

# 5Rights Foundation Escalates Legal Action Against Meta Over AI Generated Child Sexual Abuse Material on Instagram

- 5Rights Foundation has filed a complaint against Meta with Ofcom for failing to prevent AI-generated child sexual abuse material on Instagram.
- This comes after warning Meta 6 months ago that AI-generated child sexual abuse material (CSAM) was being shared on and sold through Instagram.
- A specialist law enforcement unit continues to find evidence that Instagram is being used by offenders to share and advertise AI CSAM content.
- 5Rights Foundation is now formally calling on both Ofcom and the ICO to take immediate action to investigate Meta's failures and enforce their legal obligations to protect children online.

**London, 17th December 2024**— Meta has been reported to UK media regulator, Ofcom, for failing to act against AI-generated child sexual abuse material (CSAM) being shared on and sold through Instagram, despite repeated warnings issued over six months ago. Children's online safety charity, 5Rights Foundation, in partnership with privacy and security law firm, Schillings LLP, filed the complaint to Ofcom and to the Information Commissioner's Office, citing Meta's inadequate response to these critical safety concerns and repeated failure to protect children online.

Earlier this year, 5Rights, through Schillings LLP, issued a legal letter to Meta highlighting that Instagram was being used to distribute and promote AI-generated CSAM. Despite clear evidence that Meta is failing to meet its legal obligations, it has neither addressed these warnings adequately nor improved its moderation systems to detect and remove such harmful content effectively.

This escalation marks a pivotal step in 5Rights Foundation's ongoing campaign to push regulators to hold Meta accountable for its failure to prevent Instagram from being used as a tool to spread CSAM. The Information Commissioner's Office (ICO) has the authority to investigate data controllers like Meta based on these complaints. Beginning in 2025, Ofcom will be empowered to investigate and enforce compliance with new duties under the Online Safety Act, ensuring that companies failing to meet their legal duties face meaningful consequences.

Investigations by a specialist police unit reveal that Meta routinely fails to detect and remove content violating both the law and Instagram's Community Guidelines. Furthermore, Meta's abuse reporting function remains inadequately monitored, failing to meet reasonable public expectations for platform safety and responsibility.

The campaign has also identified that the opaque processes for reporting illegal content to Meta mean that no action is taken over illegal accounts for months.

In June this year, Schillings LLP sent a legal letter to multiple email addresses previously used successfully to contact Meta. Despite this, the company claimed it did

not receive the letter, stating that the addresses are no longer monitored. In fact, Meta no longer provide a public email address for reporting content.

And while Instagram does offer an in-app reporting function, Meta failed to respond to complaints submitted through this system, including by police officers.

Meta eventually took action in response to a formal information request sent by the police. The 5Rights Foundation say this raises serious concerns about the company's commitment to children's safety and regulatory compliance.

Meta's algorithm, designed to deliver content tailored to user interests, has been found to actively promote accounts that advertise AI-generated CSAM. As a result, the algorithm enables offenders advertising on Instagram to reach a broader audience, facilitating the sale of CSAM and exploiting sexualized images of real children.

In light of these ongoing failures, the 5Rights Foundation is urging regulators to enforce Meta's compliance with the Online Safety Act. As it stands, Meta's failure to address these issues not only represents an ethical failing, but a failure to meet the standards set by the law.

**Baroness Beeban Kidron, Chair and Founder of 5Rights Foundation, stated:**

*"It is appalling that a company of Meta's size and resources continues to fail in its duty to protect children. AI-generated child sexual abuse material is readily available now through Instagram. Meta has the tools and means necessary to address this but has chosen not to act effectively.*

*"This negligence simply cannot be allowed to continue which is why we have asked the ICO and Ofcom to use their authority to force Meta to act. 5Rights will continue to campaign for better online safety for children.*

*"5Rights Foundation calls for swift regulatory action to ensure Meta upholds its responsibilities under the law, protecting children from exploitation and abuse in the digital space."*

**Jenny Afia, Partner at Schillings LLP, added:**

*"Protecting children's safety and privacy is non-negotiable. Meta's continued failure to remove AI-generated child abuse material is indefensible. We demand Ofcom and the ICO step in to enforce the law and ensure Meta fulfils its obligations."*

**An NPCC spokesperson said:**

*"Police, the Internet Watch Foundation and other reports have repeatedly shown that child sexual abuse material is all too easily located through the use of social media, and in this case, Instagram. It is clear that on each occasion of reviewing the site, more accounts linking to this material are located. Such is the enormity of the task of preventing material from appearing on this and similar sites, that the proactive cooperation of platform owners is an essential requirement."*

**An NCA spokesperson said:**

*“While Instagram alone made nearly 11.5 million global reports to US National Center for Missing and Exploited Children in 2023, there remain large numbers of accounts dedicated to producing and sharing child sexual abuse material that are easily detectable. Most of the material detected by industry is through the use of tools that require, to greater or lesser extent, access to content. Removing access to content through implementing encryption, as Instagram plan to do by default for Instagram Direct, severely inhibits a company’s ability to detect child abuse on their platforms in the way many of them successfully do so now.”*