



Save the Children Europe Group

## Position paper on child pornography and Internet-related sexual exploitation of Children

Further information from:

Diana Sutton  
Save the Children Brussels  
Rue Montoyer 39  
1000 Brussels  
Tel: + 32 2 512 78 51  
Fax: + 32 2 513 49 03  
E-mail: [savechiidbru@skynet.be](mailto:savechiidbru@skynet.be)

Vernon Jones  
Save the Children Denmark  
Rosenorns Alle 12  
DK-1634 Copenhagen V  
Denmark  
Tel: + 45 3524 8531  
Fax: + 45 3539 1119  
E-mail: [vj@redbarnet.dk](mailto:vj@redbarnet.dk)

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## 1 Introduction

*Child pornography is a visual record of serious criminal offences. Even the less extreme examples of child pornography that I saw at New Scotland Yard are records of horrifying abuse.*

*From "People like Us: The Report of the Safeguards for Children Living Away from Home", Sir William Utting, 1997.*

Save the Children was established in 1919 and is at the forefront in the fight for the rights of the child.

### **Save the Children works for:**

- A world which respects and values each child
- A world which listens and learns
- A world where all children have hope and opportunity
- A world where children are protected from violence, abuse and exploitation

Save the Children, an international movement for children's rights, currently comprises 30 organisations, spanning the five continents and operating in over 100 countries. Save the Children has been active for many years in raising awareness about the issue of child abuse and provides direct help to children who have suffered sexual abuse through therapeutic programme activities in many parts of the world.

This position paper gives an overview of the problem of child sexual abuse in relation to the internet from a children's rights perspective. It does not attempt to cover all aspects of the problem. It is based on the UN Convention on the Rights of the Child, and Save the Children's programme experience on this issue.

Save the Children recommends the following three main strategies in the fight against child pornography.

1. Facilitate international multi agency co-operation to combat the problem of child sexual exploitation on the internet at international, national and local level
2. Improve international law and national child protection systems in respect to the complex multi jurisdictional nature of internet crime and abuse against children
3. Challenge societal denial, minimisation and myths about the sexual abuse and exploitation of children that have manifested themselves

## 2 Executive Summary

Since the mid 1990s six Save the Children organisations have been engaged in combating the digital distribution of child pornography and raising awareness about sexual abuse and exploitation via the Internet. The work against child pornography is part of Save the Children's broader strategy in promoting the rights of the child in the context of protection from sexual abuse and exploitation. The international legal framework for this work is set out in Articles 19 and 34<sup>1</sup> on the UN Convention of the Rights of the Child 1989. Save the Children's work also includes the operation of internet hotlines. This is a referral system for the public to report potentially illegal images found on the internet. Five Save the Children hotlines are members of the international hotline network INHOPE ([www.inhope.org](http://www.inhope.org)) which coordinates and facilitates the exchanging of information and expertise amongst members.

Child pornography is a visual recording of a crime being committed and the children who appear in such pictures are, at the time the picture is being taken, subjected to degrading, abusive and humiliating acts of a criminal nature. In some of the images, they are beaten or burnt or are subjected to torturous sexual depravities. When made to pose in offensively sexual situations with others, including other children, they are subjected to psychologically distressing manipulation and abuse. No actual pornographic picture of a child has been produced without the child suffering or being exploited.

### What is child pornography?

- Child pornography is defined by the Optional Protocol on the Sale of Children, Child prostitution and Child pornography as any representation of a child engaged in real or simulated explicit sexual activities or of the sexual parts of a child for primarily sexual purposes.
- Child pornography is the evidence of the sexual abuse of a child and the production of child pornography always presupposes a crime committed towards the child.
- Child pornography objectifies and degrades children.
- Child pornography may be used by abusers as a means to manipulate a child by

Article 19 of the Convention on the Rights of the Child sets the obligation for all "States Parties [to] take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse

Article 34 obliges "States Parties [to] undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent;

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

claiming that what is happening to the child in the picture is something that many children take part in. ( Linked to the 'Grooming Process'<sup>2</sup>)

- Child pornography can lower the potential perpetrator's inhibitions and allows the offender to minimise and distort abusive behaviour. The perpetrator may use it as a justification of his abusive behaviour.

Although the expansion of the Internet has led to many positive developments for children and young people, the fact remains that criminal elements are also using this technology as a means of producing, collecting and distributing images of child sexual abuse. It is of vital importance that decision-makers, law enforcement agencies and NGOs combine their efforts to protect children and young people from being abused through the production of child pornography.

One of the major difficulties in combating child sexual abuse and the commercial sexual exploitation of children via the Internet is the international, multi-jurisdictional nature of the crime and its cross border activity. The European Union has to some extent tackled this problem by member states defining what constitutes child pornography and harmonizing legislation on the imposition of sentences within their national penal codes. The European Union has also agreed that the protection of children includes all minor citizens up to the age of 18. Save the Children welcomes this initiative.

It is important that the victims of this form of child abuse are identified and given access to justice as well as therapeutic services. Judicial systems in Europe are based on adult premises and it is difficult for children to receive justice within this system in relation to the complex dynamics of child sexual abuse <sup>3</sup>.

## **The European Union**

Save the Children believes that the European Union has an important role to play in trans national child protection issues at the European level. Save the Children welcomes the adoption of the Framework decision on combating the sexual exploitation of children and child pornography. The text states that all member states have to adjust national laws to protect all children up to the age of 18 from abuse through child pornography.

Save the Children also welcomes the European Commission's engagement in protecting children through the Safer Internet Action Plan and the proposed follow on programme Safer Internet plus. Safer Internet plus, when adopted, will run from 2005 to 2008 and will build on work carried out since 1996 to combat illegal and harmful internet content. Save the Children particularly welcomes the programme's expanded focus on new media and the involvement of the accession countries.

The Grooming Process is the strategy used by sexual abusers to manipulate the child, and potentially protective adults, so the abuse can take place in a situation where the abuser has total control over the victim. It is a process where the abuser gradually overcomes the child's resistance through a sequence of psychologically manipulative acts. It is also used to silence the child after the abuse has taken place.

Child Abuse and Adult Justice (2002): A comparative study of different European Criminal Justice systems handling of cases concerning Child Sexual Abuse: Save the Children Europe Group 2002

The international hotline network INHOPE is one of the few global responses to illegal content on the internet. The network is supported by the Safer Internet Action Plan and facilitates and coordinates the work of 18 national hotlines against illegal Internet content. Save the Children believes that this co-ordinated approach and the work of INHOPE is an important means of combating child pornography on the Internet.

## **Recommendations**

- The European Union should ensure that the Framework decision is fully implemented by member states so that they can establish clear child protection policies with regard to child sexual abuse and exploitation on the Internet.
- Save the Children welcomes the continuation of European Union action in this area through the Safer Internet Plus programme and in particular the inclusion of the new member states within this programme. We urge that Safer Internet Plus is adopted by the Council and the European Parliament in order to begin in January 2005.
- We welcome the focus within Safer Internet Plus on child pornography on the Internet in the accession countries and urge that particular emphasis is placed on this work as many of these countries are also producing child pornography.
- Member States and the Commission should take steps to further investigate the linkages between child pornography and child trafficking both in the follow up to the Safer Internet Action Plan and in the monitoring of the implementation of the Framework decision on combating the sexual exploitation of children and child pornography.

## **National Governments**

National governments have an ongoing responsibility for developing national strategies which will ensure the safety and protection of children using the internet. Governments need to be aware that changes in legislation will be necessary to meet the new demands on child protection as the Internet develops. This is particularly important given the increase in soliciting children over the internet and the so-called "grooming" process. One member state has recently introduced legislation to outlaw this practice (see section "Combating the problem what can be done").

## Recommendations

- Save the Children calls for a long-term commitment to resolve the root causes of child sexual abuse and reinforce child protection initiatives in relation to abuse via the Internet.
- Save the Children recommends that policy makers acknowledge the complexity of the problem. Child sexual exploitation is unlikely to be efficiently prevented unless the diversity of the people who sexually exploit children is fully taken into account.
- Save the Children urges governments to fully implement the Yokohama Agenda for Action, and in so doing, to recognise the problem of sexual exploitation and abuse of under 18's in its totality. We call for a move from public acknowledgement and development of plans to concrete interventions against those whom directly as well as indirectly sexually exploit children via the production and distribution of child pornography.
- Save the Children urges all national governments to ratify and implement the Council of Europe Convention on Cyber Crime.
- National Governments should fund research into the reactions and treatment of victims of child pornography. It is essential that governments raise societal awareness about the trauma children suffer through the production and distribution of child pornography
- National governments should allocate more resources to train law enforcement agencies about victim identification techniques and to foster international cooperation in such a matter.
- Child protection should remain the main focus when working with internet sex offenders
- More resources need to be made available to police and social services to train front line child protection workers about investigating possible links to the production of child pornography in child abuse investigations
- Save the Children recommends that national Governments take action to co-ordinate child protection services similar to the British Government's Task Force initiative.
- Justice and compensation to victims of sexual abuse remains an unresolved issue to be dealt with within a judicial system that takes account of the rights of the child.
- Children have the right to special protection against sexual exploitation up to the age of 18. The legal age of consent shall be separated from the upper age of protection against sexual exploitation. A child under 18 should not be considered

as able to consent to engagement in prostitution, pornography and/or trafficking for sexual purposes. The criminal responsibility should rest solely with the perpetrator.

- National Governments should allocate adequate resources to awareness raising campaigns targeting and including - as appropriate - children and adults to make them aware of how to be safe while on-line.
- Save the Children recommends that national governments adopt policies and awareness raising activities which will give the same attention to risks and to the opportunities that internet can offer. Especially to content and services created exclusively for and by children.

## **Law Enforcement Agencies**

### **Recommendations**

- Continuing formal and informal co-operation between law enforcement agencies to facilitate cross border co-operation is needed. Interpol and Europol have a vital role to play. This is a criminal offence that should be given the same priority as the work towards illegal drugs and organised crime.
- Save the Children welcomes the growing knowledge base amongst law enforcement agencies about child sexual abuse in relation to the Internet and encourages the further training of specialized child protection teams
- The rights of the child to protection and support should always be of paramount importance for law enforcement agencies and child protection services. There must be close working relationships and cooperation between these two agencies
- Resources and expertise still remain a problem in most European countries in regard to combating child pornography. These resources need to be made available and co-operation with Central and Eastern European countries needs to be strengthened
- Save the Children supports uniformity of penalties in EU and CEEC countries - as set out in the Framework decision on child pornography on the Internet and urges that the new member states joining the EU implement this decision without delay
- Law enforcement staff should be conversant with the Convention on the Rights of the Child when dealing with victims of sexual abuse
- Lawyers, judges and other judicial staff need training on this issue.

## **Internet Service Providers**

### **Recommendations**

- Save the Children recognises the vital role that Internet Service Providers have in protecting children on the Internet and urges Governments to implement legislation where self regulation has failed
- Save the Children urges self-regulatory Codes of Conduct be introduced at the European and National level on child protection.
- Save the Children encourages co-operation between National hotlines, law enforcement and Internet Service Providers
- Save the Children recommends that other private sector companies to follow the Visa ethical stance
- All chat-providers should be aware of the different ways of creating safe chat, so as to monitor chat rooms for children and to ensure good logging procedures.
- Internet service providers need training on children's rights and child protection issues in relation to abuse via the Internet.
- Internet Service providers should consider the possibility of blocking access to websites in parts of the world where legislation is seen as being ineffective in stopping the proliferation of child pornographic websites.

## **Non Governmental Organisations and the legal context on facilitating Hotline Work**

### **Recommendations**

- Save the Children encourages co-operation between NGOs working on this issue and resources need to be made available to NGOs running Hotlines together with guidelines on best practice.
- NGOs working in this field should be encouraged to join the international hotline network of INHOPE and to increase cross border collaboration Staff working on Hotline's should be carefully vetted through appropriate recruitment and child protection procedures.
- There is a need to clarify the legal status of voluntary organisations dealing with illegal material such as child pornography.

### 3 Child Sexual Abuse and the Internet: An Overview

*The secretive, complex and sinister nature of sexual abusers who use the Internet as a means of communication and distribution of abusive images is summed up by what police found when they infiltrated the "Shadowz Brotherhood" network. Authorities say some members of the group sexually abused children and then posted the images on their Web site, which also provided advice on how to meet children in Internet chat rooms. They used sophisticated encryption techniques, sometimes hiding material in seemingly innocent picture files, officials said. Police said administrators operated a "star" system to rate members: after initial vetting, new members received a one-star rating, allowing them to view certain chat rooms, newsgroups and bulletin boards. To gain further stars they had to post images of child sex abuse on the group's site; as they gained stars, they obtained greater access to restricted sites containing the most graphic material. To further increase security, the group was structured in cells whose members knew only each other, police said.*

*The Guardian Newspaper, UK, 3<sup>rd</sup> July, 2002*

#### 3.1 Save the Children Hotlines

Save the Children has implemented programs to combat the growing problem of child sexual abuse on the Internet based on commitment to the philosophy of protecting children through the UN Convention on the Rights of the Child. The first Save the Children Hotline started as a project in connection with the First World Congress on Commercial Sexual Exploitation of Children in Stockholm 1996. Save the Children Norway started operating this Hotline in January 1997, and within the first two years they received more than 6000 reports.

The conclusions and recommendations within this position paper are partly based upon the experience and knowledge gained by six Save the Children organisations that are actively involved in combating child pornography on the Internet. Five of these organisations currently run hotlines. The content of this position paper is also based on the experience that has been gained through membership of INHOPE, the international network of hotlines combating illegal content online. This network provides an important platform for exchange of expertise and the development of best practice standards among hotlines. Save the Children organisations running hotlines are all members of INHOPE.

The Save the Children organisations involved are: Save the Children Sweden, Save the Children Denmark, Save the Children Finland, Save the Children Iceland, Save the Children Italy and Save the Children Norway.

Apart from the hotlines, Save the Children organisations are active within their own countries in clinical raising awareness about safety on the Internet. An example of this is the Safer Chat site operated by Save the Children Denmark in co-operation with the Danish Crime Prevention Council, [www.sikkerchat.dk](http://www.sikkerchat.dk). This has received massive

attention amongst the general public and has enabled research to be undertaken on how children use chat sites in co-operation with the Danish National Children's Council.

### **3.2 How does a Hotline operate?**

A hotline acts as a referral system and gives the general public the opportunity to refer potentially illegal images found on the Internet to a database where the material can be assessed and forwarded to law enforcement agencies, or other hotlines in the host server country.

Save the Children hotline staff works closely together with Internet Service Providers and with national law enforcement agencies who are involved in the investigation of IT-crimes.

The hotline staff receives training and psychological counselling in order to appropriately review and deal with such a content.

There is a need for international co-operation, exchange of information and expertise between hotlines in different countries. Analysis of a referral often shows that the website originates from a country other than where the hotline is situated. The INHOPE network facilitates this important co-operation between hotlines. If for example a website is situated in the USA, reports are forwarded to the National Centre of Missing and Exploited Children in Washington. This organisation is a member of INHOPE and has formal and informal links to European hotlines.

### **3.3 The complaints received:**

The Danish Save the Children Hotline received over 4000 reports in 2003 in a country with a population of 5.5 million people. When the reports are analysed, only a certain amount is assessed as being illegal according to Danish legislation. Some reports received by Save the Children concern so-called "child erotica", whilst other reports refer to images that can be offensive to the viewer, but are not illegal under national legislation. Some reports refer to sites that only are accessible by means of payment with a credit card, or to sites that have already been closed down by the police or the Internet provider.

### 3.4 Child Pornography: What do we mean?

*"Whilst there are probably some individuals who limit their activity to collecting child pornography, in the majority of cases known to law enforcement, child protection agencies and non governmental organisations, the production and use of child pornography is one practice within a repertoire of child sexual abuse",*

*From "Rhetorics and Realities: Sexual Exploitation of Children in Europe". EU STOP Report by Professor Liz Kelly and Linda Regan (2000)*

The legal definition of what constitutes 'child pornography' varies from country to country according to different legislative framework and cultural backgrounds, in some countries it is precisely defined as to set clear criteria for its identification and prosecution, whilst in others it is left to judges to define and interpret the law. This leaves room for individual interpretation of the law. These anomalies mean that in some countries 'child erotica' or 'posing images' are excluded from the definition and it is therefore legal, while in some others it is defined as illegal, and in others it will be up to judges to decide on a case by case basis. Differences amongst national legislation might also derive from the definition of the child for the purpose of protection from sexual exploitation and abuse: while in some countries this corresponds to the age of majority (18 years of age) in others there is a parallel with the age of sexual consent. Furthermore, in some countries morphed images and apparent child pornography might also be illegal under national legislation, while this cannot be the case in other countries. The discrepancies in the definition of what child pornography is in different legislations cause one of the difficulties in the protection of children from child abuse on the internet.

While acknowledging such differences and discrepancies, Save the Children recognises the definition given by the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography as the base-line for its work. The definition includes any representation of a child engaged in real or simulated explicit sexual activities or of the sexual parts of a child for primarily sexual purposes.

Sir William Utting's (1997) report on the safeguards for children living away from home (commissioned by the UK Government) and Catherine Itzin in several articles, both suggest that exposure to pornography 'desensitises children'<sup>1</sup>. Research undertaken with child sexual abusers has shown that both adult pornography and child pornography are often used as part of the 'grooming process'<sup>1</sup> in lowering the child's resistance and as a means of facilitating the abuse. Research has also shown that some sex offenders will overcome their own internal inhibitions by viewing child pornography. There is some material which suggests that one of the most critical functions of child pornography is as a reinforcement and justification of the will to abuse<sup>4</sup>. This contradicts the discredited 'cathartic hypotheses' used by some commentators to suggest that the use of child pornography will help potential abusers control their urges to abuse a child.

<sup>4</sup> Kelly and Regan, Rhetoric and Realities: sexual Exploitation of children in Europe, 2000

Abusers often use images in which children have been forced to smile so it can be claimed, especially with younger children, that they are "having fun" and have given "consent". This allows sexual abusers to manipulate their victims. Utting, Itzin and many other commentators also suggest that child pornography can be used to "entrap children further". This entails the belief on the child's part that their involvement in the original sexual act might mean that they too have committed an offence that can be used as emotional coercion to force the child to commit further sexual aggression. This is relevant in cases where the child has been coerced into sexually aggressive behaviour against other children for purposes of producing child pornography. Alternatively, the child might be afraid that if the person possessing the image were to show it to their parents or friends that it would cause huge embarrassment or upset.

### **3.5 The overlooked problems of "child erotica"**

Parallel to the illegal images of child sexual abuse which are found on the Internet there are thousands of images which is often referred to as "child erotica". These so-called "child erotica" websites manage to avoid legal sanctions in most countries by promoting themselves as "artistic sites", other terms used cover this kind of material, e.g. "soft child porn", or "posing pictures". These sites often contain images of children posing half-dressed or naked with an emphasis on sexualising the child either overtly or covertly. Other pictures found on the Internet provide evidence that some of the children exploited by child erotica sites have been sexually abused for the purposes of illegal child pornography.

Child erotica sites usually advertise legal images of children on the opening page with the promise of more "hard core"<sup>1</sup> child pornographic material available through payment via a credit card. Save the Children believes that the easy access to child erotica could lead to an increase in children and young people being sexually abused and exploited. This development is linked to the commercial sexual exploitation of children where the economic rule of supply and demand suggests that more children will be used to fulfil this demand.

*"Some of these Russian sites make \$30,000 Dollars a month. In the distorted Russian economy, just one month is enough to survive on for years"*

*Red Herring Magazine, January 2002*

'Child Erotica' or "Posing pictures" challenge the general debate about censorship on the Internet. This is likely to be the reason why international definitions of illegal child pornography (from both Interpol and Council of Europe) do not include this kind of material. This legal vacuum means the trading of "child erotica" remains a legal activity in most countries. One Save the Children Hotline estimates that around one fourth of referrals from member of the public concern websites exhibiting " legal child erotica".

The co-operation between the Credit Card Company VISA and Save the Children on fighting child erotica (explained in the section "commercial aspects of child pornography") started in 2002.

Save the Children recommends that self-regulation initiatives are undertaken which limit the circulation of "child erotica" material. However the limited number of self-regulation schemes suggests that legislation is required in this area and more work is needed to solve the definitional problems posed by this material.

### **3.6 Child pornography and other forms of sexual exploitation of children**

Child pornography is also linked to sex tourism and trafficking where seizures of child pornography have confirmed the children's accounts of being abused in such circumstances. Many of the detected sex tourism cases include seizures of child pornography. Digital cameras and video cam recorders have made life easier for abusers who wish to make a record of their criminal behaviour for private entertainment or commercial gain. This record of the crime can then be used for their own gratification when they return home or can be exchanged with other sexual abusers as means of gaining acceptance in child sexual abuse networks. It can also be used as a commercial commodity to be sold to other sex offenders and as a means of gaining other abusive images. This often compulsive collecting behaviour usually means however that there is evidence that law enforcement agencies can use in a court of law against the perpetrator which strengthens the child's chances of obtaining justice and protection.

One of the most alarming new developments in the area of child pornography in internet is the growth of what appears to be organised crime involvement. Commercial web sites selling child pornography videos exist, many of which appears to have their origins in Eastern Europe. The potential for links with child trafficking and child prostitution are obvious further areas for concern. Dealing with this requires a major investment of law enforcement resources, at an international level and must be regarded as a high priority. Given that the children that seem to be involved in this material appear to come from economically disadvantaged regions, a focus on the identification of children in those locations must also be of the highest priority<sup>5</sup>.

### **3.7 Save the Children recommends**

- Member States and the Commission take steps to further investigate the linkages between child pornography and child trafficking both in the follow up to the Safer Internet Action Plan and in the monitoring of the implementation of the Framework decision on combating the sexual exploitation of children and child pornography.

<sup>5</sup> Max Taylor and Ethel Quayle, *Child Pornography - an internet crime*, Brunner-Routledge, 2003, p. 207

- The links between sex tourism and the production of child pornography needs to be investigated by law enforcement agencies and child protection services

## **4 The victims of Child Sexual Abuse on the Internet**

### **4.1 Identification of the victims**

The challenge for law enforcement and child protection agencies is how to trace and identify the children who are being abused for the production of pornographic material. This is of vital importance so victims can be offered therapeutic help and support to guide them through the trauma of being abused and having knowledge that images of their abuse will be in continuous circulation on the Internet. Once on the Internet, a single image of sexual assault of a child may circulate in cyber-space forever. The implications are that the child's image may circulate indefinitely and that for the child s/he will feel abused every time the image is downloaded onto a computer. Save the Children believes it is of the utmost importance that this issue is addressed.

It is a matter of grave concern for Save the Children that so few children abused for the production and distribution of child pornography have been identified and traced. Current knowledge about victims and the circumstances under which they were abused is sparse and not coordinated. In the highly publicised "Wonderland" case only 16 of the 1, 263 children sexually abused by members of the network have been identified.

In 2003 a well coordinated investigation started by the Norwegian police on behalf of Interpol, resulted in the arrest and conviction of a Swedish man for the production of child pornography and the sexual abuse of many Swedish children. This case was an important example of how an investigation by law enforcement agencies together local authority social services should be coordinated. It resulted in the arrest of a dangerous sex offender while maintaining the principle that the best interests of the child was the primary consideration

It is also important that children are not constantly reminded of the abuse they have suffered by having to repeat the traumatic events to different law enforcement officers and child protection agencies. The police and child protection services need to coordinate their investigations in order to protect the child from having to undergo repeated forensic interviews. This is good child care practice based on working together principles and should be used in all child abuse investigations.

## 4.2 Reactions of children who have been abused within the context of child pornography

There are problems in distinguishing the various effects on a child who has been subjected to sexual exploitation and subsequently knows that the images will be distributed on the Internet:

- There are effects of the abuse per se.
- There are the effects of being photographed as a victim of sexual abuse.
- There are the effects of the child's knowledge about the exchange of the photographs.

In the background paper to the Second World Congress against Commercial Sexual Exploitation of Children, John Carr writes:

"However, even where it has been possible to identify a victim, the chances of being able to help the child to recover from the trauma of the initial involvement in the abuse can be seriously compromised if the child learns or comes to believe that images of them engaged in the abusive behavior might have been scanned, or converted into a digital format in some other way, for storage on a computer or for transmission between computers e.g. over the Internet. This, in effect, makes the image part of a permanent public record. It could suddenly appear on the screen of their next-door neighbour or classmates. It may become part of the stock that is offered repeatedly for sale by online pornography sites or other types of real world businesses dealing in child pornography".

The children must not be constantly reminded of the abuse they have suffered by different authorities or agencies. Authorities and children's advocates need to co-ordinate their services in order to protect the child from having to repeat the traumatic story to a number of adults repeatedly.

The existence of a camera in the abuse situation may mean several things to the child as suggested below. Evidence suggests that the recording of sexual abuse in child pornographic images aggravates and prolongs victimisation of the child.

*"The fact that the camera is there changes the abusive behavior of the abuser. A certain script is followed; a script that often seems to increase the violence of the abuse. The presence of a camera enhances the powerlessness of the child in the abusive situation, diminishing the child's ability to interact or to say 'No' or 'Stop' The child is performing for an audience, is given orders to smile etc., thus increasing the child's sense of complicity..."*

*Anders Nyman at a speech held at the VIP expert's meeting in London, Dec 2001*

### **4.3 The collection and use of data**

Law enforcement agencies in several European countries are collecting child pornographic pictures found on the Internet in databases. In a recent Parliamentary answer on the subject of setting up a child pornography (2004/C33E/031) the Commission states:

*"The feasibility study which has been co-funded under the STOP II programme has produced various recommendations, including the key recommendation that a sophisticated networked international child sexual exploitation image database building on the fledging system at Interpol is urgently required and both technically and legally possible. The project group has agreed that the database would have to take into account the different national laws governing images of child sexual exploitation and protection of personal data... As far as the creation of the database is concerned, the Commission is not responsible for the actual setting up of such an international database, which is left to the appreciation of the member states."*

Whilst the aim is undoubtedly laudable, Save the Children has a number of reservations about such projects. Firstly, there is considerable duplication of effort, as libraries of images are being created in Sweden, Germany and the UK. This proliferation cannot be in children's interests - since their desire is for as few people as possible to see these images.

Secondly there are important dilemmas linked to the use of such data. For example, it is probable that courts in future will need more data evidence in order for a jury to find that child pornographic pictures seized are pictures of a real child, and not manipulated pictures. Identified children may be put under extreme pressure knowing that their personal data will be revealed in the court, in addition this may lead to intrusive press contact.

### **4.4 Save the Children recommends that:**

- National governments should allocate more resources to train law enforcement agencies about victim identification techniques and to foster international cooperation in such a matter.
- National Governments should fund research into the reactions and treatment of victims of child pornography. It is essential that governments raise societal awareness about the trauma children suffer through the production and distribution of child pornography.
- More resources need to be made available to police and social services to train front line child protection workers about investigating possible links to the production of child pornography in child abuse investigations

- Assessment and therapy should take into account the trauma attached to the special circumstances surrounding the filming of the sexual abuse and its posting on the Internet.
- Databases should be used with caution and with rigorous restrictions regarding who has access to them

## **5 Child Sexual abusers - Who are they?**

### **5.1 The Diversity of the Sexual Abuser - why do they do it?**

*A well publicised case in Scandinavia known as the "Kiki" or "Slave boy" case involved a Danish boy who was fostered between the age of 9 and 15. The foster-father and his friends regularly sexually abused him. When he was 11 he was taken to an Amsterdam brothel "Boy's Paradise" and also transported for prostitution in Denmark. Pornographic videos were made of his abuse and sold not only to the abusers but commercially all over Europe. Kiki eventually identified a number of men, including his foster-father, it is estimated that 150 men abused Kiki and there were at least 1000 incidents of sexual assault. He required massive therapeutic support after the abuse was disclosed.  
(Karlen and Hagner, 1995)*

This is possibly the question most frequently asked by the public, by professionals working with sex offenders, and by the offenders themselves. It is not a question with one answer. Although sex offenders can be grouped into different types, related for example to the preferred victim (eg pre-pubescent female child), types of sexual acts committed, or motivations for the offending, sex offenders will have their own unique histories, personalities, deficits, and social circumstances, all within the contexts of the prevailing cultural norms<sup>6</sup>.

It is frequently the case that stereotypical views are held about the profile of sex offenders. Research suggests that child sexual abusers are people we know and can be people that we care about. They can be family members or friends, neighbours, priests, professionals or sports trainers working with children. Research undertaken with sexual abusers has shown that many extra-familial abusers will seek contact with children through employment in schools, nurseries, children's homes etc or by engaging them in sports and other free time activities.(Abel et al 1984, Sir William Utting 1997, Morrison et al 1994, Waterhouse, 1999).

<sup>6</sup> National Association for the treatment of abusers, UK, NOTA position paper 2001, [www.nota.co.uk](http://www.nota.co.uk)

Over 80% of children who are sexually abused will have some form of relationship with their abuser either as a family member or as a close member of their local community. (Stop it Now UK & Ireland, 2003)<sup>7</sup> Many abusers will hold responsible positions in society and can be above suspicion because of this.

The knowledge and awareness about child abuse amongst professionals working with children and society in general, is critical in protecting them from abuse and exploitation. There is a lack of awareness amongst professionals working with children about the dynamics of child sexual abuse. Knowledge on how sexual abusers target and silence their victims using a sophisticated grooming process is of vital importance in preventing all forms of sexual abuse.

Child sexual exploitation is unlikely to be prevented unless we recognise the diversity of the people who sexually abuse and exploit children. Adult men, a minority of women, and other children<sup>8</sup>; exploit children sexually in different ways, for many different reasons and in various contexts. The inclination to associate sexual abuse and the commercial sexual exploitation of children exclusively with "paedophilia" in the media and public debate often fails to recognise that most sexual abusers are "ordinary people" who are close to the abused child. Because the vast majority of sexual abusers do not fit the stereotype that is portrayed in the media, society is leaving children dangerously unprotected from the vast majority of child sexual abusers. The concentration of resources on one particular group of abuser only constitutes a partial answer as to why people sexually exploit children since third party commercial exploiters in child pornography often have no sexual motives at all. Their part in the abuse of children through child pornography is based on economic exploitation. The Landslide case which started in Texas, USA in which the perpetrators made millions of dollars from hosting child pornographic web sites, is a classic example of the third party child sexual exploiter.

During the past few years, there has been a huge increase in the number of arrests for the possession and distribution of child pornography over the internet. This is largely due to law enforcement agencies improving their knowledge about the internet and how sex offenders use the internet. Internationally, police have become more skilled and adept in tracking sex offenders using the internet, because of improved internal training and international cooperation with other law enforcement agencies.

Operation Thor's Hammer in Denmark is just one example of this cooperation with different law enforcement agencies and commercial institutions such as credit card companies. In April 2004 the Danish police issued arrest warrants on 120 Danish nationals for the possession of child pornography after a long operation involving law enforcement officials in the USA and credit card companies in Denmark. The suspects had used their credit cards to enter child pornography websites hosted in the USA to purchase and download illegal images of children being sexually abused. Those arrested and charged were all men who came from all socio-economic backgrounds in Danish society. Some were professionals working directly with children such as teachers, doctors and social workers.

<sup>7</sup> See [www.stopitnow.org.uk](http://www.stopitnow.org.uk) for more information on child sexual abuse as a public health issue.

<sup>8</sup> Criminal statistics from the British Home Office 1996 and 1999 indicate that around 33% of sex offences are committed by young people under the age of 19 in the UK

One thing Internet abusers do appear to have in common is their knowledge about Information Technology. This is shown by how sophisticated some groups of child sexual abusers have become in using the Internet to communicate with each other and exchange illegal material. Other secretive and highly skilled networks of sexual abusers with similar aims and objectives have been identified and investigated by the police in recent years.

According to a survey done by the National Swedish Council for Crime Prevention, 180 men were convicted for child pornography offences during the period 1993 - 2003. There is a vast difference between the actual numbers of illegal images held, some men had two child pornographic pictures while others had in access of 77 000 pictures. In almost 40% of cases the perpetrator was also sentenced for actual sexual abuse against children, 15 % of these cases were within the family in 1/3 the men were acquainted with the child.

## **5.2 Save the Children recommends that:**

- Policy makers acknowledge the complexity of the problem. Child sexual exploitation is unlikely to be efficiently prevented unless the diversity of the people who sexually exploit children via the internet is fully taken into account.
- University and other research departments need to prioritise research in this area and co-operation with practitioners working directly with sex offenders - and be provided with the necessary resources to do so.
- The rights of the child to protection and support should always be of paramount importance for law enforcement agencies and child protection services. There must be close working relationships and cooperation between these two agencies
- Child protection should remain the main focus when working with internet sex offenders

## 6 Production, Distribution and Possession

### 6.1 The Extent of the Problem

In attempting to estimate the scale of child pornography at least two aspects need to be examined: the number of children and adults who have been abused in the production of child pornography; and the extent of child pornography itself. Child sexual abuse, in all its forms, is an enormously complex social problem that demands a high level of professional competence and co-operation between a number of professional groups. These include: police officers, social workers, psychologists, probation officers, lawyers, doctors, hotline staff. This inter-agency co-operation has been highlighted as of being of high importance in cases of child abuse. It is only recently that professionals have been trained in this new complex area of child protection.

Because of its illegal nature, the availability of child pornography is not subject to statistical analysis. Research from the COPINE project at the University of Cork in Ireland (one of the few Universities undertaking research in this area) has shown that out of the 150 000 pictures in the university's database 2000 individual children have been subjected to sexual abuse.

The general lack of data and research by child protection agencies and others means that it is currently not possible to have an overview of the extent to which child pornography is implicated in child sexual abuse. This is for two reasons: few prevalence studies ask specific questions about the involvement in pornography; and few police and child protection agencies either systematically search for child pornography in suspected cases of child sexual abuse or record its presence in their data systems<sup>9</sup>. This suggests that countries (even those that have child protection teams) do not have the capacity to deal with the specialised demands that investigating possible links to the production of child pornography presents in child abuse investigations.

### 6.2 The Digital Production Facilities

*" Computer and digital technology has transformed the political economy of all pornography making it possible for almost anyone to be producer distributor and consumer simultaneously."*

*From "Rhetoric and Realities: Sexual Exploitation of children in Europe"  
by Professor Liz Kelly and Linda Regan, 2000*

Child pornography on the Internet has expanded dramatically in recent years and appears to have largely overtaken and absorbed previous production and distribution methods of child pornographic material. Computer and digital technology allows for

<sup>9</sup> Kelly and Regan, Rhetoric and Realities; Sexual Exploitation of children in Europe, 2000

production, distribution and consumption of both stills and moving pictures of child sexual abuse as well as advanced interactive live performances. Although there appears to be an increase in well organised commercial operators, most registered child pornography is produced, circulated and collected by abusers on a non-commercial basis.

### **6.3 Technological Developments**

Authors such as Holmes et al (1998) have suggested that for people who are interested in and who are searching for pornographic material the "Internet can then be thought of as perhaps our largest (and clearly most affordable) pornographic arcade". While the production of such images and text is not new, the emergence of computer technology has enabled a massive expansion in the amount of material available and has made access relatively easy. It has also allowed for the home based, rather than just commercial, production of material through the use of scanners and digital cameras. These images can then be distributed in a myriad of ways using the Internet as an effective means of distribution. Some of the methods of distribution are: peer to peer programmes, newsgroups, E-mail, and websites.

In the future, people will have access to the internet through their mobile phones and handheld devices. There will be myriad of new services, including services locating other mobile phone users. This will mean that the opportunities and risks that internet has given and posed will be transferred and present on the third generation of mobile phones. Furthermore, children might be the biggest group of end users of Personal Mobile Devices, seen the penetration of current mobile phones.

Yet despite this change in the context in which sexual abusers might participate and distribute images of child sexual abuse, child protection services has still not been given the resources needed to provide an adequate service in most countries. Very few journals or academic literature for child protection officers or therapists working with those committing sexual offences against children make reference to the Internet or its use by sex offenders.<sup>10</sup>

### **6.4 Commercial Aspects**

The easy access to card-billing systems has made the commercialisation of child pornography a major problem. Child pornography can be easily accessed by the use of a credit card with subscription fees ranging normally from between 20-50 US Dollars a month.

In the American so-called "Landslide-case", a couple was found guilty of commercial distribution of child pornography during the period 1997-99. The Landslide web site gave paying subscribers passwords to access graphic pictures and videos of children engaging in sex acts with adults and with each other. Investigations showed that the couple had earned more than 1 million dollars net between 1997 and 1999. The lack of police resources and knowledge has led to many of these cases not being investigated in many countries with many suspected child abusers not being arrested although primary evidence exists.

<sup>10</sup> Geer et al, Empathy, social skills, and other relevant cognitive processes in rapists and child molesters, 2000

Studies on children forced into prostitution reveal that there is a connection between this form of sexual exploitation and child pornography, with up to 50 % of participants in research from Europe also reporting being abused in the production of child pornography<sup>11</sup>. German police estimate that 130.000 children in 1993 were forced by parents or other acquaintances to participate in the production of pornography.

Few commercial child pornography web sites exhibit "hard-core child pornography" on their start page. The start page usually shows legal "child erotica" with manipulative advertising suggesting that "stronger" material, will be available if you subscribe. The character of reports to Save the Children hotlines indicate that the number of such pay-sites has grown explosively during 2001-2002. It appears that many of these new sites are now based or hosted in Russia. The increase in child pornography being distributed from sites in the Eastern European countries (typically hosted in Russia) is of great concern to Save the Children. It is important that Europol enlarges co-operation with Eastern European countries. It is important to remember though, that just because a website is physically hosted on a site in, for example Russia, this does not necessarily mean that the owners are Russians.

### **6.5 Combating the problem: What can be done?**

At the first World Congress against Commercial Sexual Exploitation of Children in Stockholm in 1996, one issue of great concern was how to meet the new challenge posed by the transmission and sharing of pornographic images of children on the relatively recent medium of the Internet. Since then there has been a proliferation of child pornography on the Internet which has resulted in police, internet Service Providers and NGOs considerably upgraded their own skills in tracking the movement of child pornography, identifying its sources and bringing to court those who upload and download it.

The Internet does not acknowledge national borders and international co-operation between Law Enforcement Agencies and Hotlines is of vital importance. Several high profile police-operations have led to the infiltration and legal action against international child pornography/abuse networks. This does appear to suggest that international co-operation between Law Enforcement Agencies can result in the arrest and conviction of child sexual abusers using the Internet as means of communication and abuse if trained officers work together.

In the United Kingdom, the Government has introduced a multi disciplinary Task Force on Child protection on the Internet. This initiative has brought together the police, the Internet Service Providers, child protection organisations and NGOs.

The Home Office recommends computer awareness training for the police and child protection practitioners; to ensure that all officers know how computers can assist in the detection and investigation of crime and how to collect and preserve the integrity of digital evidence. Such training should be incorporated into the basic core curriculum for new police recruits, and be a priority for serving officers, social workers and other practitioners engaged in child protection. (Home Office, 2001, United

<sup>11</sup> Incardi 1985; Silbert and Pines, 1989 in Kelly and Regan, Rhetoric and Realities: Sexual Exploitation of children in Europe 2000

Kingdom) Save the Children would also endorse such child protection measures and would like to see similar initiatives in other countries.

*Case study showing the ability of hotlines and police to track child pornography networks: Operation Hamlet.*

*In a recent case that is currently being processed by the legal system, a step-father and his wife have been charged with sexually abusing their 11 year old daughter and distributing pictures of the abuse over the internet. Both have pleaded guilty. The photo and video images of the abuse were traded with members of a network of abusers on the Internet. Police were able to identify a further 35 children in 9 different countries who were sexually abused to produce videos and still images for members of this particular network. The abused children were either close family members or were well know to the abusers with members visiting each other to abuse their children. The Danish girl was allegedly trafficked within Denmark and abroad to be sexually abused. Information leading to the arrest of the Danish abuser was passed onto the police by the Save the Children Sweden Hotline who became aware that abusive images found in a newsgroup contained information suggesting the male abuser was Danish. This led to the infiltration of the world-wide network of sexual abusers, through the international co-operation of police forces.*

Recent legislation stemming from the group's activities has resulted in legislation to tackle paedophile "grooming" activity on- and off-line. This includes a new criminal offence relating to a meeting with a child with intent to commit a sex offence. A new civil order has also been introduced to protect children from an adult making contact with them for a harmful or unlawful sexual purpose whether by email, in Internet chat rooms, or by the school gates. (British Home Office 2002). The proposal from the Home Office also described a best practice model of Internet chat safety measures for providers; drawing on current best practice from across the industry involved in providing Internet services in the UK. This included a requirement for clear safety messages and tools, such as 'alert' buttons, to be displayed in chat rooms, and in chat rooms specifically for children, a requirement that moderators should be properly recruited, screened, trained and supervised.

It has become clear that other initiatives are required where it is not possible to use legislation to prevent the sexual exploitation of children.

Hotlines constitute a practical approach to combat child pornographic material on the Internet. Facilitated by the hotline network INHOPE, hotlines send reports to the relevant country of origin and thereby ensure that action can be taken to investigate and remove illegal material as soon as it is discovered.

Co-operation between NGOs and the private sector is an example of co-operation between different actors. In 2001 Save the Children began co-operation with VISA International in recommending that banks and card billing companies play a role in

combating child pornography through self regulation. Visa International is now blocking the possibility of payment through their credit card on child erotica websites and has written a policy paper on ethical standards in regard to company policy and child pornography. The effect of VISA'S work is detectable, and Save the Children would like to see all credit card companies join this initiative.

## **6.6 Save the Children recommends**

- Save the Children recommends that Interpol and Europol strengthen co-operation with countries in Central and Eastern Europe.
- Save the Children encourage co-operation between National hotlines, Law Enforcement and Internet Service Providers, and encourage the cross border co-operation facilitated by INHOPE.
- Save the Children recommends that other private sector companies follow the Visa ethical stance.
- Save the Children recommends that national Governments take action to co-ordinate child protection services similar to the British Government's Task Force initiative.

## **7 Awareness and safety for children using Internet**

### **7.1 Online chat**

In recent years chat rooms have been used by sexual abusers as a (means for making contact with children as part of the grooming process. Potential and actual perpetrators have exploited the anonymity of the Internet chat culture as a method of stealthily manipulating children believing they are chatting with a child of similar age. This raises serious and fundamental concerns for their safety.

There are cases coming before the courts where men have been arrested after arranging to meet children they have befriended in Internet chat rooms or via message services. Usually the abusers pose as young men or boys as a means of gaining the child's confidence by lying about their age and sharing secrets that encourage trust. Eventually they suggest a meeting. Invariably the child has kept this cyber-friendship a secret from parents and friends. The anonymity of the Internet allows the child to construct a fantasy friendship and play it out in isolated security - until the friend stops being an e-mail address and becomes a person they are going to meet.

The seriousness of the present situation was underlined when Microsoft closed down its worldwide Internet chat services. This emphasises the fact that child protection procedures do need to be constantly updated and revised in cooperation with law enforcement and child protection services.

Actual cases of abuse show that the anonymity of the chat room is open to exploitation by potential perpetrators who are skilled in making contact with vulnerable children and especially young teenagers. If a potential perpetrator establishes contact with a child through a chat room, it can be difficult for the child to see through this person's manipulation which is part of the grooming process. The potential perpetrator will act as a friend and confidant in order to create confidence and trust while planning the process leading towards the abuse. The difficulties of controlling such complex relations are enormous. One of the solutions to the problem posed by chat danger is to raise awareness among children about the possible dangers through the implementation of educational programmes and campaigns. Internet chat providers also have an important responsibility in securing the best monitoring systems and logging procedures aimed at identifying potential abusers within chat rooms.

The recent technological developments within the mobile phone industry is another area that should be closely observed due to the fact that Internet chat and SMS will be linked.

*In a recent case a 12 year old boy planned a meeting with what he thought was an 11 year old girl. The 11 year old girl turned out to be an adult male and told the boy that he was the father of the 11-year old girl and that she would be waiting at home. Once in the apartment of the adult male, the boy was forced to look at child pornographic pictures before he was able to make his escape.*

*Case Study from Save the Children Hotline*

## **7.2 Empowering children on a Safer Internet<sup>12</sup>**

The Internet has been judged by the general public and many commentators as a place where children are in need of supervision and protection. While this approach is appropriate for young children using the internet for the first time, it is mainly a response to young children's vulnerability and therefore constitutes a very first level of protection. Interventions in this sense have included filtering systems aiming -with different levels of success - at ensuring a safer access to on-line content.

However, the Internet also offers children an innovative and easily accessible way to interact with their surrounding environment. It is an interactive tool where not only their vulnerability, but also their capacity to learn is constantly challenged in relation to their chronological, emotional and psychological development. We should not view children as passive recipients of advice about potential risks. It is also important to empower and develop children's ability to protect themselves by value and transfer competences. This can only be gained by allowing children the possibility to explore the world they live in. In this sense, the development of a filtering system should be based on the notion that children are active participants able to understand and, when adequately informed, direct their choices in a positive way. A filtering system

<sup>12</sup> For a full account of this subject see, *Empowering Children on a Safer Internet*, Save the Children Italy, exp. May 2004

which is be able to propose safe alternatives whenever a page is blocked. It cannot replace a parent or an adults' support but could nonetheless help guide a younger child by encouraging and stimulating his/her reflection and critical thinking, thus allowing for the acquisition of some elements relating to self-protection.

Finally, notwithstanding children's need for special care and protection, it is also important to recognise children's capacities, interests, concerns and needs, to consider them as individuals with their own ideas, perspectives and rights. Meaningful participation means that children have the right to a have safe environment where they can exchange and download information. It is not enough to ensure the development of children's ability to protect themselves, it is also important in terms of child development to stimulate their active autonomy and sense of responsibility.

### **7.3 Save the Children recommends:**

- National Governments should allocate adequate resources to awareness raising campaigns targeting and including - as appropriate - children and adults to make them aware of how to be safe while on-line.
- Save the Children recommends that national governments adopt policies and awareness raising activities which will give the same attention to risks and to the opportunities that internet can offer. Especially to content and services created exclusively for and by children.
- All chat-providers should be aware of the different ways of creating safe chat, so as to monitor chat rooms for children and to ensure good logging procedures.

## **8 The Need for International Co-operation**

### **8.1 International Co-operation and Initiatives**

Save the Children believes that international co-operation is of fundamental importance in combating all forms of child sexual abuse and exploitation. Child pornography on the internet is a transnational crime and as such requires a transnational solution. The Council of Europe and the European Union and member states have a pivotal role to play in protecting children from sexual abuse and exploitation. They are ideally placed to disseminate knowledge, encourage international co-operation and endorse good child protection practice from individual member states. The European Union and the Council of Europe have both been active in promoting initiatives looking at child protection issues and the Internet.

The following are some of the international initiatives that have been taken in this area followed by Save the Children's recommendations. However Inter-Governmental bodies and National governments need to continue to keep this issue on the political agenda and thus develop international strategies in terms of protecting children.

## **The Council of Ministers decision Combating child pornography on the Internet -(2000/375/JHA)**

An import development in combating the distribution and production of sexually abusive images on the Internet was the Council's decision 29<sup>th</sup> May 2000. The Council's decision prescribes that member states should take the necessary steps to encourage Internet users to report suspicions of the distribution of child pornography via the Internet to law enforcement agencies. The aim to "prevent the production, treatment, possession and distribution of material containing child pornography and to promote the effective investigations and prosecutions of criminal offences in this area."<sup>13</sup>

### **Council framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography**

The European Union Council of Ministers has recently agreed to harmonize penal codes and law enforcement in connection with protection of children from sexual abuse and protect children up to the age of 18 in all member states.

The definition of the child is 18, although member states are allowed not to prosecute if the child is above the age of sexual consent. Minimum sentences vary from one to ten years depending on the type of offence. The member states have two years to introduce the necessary legislation. The text gives the option of not penalising "virtual pornography" if someone produces it for their own use. Sexual exploitation of children includes coercing them into prostitution or pornographic performances, recruiting them for prostitution and engaging in sexual acts with them where there is coercion, some form of payment or an abuse of a position of trust. Child pornography covers producing, distributing, disseminating, transmitting, supplying, making available, acquiring or possessing pornographic material. A member state has jurisdiction to prosecute offences committed on its territory, by one of its nationals or for the benefit of a legal entity based there. It also has jurisdiction if the offence was committed using a computer system that was accessed from its territory, even if the computer system itself is not on its territory. The Commission will also produce a report on how the Framework Decision has been implemented by December 2007.

### **The Safer Internet Plus programme**

In 1999 the European Commission launched the Safer Internet Action Plan, covering the period 1999-2002 which included work looking at creating a safer environment through promotion of hotlines, encouragement of self-regulation and codes of conduct, developing filtering and rating systems, facilitation of international agreement on rating systems and awareness raising amongst parents, teachers and children. This programme was extended until 2004.

The Commission has submitted the Safer Internet Plus to the European Council and the European Parliament for decision. The programme is a new four year programme with a budget of 50 million Euros which will run from January 2005 - 2008. The

<sup>13</sup> EU 2000/375/JHA

programme will build on work carried out in the previous Action plan but will include new media. It will also include the accession countries and will focus on parents, educators and children. The activities under the four Safer Internet plus action lines will include:-

- Fighting against illegal content - the Commission will continue to fund a network of hotlines reporting illegal content
- Tackling unwanted and harmful content - including work on the development of effective filtering technology and exchanges of information and best practice on anti-spam enforcement
- Promoting a safer environment - including the funding of the Safer internet Forum for the exchange of best practice on self regulation
- Awareness raising - including promoting information about safer internet use.

Save the Children welcomes the new Safer Internet Plus programme and in particular the inclusion of new technologies and the new member states. We urge that it is adopted by the Council and the European Parliament.

### **The Daphne II Programme (2004 - 2008)**

Since 1999, the European Commission has funded actions to combat violence against women and children under the Daphne programme. The programme has a €50 million budget and works to combat violence against children, young people and women and to provide support to the victims of violence and prevent their future exposure to violence. It encourages NGOs to set up and reinforce networks. Projects are funded to raise awareness of the detrimental personal and social effects of violence on victims, in their families and communities. Whilst not specifically related to child pornography on the internet, it funds projects on related issues of violence against children.

### **Council of Europe Convention on Cyber Crime**

Council of Europe Ministers met in Budapest in November 2001 to adopt the Convention on Cyber Crime. Article 9 of the Convention specifically addresses the problem of child pornography, which, makes ratifying countries aware of the necessary rules to ensure that it is regarded as a criminal offence.

The Cybercrime Convention is the first international Treaty dealing with criminal offences committed by means of or against computer networks in particular offences of child pornography. It provides for a series of procedural powers such as searches and interception of material on computer networks. The Convention's main aim as stated in its preamble is to pursue a common criminal policy aimed at the protection of society against cybercrime inter alia by adopting appropriate legislation and fostering international cooperation.

Five states have ratified the Convention on Cybercrime Albania, Croatia, Estonia, Hungary and Lithuania, and the Convention will therefore enter into force on 1 July 2004.

## **Law Enforcement**

Interpol has a Standing Experts Committee on Crimes against Minors, which is fulfilling a role as expert group for information exchange. They produce manuals to combat child sexual exploitation and set up training programs. Interpol's interest in child pornography on the internet has resulted in increased co-operation between police at the international level. They also have an international investigation project into child abuse, which has led to concrete actions in several countries. Save the Children recommends that international co-operation be strengthened under the Interpol initiative with law enforcement officers continuing to improve their knowledge through exchange of information on best practice.

## **The ILO Convention no.182**

ILO Convention 182 contains a reference to "the worst forms of child labour" comprising all forms of slavery or practices similar to slavery, this includes:

- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances,
- work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

## **The INHOPE network of hotlines**

INHOPE is one of the few international responses to illegal content and activity on the Internet and is partly funded by the European Commission. INHOPE facilitates and co-ordinates the work of 19 national hotlines against illegal internet content. Whereas a single hotline can be successful on a national level to tackle the problem, its influence is limited when content is hosted in a foreign country or the perpetrator is located abroad. The INHOPE network is an important means to co-ordinate the exchange of information and expertise between hotlines worldwide. All Save the Children hotlines are members of INHOPE

The key functions of INHOPE are:

- To establish a worldwide network of hotlines
- To exchange reports of illegal use of the internet
- To exchange expertise
- To support new hotlines
- To interface with initiatives in and outside the EU
- To educate and inform policy makers
- To set up efficient common procedures for hotline operations
- To identify new trends in cybercrime and develop solutions.

## **9 Responsibilities and Recommendations**

### **9.1 The European Union**

- The European Union should ensure that the Framework decision is fully implemented by member states so that they can establish clear child protection policies with regard to child sexual abuse and exploitation on the Internet.
- Save the Children welcomes the continuation of European Union action in this area through the Safer Internet Plus programme and in particular the inclusion of the new member states within this programme. We urge that Safer Internet Plus is adopted by the Council and the European Parliament in order to begin in January 2005.
- We welcome the focus within Safer Internet Plus on child pornography on the Internet in the accession countries and urge that particular emphasis is placed on this work as many of these countries are also producing child pornography.
- We welcome the focus within Safer Internet Plus on child pornography on the Internet in the accession countries and urge that particular emphasis is placed on this work as many of these countries are also producing child pornography.
- Member States and the Commission should take steps to further investigate the linkages between child pornography and child trafficking both in the follow up to the Safer Internet Action Plan and in the monitoring of the implementation of the Framework decision on combating the sexual exploitation of children and child pornography.

### **9.2 National Governments**

- Save the Children calls for a long-term commitment to resolve the root causes of child sexual abuse and reinforce child protection initiatives in relation to abuse via the Internet.
- Save the Children recommends that policy makers acknowledge the complexity of the problem. Child sexual exploitation is unlikely to be efficiently prevented unless the diversity of the people who sexually exploit children is fully taken into account.
- Save the Children urges governments to fully implement the Yokohama Agenda for Action, and in so doing, to recognise the problem of sexual exploitation and abuse of under 18's in its totality. We call for a move from public acknowledgement and development of plans to concrete interventions against those whom directly as well as indirectly sexually exploit children via the production and distribution of child pornography.

- Save the Children urges all national governments to ratify and implement the Council of Europe Convention on Cyber Crime.
- National Governments should fund research into the reactions and treatment of victims of child pornography. It is essential that governments raise societal awareness about the trauma children suffer through the production and distribution of child pornography
- National governments should allocate more resources to train law enforcement agencies about victim identification techniques and to foster international cooperation in such a matter.
- Child protection should remain the main focus when working with internet sex offenders
- More resources need to be made available to police and social services to train front line child protection workers about investigating possible links to the production of child pornography in child abuse investigations
- Save the Children recommends that national Governments take action to co-ordinate child protection services similar to the British Government's Task Force initiative.
- Justice and compensation to victims of sexual abuse remains an unresolved issue to be dealt with within a judicial system that takes account of the rights of the child.
- Children have the right to special protection against sexual exploitation up to the age of 18. The legal age of consent shall be separated from the upper age of protection against sexual exploitation. A child under 18 should not be considered as able to consent to engagement in prostitution, pornography and/or trafficking for sexual purposes. The criminal responsibility should rest solely with the perpetrator.
- National Governments should allocate adequate resources to awareness raising campaigns targeting and including - as appropriate - children and adults to make them aware of how to be safe while on-line.
- Save the Children recommends that national governments adopt policies and awareness raising activities which will give the same attention to risks and to the opportunities that internet can offer. Especially to content and services created exclusively for and by children.

### **9.3 Law Enforcement**

- Continuing formal and informal co-operation between law enforcement agencies to facilitate cross border co-operation is needed. Interpol and Europol have a vital role to play. This is a criminal offence that should be given the same priority as the work towards illegal drugs and organised crime.
- Save the Children welcomes the growing knowledge base amongst law enforcement agencies about child sexual abuse in relation to the Internet and encourages the further training of specialized child protection teams
- The rights of the child to protection and support should always be of paramount importance for law enforcement agencies and child protection services. There must be close working relationships and cooperation between these two agencies
- Resources and expertise still remain a problem in most European countries in regard to combating child pornography. These resources need to be made available and co-operation with Central and Eastern European countries needs to be strengthened
- Save the Children supports uniformity of penalties in EU and CEEC countries - as set out in the Framework decision on child pornography on the Internet and urges that the new member states joining the EU implement this decision without delay
- Law enforcement staff should be conversant with the Convention on the Rights of the Child when dealing with victims of sexual abuse
- Lawyers, judges and other judicial staff need training on this issue.

### **9.4 Internet Service Providers**

- Save the Children recognises the vital role that Internet Service Providers have in protecting children on the Internet and urges Governments to implement legislation where self regulation has failed
- Save the Children urges self-regulatory Codes of Conduct be introduced at the European and National level on child protection.
- Save the Children encourages co-operation between National hotlines, law enforcement and Internet Service Providers
- Save the Children recommends that other private sector companies to follow the Visa ethical stance
- All chat-providers should be aware of the different ways of creating safe chat, so as to monitor chat rooms for children and to ensure good logging procedures.

- Internet service providers need training on children's rights and child protection issues in relation to abuse via the Internet.
- Internet Service providers should consider the possibility of blocking access to websites in parts of the world where legislation is seen as being ineffective in stopping the proliferation of child pornographic websites.

### **9.5 NGOs and the legal context on facilitating Hotline Work**

- Save the Children encourages co-operation between NGOs working on this issue and resources need to be made available to NGOs running Hotlines together with guidelines on best practice.
- NGOs working in this field should be encouraged to join the international hotline network of INHOPE and to increase cross border collaboration Staff working on Hotline's should be carefully vetted through appropriate recruitment and child protection procedures.
- The legal context under which Hotlines operate within the NGO sector needs to be clarified and endorsed by the statutory sector

## **10 Bibliography**

Karlen, H and Hagner, C (1996) Commercial Sexual Exploitation of Children in some Eastern European Countries. Bangkok. ECPAT

Itzin, C (1992) Pornography: Women, Violence and Civil Liberties: Oxford University Press

The Journal of Sexual Aggression: Pornography and Sexual Aggression (2000) Vol. 6 Number 1/2 Ed.Catherine Itzin and Pat Cox: NOTA

Utting, William Sir (1998) People Like Us: The Report of the Review of the Safeguards for Children Living Away From Home.The Stationery Office, UK Government

Taylor, M and Quayle, E (2003): Child Pornography, an Internet Crime: Brunner-Routledge

Diesen C (2002): Child Abuse and Adult Justice: a Save the Children Europe Report: Save the Children Sweden.

<http://www.communitycare.co.uk/Articles/2001/03/15/30218/Cause+effect.html?kev=CAUSE+AND+EFFECT>

Cause & effect

Posted: 15 March 2001

Does possession of child pornography lead to child abuse? And could young people become child sex abusers if they view it themselves, asks Sarah Weiland.

One of the nastiest sides to the revolution in information technology is the massive increase in the availability of hard-core pornography, including child pornography. There are estimated to be one million pornographic images of children on the internet, many of them featuring children from third world countries being abused

by affluent sex tourists from the west.

Aside from the appalling suffering of the children featured, child protection campaigners and experts on sex offending believe that the increased use in child pornography is likely to be associated with a general rise in the prevalence of child sexual abuse. Research from the US points to a very strong link between people using child pornography and active involvement with child abuse.

One study carried out by the US Postal Inspections Service found that in 36 per cent of cases of possession of pornographic material featuring children, the individuals were also involved in actual abuse. Separate figures from the US Customs service reported 80 per cent of people in possession were also abusing.

So is the internet creating a new kind of sex offender, or is it just another medium that paedophiles are using? Ray Wyre, an expert on sex offenders, believes that the figures from the US offer little guidance as to how many of those using child porn accessed through the net are likely to become active abusers. He says: "There's a big debate about how many people who watch it would do it. We have no knowledge of the numbers who use it and go on to abuse children. All we know is that there are three groups." The first is people who see it out of curiosity, are turned off by it and never do it again. Then there are those who use it for fantasy and masturbation and seek more. The third group, says Wyre, consists of people who see it and want to act out their fantasies.

Wyre says the big change in his work is that he is now being asked to assess professionals and carers where pornography has been an issue. Clients include doctors, teachers and foster carers. He says: "People sometimes give the impression that they have accessed material out of curiosity or stupidity. But even to access it is to support and maintain an abuse industry. There's no consistency around the country in responding to it. We haven't even decided whether children should automatically be examined." In one case, Wyre is assessing a trainee priest who is married with children. His wife

spotted pornographic pictures on his computer and reported him to the police, and 3,400 images were found. Among them were four pornographic images of children.

Possession of child pornography is a criminal offence. The only statutory defence for people caught downloading it is if they were using it for training purposes.

Rob Hutchinson, spokesperson on children and families for the Association of Directors of Social Services, is clear that any social worker caught in possession of obscene material would face disciplinary action, and probably dismissal: "Every social services director would take the same view. Anyone using this kind of material for gratification shouldn't be in the job."

A major concern for child protection professionals is the potential for child abusers to use the internet to access children. As any parent of a young teenager knows, spending time on the net chatting and making friends is fast becoming a cool thing to do. So far in the UK there have been just a couple of high-profile cases of young girls being groomed by paedophiles posing as teenage boys in internet chat rooms, and then persuading them to meet. Last year, Patrick Green, a clerk from Buckinghamshire, was jailed for five years for having sex with a 13-year-old girl he contacted via a chat room. But if the experience of the US is reflected here, the problem is likely to grow rapidly.

Caroline Abrahams, director of public policy at children's charity NCH, says: "Quite a lot of young people using chat rooms have had disturbing experiences. One guy was sending a teenage girl pictures of himself masturbating. Is that a criminal offence? We've been taken by surprise. It's happening so fast that our systems and training haven't caught up."

Another disturbing aspect of the increased availability of pornography over the net is the potential harm to young people who access it. A few years ago, the average testosterone-charged 14-year-old may have had his first initiations into adult sexuality by passing around a porn magazine with his friends. But the internet has completely changed that. With a modicum of technological know-how, young people are now able to view all kinds of hard core pornography.

One of the known consequences of using pornography is that it desensitises people. Paedophiles often know this instinctively, which is why they use it for grooming potential victims, as part of their ploy to persuade them that their abusive activities are normal. So one likely impact of the increased availability of pornography is that there will be an increase in sexual abuse, including by young people themselves. And this is already a serious problem in the UK. A major study into the prevalence of child abuse found that one in 10 young adults, mostly female, had been forced or threatened into sex against their will by someone known to them while they were under the age of 16.

Abrahams is worried about the impact of this new dynamic on how young people think and behave. She says: "We know pornography is one of the things young people want to look for. We don't know what the consequences will be, but there is a young abuser issue here."

Child protection and law enforcement agencies are just beginning to get to

grips with the implications of the new technology. One initiative, led by NCH and the NSPCC, together with the ADSS, police and probation, is to establish a training programme for all staff working with children. John Carr, internet adviser to NCH explains. "The first element of the training is about awareness raising. Social workers and the police need to understand the way in which the internet is influencing the pattern of offending. It is very hard for professionals to provide a proper service if they don't understand the technology clients are using."

Hutchinson agrees that it is vital that social workers improve their understanding of how technological advances place children at risk. He says: "We don't know enough about the way in which the internet is being accessed by abusers. It is a new area. We all need to learn more and to understand the clues about what is happening."

Part of the fall-out of the "Wonderland" case (In Focus, 22 February), involving a ring of 180 paedophiles operating across Europe, Australia and North America, and possessing 750,000 pornographic images of children, is that people are demanding better regulation of the internet. Blair and Bush even talked about it at their recent summit in February.

Five years ago internet service providers (ISPs) were threatened with prosecution for hosting illegal material including child pornography. In response the providers set up the Internet Watch Foundation (IWF) and established a hot line for people to report illegal material. Roger Darlington, chairperson of IWF explains: "As a general rule, ISPs take the view that the volume of web pages, news groups and chat rooms is such that they can't know what's on them and be responsible for it. But if they are advised by someone like IWF that they are hosting something that is illegal they have a responsibility to remove it or they become legally liable."

Since 1996, ISPs have removed 20,000 pornographic images of children from the internet. But with an estimated 200 more being posted every day, many of them through news groups (online forums for people to discuss shared interests), it is clear that the providers are only touching the tip of the iceberg. At the moment the ISPs are considering whether they should stop hosting groups that have been found to have carried child pornography.

Darlington says: "The majority of the content is legal, however offensive. It's not an easy decision for providers to decide which groups not to host."

But Carr believes that providers could do a great deal more to make the internet safer for users, especially children. One way would be to set up moderated chat rooms, effectively meaning someone would be keeping watch on what was happening. Another proposal is "walled gardens" screening out unsuitable material. He questions the ease with which anyone can fake their identity when using the net, making it harder for people accessing or posting illegal material to be traced. After all, when you open a bank account these days, anti-money laundering legislation requires you to jump through various hoops to prove your ID. Couldn't something similar be done for the internet?

Carr says: "In the US the problem is on an upward curve. There may be as many as 2,000 convictions a year for online offences against children. The British public just wouldn't put up with that level of offending."

1 Cawson et al, *Child Maltreatment in the United Kingdom*, NSPCC, 2000

If you agree or disagree with any of the points Ray Wyre has made please write to him at [comcare.expert@rbi.co.uk](mailto:comcare.expert@rbi.co.uk) before 22 March. His responses to your questions will be posted on the site on 26 March