incompatible with

European fundamental rights, neuter the effectiveness of end-to-end encryption, making it obsolescent, thereby directly putting into question the anonymous use of the internet. Even child protection agencies such as the German Child Protection Association regard the measures as going too far.

Regardless of the concrete enforcement of these chat-controls, they represent a grave breach of human rights. Like other legislative endeavours, the stated aim of limiting the spread of child abuse images is a pretext. Rather, it is about building a surveillance apparatus with wide-ranging censorship powers, which can then be extended at will.

The extension of once-created instruments of censorship is nothing new at the EU level. The "upload-filters," introduced as part of EU copyright reforms, were originally planned within the context of the TERREG guidelines to filter out terrorist content, and only failed due to public opposition.

The claim that chat-controls were necessary to fight against child abuse makes it easier to obtain agreement to this fatal technology, which it would otherwise not be possible to introduce.

A clear indicator that the combatting of child abuse is a pretext can be seen in cases in Germany where those spreading and producing child abuse images are investigated and arrested, but no efforts are made to delete these images from the internet, although they could be quickly taken off-line.

Systems to search for such imagery can easily be re-purposed for alternative uses. They can also detect other content, as the technology does not differentiate between offending images or ones that are merely politically inconvenient.

Even in cases where such systems are not re-purposed, they cannot be checked to see if they are only searching for child abuse images, and are not flagging legal content,

since the source material for the filters are not made publicly accessible.

A further danger for freedom of expression is in cases where content is wrongly flagged, a “false-positive.” The search engines used are not perfect and can be manipulated. A good example of this is Apple’s “NeuralHash” for detecting photos using image checksum algorithms for cross-referencing. Software already exists which can alter an image so that it has the same checksum as a second, completely different, image.

This can lead to perfectly harmless legal images being flagged by the system and the authorities notified. This is particularly odious, as in cases of child abuse images, mere suspicion is sufficient to destroy the reputation and life of the accused. Add to this the capabilities of the security agencies with sufficient powers to plant material on a target device or manipulate a harmless image so that it triggers a flag when sent.

This forced monitoring of communications would also affect the many open source and decentralized apps. While these cannot be tracked with the same ease, the EU could nevertheless ban or block them at network level. Those hosting such software could be fined exorbitant amounts.

These plans toward chat-controls show the hypocrisy of the ruling class: It uses child abuse as a pretext to establish a surveillance and censorship infrastructure, abusing victims of abuse a second time.

Considering the tremendous social polarization and increased living and energy costs due to the Ukraine war, chat-control measures are being used in order to suppress the expected opposition and protests with undemocratic measures.

It can be foreseen that once these measures are in place, the systems will be extended to flag up images of police-brutality, demonstrations, or non-sanctioned protests, as well as anti-capitalist material or merely satirical content, and automatically inform the authorities.

Moreover, these plans reveal the true character of the EU. These institutions, whose goals, according to official propaganda, are the unification of the continent under the umbrella of freedom and democracy, is developing the surveillance methods of a dictatorship. The EU is a capitalist state alliance, which helps its members impose anti-democratic measures.

In Germany, too, ministers are demanding access to encrypted communications, which have the same scope and remit as these chat-controls. The United Kingdom, which has left the EU, is pushing similar measures with

its own Online Safety Bill, which threatens encrypted communications. Furthermore, the UK government plans to scrap fundamental data protection legislation.

All trust in Germany’s “traffic-light” coalition of the Social Democrats (SPD), Liberal Democrats (FDP) and Greens, whose coalition agreement made bold promises about digitalization conforming with the constitution, would be completely misplaced.

The Greens, who during the election campaign had voiced strong opposition to supplying weaponry to war-torn regions, have, within only six months, become the most hawkish proponents of delivering such heavy weapons. The Greens and SPD will suppress democratic rights just as aggressively when faced with mass resistance to the economic and social fallout of their war policies.

It would therefore be of little significance if Germany were to reject the chat-controls or abstain in the EU vote, as hinted at by representatives of the FDP and SPD. Their representatives probably expect they will be out-voted and would follow similar measures anyway, since the necessity for censorship arises out of their own policies.

Even so-called civil society actors must be regarded critically. They are not mobilising any social resistance against chat-controls but are engaged in constructive collaboration with the EU Commission. Despite the current EU Commissioner’s refusal to meet with them, they remain loyal to the EU, like a monarch’s subjects, and thus legitimise their actions.

The actions of “Digital Society” are typical. Along with other organisations, it has formulated a list of “Principles for the fight against child abuse.” When the EU recently ratified the Digital Services Act, it did not oppose the measures it contained to curtail freedom of expression in times of crisis but merely complained that the EU Parliament had been insufficiently involved.

Like the struggle against war and social inequality, the defence of freedom of expression and other democratic rights demands an independent movement of the working class that fights to overthrow capitalism and build a socialist society in which social needs take precedence over the profit interests of the rich.



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