

Legal questionnaire completed by K&L Gates • December 2025

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Is this jurisdiction a European Union (EU) Member State or otherwise subject to EU laws/regulations (such as an overseas territory or department of an EU Member State)?

Yes

1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your jurisdiction):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

Article 388 of the French Civil Code defines a minor as someone who has not yet reached the age of 18.

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000032207650

b. child sexual exploitation (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

Child sexual exploitation in French law refers to any act of using or involving a minor in sexual activities, whether for profit, gratification, or coercion, including the production, dissemination, or possession of pornographic material involving minors.

It encompasses a range of offences defined under Articles 227-21-1 to 227-28-3 of the French Penal Code, such as corruption, solicitation of minors, and sexually explicit conduct.

https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000043405084/#LEGISCTA000043405084

Article 227-23 of the French Penal Code serves as the main legal reference:

The act of fixing, recording or transmitting the image of a minor when it presents a sexual character is punishable by five years’ imprisonment and a €75,000 fine.

c. sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)



There is no legal definition of "sexually explicit conduct" in French law. This concept is used in several articles of law (the French Penal Code, European law) but is punished on a case-by-case basis, depending on the facts/context (e.g., sexual exhibitionism, pornography, harassment, corruption of minors, etc.).

In practice, according to case law, it covers acts with clear sexual connotations, but no French or European text provides a particular definition.

As an example, Article 222-32 of the Penal Code provides that:

Sexual exhibition imposed upon the view of others in a place accessible to public sight is punishable by one year's imprisonment and a fine of €15,000. Even in the absence of the display of a nude part of the body, the offence of sexual exhibition is constituted where the explicit commission, whether real or simulated, of a sexual act is imposed upon the view of others in a place accessible to public sight. When the acts are committed against a minor under fifteen years old, the penalties are increased to two years imprisonment and a fine of €30,000.

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043409377

Or another example, Article 222-33 of the French Penal Code that completes the understanding of this concept by defining sexual harassment:

Sexual harassment consists in repeatedly forcing on someone words or conduct of a sexual or sexist nature [...]

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000037289662

d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)

Articles 222-22 and 222-27 to 222-29 of the French Penal Code establish the legal framework for child sexual abuse in France.

It refers to any act committed for a sexual purpose by the perpetrator using violence, coercion, threat, or surprise.

Article 222-22 provides that:

Any sexual act committed with violence, coercion, threat, or surprise constitutes a sexual assault.

https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000006165281/#LEGISCTA000043409037

e. child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)

Article 227-23 of the French Penal Code refers to child pornography or child sexual abuse

material (CSAM):

The act, for the purpose of its dissemination, of fixing, recording, or transmitting the image or representation of a minor when such image or representation is of a pornographic nature is punishable by five years' imprisonment and a fine of €75,000.

When the image or representation concerns a minor under the age of fifteen, these acts are punishable even if they were not committed for the purpose of dissemination.

The act of offering, making available, or distributing such an image or representation, by any means whatsoever, or of importing or exporting it, or causing it to be imported or exported, is subject to the same penalties.

The penalties are increased to seven years' imprisonment and a fine of €100,000 where an electronic communications network has been used to disseminate the image or representation of the minor to an unspecified audience.

The act of habitually consulting, or consulting in exchange for payment, an online public communication service making such an image or representation available, or of acquiring or possessing such an image or representation by any means whatsoever, is punishable by five years' imprisonment and a fine of €75,000.

The offences provided for in this Article are punishable by ten years' imprisonment and a fine of €500,000 when committed by an organized group.

Attempts to commit the offences provided for in this Article are subject to the same penalties.

The provisions of this Article also apply to pornographic images of a person who appears to be a minor, unless it is established that the person was eighteen years of age at the time the image was fixed or recorded.

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043409170

- f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9),**
<https://www.law.cornell.edu/uscode/text/18/2256>)

Article 227-23 of the French Penal Code provides that:

The act of fixing, recording, or transmitting the image or representation of a minor for the purpose of broadcasting, when said image or representation is pornographic in nature, is punishable by a five-year prison sentence and a fine of €75,000. Where the image or representation concerns a minor under the age of 15, these acts are punishable even if they were not committed with a view to distributing the image or representation.

Offering, making available, or distributing such an image or representation by any means whatsoever, importing or exporting it, or causing it to be imported or exported, is punishable by the same penalties.

The penalties are increased to a seven-year prison sentence and a fine of €100,000 when an electronic communications network has been used to distribute the image or representation of the minor to an indeterminate audience.

The act of regularly viewing or paying for an online public communication service that makes such an image or representation available, or of acquiring or possessing such an image or representation by any means whatsoever, is punishable by five years' imprisonment and a fine of €75,000.

The offenses referred to in this article are punishable by a ten-year prison sentence and a fine of €500,000 when committed by an organized gang.

Attempting to commit the offenses provided for in this article is punishable by the same penalties.

The provisions of this article also apply to pornographic images of a person whose physical appearance is that of a minor, unless it is established that this person was eighteen years of age on the day their image was captured or recorded.

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043409170

- g. enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)**

Article 227-22 of the French Penal Code provides that:

The act of promoting or attempting to promote the corruption of a minor is punishable by five years' imprisonment and a €75,000 fine.

These penalties are increased to seven years' imprisonment and a fine of €100,000 when the minor was brought into contact with the perpetrator through the use of an electronic communications network to disseminate messages to an indeterminate audience, or when the acts are committed in educational or training establishments or on government premises, as well as when pupils or members of the public are entering or leaving such establishments or premises, or in the immediate vicinity thereof at a time close to such entry or exit.

Article 227-22-1 further specifies that:

The act, by an adult, of making a sexual proposition to a minor under fifteen years of age by means of an electronic communication medium is punishable by two years' imprisonment and a €30,000 fine.

These penalties are increased to five years' imprisonment and a fine of €75,000 when the propositions are followed by a meeting.

https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000043



[405084/#LEGISCTA000043405084](#)

- h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?**

Article 227-25 of the French Penal Code sets the legal age of sexual consent in France at 15 years for both boys and girls:

An adult has no right to have sexual relations with a child under the age of 15.

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043409095

- i. Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

Although ‘sextortion’ has no formal legal definition under French law, these behaviors fall within existing offences, including extortion (Penal code, art. 312-1), blackmail (art. 312-10), or corruption of a minor (art. 227-22) when sexual favors are demanded.

<https://www.cybermalveillance.gouv.fr/tous-nos-contenus/fiches-reflexes/sextorsion>

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006418160

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006418180

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043409063

- 2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:**

- a. review, screen, moderate, or detect content to identify child pornography or CSAM content**

Article 6-I-7 of the Law on Confidence in the Digital Economy (LCEN) establishes that online platforms are not subject to a general obligation to monitor the content they host or transmit.

Persons whose activity consists in storing content made available by users are not subject to a general obligation to monitor the information they transmit or store, nor to seek facts or circumstances indicating illegal activity.

However, they must promptly remove or disable access to any data that is manifestly illegal.

https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000042038977/2020-06-26/

- b. review, screen, moderate, or detect content to identify enticement, grooming, or**



sextortion of a child

Articles 227-22 and 227-22-1 of the French Penal Code criminalize acts of enticement, grooming, and sexual proposition made to a minor, including those committed through electronic communication.

https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000043405084/#LEGISCTA000043405084

The obligations set out in the law referred to in point (a) are applicable here as well, particularly the duty to promptly inform the competent public authorities of any illegal activity committed by users and to make public the resources dedicated to combating such activity.

https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000042038977/2020-06-26/

Also, Online platforms are encouraged to cooperate with authorities, notably through PHAROS, the official reporting platform of the French Ministry of the Interior (<https://internet-signalement.gouv.fr/>).

c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization

Article 40 of the French Code of Criminal Procedure establishes that:

Any constituted authority, public officer or civil servant who, in the exercise of his or her functions, becomes aware of a crime or an offence shall immediately inform the public prosecutor and transmit to him all related information, reports and documents.

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006574933

Although online platforms are not legally required to proactively detect or monitor illegal behavior, several obligations set out in Article 6(I)(7) of the French Law on Confidence in the Digital Economy (LCEN) are also relevant in this context. In particular, Article 6(I)(7) requires online service providers to:

- set up an easily accessible and visible mechanism allowing any person to bring this type of data to their attention;
- promptly inform the competent public authorities of any illegal activities (...) carried out by the recipients of their services and brought to their attention; and
- make public the resources they devote to combating such illegal activities.

In practice, platforms are also encouraged to cooperate with authorities, notably through PHAROS, the official reporting platform operated by the French Ministry of the Interior.

d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about

As soon as they become aware of manifestly illegal content, particularly child pornography, platforms are required to act “promptly” to remove it.



Article 6-I-7 of the Law on Confidence in the Digital Economy (LCEN) establishes that online platforms must act promptly to remove manifestly illegal content once they become aware of it.

It provides that:

Upon becoming aware of manifestly illegal content, particularly child pornography, hosting providers must act promptly to remove or make access to it impossible.

By contrast, enticement and grooming are criminal offences under Articles 227-22 and 227-22-1 of the French Penal Code, but they are not always manifestly illegal on their face: determining the offence often requires contextual elements (e.g., confirmation of the minor's age, intent of the adult, history of the conversation).

As a result, platforms are only required to act promptly where illegality is immediately obvious from the content itself.

https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000042038977/2020-06-26/

https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000043405084/#LEGISCTA000043405084

e. review content by human moderators to screen or moderate for child pornography or CSAM

There are no legislative provisions relevant to this matter.

f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency

Article 6 of the French Law on Confidence in the Digital Economy (LCEN) and Articles 7 and 16 of the EU Digital Services Act (Regulation (EU) 2022/2065) establish the obligation for online platforms to act promptly upon notification of illegal content.

When notified by a victim, nongovernmental organization, law enforcement authority, or government agency, platforms must:

act promptly to remove or disable access to the content in question, particularly when it involves child pornography, CSAM, enticement, grooming, or sextortion.

https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000042038977/2020-06-26/

<https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX%3A32022R2065#d1e2538-1-1>

g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:

- i. "Hashing technology" (<https://www.thorn.org/blog/hashing-detect-child-sex->**

[abuse-imagery/](#)). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.

There are no specific legal or regulatory requirements in France mandating the use of automated detection or hashing technologies to identify or block child sexual abuse material (CSAM).

While not mandatory, the use of these technologies is legally permitted and strongly encouraged as part of broader corporate due diligence and child protection measures under French and EU digital responsibility frameworks.

ii. Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.

In France, there is no legal or regulatory obligation requiring online platforms to use artificial intelligence or machine learning tools to detect child sexual abuse material (CSAM), grooming, or sextortion.

h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?

While the French Law on Confidence in the Digital Economy (LCEN) applies uniformly to all online platforms, the EU Digital Services Act (Regulation (EU) 2022/2065) introduces graduated obligations.

Refer to the questionnaire response regarding the European Union for relevant provisions.

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

Law No. 2024-449 of 21 May 2024 on Securing and Regulating the Digital Space, establishes a legal obligation for online platforms providing pornographic content to implement strict age-verification measures.

These platforms must comply with the technical reference framework defined by ARCOM, which guarantees:

- Confidentiality of users' personal data;
- Independence of the age-verification provider; and
- The principle of double anonymity between the user and the verification system.

ARCOM is responsible for monitoring compliance and may impose sanctions under Articles 42-1 to 42-15 of Law No. 86-1067 of 30 September 1986 in cases of non-compliance.

All other online platforms are not legally required to perform age verification. They are only subject to a general duty of care toward minors, encouraging the implementation of protective and educational measures but without a binding regulatory framework.

<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000049563368>

<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000050385836>

https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000044259482

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?

- Digital Age of Consent and Parental Authorization

The key reference is the EU General Data Protection Regulation ([GDPR, Regulation \(EU\) 2016/679](#)), directly applicable in France. Article 8 of the GDPR provides that:

Where information society services (online platforms, apps, etc.) are offered directly to a child, the processing of personal data of a child under 16 years is lawful only if parental consent is obtained (or authorized by the holder of parental responsibility). Member States may set a lower age threshold, but not below 13 years.

France chose 15 years as the national threshold (see [Article 45 of the French Loi Informatique et Libertés](#)). Therefore, children under 15 in France cannot validly consent alone to the processing of their personal data by an online platform. Platforms must obtain parental authorization.

- Specific Law on Social Media Registration

In France, the [law n°. 202-566 of 7th July 2023](#) requires online social network service providers operating in France to refuse registration to minors under the age of 15 unless authorization is given by a holder of parental authority. This applies both to new registrations and existing accounts held by minors under the age of 15.

However, due to European institutions wishes to harmonize legislation at European level, the decree setting the date for the law to come into force has not been published.

[Article 6-7.-I of Law n°. 202-566 of 7th July 2023](#) required parental authorization for minors aged 15 and under:

Online social network service providers operating in France shall refuse to register minors aged 15 with their services, unless authorization for such registration is given by one of the holders of parental authority over the minor. They shall also obtain, under the same conditions and as soon as possible, the express authorization of one of the holders of parental authority for accounts already created and held by minors aged fifteen. Upon registration, these companies shall provide information to users under the age of fifteen and to those with parental authority on the risks associated with digital use and the means of prevention. They shall also provide users under the age of fifteen with clear and appropriate information on the conditions of use of their data and their rights guaranteed by Law n°. 78-17 of 6th January 1978 on information technology, files and liberties.

This article also specifies that:



In order to verify the age of end users and the authorization of one of the holders of parental authority, online social network service providers shall use technical solutions that comply with a set of standards developed by the Audiovisual and Digital Communications Regulatory Authority, after consultation with the National Commission for Information Technology and Civil Liberties.

- Pornographic Websites

The [law n°. 2004-575 of 21st June 2004](#) on “confidence in the digital economy” requires pornographic websites to verify the age of their users in order to protect children. Article 10 of the law requires publishers of online public communication services that make pornographic content available to verify the age of users:

The persons referred to in I of Article 10 of Law n°. 2004 -575 of 21st June 2004, whose service provides access to pornographic content, shall implement an age verification system in accordance with the technical characteristics of the reference system referred to in the same I within three months of the publication of the reference system by the Regulatory Authority for Audiovisual and Digital Communication.

- Practical implications for online platforms

Platforms must implement a reasonable mechanism to verify parental consent when children under 15 register or use the service, if data processing is based on consent.

[Article 45 of the French Loi Informatique et Libertés:](#)

Pursuant to Article 8(1) of Regulation (EU) 2016/679 of 27 April 2016, a minor may consent alone to the processing of personal data in relation to the direct offer of information society services from the age of fifteen.

Where the minor is under the age of fifteen, processing is only lawful if consent is given jointly by the minor concerned and the person(s) with parental authority over that minor.

The data controller shall draft the information and communications relating to the processing concerning the minor in clear and simple terms that are easily understandable by the minor.

Common methods include requiring a parent’s email confirmation, age-verification systems, or identity/credit card checks.

The CNIL (French Data Protection Authority) has issued guidance reminding providers of this obligation, particularly for online games, social networks, and apps targeting young people.

If no parental consent is obtained:

- The child’s consent is invalid. Processing is unlawful unless another legal basis applies (e.g., performance of a contract, legitimate interest).
- Risk of sanctions by the CNIL (administrative fines under GDPR: up to 20 million euros or 4% of global turnover).

5. Are there legal remedies for children who have been victimized by online child sexual

exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?

Yes, in practice:

- Victims (or their legal representatives) can apply to the judicial court for an order
- The court can require the Online Platform to remove the offending content or take other measures to prevent further harm.
- The process is designed to be accelerated, recognizing the urgency and seriousness of such cases.

[Article 6-3 of Law n°. 2004-575 of 21st June 2004](#) on “confidence in the digital economy” provides that:

The president of the judicial court, ruling in accordance with the accelerated procedure on the merits, may order any person likely to contribute to it to take all appropriate measures to prevent damage or to put an end to damage caused by the content of an online public communication service.

[Article 6-1-I and 6 of Law n°. 2004-575 of 21st June 2004](#) provides for court orders and injunctions to stop publication and prevent future harm:

I.-Where necessary to combat incitement to commit terrorist acts or the glorification of such acts under Article 421-2-5 of the Criminal Code, the dissemination of images or representations of minors under Article 227-23 of the same code, or the sale or supply of narcotics under the conditions provided for in Article 222 -39 of the said code, the administrative authority may request any person whose activity is to publish an online public communication service or hosting service providers to remove content that contravenes Articles 421-2-5,227-23, and 222-39. It shall simultaneously inform Internet access service providers thereof.

b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?

[Article 6-1-1 A of Law n°. 2004-575 of 21st June 2004](#) stipulates that:

Hosting service providers as defined in 2 of I of Article 6 shall act promptly to remove any pornographic content reported by a person represented in that content as being distributed in violation of the rights transfer agreement or to make access to it impossible, when such reporting is notified in accordance with Article 16 of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Regulation).

c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?



[Article 6-1-1 of the Law n°. 2004-575 of 21st June 2004](#) provides that:

I.-The administrative authority referred to in Article 6-1 is competent to issue removal orders under Article 3 of Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on combating the dissemination of terrorist content online.

Furthermore, [Article 6-3 of the Law n°. 2004-575 of 21st June 2004](#) also provides that:

The president of the judicial court, ruling in accordance with the accelerated procedure on the merits, may order any person likely to contribute to it to take all appropriate measures to prevent or stop damage caused by the content of an online public communication service.

d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?

[Article 6-4 of Law n°. 2004-575 of 21st June 2004](#) provides that:

Where an enforceable court order has been issued to prevent access to an online public communication service whose content constitutes one of the offences referred to in Article 6(IV)(A), the administrative authority, referred to in this case by any interested party, may request persons whose activity is to provide access to online public communication services, hosting service providers or any person or category of persons covered by that court order, for a period not exceeding the period remaining for the measures ordered by that order, to prevent access to any online public communication service that it has previously identified as reproducing the content of the service referred to in that order, in whole or in substantial part.

Under the same conditions and for the same period, the administrative authority may request the operator of a service based on the classification or referencing, by means of computer algorithms, of content offered or posted online by third parties to cease referencing the electronic addresses giving access to the online public communication services mentioned in the first paragraph of this article.

e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?

In France, there is no specific article concerning the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding. The process relies on the general provisions for civil actions in criminal proceedings.

The generic [Article 418 of the French Code of Criminal Procedure](#) allows any person harmed by an offense to bring a civil action during the criminal hearing. The civil party may seek damages corresponding to the harm caused:

Any person who, in accordance with Article 2, claims to have been harmed by an offence may, if they have not already done so, bring a civil action at the hearing itself.

The services of a solicitor are not mandatory.

The civil party may, in support of their claim, seek damages corresponding to the harm caused to them.

Victims (or their legal representatives) can join the criminal proceedings as a civil party and claim compensation for the harm suffered.

The court will assess the damages and may award monetary recovery based on the evidence presented.

f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?

No, French law does not provide specific forms of victim compensation, recovery, or services for children victimized by online child sexual exploitation, beyond the general ability to seek financial damages through civil action.

g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?

In France, there is no specific article concerning notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted.

The general [Article 80-3 of the Code of Criminal Procedure](#) requires that, from the outset of the investigation, the investigating judge must notify the victim of an offence of the initiation of proceedings, their right to bring a civil action, and the procedures for exercising that right. If the victim is a minor, the notification is given to their legal representatives.

From the outset of the investigation, the investigating judge must notify the victim of an offence of the initiation of proceedings, of their right to bring a civil action and of the procedures for exercising that right. If the victim is a minor, the notification shall be given to their legal representatives.

6. “Safety by Design” is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

a. Are Online Platforms legally required to incorporate “Safety by Design” into their systems?

Online platforms are not legally required to incorporate “Safety by Design” measures. However, they are encouraged to do so by the CNIL (French Data Protection Authority), which is an independent French administrative authority. Its role is to support professionals in ensuring compliance and to help individuals control their personal data and exercise their rights.

Through recommendations, the CNIL encourages online service providers to adopt best practices or develop a code of conduct that complies with them. The CNIL recommendations

are not binding legal requirements.

i. If so, must these steps be taken before the launch of an Online Platform?

The CNIL strongly advises companies to do this before launching their online platform.

ii. If so, if an Online Platform has already been in public use, when must they have incorporated “Safety by Design” measures?

The CNIL does not provide any details regarding this scenario.

iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.

The CNIL recommendations include:

- Enhanced default privacy settings for minors.
- Default deactivation of profiling mechanisms for minors regarding all additional services that are not part of the basic service. For example, for a website offering online games, account creation and use of the service are part of the basic service, while the geolocation option is, in principle, an additional service.
- Not reusing or transmitting data on minors to third parties for commercial or advertising purposes, unless acting for compelling reasons related to the best interests of the child.
- Displaying clear privacy policies and terms of use, designed to be understandable by minors.
- Avoiding misleading design techniques (“dark patterns”) and implementing simple privacy settings.

b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform’s incorporation of “Safety by Design”?

To strengthen information and rights for minors, the CNIL recommends online service providers:

- Display a privacy policy and terms and conditions of use that meet the requirements for appropriate information for services used by minors (clarity, simplicity, attractiveness).
- Design transparent and simple interfaces for this purpose that are understandable to minors and comply with the specific protection measures recommended by the “CNIL”. Particular attention should be paid to misleading manipulation and design techniques (dark patterns) so that they are not included in the interfaces. Simple privacy settings and the default deactivation of certain options, such as geolocation, should be implemented.
- Publish a list of their commitments regarding the protection of minors' data in a concise and understandable format, particularly with regard to compliance with these recommendations.