

**The European Parliament's Civil Liberties, Justice and Home Affairs
committee's Hearing on the Draft Directive on combating the Sexual
Abuse, Sexual Exploitation of Children and Child Pornography**

Speech by Mr John Carr – eNACSO Board Member

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This draft Directive poses a political challenge to a political institution.

It is common ground that we all want to see child abuse images deleted at source. That has to be the best answer. That has to be the object of policy.

The political challenge is what you do where you cannot get the image removed or deleted within a reasonable period of time, for example within six hours.

First let us be clear. Blocking is already happening on a large scale in countries that are unquestionably democratic: Holland, Denmark, Sweden, Finland, Norway, Italy, the UK. It is being carried out by some of the internet's biggest players: companies such as Deutsche Telecom, Orange, Telefonica, TeliaSonera, Vodafone, Google, Microsoft, Yahoo, BT, MySpace, Facebook and many more besides.

This debate cannot be about whether or not this type of initiative can work on a large scale. It can.

Everybody acknowledges that there is no perfect solution that will work with 100% certainty and 100% effectiveness 100% of the time. But web filtering can work on a very large scale and attack a significant part of the problem. The web is the easiest to use and most widely used of internet interfaces, that is one of the reasons why it is essential that we tackle it, and if we cannot tackle all of the spaces on the internet where the images appear at the same time it is vital that we tackle the web first.

Think about that question I want to invite you – I want to ask you – to think about this problem from the perspective of the children who have been raped and abused in order to make the images.

Who will speak for the weak and the violated? Who will be their champion?

- Everybody will say that they deplore the images of child abuse. Of course they do. But actions speak louder than words.
- No child can consent to their own rape

- No child can consent to pictures of that rape being distributed to the world
- If they are nothing else these images are a gross violation of a child's right to privacy

A famous footballer or pop star who found out that images of them being engaged in sexual activity were being circulated on the internet would go straight away to their lawyers to begin the processes of getting them removed. What about the rights of the children in the images? Who will speak and act for them?

By definition the child could not have consented to being raped, they cannot have consented to an image of that rape being produced, they cannot have consented to the image of their humiliation being distributed and re-distributed over the internet.

So what are we going to say to these children? Who is going to stand up for them and speak for them?

Everybody agrees that deletion of the illegal images at source – where they are being hosted or housed – is the best possible solution. That is what we all want. That should be the aim of policy. But the question inevitably arises about what should be done in situations where that cannot be determined – where the images are hosted on sites or in places which are outside the EU.

Yes of course blocking means the images stay up.

Yes of course the images can still be seen by people who have the knowledge and the determination to find ways around.

But millions upon millions upon millions of people are prevented from seeing them. That has to be a worthwhile objective. That will provide some comfort to the victims of the abuse. They will know that someone somewhere is doing their best to mitigate or reduce the harm already done to them.

You are being asked to weigh things in the balance and decide which side to come down on.

Is this Parliament going to say that the protection of children from having images of themselves being sexually abused depends on doing a deal with national Governments about online gambling, or copyright? Are abused children a bargaining chip? There is no moral equivalence between the rights of raped children and the rights of Hollywood film studios and rock singers to protect their earnings or of state monopolies to protect their trade.

Are we going to tell children who have been raped and whose pictures have been put on the internet that we are powerless to protect them from any further humiliation because if we do it means the Government of North Korea will feel encouraged to continue censoring the internet.

With the greatest respect I seriously doubt that the Government of North Korea is waiting to hear what the decision on this issue is before it decides how it will behave in future.

It is completely wrong to conflate these two arguments. It is completely inappropriate to mix up arguments about the protection of children and the copyright issue or other issues of possible censorship. Either you think it is right to get these images removed from public view, or you do not. We want no horse trading with the rights of children.

In an ideal there would be no child abuse images because there would be no child abuse. In an ideal world if any child abuse images nonetheless appeared on the internet they would be quickly detected and quickly deleted at source. We do not live in an ideal world. We live in a world where child abuse happens and child abuse images appear on the internet. We live in a world where police forces are under resourced to deal with many areas of crime, including internet crimes against children. We live in a world where some countries have no laws making child pornography illegal.

What do we tell the children who have been sexually abused and whose images appear on the internet?

- Any and every measure that helps reduce their circulation should be grabbed with both hands. Any and every measure that helps reduce their circulation should be applauded, not criticised.
- Of course deletion is the preferred model, the preferred objective.
- But saying that you want everything deleted, every child located and every criminal prosecuted is a bit like saying you are in favour of world peace. It is a counsel for perfection. It is an alibi for inaction – for doing nothing. Meanwhile the images continue to be on view. The children's right to privacy continues to be denied. The children's right to have the pictures of their humiliation removed from public view goes unanswered.
- Yes of course there are ways around it. The images can still be seen by people who have the knowledge and the determination to find ways around.
- But millions upon millions of people do not have that knowledge or determination.
- And there are other parts of the internet where the images are accessible, like peer 2 peer networks. But the fact that they are also available there is not a reason for refusing or failing to act in relation to the web.

Some people say they do not support blocking because they are worried about how it will be misused, for example in countries where gambling is the issue, or where pharmaceuticals are the issue, or where the intellectual property rights of the movie industry or the music business are the concern.

I want to be clear what is being said here. Will we only act to protect children providing we can keep the status quo on gambling? Are children's rights a bargaining chip? Are children to be held hostage to the interests of the pharmaceutical industry?

Is this Parliament going to say that the protection of children from having images of themselves being sexually abused depends on doing a deal about gambling, or copyright? Are abused children a something to barter with? There is no moral equivalence between abused children and Hollywood's right to make a profit.

Are we going to tell children who have been raped and whose pictures have been put on the internet that we are powerless to protect them from any further humiliation because if we do it means the Government of North Korea will behave badly? To be honest I'm not sure the Government of North Korea needs any encouragement from us.

Blocking can be used for bad purposes. But it can also be used for good purposes.

Guns can be used for bad and for good. We cannot allow the fact that bad people do bad things with these tools to prevent good people from doing good things with them.

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