

Position Paper

Child sexual abuse online and child abuse images

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I Background

The European NGO Alliance on Child Safety Online (eNACSO) was established in September 2008 and brings together non-governmental organisations (NGOs) working on child internet safety from, currently, 15 EU countries. Members are involved in activities including (but not exclusively):

- working with children, schools and parents to support and empower children to be able to stay safe online and enjoy the online environment
- running participation activities with children and young people to hear their views about internet-related issues
- providing therapeutic support to children who have been sexually abused
- counselling children about difficulties they encounter online
- working with offenders who have committed sexual offences against children
- running national hotlines to which online child abuse images are reported
- carrying out research related to risks posed to children by the internet and related technologies
- working with law enforcement to ensure that investigations into internet-related abuse take child protection considerations into account
- lobbying governments and industry at national level to introduce policies, legislation and governance structures which promote online child safety and the protection of children's rights online

All member organisations take a children's rights-based approach to the protection and empowerment of children online, in accordance with the 1989 UN Convention on the Rights of the Child (UNCRC).

The position and recommendations in this paper are drawn from this wealth of experience and expertise among eNACSO's member organisations. A full list of members is included at the end of this paper.

2 Introduction

This paper outlines eNACSO's position and recommendations on a number of key issues relating to protecting children from internet-based forms of sexual exploitation and abuse. eNACSO's positions on closely related issues including empowerment of children online are covered in separate papers.

The internet has created new opportunities for children to learn, play and socialise. A new survey (Eurobarometer, 2008¹), shows that 75% of 6-17 year olds in the EU27 use the internet. Social networking spread like wildfire across Europe last year, to the delight of many teenagers. In Norway, for example, 93 per cent of 12-17 year olds use social networking sites. And even in countries where the internet arrived

¹ http://ec.europa.eu/information_society/activities/sip/docs/eurobarometer/analyticalreport_2008.pdf

more recently, social networking is popular – for example more than two thirds of high school students in Estonia use social networking².

However, the internet has also created new opportunities for sexual abuse to take place, and generated new forms of abuse which have an especially harmful impact on children. Research shows that the devastating effect of abuse in childhood can impact on people throughout their lives. For example, children who have been abused may develop a range of psychiatric conditions, including depression, anxiety and low self-esteem.³

Progress to tackle online forms of sexual abuse is being made by governments, industry and others but more action is needed, including closer cooperation between EU countries. We call upon EU member states to do more to combat online sexual exploitation in line with their commitments under the United Nations Convention on the Rights of the Child (UNCRC) which has been ratified by all 27 EU Member States.

Under the UNCRC children have a right to protection from all forms of violence, including sexual abuse and sexual exploitation. Article 34 of the UNCRC commits states to '*protect the child from all forms of sexual exploitation and sexual abuse...*' and to take all appropriate national, bilateral and multilateral measures to that end. Article 19 commits states to protect children from all forms of '*violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse*'. The UNCRC also contains important general principles which should be taken into account throughout relevant legislation and measures, including the principle that the child's best interests should be taken into account in actions which affect them.

The EU is also committed to the implementation of children's rights in Article 24 of the EU's own Charter of Fundamental Rights. There are also important commitments within the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography, which not all EU member States have yet signed.

Another important agreement is the 2007 Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse – which asks member states to introduce a number of protective and preventative measures as well as specific legislation on grooming. It is therefore imperative that:

→ All EU Member States should sign and ratify the Optional Protocol to the UNCRC

→ All EU Member States should sign and ratify the Council of Europe Convention on protecting children against child sexual abuse and sexual exploitation.

²

<http://www.lse.ac.uk/collections/pressAndInformationOffice/newsAndEvents/archives/2008/Internetsafety.htm>

³ Briere, J.N. (1992) Child Abuse Trauma, Newbury Park, CA, Sage

- International monitoring of such treaties as the Council of Europe Convention and the UNCRC should pay greater and particular regard to the ways in which children may be exploited through the new technologies.
- All EU member states should implement the recommendations from the outcome document of the 3rd World Congress Against Sexual Exploitation of Children and Adolescents ⁴

2.1 Current context of sexual exploitation legislation in the EU

There is increasing visibility at European level of the issue of sexual abuse of children and recognition of the need to act at European as well as at national level to address it. Awareness, policies and legislation vary widely between EU member states but in recent years there has been a move to work more closely together to tackle many aspects of sexual abuse where there is a cross-border dimension including forms that are facilitated by the internet.

The EU in 2003 adopted a Council Framework Decision 'on combating the sexual exploitation of children and child pornography'. This commits EU member states to bringing their national laws in line with the standards it contains, including criminalising child pornography and other child sexual exploitation offences. The EU's Safer Internet Programme has also made a significant contribution including through funding the network of Hotlines, and the next generation of the Programme (2009-2013) will prioritise child protection.

However, the EU's initiatives are fragmented. They are not joined up by a comprehensive EU approach towards combating child sexual abuse with centre stage given to children and the protection of their rights. In addition Member States have been reluctant to transform agreements and sentiments into reality. This underlines the need to galvanise genuine political commitment to tackling sexual exploitation beyond obligations agreed at European and international level.⁵ Ideally, legislation and treaties should form a base line of international standards which member states strive to go beyond.

eNACSO supports the recent European Commission proposal⁶ for a revised EU Framework Decision 'on combating the sexual abuse, sexual exploitation of children and child pornography' and sees it as renewed opportunity to focus the debate on sexual exploitation, improve, share and update our understandings of sexual abuse, and strive for a more consistent implementation process. The new proposal for a Framework Decision would replace the existing 2003 Framework Decision and as it

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http://www.iiiicongressomundial.net/index.php?pg=docs&inicial=2&id_pg=79&sid=cebe35d69528ed7790831293481501ff&id_sistema=2&id_idioma=2

⁵ The Commission's report of 20th November 2007 on implementation of the Framework Decision highlights a number of shortcomings in this regard.

⁶ Proposal 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)135final of 25th March 2009

stands would provide a useful basis for improved cross-border cooperation around protecting children from sexual abuse and exploitation, including in relation to protecting children in the online environment. eNACSO would like to ensure that the proposed laws related to grooming, victim identification and to blocking child abuse images are agreed and included in national legislation and practice as discussed in detail below.

This paper highlights the legislative changes in relation to grooming and child abuse images that we wish to see brought about at a national level and that we believe can and should be mandated by EU legislation. It also presents areas for greater strategic action across the EU, including working internationally to tackle the trade in child abuse images.

However eNACSO also believes that all national governments should adopt comprehensive national strategies and measures in order to better protect children from sexual abuse and sexual exploitation in the online environment that are not only about legal change.⁷ The final section of this paper outlines some recommendations for action at national level that should accompany strengthened legal frameworks. These include the need to properly resource prevention work with victims, and the need to promote best practice models involving police and other agencies.

→ Member States should support the proposed EU Framework Decision ‘on combating the sexual abuse, sexual exploitation of children and child pornography’, and strive to ensure that it is fully implemented.

→ All EU member states should develop a National Plan linked to all relevant Conventions addressing child sexual exploitation and sexual abuse, to ensure that they are successfully and meaningfully implemented.

3 Children using the internet: preventing and protecting children from online sexual abuse

3.1 Sexual Grooming on the Internet – the dynamics

The term ‘grooming’ is used to describe the process of preparing children for sexual abuse. In the early days of the internet cases started being reported to the police of children, typically girls under the age of 16, encountering adult males on the internet who were seeking to abuse them. Typically cases involved male offenders developing a relationship with a child by chatting to them online, manipulating their

⁷ The Council of Europe’s 2007 Convention on protecting children against sexual abuse and sexual exploitation is an important reference point in this regard and should be signed and ratified by all EU Member States. It has so far been signed by 20 EU Member States. The EU needs to significantly add value to the CoE Convention by using its legislative capacity to strengthen approaches to tackling child sexual exploitation and abuse.

affections and persuading them to meet in real life where they could commit a range of sexual offences.

It is now a relatively well known online phenomenon for offenders to use the internet to seek out children in order to sexually abuse them. Recent reports from CEOP in the UK (a dedicated policing resource set up to address this issue) show that this is an ongoing concern as they still receive substantial numbers of reports about grooming from the public.⁸ In addition they note a number of worrying trends including more aggressive grooming techniques as well as the fact that children are becoming vulnerable within an increasing number of online environments due to the impact of convergence (the use of various kinds of devices to access the internet including mobile phones, and being able to perform a range of different kinds of activity using the same device).

'Grooming' as a form of manipulation of both victims - and of the adults who are in charge of their protection - is in fact a fundamental dynamic in relation to all forms of child sexual abuse and has been documented for many years in cases of child sexual abuse occurring offline. But grooming has become more visible in the political arena because of online grooming stories circulating in the media and it is now most commonly referred to as a problem in relation to the internet. It is difficult to legislate against offline grooming but some EU countries have now introduced legislation to combat online grooming of children. Grooming has been documented as having long term traumatising effects on children in relation to both online and offline sexual abuse.⁹

Case studies from calls to the UK's ChildLine

Ashia, 15, had been emailing a 22-year-old man she 'met' in a chatroom: "I texted him yesterday and now he's got my mobile number and he wants to meet me. I'm scared because I told him I'm older than I am."

David, 16, told the ChildLine counsellor an adult family friend had shown him pornographic pictures of adults on the internet: "It makes me feel uncomfortable. I don't want to see any more. I've tried avoiding him but he's always coming round to see us."

Sammy, 16, said she had made friends with a boy on the internet and they'd arranged to meet: "He said he was the same age as me but when I got there, there was just this man who looked a lot older. I didn't talk to him, I just came back home."

Carrie-Ann, 14, told the ChildLine counsellor: "Me and my friend Julie met this boy in a chatroom who said he was 16. He got Julie's phone number and now he won't stop ringing us. He sounds like he's older."

Dee, 15, rang ChildLine because a man had forced her to have sex with him: "I met him in a chat room and then we said we'd meet up. But he wasn't like I thought. I feel like it's my fault."

⁸ CEOP Strategic Overview report 2007-8

⁹ Mullen, P. & Fleming, J. (1998). Long-term effects of child sexual abuse. *Issues in child abuse prevention* (9). Australia: National Child Protection Clearing House.

Michael, 11, said: “I was on the internet and chatting to this man. He said he wanted to come round to my house and see me. I told him no and he said he’d give me some money if I told him where I live.”

3.2 The need for ‘anti-grooming legislation’

While ‘grooming’ refers to the whole process of preparing a child for sexual abuse, what is often called ‘anti-grooming legislation’ relates to the criminalisation of a specific part of the grooming process: where an adult arranges an inappropriate meeting with a child with the intention of carrying out sexual activity. eNACSO consider that criminalising this kind of act is essential, so that police can intervene to prevent a meeting which is known to be imminent, rather than waiting until contact sexual abuse of a child has actually been attempted in order to arrest the abuser. Laws which criminalise the act of arranging to meet a child online with the intention to engage in sexual activity allow the police to effectively arrest and prosecute offenders before actual contact abuse has been attempted or has occurred.

eNACSO are aware that the lack of specific grooming legislation in the majority of member states is a barrier to the fight against online sexual abuse. The UK and Norway have specific legislation on grooming, but a number of countries merely use existing legislation to argue that grooming could be prosecuted under existing law rather than introducing a new and clear piece of legislation dedicated to this issue. Article 23 of the Council of Europe Convention is clear that countries should criminalise grooming or ‘the solicitation of children for sexual purposes’¹⁰.

The problem with this is that very often legislation remains unused and is not seen as effective; in particular it fails to send a clear and necessary message about the illegality of the grooming process.

→ We welcome the fact that the new proposed Framework Decision includes provision for grooming legislation and we urge all EU member states to implement the provisions related to grooming in the Council of Europe Convention, and introduce clear and specific legislation¹¹. eNACSO consider that there should be specific grooming legislation in every country and we strongly support Article 5 of the proposed EU framework decision on combating sexual exploitation.

3.3 Sexual abuse without physical contact: a danger of the online world

¹⁰ ‘Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child...for the purpose of committing.. [sexual abuse offences]..where this proposal has been followed by material acts leading to such a meeting’.(Article 23)

¹¹ There is the further complexity that grooming legislation is linked to the age of consent in individual member states. Therefore where the age of consent is low grooming activity may not be recognised under the law as an exploitative activity. We would urge all member states to recognise that this activity is highly likely to be exploitative where there is a substantial age or developmental gap between the perpetrator and the person they are targeting.

The growth of video and Internet technologies highlights the possibility of the emergence of more ways for criminals to manufacture and distribute child sexual abuse images such as video streaming on demand, webcam sessions or even virtual sexual abuse¹².

Even where a meeting between an abuser and a child in 'real life' does not occur, sexual activities which occur online can be very damaging to a child. For example, non-contact sexual abuse may involve making sexual comments to the child or young person, exposing intimate body parts, voyeurism, having a sexual fixation on a child or young person's clothing or body parts, luring, making sexually related phone calls and engaging in sexually related correspondence online.¹³ Such activities actively exploit children's vulnerability and involve manipulating children in a way that can be extremely traumatic and distressing.

→ eNACSO considers that the national legislation of different EU member states must criminalise the act of instructing and persuading a child to engage in non contact sexual activities over the internet as well as in the offline world. This should be a specific law that covers engaging children in any form of sexual activity and sexual acts online, including undressing and sexual posing.

3.4 Sexual abuse, bullying and harassment between children: challenge but do not criminalise

eNACSO is aware that some sexual abuse and harassment online takes place between children ('peer to peer'). While some young people will choose to explore issues in relation to their sexuality and sexual abuse via the internet it is important to recognise that this exploration may sometimes lead to other children and young people being harmed. It is important to recognise that sometimes this may be at such a level that it constitutes sexual abuse or harassment.

Each country should develop an appropriate response to such abusive incidents. This response must challenge the child's behaviour but should not seek to criminalise any child engaging in such activity. For children under the age of 18 who sexually abuse other children using the new technologies, the child protection system should be the route of intervention, not the criminal justice system. There are now acknowledged methods for working with sexually harmful children in many member states.

→ Member states should develop an appropriate child protection based response to children who engage in abusive incidents online

¹² <http://www.interpol.int/Public/ICPO/factSheets/THB03.pdf>

¹³ We do not have clear statistics on prevalence of this activity but see http://www.ecpat.net/WorldCongressIII/PDF/Publications/ICT_Psychosocial/Thematic_Paper_ICTPsy_ENG.pdf for a discussion of some interesting recent studies (page 54 – 63) and http://www.cybertip.ca/app/en/respect_real_life_2 http://www.cybertip.ca/app/en/respect_real_life_4

4 Child sexual abuse images: combating the trade and protecting the children

4.1 Child abuse images – background context

Child abuse images are visual representations of a child being abused. The abuse usually takes place in the offline world but the internet facilitates the mass distribution of images, often for profit, which in turn creates an incentive for abusers to abuse children in order to create such images. Child abuse images on the internet have massively increased in prevalence over the last ten years and the internet has enabled a shift from small-scale, 'amateur', non-profit production of images, to the distribution of images by members of organised crime in order to benefit financially.¹⁴

On top of the devastating impact of sexual abuse itself, research indicates that it creates additional distress for the child to have to live with the knowledge that once an image has been uploaded to the internet it may be replicated and downloaded an unlimited number of times. More research is required into the long term effects of this form of abuse and on appropriate therapeutic interventions.

4.2 Legal frameworks for tackling child abuse images

Differences between national laws on penalties and distribution can create loopholes which can be exploited by producers, distributors and collectors of child abuse images. National and cross-national efforts to prevent child abuse images can be hindered for example by different interpretations of what constitutes a child abuse image. It is therefore important that there is a common legal framework to tackle crimes relating to child abuse images.

In the European Union, increased legal standardisation in particular through the 2003 Framework Decision has been helpful. Europol notes that *"the achievements of many international operations rest mainly in the mostly harmonised legislation on child pornography. Currently in the EU, there is principally a common legal approach on child pornography investigations rendering coordination and co-operation easier, although the usual obstacles on data retention and privacy regulations apply"*. This alludes to the fact that despite a generally shared approach ISPs in different countries have different rules regarding the required data retention periods.¹⁵

eNACSO consider that there although definitions may be 'mostly harmonised' there is also still important work to do to ensure consistency across Europe not only in relation to what constitutes child abuse images but also how they should be dealt

¹⁴ Figures from an Action for Children (formerly NCH) study show that in 1995 the Greater Manchester Police seized 12 images of child abuse images on paper and video (Carr, 2004). In 2004 the same Manchester police force arrested one man who alone was found to be in possession of almost 1,000,000 images (Carr, 2004). In 1996 the Internet Watch Foundation processed 615 complaints of online abuse images (85% relate to suspected child abuse websites), compared with 34,871 in 2007 (Internet Watch foundation annual report, 2008).

¹⁵ http://www.theregister.co.uk/2009/02/11/data_retention/

with. This means implementation of the existing agreements but also developing a sufficiently shared understanding of the gravity and seriousness of the crimes involving 'child abuse materials' and where this should sit in relation to policing priorities.

For example, there are many child abuse images which are realistic images of a non-existing child¹⁶ engaged in sexual conduct, or 'pseudo images'. These include non-photographic visual depictions of child sexual abuse (i.e. computer generated images (CGIs), drawings, animation) as well as 'pseudo-photos' or videos. In our experience this type of material has clear risks insofar as it can form part of a subculture of sexual abuse material and if it is not criminalised the police are not able to seize the materials or disrupt the network of traders. eNACSO consider that the existence of such materials allows offenders to deny and minimise the impact of sexual abuse and encourages distorted thinking about sexual crimes against children. Furthermore, there is evidence to support the fact that photographs of children engaged in sexual activity are used for grooming children into child pornography, and that pseudo-photographs will also be used for this purpose.¹⁷ However, possession, production and distribution of pseudo images is not yet illegal in many Member States.

eNACSO also wish to highlight that these crimes often cut across so many countries that not only EU but increased international action is crucial. Globally many countries have no laws to prosecute these crimes and the term 'child pornography'¹⁸ is not recognised within the legislation of different national jurisdictions. Indeed, a 2006 study by the International Centre for Missing and Exploited Children (ICMEC) showed that of the 184 member countries of Interpol, 95 countries have no legislation at all that specifically addresses child pornography, and of those that do, 41 countries do not criminalise possession of child pornography, regardless of intent to distribute.

- All states should ensure that pseudo images are made illegal.
- The EU should be proactive in ensuring that the legal frameworks worldwide facilitate cross-border cooperation to tackle child abuse images and online child sexual abuse, for example putting this issue high on the agenda of international bodies such as the G8 and UN

4.3 Disrupting the distribution of child abuse images

a) The use of blocking technology as a way to tackle child abuse images

¹⁶ A morphed image may sometimes contain the body of one person and the head of another – both taken from images of real children, but the new, morphed image in itself is depicting a non-existing child.

¹⁷ Akdeniz, Yaman (2008). Internet Child Pornography and the law. National and International Responses. Ashgate

¹⁸ Although eNACSO prefers the term 'child abuse images', the term 'child pornography' is the one that is internationally recognised in existing legislation and treaties

One way of disrupting child abuse image distribution and viewing is for Internet Service Providers (ISPs) and other access providers, hosting companies and search engines to use technologies to 'block' sites known to contain child abuse images. This means that anyone accessing or searching the internet through one of those channels 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 therefore may differ from country to country. In the UK, ISPs and others use a list of URLs showing child abuse images which has been generated by the Internet Watch Foundation (IWF) – an NGO largely funded by the internet industry - and block all the URLs on this list.¹⁹ This model works effectively in the UK for the majority of ISPs. 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.²⁰ Whichever model is used, the widespread deployment of blocking technology is a key objective for eNACSO.

At the time of writing this paper only Italy has a legal requirement on ISPs to block child abuse, although in January 2009 Germany announced they would introduce law to this effect. Generally where blocking is undertaken currently it is via voluntary agreements between ISPs and the 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.

Blocking technology has now been widely available for a number of years. While there has been a commitment from the global GSM Association (GSMA) to blocking access to child abuse images from the mobile phone networks²¹ and several well known search engines also deploy the lists there has been no similar kind of commitment from the European Internet Service Providers Association (Euro ISPA) or any global networks of Internet service providers. We believe that there is an urgent need for a more concerted commitment 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. There is no reasonable technical argument against implementing such a policy. Neither can eNACSO accept that cost is a relevant

¹⁹ URL stands for Uniform Resource Locator. URL stands for Uniform Resource Locator. It is an internet address (for example, <http://www.iwf.org.uk/reporting>), usually consisting of the access protocol (e.g. *http*), the domain name (e.g. *www.iwf.org.uk*), and optionally, the path to a file or resource residing on that server (e.g. *reporting*). The URLs contained in the IWF list may be addresses for an individual webpage or a whole website.

²⁰ Europol's (COSPOL) working group on 'Internet related child abusive material', named CIRCAMP²⁰ is focussing on the commercial sexual exploitation of children, in removing or limiting the customer base of commercial sites distributing child sexual abusive material. This is being done via the deployment of "The Child Sexual Abuse Anti-Distribution Filter" (CSAADF). The national law enforcement agency deals directly with national ISPs to ensure that blocking technology is implemented and they use the list of URL's which has been scrutinized against the national legislation on child sexual abuse material.

²¹ http://www.gsmworld.com/our-work/public-policy/protecting-consumers/mobile_alliance.htm

consideration. Blocking block access to child abuse images has to be accepted as part of the basic cost of doing business.

Ultimately eNACSO considers that given the absence of effective and comprehensive voluntary take up of blocking by ISPs there is a need for a legislative requirement that ISPs use blocking technology. As a result we strongly welcome Article 18 of the proposed EU framework decision which includes such provisions: 'Each Member State shall take the necessary measures to enable the competent judicial authorities or police authorities to order or similarly obtain the blocking of access by internet users to internet pages containing or disseminating child pornography, subject to adequate safeguards.'²²

We do not believe that blocking alone is a solution but it is a very important step in the fight against online child abuse images. eNACSO consider that blocking technology helps in a number of ways including:

- Helping to prevent the re-victimization of those children who are or have been the victim of abuse.
- Helping to prevent accidental access to this illegal and harmful content by the public
- Helping to prevent deliberate access to child abuse material on the Internet
- Helping to reduce the customer base of these illegal websites with the assistance of participating Internet Service Providers (ISP)
- Helping to interfere with and disrupt the commercial trade of child abuse material.

→ ISPs who have not yet done so should commit to blocking child abuse images, and industry bodies should provide stronger leadership on this issue;

→ Member states should legally oblige Internet Service Providers (ISPs) to block sites containing online child abuse images²³ and that this requirement should remain in the revised EU Framework Decision;

In addition in order to make blocking work as smoothly and effectively as possible some confusion around blocking lists should be resolved.

- To resolve confusion around different blocking lists eNACSO recommends the establishment of a single International list of sites 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. While one such list should not be taken to constitute the only valid

²² Proposal for a Council Framework Decision on combating sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA

²³ In addition, the EU's "e-Commerce Directive" should be amended to remove any disincentive for internet companies to monitor their own sites for fear of attracting liability. The principle should be that they should only be liable if they had knowledge of the content and failed to act. ISPs should be encouraged to monitor their sites and the European Commission should explore options for introducing a minimum level of monitoring for sites.

source of information, work towards establishing a single list will help to address the duplication of effort and help to speed up progress.

b) The process of ‘notice and take down’ of child abuse images (NTD)²⁴

Operators and service providers are sometimes notified of suspect content online by customers, members of the public or by law enforcement or hotline organisations. If the report comes from a member of the public, the information is passed on to law enforcement or the national hotline, as appropriate, for confirmation of whether the content is illegal or to take any further legal action. *If the site is hosted by a provider and when issued with a NTD notice, operators and service provider takes steps to have the illegal content removed.*

However, there are sometimes major barriers to getting child abuse material that is hosted in a different country to the one it is reported in taken down swiftly. Despite work undertaken by the INHOPE network removing child abuse material hosted in many countries is still unacceptably slow. Recent research by Cambridge University completed a comparative analysis of the take down times of different forms of content.²⁵ It found that Phishing sites and sites which threaten banks commercial interests are taken down very quickly. The child abuse images sites are by contrast likely to stay up for many weeks due to the complexities of the fact that different jurisdictions do not work together effectively, and reports are routed via local law enforcement which may not prioritise the issue or be properly trained to deal with it. As a result it may be necessary to change the ways in which reports are dealt with and protocols around how material is removed.²⁶ We consider that the EU should explore ways of making this process of notice and take down faster and more effective.

- The EU should re-examine the process of notice and take down and should explore alternative ways of getting sites removed quickly using a wider range of levers that do not rely exclusively on a single approach to local law enforcement.
- The EU should put together a working group to develop and promote a new set of high level international agreements about how to remove child abuse image materials found
- The EU/UN/G8 should lead a diplomatic initiative to engaging countries where sites are known to be hosted.

c) Disrupting peer2peer networks and other ways of sharing images

²⁴ <http://www.gsmworld.com/newsroom/press-releases/2008/775.htm>

²⁵ The Impact of Incentives on Notice and Take-down, Moore, T & Clayton, R (2008), www.cl.cam.ac.uk/~rnc1/takedown.pdf

²⁶ It may be necessary to reconsider the assumption that reports need to go via local law enforcement to prevent disruption of live cases if the reality is that there are rarely active investigations that will be disrupted.

There are a number of different ways of distributing child abuse images which all need to be tackled. There are a number of measures that need to be taken to address the distribution images of images via the internet - through commercial and non commercial websites, and through newsgroups. These include:

- Relevant internet providers should ensure that free image sharing sites proactively scan their servers for known child abusive material
- The EU should support the development of a high level international working group to look at legal changes that would disrupt and limit the activities of producer and distributors of images worldwide. This could include for example measures to ensure that domain names or web hosting companies have to provide meaningful identification so that they are not used as an illegal front for child abuse material.
- Key financial institutions should support the European Financial Coalition in improving the sharing of financial information across borders for the purposes of police investigations, and EU member states should ensure that they introduce clear legislation that allows for the requisition of the financial assets of those who operate commercial child abuse image sites.

There is a particular need to explore and investigate the different technology to prevent peer2peer²⁷ file sharing with an assessment of the prevalence of its use in relation to child abuse images and a series of options explored. As the problem and key issue with child abuse images potentially moves away from the public internet to peer2peer and private file sharing, there is an urgent need to resolve or at least reach consensus around some key political, legal and ethical issues in the fight against peer2peer distribution as well as a need to bring on board the technical expertise and know how of some leading technology companies in order to tackle this issue.

- The EU should explore how to address the issue of Peer2Peer networks and devote specific resources for this. This must include engaging with industry partners to develop improved and effective technical solutions to address peer2peer file sharing.
- EU Member states must also engage with industry and provide resources for national police forces to carry out operational work against illegal exchange of images through file sharing.

4.4 The need for a victim focus during investigations

eNACSO consider that there is a need to tackle the issue of how children abused in images are identified and their protection is followed up. There is little consistent information about the frequency of identification but available sources suggest that relatively small numbers have ever been identified. The US's National Centre for Missing and Exploited Children (NCMEC) suggested that as of September 2008, only

²⁷ <http://en.wikipedia.org/wiki/Peer-to-peer>

1660 children had been identified through distributed or non distributed images²⁸ and offered the therapeutic intervention they require. The identification work for child victims is poorly resourced and because the geography of the crime is often uncertain there is frequently a failure to ensure clear mandates and ownership of investigations at national and international level. Local police forces often lack the appropriate mandate, support and technical resources to carry out victim identification.

While such work is less high profile than disrupting networks of traders, it remains an important area of work from a children's rights perspective. We believe that it is important to ensure that the aim of child abuse image-related investigations includes the identification of victims. It may not always be possible to identify the child but Member States should be required to make all possible attempts to determine the identity of the child appearing in the image. It is also important to ensure that work towards the development of a single international database of child abuse images is carried out without delay.

eNACSO notes with some concern that in many cases children abused in images who look like adolescents rather than very young children, including for example those over the age of 14 are not made the subject of police investigation because there is the possibility that they are over 18 years old. We think that this lack of protection should be addressed and that investigations should still be pursued where there is doubt as to age. In order to address this we consider that one important safeguard is to ensure that those involved in producing legal pornographic images are required to prove that the person in the images is over 18. We consider that in all member states the legal burden of proof should rest with those responsible for producing the image. In addition anyone responsible for distributing such images should equally be able to prove that the persons in the images are over 18.

→ Member states should do their utmost to ensure that children abused in images are identified and protected. They should ensure that all possible attempts are made to determine the identity of the child appearing in an image. Specialist police resources should be available to enable this.

5. Cross cutting areas

5.1 Protection and support for children

It is important that all member states are able to offer appropriate support and therapeutic services to all children who have been abused as well as to their protective care givers. Social workers and psychologists should be properly trained and supported to enable them to work professionally with children who have been

²⁸ Child Pornography and Sexual Exploitation of children online

subjected to sexual abuse and exploitation including those children who have been abused online or for the production of images.

National authorities have a great deal of work to do to promote an appropriate response to children abused online or in images. This should include a child centred response from the police when gaining evidence from the victim, measures to ensure that children feel safe when giving evidence, as well as appropriate therapeutic interventions from those providing treatment to children. In the case of children abused to produce images there are very particular psychological consequences of the abuse that need to be recognised and addressed in therapy. All adults working with children need to be aware of the possibility of, and equipped to recognise, forms of online sexual abuse and this should form a core part of their training and continuing professional development.

- Each Member State should ensure that there is a child centred response from the police when gaining evidence from the victim, measures to ensure that children feel safe when giving evidence, as well as appropriate therapeutic interventions from those providing treatment to children.
- Each Member State should take the necessary legislative or other measures to ensure that training on children's rights and child sexual abuse in relation to the new technologies is available for the benefit of all persons involved in criminal proceedings and child protection, in particular judges, prosecutors, police, social workers and lawyers.
- Training for professionals should include enabling them to develop a better understanding of the therapeutic needs of children abused in images

5.2 Policing

eNACSO believes member states should ensure that sexual abuse crime on the internet (including grooming and sexual activity online as well as the possession, exchange, intentionally gaining access to and distribution of sexual abuse materials) is effectively policed. To tackle these crimes every country should have a specialist unit or centre with specialist expertise. Member states need to commit the resources and the will to police child sexual abuse crimes and to ensure that legislation is effectively used. This includes the training of public prosecutors and judges so that they have an awareness and understanding of the nature of different forms of online child sexual abuse and the potential severity of its impact on children.

Preventing the production, distribution and collection of child sexual abuse images and those purposefully looking for abuse images is currently a low priority in some jurisdictions. We are aware that national and local police forces very often do not have resources or expertise to analyse images or investigate cases. It is important that all Member States have capacity and a point of contact for investigations regarding child abuse images. It is a concern for eNACSO that so far only five police forces are in the Virtual Global Taskforce which is geared towards tackling this issue.

More forces must be given the resources to develop the expertise and join this network.

→ Member states should provide resources to establish a unit or centre with specialist expertise to police sexual abuse crimes on the internet crime. This should provide a point of contact for investigations regarding child abuse images.

5.3 The management of perpetrators and potential abusers

It is important to have strong sex offender management systems in place in all EU member states which are able to assess and manage the risk of re-offending from convicted sex offenders returning to the community after their sentence. The management of sex offenders should be a continuous process with treatment facilities in prisons working with police, probation and social services to assess risk and devise appropriate management plans prior to release. It is important that high quality treatment is available for perpetrators at all stages of the criminal justice system.

We also think that the countries should adopt the principles of multi agency working in relation to risk management whereby information about those who pose a known risk to children is passed between agencies working with the offenders as well as those with responsibility for child protection. We would advocate multi agency decision making structures which involve law enforcement, probation services and children's social care along the lines of the Multi Agency Public Protection Arrangements (MAPPA) which are used in the UK. We think that it is important that child protection agencies and services have a clear and accurate understanding of sex offender risk and that those working with sex offenders should have an understanding of child protection and children's rights. We believe that joint learning and understanding should be enhanced through structures for sharing information and working together.

Treatment programmes and other forms of intervention should also be available on a preventative basis for those who have not yet committed a crime. eNACSO supports the work of the 'Stop It Now!' campaign which was launched in the United Kingdom and Ireland to address the problem of sexual abuse as a public health issue.²⁹ Stop It Now! aims to provide advice to the public who are concerned about the behaviour of others as well as advice to abusers who want to stop. This public health approach to protecting children from sexual abuse makes an important contribution to ensuring that members of the public seek the information they need to protect children and that abusers and potential abusers seek help in order to stop.

Helping perpetrators to change their behaviours and to recognise them as abusive is one of the most effective ways to prevent child sexual abuse. Individuals who sexually abuse and exploit children have made a choice to do so and have overcome

²⁹ www.stopitnow.org.uk

substantial internal and external impediments in order to abuse.³⁰ Treatment has an important role in challenging the attitude, thoughts and sexual fantasies of potential abusers and we recommend that community based treatment facilities are made available for potential perpetrators who want to address their sexual interest in children and prevent sexual fantasies about children ending in abusive acts. These facilities should include help lines for potential abusers to gain early and confidential access to help and support.³¹

- Member states must implement appropriate sex offender management systems which undertake risk management of high risk sex offenders returning to the community. We would recommend that these are multi-agency in structure and involve sharing information between law enforcement and child protection agencies.
- Member states should ensure that treatment programmes are available for perpetrators at all stages of the criminal justice system and that treatment and other forms of intervention are available on a preventative basis for those who have not yet committed a crime.

5.4 Multi stakeholder forums

Governments should promote multi stakeholder forums and other potential models of joint working that allow civil society groups to work together with law enforcement and representatives from industry to develop measures, including technical ones, to prevent sexual abuse online from occurring as well as mechanisms for fast response and reporting when it does happen.

- Encourage multi agency forums and partnership working to ensure that all perspectives are involved and that joint working is constructive and effective in helping to protect children.

5.5 Education for children and parents

There is a continuing need to educate children and young people about staying safe as children often understand the technology better than they understand the risks. In order to prevent sexual violence occurring in the online world as well as offline we should ensure that all children and young people are helped to understand the risks and dangers of sexual violence and how to keep themselves safe. In this respect it is important that internet safety programmes are embedded within sexual health education in schools and that the internet is recognised as a key environment in which children first take risks and experiment. In our view internet safety lessons should not be narrowly incorporated within lesson about IT skills but should be included in children's broader learning about respectful pro-social relationships which helps them to recognise abusive behaviours and seek help when they need to.

³⁰ Finklehor, D (1984) Four Preconditions to sexual abuse in Child Sexual Abuse: New Theory and Research; Free Press

³¹ www.stopitnow.org.uk

There is also a clear need to reach out to parents and the wider public. In our experience the majority of parents have a poor understanding of what children are actually doing online and an even poorer understanding of how to protect them in that space. We consider that we need a major effort to reach out to parents to help them improve their own understanding of the online environments which their children inhabit and to show them how they can better support their children in relation to that environment. Schools have an important part to play in this but should not be relied on as the only vehicle to reach parents as some of the most vulnerable children and parents will have little contact with school. We recommend funding major public education and prevention programmes that educates adults and children about internet safety.

- Member states should ensure that all children and young people are educated to understand the risks and dangers of sexual violence and what they can do to keep themselves safe.
- Member states should implement public education and prevention programmes for parents, teachers and professionals working with children.

6. Recommendations

Overarching recommendations

- All EU Member States should sign and ratify the Optional Protocol to the UNCRC
- All EU Member States should sign and ratify the Council of Europe Convention on protecting children against child sexual abuse and sexual exploitation.
- International monitoring of such treaties as the Council of Europe Convention and the UNCRC should pay greater and particular regard to the ways in which children may be exploited through the new technologies.
- All EU member states should implement the recommendations from the outcome document of the 3rd World Congress Against Sexual Exploitation of Children and Adolescents
- Member states should support the proposed EU Framework Decision 'on combating the sexual abuse, sexual exploitation of children and child pornography', and ensure that it is fully implemented.
- Each country should develop a National Plan linked to all relevant Conventions addressing child sexual exploitation, to ensure that they are successfully and meaningfully implemented.

Grooming and online sexual exploitation

- We urge all EU member states to implement the provisions related to grooming in the Council of Europe Convention, and introduce clear and specific legislation. eNACSO consider that there should be adequate grooming legislation in every country and that a requirement to introduce such legislation should be included in the revised EU framework decision on combating sexual exploitation.

- eNASCOS considers that the national legislation of different EU member states must criminalise the act of instructing and persuading a child to engage in non contact sexual activities over the internet as well as in the offline world. This should be a specific law that covers all forms of sexual activity and sexual acts online, including undressing and sexual posing.
- Member states should develop an appropriate child protection based response to children who engage in abusive incidents online

Tackling the distribution of child abuse images

Legal frameworks

- All states should ensure that pseudo images are made illegal.
- The EU should be proactive in ensuring that the legal framework worldwide allow cross-border cooperation to tackle child abuse images and online child sexual abuse, for example putting this issue high on the agenda of international bodies such as the G8 and UN

Blocking child abuse images

- ISPs who have not yet done so should commit to blocking child abuse images, and industry bodies should provide stronger leadership on this issue;
- Member states should legally oblige Internet Service Providers (ISPs) to block sites containing online child abuse images and this should be included as an obligation in a revised EU Framework Decision;
- To resolve confusion around different blocking lists eNASCOS recommends the establishment of a single International list of sites 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. While one such list will not be taken to constitute the only valid source of information, work towards establishing a single list will help to address the duplication of effort and help to speed up progress.

Notice and Take down

- The EU should re-examine the process of notice and take down and should explore alternative ways of getting sites removed quickly using a wider range of levers that do not rely exclusively on a single approach to local law enforcement.
- The EU should put together a working group to develop and promote a new set of high level international agreements about how to remove child abuse image materials found
- The EU/UN/G8 should lead a diplomatic initiative to engaging countries where sites are known to be hosted.

Mechanisms to disrupt the trade in images

- Relevant internet providers should ensure that free image sharing sites proactively scan their servers for known child abusive material
- The EU should support and explore the development of legal changes that would disrupt and limit the activities of producer and distributors of images worldwide. This could include for example measure to ensure that domain names or web

hosting companies have to provide meaningful identification so that they are not used as an illegal front for child abuse material.

→ Key financial institutions should support the aims of the European Financial Coalition in improving the sharing of financial information across borders for the purposes of police investigations, and EU member states should ensure that they introduce clear legislation that allows for the requisition of the financial assets of those who operate commercial sites

Peer2Peer networks

→ The EU should explore how to address the issue of Peer2Peer networks and devote specific resources for this. This must include engaging with industry partners to develop improved and effective technical solutions to address peer2peer file sharing.

→ EU Member states must also engage with industry and provide resources for national police forces to carry out operational work against illegal exchange of images through file sharing.

Cross cutting areas

Protection and support for children

→ Each Member State should ensure that there is a child centred response from the police when gaining evidence from the victim, measures to ensure that children feel safe when giving evidence, as well as appropriate therapeutic interventions from those providing treatment to children.

→ Each Member State should take the necessary legislative or other measures to ensure that training on children's rights and child sexual abuse in relation to the new technologies is available for the benefit of all persons involved in criminal proceedings and child protection, in particular judges, prosecutors, police, social workers and lawyers.

→ Training for professionals should include enabling them to develop a better understanding of the therapeutic needs of children abused in images

Policing

→ Member states should provide resources to establish a unit or centre with specialist expertise to police sexual abuse crimes on the internet crime. This should provide a point of contact for investigations regarding child abuse images.

The management of perpetrators and potential abusers

→ Member states must implement appropriate sex offender management systems which undertake risk management of high risk sex offenders returning to the community. We would recommend that these are multi-agency in structure and involve sharing information between law enforcement and child protection agencies.

→ Member states should ensure that treatment programmes are available for perpetrators at all stages of the criminal justice system and that treatment and other forms of intervention are available on a preventative basis for those who have not yet committed a crime.

Multi stakeholder forums

→ Member states should encourage multi agency forums and partnership working to ensure that all perspectives are involved and that joint working is constructive and mutually beneficial.

Education for children and parents

→ Implement public education and prevention programmes for parents, teachers and professionals working with children – where possible these should include the active participation of children.

→ All children and young people should be educated to understand the risks and dangers of sexual violence and what they can do to keep themselves safe.

7. List of network members

- Nobody's Children Foundation (Poland)
- ECPAT Austria
- Save the Children Italy
- Kek Vonal (Hungary)
- Save the Children Finland
- Save the Children Denmark
- ECPAT Netherlands
- NSPCC (UK)
- Action Innocence Belgium
- Action Innocence France
- Estonian Union of Child Welfare
- Innocence in Danger Germany
- ISPCC (Ireland)
- Protegeles (Spain)
- Our Child Foundation (Czech Republic)
- John Carr (Independent expert)

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