

Using blocking to combat online child abuse images:

Questions & Answers

Introduction

Most child abuse images ('child pornography') are a visual record of the sexual abuse of a child, typically either a still photograph or a video. There is also a class of material known as "pseudo child pornography", illegal in many EU Member States. Pseudo images will be of photographic or video quality and look realistic, but normally the producer will have taken a picture or video of a real child and edited it in such a way as to create an image of an event that never actually happened.

Child abuse material has rapidly increased in prevalence on the internet, and the severity of the abuse shown in the images is worsening. Sexual abuse can have a devastating effect on children and can impact on people throughout their lives. When images of the abuse are put on the internet, and may be replicated and downloaded an unlimited number of times, the knowledge that this is happening has an additional effect on the victims involved.

Abusive images of children can be distributed commercially (for profit) or by groups of people, perhaps collectors, who do not have a commercial motive. Commercially, images are often sold through websites on a 'pay-per-view' basis. It is these sites that are targeted by blocking.

Exchange of images for free can also be done through web sites but often other technologies will also be used, for example peer2peer software, which does not require any contact with a website. Different methods of distribution require different responses from the authorities.

Under the 1989 UN Convention on the Rights of the Child (UNCRC), children have a right to protection from all forms of violence and abuse, including sexual abuse. All 27 EU Member States have ratified the UNCRC; the only 2 states not to have ratified it are the US and Somalia. In addition, the UN's Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography commits signatories to take measures to combat child abuse images.

eNACSO welcomes Article 18 "Blocking access to websites containing child pornography" of the European Commission's proposal of 25th March 2009 for a Council Framework Decision 'on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA' (COM (2009)135 final. We consider that is an important step in the fight against online child abuse images and are urging all Member States to support it.

1. What is blocking and how does it work?

Blocking is a means of disrupting child abuse image distribution and viewing. It involves Internet Service Providers (ISPs) or other online service providers using technologies to 'block' sites known to contain child abuse images. This means that anyone accessing the internet through that ISP cannot view sites containing child abuse images which are blocked, whichever country the sites are based in.

Where they exist, blocking mechanisms function on a national basis and differ from country to country. In the UK, ISPs use a list of child abuse images sites generated by the Internet Watch Foundation (IWF), the UK internet industry's self-regulatory body. This model works effectively in the UK for the majority of ISPs. In other Member States law enforcement deals directly with ISPs. For example in Italy police from the 'Centre against Child Pornography on the Internet' maintain a list of sites to be blocked, which is shared with ISPs who have 6 hours to block a site newly added to the list.

2. Does blocking take place in EU countries at the moment?

At the time of writing this paper, only in Italy is it compulsory under law to block child abuse websites. No other EU country yet has a legal requirement on ISPs to block child abuse sites, although in January 2009 the German Government announced it would introduce law to this effect.

Where blocking is undertaken it is via voluntary agreements between ISPs and authorities. In June 2008 the French Government announced it had struck a deal with ISPs to block sites carrying 'child pornography' and some other forms of content, and in January 2009 the media reported that Belgium was considering a similar system, using a list maintained by the police. In the UK, it is estimated that 95% of ISPs currently block sites on a list published by the IWF however the remaining 5% have not so far done so. The Government has reiterated its intention to ensure that the final 5% would block with legislation being an option if this seems unachievable through regulation.

In the US the issue of blocking has been controversial with some state legislatures attempting to introduce blocking only to have these challenged. Currently it is unclear which major US-based ISPs are implementing blocking and which have not yet done so. However it is known that several of the large US-based search engines also deploy the IWF list.

In the UK every mobile phone operator also uses the IWF list to block access to the known sites via mobile handsets and the GSMA recently announced that every member company, across the world, would be required to do the same.

3. Can't sites known to contain child abuse images just be taken down, as they are illegal?

Removing child abuse image sites from the internet completely is more desirable than people in just some countries being prevented from accessing them. This process is known as 'notice and take-down' – i.e. when a child abuse image site is notified for example by a member of the public, the ISP which hosts it is put 'on notice' and takes the site down. Notice and take-down has proved very effective in some places, and in general is fairly workable across the EU. For example very few sites are now hosted in the UK as a result. However, authorities in individual countries have no say over whether images hosted on a server in another country are taken down or not.

Despite the important work undertaken by Inhope network removing child abuse images hosted in many countries, take-down of images is still unacceptably slow – often due to different resources and policing priority given to addressing the issue. International cooperation is not yet effective in ensuring that images are taken down across the globe. Differences in legal systems are just one obstacle to this, indeed a recent ICMEC¹ study shows that many countries have no laws to address these crimes.

It is very important that the EU and its Member States should work to improve international cooperation to ensure all known child abuse images sites are taken off the internet, wherever they are in the world. Until this is 100% effective, blocking must also be used as one of the tools in combating online child abuse images.

4. Should blocking be compulsory?

Voluntary agreements can achieve some progress. As noted above, 95% of UK-based ISPs are currently blocking, with just a remaining 5% continuing to resist it. Significant pressure from government as well as close scrutiny by other stakeholders including NGOs has played a key role in achieving this figure, which is not necessarily the case in every country.

However, the fact that even this relatively successful voluntary agreement has not led to the full take up of blocking technology across the industry, indicates that voluntary schemes can not necessarily be relied on. We consider that regardless of Government action concerted commitment is needed from industry across Europe to adopt blocking solutions that will bar access to child abuse images and help to disrupt the trade of such material. We also think that Governments should make clear that they will take action to ensure that 100% of ISPs block access to child abuse material.

¹ International Center for Missing and Exploited Children

5. Aren't there too many technical and financial obstacles to blocking to make it practical?

The fact that many ISPs and mobile phone operators are already blocking child abuse images shows that there is no reasonable technical argument against implementing such a policy. Any costs associated with blocking should be accepted as part of the cost of doing business.

6. Is blocking a tool which can be misused?

Technologies can be used for undesirable ends but this does not mean that they should never be used to pursue legitimate goals, in this case helping realise children's right to protection from abuse. Their justifiability must depend on the context in which they are used, and safeguards must ensure that child protection arguments are not used as a smokescreen for their use for oppressive purposes. Provided that there is transparency and public confidence about the purposes of blocking and independent review of systems and processes of blocking we do not think that this can be a valid argument against the use of blocking technology for legitimate child protection purposes.

7. Is it confusing if every country has a different blocking list containing different sites?

To resolve confusion around different blocking lists eNACSO recommends the establishment of a single European list of sites, or if possible a single global one, containing child abuse images which should be blocked. Priority must be given to resolving disagreements about this issue through the agreement of the majority of partners.

8. If we block access to sites containing child abuse images won't the material just shift elsewhere, driving it further underground?

Criminals will always try and find new ways to commit crimes which circumvent measures put in place to combat them. There is no doubt that blocking technology is not a substantial obstacle for someone who is determined to access or share such material – they can log onto an overseas server and many hardened users will be sharing images via peer2peer networks anyway. However, blocking has a crucial role to play both in preventing the domestic consumer stumbling across the materials by accident and in preventing those who do not know how to access the material but who are curious, or at an early stage of developing or feeding their sexual interest in children. There is no doubt that the implementation of blocking helps to undermine the whole commercial trade of child abuse images and actively disrupt its success. The more countries that use blocking systems the less successful and active this multi million dollar market will become.

Simultaneously, it is important that governments attempt to disturb other methods of distributing child abuse images, such as via peer2peer file sharing, and improve international cooperation.

9. But blocking doesn't help to identify the children in the images or to catch the criminals involved in the trade, so why do it?

Blocking is not intended as a means of identifying and protecting children appearing in abusive images, nor to find and prosecute the criminals behind them. Other measures are needed to achieve these objectives.

Every time a child abuse image is viewed online or it is downloaded, in a very real sense the child in it is being re-abused. In addition there is the risk that people who have not previously engaged with child abuse images might find them and develop an interest. For both these reasons a very high premium is placed on blocking access to the images as quickly as possible.

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