



Comments and recommendations on the guidelines on measures to ensure a high level of privacy, safety and security for minors online pursuant to Article 28 of Regulation (EU) 2022/2065

The present response to the European Commission's consultation is the outcome of collaboration between three hotlines of INHOPE's international network for combating child abuse online: **APAV** (Associação Portuguesa de Apoio à Vítima - PT), **Offlimits** (NL) and **Point de Contact** (FR). It is the result of twenty years of operational cooperation in the reporting and removal of child sexual abuse material, and of a shared desire to give the European Union the benefit of their unique expertise in the protection of minors and their dignity online.

The following contribution thus aims to **provide an analysis of the guidelines** published by the European Commission on May 13, 2025, relating to Article 28 of the **Digital Services Regulation** (EU) 2022/2065 (DSA).

This article requires providers of online platforms accessible to minors to **put in place appropriate and proportionate measures to ensure a high level of protection for their privacy, security and safety.**

This contribution is structured around three key areas of analysis. It begins by highlighting the positive and promising elements of the guidelines, followed by a set of concrete recommendations aimed at strengthening their practical impact. Lastly, it identifies critical structural limitations that may hinder the effective protection of minors online if not adequately addressed.

- I. Promising provisions that deserve support and reinforcement
- II. Key improvements needed to ensure effective and consistent implementation
- III. Structural shortcomings that risk undermining child protection goals

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Promising provisions that deserve support and reinforcement

Generally speaking, hotlines welcome the publication of these guidelines, which testify to the Commission's concern for the protection of children online. They also consider that, for a large part of its provisions, the document reflects an ambitious vision of the protection that should be afforded to the youngest online.

We believe that these guidelines lay the foundations for age-appropriate regulation, which could in some respects be extended to the entire population, who could undoubtedly also benefit from some of the proposed measures.

The guidelines' insistence on the development of **age assessment mechanisms, default settings reporting tools and the focus on support structures, including referral to trusted European networks** adapted to minors, is a direction we fully welcome. The coherence between the logic of "safety by design", the consideration of **digital literacy** and the fundamental principles of the Convention on the Rights of the Child offers a promising basis for reinforcing the safety of young European users.

➤ On age assurance mechanisms

Concerning age verification, we welcome the explicit recognition that this measure is essential, if not a **prerequisite, to the effectiveness of any other protective measure**. Encouraging the use of the **European digital wallet** as a common, harmonised solution is, in our view, an avenue to be strongly supported.

The proposed approach, based on a **risk-proportionate model** that avoids the systematic use of identity documents, is appropriate with regard to various regulations and fundamental rights such as the right to privacy, but also respects the diversity of registry and personal identification models within member states.

We also support the Commission's view that age verification is appropriate, if not fundamentally necessary, **when it comes to dangerous content or products** such as alcohol, gambling, dating apps or pornography. To base access on simple self-declaration mechanisms poses excessive risks to the health and psycho-social development of minors.

We also believe that **platforms posing less "immediate" risk to minors**, such as social media, do not necessarily need to be subject to the same obligations as the abovementioned digital services. Practice shows that minors over the age of 13 usually have access to such platforms, and it appears that age estimation meets the objectives sought by this regulation, i.e. to ensure that children who are too young are not exposed to the occasionally toxic uses of digital services.

In any case, our organisations acknowledge that age assurance is **only one element of a broader safety strategy**, and we welcome efforts to ensure that age assurance does not stand alone. We stress the importance of a multi-layered approach combining: moderation processes, effective reporting and redress mechanisms, **user support with clear and visible routes to external help** (e.g. helplines, hotlines or trusted flaggers) and design that avoids overexposure to harmful content.

We also call on the European Commission to **ensure that verification must not only prevent minors from accessing adult content but also detect adults impersonating minors** — a known vector for solicitation, grooming and abuse. These mechanisms must operate responsively and reciprocally, thus guaranteeing safe spaces for minors. To not mention this **concern for reciprocity** regarding the presence of age assurance mechanisms could provide false reassurance to minors and their guardians. Finally, we feel the need to emphasise the fact that **offenders may themselves be minors**; therefore, all protection layers must function in an integrated manner.

➤ On default settings and features availability

The recommendations on default settings reflect a **genuine desire to reduce exposure to systemic risks arising from platform design**. These measures reflect a greater awareness of how the very structure of services can expose minors to harmful content or behaviour. We also believe that this **default setting approach is one of the main levers** to guarantee minors' privacy and security during their browsing.

Our organisations would also like to draw the Commission's attention to **several of the recommendations** it has made, as we believe they **offer the most important safeguards** to their fundamental rights, and are likely to prevent violence against them being committed online.

1. **Restrictions on interaction between minors and adults accounts.** Minors must be the only ones to initiate new online connections, as contact with strangers online is likely to expose them to the risk of pedocriminal behaviour ranging from corruption of minors to grooming and sextortion. The particular vulnerability of minors demands a clear response from platforms in this area. In particular, this means making it impossible to consult content published by a minor before the latter accepts a connection request. In simpler terms, **minors' accounts must be set to "private mode" by default.**
2. **Inability to take screenshots of content posted by minors.** This is a decisive factor and follows on from the previous point. Given the experience of the organisations responding to this call for contributions, which fight online child sexual abuse on a daily basis, it is crucial not to overlook the use made by child sexual abuse networks of content initially published by minors themselves. Images that appear harmless can in fact be hijacked and sexualized by malicious individuals, as demonstrated by phenomena such as “cumtribute” or, more recently, photomontages created using artificial intelligence to denude, sexualize or humiliate victims.
3. **Recommendations on functionalities leading to addictive behaviour.** We appreciate the commission's precision and ambition regarding default settings for autoplay of videos and live streams, which can lead to immoderate use of platforms and constitute mechanisms aimed at retaining minors' attention. However, we are anticipating a reluctance to accept these guidelines on the part of the platforms subject to these obligations, given that over the past few years, most of their services have been generating video formats in the form of infinite scrolling combined with autoplay. The same applies to features such as communication “streaks” or “are typing” indications displayed.

Given that several recommendations on these issues concern default settings, we understand that minors will always be susceptible to oup-out. Without wishing to engage in excessive regulation, **certain functionalities should be the subject of strong preventive measures that could win**

consensus among the general public.

➤ On reporting mechanisms

With regard to reporting systems, we strongly support the approach of **ensuring that reporting mechanisms for minors are easily accessible and understandable**. The requirement for suitable tools, particularly in terms of language, ergonomics and the response provided, would enable the provisions of articles 16 to 20 of the DSA to be effective for this particularly vulnerable population. The insistence on child-friendly terminology and the philosophy of support centred on the minor's needs are important milestones. Recognition of the **need for support, clarity and simplicity in the interface and processes** responds to a practical reality widely shared by those working in the field.

We also support the recommendation to **prioritise reports from underage users**. The children and teenagers we accompany and who need assistance may find themselves in a state of distress, calling for rapid attention.

<p style="text-align: center;">Key improvements needed to ensure effective and consistent implementation</p>
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Despite their notable ambition and clear, precise proposals on certain aspects of these guidelines, we find that some parts of the document are unclear as to how to achieve certain very interesting principles. In our view, **some provisions would benefit from further clarification or elaboration** to ensure better practical implementation.

The guidelines should adopt more objective and **unambiguous terminology**. Key concepts such as "age-appropriate design" or "harmful" require clearer definitions to **avoid subjective interpretations and inconsistent application**. A precise definition is essential to ensure platforms can implement these principles meaningfully, which presupposes that they have reliable knowledge of users' age.

An example can be found at line 459 through the use of vague qualifiers such as "likely" and "should" in reference to the recommendation of suspicious accounts to minors. In the opinion of our organisations, any account under investigation for impersonation needs to be categorically excluded from recommendation algorithms.

➤ On child participation

The issue of **effective participation by minors is dealt with too late and too succinctly**. Mention of "child participation" or "consulting with minors" is only made at the end of the document, without any concrete arrangements being proposed. Yet involving young people in the design, evaluation and validation of protection measures is essential to their effectiveness and acceptability.

The Commission should identify good practices and examples, as it has done on other subjects, and realise that, to echo what was said earlier, minors will more easily get used to spaces that are specifically designed for them if they feel they have had their say.

Among the variety of ways in which people can participate in policy-making, moderation processes and governance, we can mention the following:

1. **Committees of young users** designed to question the digital uses of young people, without imposing a precise agenda, but ensuring that a genuine and sincere voice emerges, firmly rooted in their own experiences. The consultative nature of this kind of body would undoubtedly be the norm, but it would be useful to explore this subject in greater depth, particularly to serve the democratic aims of the European Union.
2. **Panels of underage testers or betatesters** designed to gather the opinion of minors before the release of new features or the implementation of new policies. Similarly, if such panels are to be set up, it will be essential to ensure that minors' opinions are collected objectively and do not lead to these features being presented solely as “innovative” and therefore intrinsically desirable.
3. **Participation of minors on Safety Boards or similar structures**, with at least one seat on these bodies by default. This would ensure the representation of this segment of the population in decision-making processes and help to give greater legitimacy to the opinions of minors, who are all too often absent from public debate.

➤ On the timeline for reviews

This is a crucial step in ensuring the sustainability of online child protection systems, as reviews of the risks generated by online platforms **do not benefit from a clear temporal framework**, with the exception of VLOPs and VLOSEs.

While we would naturally expect the biggest players in this field to carry out these analyses as part of their risk assessment on systemic risks, we believe that the rest of the services (i.e. the vast majority) **could interpret these guidelines in such a way that they would undermine their objectives**. In particular, the use of the term or expression “*significant changes*”, followed closely by “*should consider publishing its outcomes*”, is likely to have a substantial impact on the implementation of these provisions.

Our organisations do not believe that it is unreasonable to require this type of review from online platforms with a significant number of users, but which do not meet the criteria to be VLOP/VLOSE, and to set it within a **relevant timeframe**, without placing an unbearable burden on the platforms. Precise deadlines in this area would be the **best way to guarantee a risk-preventing vision and assured implementation of these mechanisms**.

Structural shortcomings that risk undermining child protection goals

While the general thrust of the guidelines on the application of Article 28 appears, for the time being, to be a decisive step towards addressing the issues surrounding minors being at risk online, we feel it is essential to address the question of scope, which materially limits the protection of minors online.

➤ On the scope of the guidelines

According to paragraphs 82 to 86, micro and small businesses cannot be subject to the requirements of these guidelines, which presents a **significant structural weakness**. We understand the logic of proportionality with regard to these small players and the desire for consistency with the graduated system arising from the DSA architecture, but in the interests of child protection, we call for additional measures to integrate these at-risk players into a minimum liability regime.

This observation stems from our experience as members and hotlines of the INHOPE network, which shows us that the most serious content, particularly child sexual abuse material and other criminal content, is often distributed by very small structures, or even by isolated individuals. **It is precisely these very small hosting services that are exploited by criminals, due to the lack of control they are subject to.** Yet it is precisely these services that risk escaping the effective application of these guidelines. Excluding small entities from the obligations of enhanced protection weakens the chain of prevention.

In our view, the interpretation of Article 28 in these guidelines has essentially been concerned with the accessibility of content by minors and the relationships and experiences they have as users of online platforms. However, to adopt a **holistic approach** to the threats facing children online, **it is essential to think of minors** not just as the subject-actor of their online surfing, but also **as the subject-victim of actual pedocriminal practices from which they must be protected.**

Once again, **the hotlines welcome the publication of these guidelines**, which mark an important step forward in the collective effort to create a safer digital environment for children.

As digital environments continue to evolve rapidly, ensuring children's safety online will require not only ambitious guidance but also clear implementation standards, long-term commitments, and shared responsibility across all platforms, regardless of size. These guidelines lay a strong and encouraging foundation, and with continued dialogue, child participation, and practical enforcement, they have the potential to deliver real, lasting change.

The hotlines remain fully available to support the Commission in refining and implementing these guidelines and stand ready to contribute further to this essential dialogue. We look forward to the Commission's continued leadership and concrete progress in this crucial area for the rights and safety of children in the digital age.

Sincerely,

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