

# Save the Children Europe Group

Position paper regarding  
online images of sexual abuse and  
other Internet-related sexual exploitation of Children

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**Save the Children**

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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.

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 27 organisations, spanning 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 has implemented programmes to combat child abuse in all its forms. Within this programme framework, Save the Children provides direct help to children who have suffered sexual abuse by providing support through appropriate therapeutic projects. Since the mid 1990s six Save the Children organisations have been engaged in combating the digital distribution of images of sexual abuse of children and in raising awareness about child sexual abuse and exploitation via the Internet and other new technologies.

This position paper gives an overview of the problem of child sexual abuse and exploitation in relation to the Internet and other online technologies, 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 comprehensive programme experience in working on this complex issue.

Save the Children recommends the following three main strategies in the fight against Internet-related sexual abuse of children:

- Facilitate international multi agency co-operation to combat the problem of child sexual exploitation on the Internet at international, national and local levels.
- Improve international law and national child protection systems with respect to the complex multi jurisdictional nature of Internet crime and abuse against children.

- Challenge societal denial, minimisation and myths about the sexual abuse and exploitation of children.

## 2. EXECUTIVE SUMMARY

Professionals involved in managing child sexual abuse (including the judiciary) need to be aware of the role that the Internet might play; parents need to be educated in enabling safe Internet access; policy makers need to be educated in the broader context of child pornography in order that informed initiatives can be developed; politicians need to be educated in the causes and consequences of this aspect of new technologies

*Taylor, M and Quayle, E (2003) Child Pornography – An Internet Crime p.213*

The continuing work in combating images of child sexual abuse on the internet 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> of the UN Convention on 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. Save the Children hotlines are members of the international hotline network INHOPE ([www.inhope.org](http://www.inhope.org)) that coordinates and facilitates the exchange of information and expertise amongst members.

### What is 'child pornography'?

There has been much international discussion about the correct terminology that should be used to describe the sexual abuse and exploitation of children recorded on film or photograph. The term 'child pornography' is almost universally used when describing the recorded image of children who are subjected to sexual abuse to produce this material. But this term has been criticised by Save the Children as inappropriate within a child protection or children's rights framework as it can be misinterpreted and undermine the seriousness of the abuse. It also tends to oversimplify what is a very complex social problem with many diverse factors converging on the fact that there is a cross section of adults (and adolescents) that have a sexual interest in children. Research and direct work with sex offenders has shown that the vast majority of child sexual abusers are male and this is also reflected in the arrests

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<sup>1</sup> 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.

made for 'child pornography' offences over the past few years. Save the Children will use the term 'child pornography' within this text, as it is a legal definition, but this does not imply that the organisation believes in its use as a means of describing recorded sexual abuse of children. Save the Children would rather see the term 'child abuse images' used as a means of describing this phenomenon.

The term '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 and may be used by abusers as a means to manipulate a child by claiming that what is happening in the picture is something that many children take part in and enjoy being part of. The exposure to images of other children in sexually abusive situations normalises this behaviour which is then used to facilitate the abuse and make it difficult for children to come forward to disclose their own abuse. This is linked to the grooming process.<sup>2</sup>

Child pornography then, is a visual recording of a crime being committed and the children who appear in such images are, at the time the picture is being taken, subjected to criminal acts that are degrading, abusive and humiliating. In some of the images, they are beaten or burnt or are subjected to torturous sexual depravities. In others they are made to pose for the production of sexually offensive images with adults or other children or animals. This means that children are subjected to psychologically distressing manipulation and abuse which results in emotional distress and trauma. No actual pornographic picture of a child has been produced without the child suffering or being exploited.

Although the expansion of the Internet has led to many positive developments for children and young people, the fact remains that criminals, individuals as well as organised groups, 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 or being targeted by abusers when on-line.

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. European Union Member States have taken steps to tackle this problem, by defining what constitutes child pornography, and by harmonizing legislation on the imposition of sentences within

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<sup>2</sup> 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.

national penal codes. The European Union has also agreed that the protection of children includes all citizens up to the age of 18. Save the Children welcomes this.

However, very few victims of this form of child abuse are identified and given access to justice and to therapeutic services. Interpol's database of abuse images contains images of more than 20.000 individual children who have been sexually abused. Globally, less than 350 of these children have been identified and protected according to Interpol. This low number of children being identified is of great concern to Save the Children. The fact that primary recorded evidence of sexual abuse is not leading to more children being protected and given justice needs to be addressed urgently.

This lack of positive action in protecting children appears to confirm the results of research undertaken by Save the Children Europe Group on the handling of cases concerning allegations of child sexual abuse by some European judicial systems. This research suggested that judicial systems in Europe are based on adult premises and agendas, with little regard to the rights of children. It is therefore difficult for children, within judicial systems, to receive justice in relation to the complex dynamics of child sexual abuse. The report concluded that most child sexual abuse is never reported to the police, and of those that are reported, very few cases are heard before a court of law. It is imperative that all professionals working within the judicial system receive qualified training about the dynamics of child sexual abuse and the relationship to the production and distribution of child abuse images.

### **The European Union**

The European Union has an important role to play in trans-national child protection issues at the European level. Save the Children supports the adoption of the Framework decision on combating the sexual exploitation of children and child pornography. The text calls on all member states to adjust national laws to protect 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 Plus programme. Safer Internet Plus runs from 2005 to 2008 and will build on work carried out since 1996 to combat illegal and harmful Internet content. Although Save the Children appreciates the programme's expanded focus on new media and the involvement of the accession countries, we believe that greater focus is needed on the participation of children in the design of safety tools and on identification of child pornography victims.

### **Recommendations**

EU Member states should ensure that the Framework decision is fully implemented by January 2006, so that they can establish clear child protection policies with regard to child sexual abuse and exploitation on the Internet.

The EU should also ensure that it monitors the implementation of the Framework decision and that action is taken where member states fail to implement the legislation.

Save the Children welcomes the continuation of European Union action in this area through the Safer Internet Plus programme, but calls for emphasis to be placed on the participation of children themselves in the development of safety tools.

We welcome also, the focus, within Safer Internet Plus, on abuse images on the Internet in the accession countries, and urge that particular emphasis is placed on this work as child pornography is originating from many of these countries.

More emphasis is needed on helping member states identify children who are abused in the production and distribution of sexually abusive/exploitative images on the Internet. Save the Children recommends that the European Commission establishes an expert group on victim identification which should bring together police, member states, NGOs, industry and relevant parts of the Commission's services.

Member States and the Commission should take steps to investigate further the linkages between child pornography and child trafficking.

### **National Governments**

National governments have an ongoing responsibility to develop national strategies which will ensure the safety and protection of children using the Internet and those being exploited in the production of abusive images. The monitoring mechanisms envisaged by the commitments made at the First and Second World Congress's Against Commercial Sexual Exploitation of Children in Stockholm 1996 and Yokohama 2001 respectively, should help national governments maintain their focus on this aim.

The European countries that signed the Stockholm Agenda for Action must recognise the problem of sexual exploitation and abuse of under 18's in its totality. Most European governments have now implemented some kind of National Action Plan (NAP) to monitor their progress in combating the sexual exploitation of children, in accordance with the Yokohama Global Commitment. However, at the European Yokohama Follow Up Conference held in Ljubljana, Slovenia (July 2005) it was stated that many of these plans are of poor quality and lack ring fenced resources. The Council of Europe has designed and implemented the so called REACT tool to collect and monitor European government's efforts to combat child sexual exploitation, in response to the commitments made in Stockholm and Yokohama. This REACT system has also been criticised by NGO's as it only uses information from governments and not from other non-governmental sources. This may lead to discrepancies between what is reported and what is actually happening on the ground individual countries.

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. The UK has recently introduced legislation to outlaw grooming and this example needs to be followed by other national governments in order to give a clear signal that to groom minors in order to abuse them sexually is illegal, on-line as well as in any other public area.



## **Recommendations**

Save the Children urges governments to fully implement the commitments made at the First and Second World Congress's Against Commercial Sexual Exploitation of Children in Stockholm 1996 and Yokohama 2001, respectively.

Save the Children calls for a move from public acknowledgement and development of plans to concrete interventions against those who, directly as well as indirectly, sexually exploit children via the production and distribution of child pornography.

Save the Children urges all Council of Europe state 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 in victim identification techniques and to foster international cooperation in such matters.

National Governments should set up national focal points for Interpol in order to coordinate work on victim identification

More resources need to be made available to police and social services to train front line child protection workers in 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, up to the age of 18, have the right to special protection against sexual exploitation. The legal age of consent should 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 campaigns targeting and including, as appropriate, children and adults to raise awareness on how to be safe on-line.

Save the Children recommends that national governments adopt policies and awareness raising activities which will give the same attention to risks as to the opportunities that the Internet can offer. This is especially important for content and services created exclusively for and by children.

### **Law Enforcement Agencies**

Save the Children welcomes the growing knowledge base amongst law enforcement agencies about child sexual abuse in relation to the Internet and recommends the further training of specialized child protection teams.

### **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. Internet-related sexual abuse of children is a criminal offence that should be given the same priority as the fight against illegal drugs and organised crime.

The rights of the child to protection and support must always be of paramount importance for law enforcement agencies and child protection services. There must be close formalised working relationships and cooperation between the two, including training on the Convention on the Rights of the Child.

Lawyers, judges, other judicial staff and law enforcement agencies should all be trained on children's rights and on issues concerning Internet-related sexual abuse of children.

### **Internet Service Providers**

Save the Children urges the introduction of self-regulatory Codes of Conduct on child protection at the European and National levels and urges Governments to implement legislation where self regulation has failed

Save the Children encourages co-operation between national hotlines, NGOs, law enforcement agencies and Internet service providers

All chat-room providers should monitor chat rooms for children, to ensure good logging procedures and should also display clearly visible information on how to chat safely

Save the Children recommends that all Internet Service providers should undergo training in children's rights and child protection issues in relation to abuse on the Internet.

Internet Service providers should consider blocking access to websites in parts of the world where legislation is ineffective in stopping the proliferation of child pornography websites.

### **Non Governmental Organisations and the legal context of hotline work**

Save the Children encourages co-operation between NGOs working on this issue and resources, together with guidelines on best practice, need to be made available to NGOs running hotlines.

NGOs working in this field should be encouraged to join INHOPE, the international hotline network, and to increase cross border collaboration. Staff working on hotlines 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 abusive images of children.

### **3. CHILD SEXUAL ABUSE AND THE INTERNET**

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 its commitment to the protection of children and on 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, Stockholm, 1996. Save the Children Norway started operating this Hotline in January 1997, and within the first two years had received more than 6000 reports. This led to other Save the Children groups starting hotlines in their own countries.

The conclusions and recommendations in this position paper are based, in part, on the experience and knowledge gained over the last ten years by six Save the Children organisations that are actively involved in combating child pornography on the Internet. Four of these organisations currently run hotlines. Save the Children Norway and Save the Children Sweden have now closed their hotlines as the national police in both countries now have the resources and the competence to work with Internet-related sexual abuse. However, lobbying for greater focus on victim identification and improved results in this field remains a central task for Save the Children in both countries.

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 the 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.

Save the Children organisations are also active within their own countries in raising awareness about abuse on the Internet, through projects such as 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 project has received a lot of attention from the general public and has, in co-operation with the Danish National Children's Council, enabled research to be undertaken on how children use chat sites.

### **3.2 The operation of a Save the Children Hotline**

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 with Internet Service Providers and with national law enforcement agencies involved in the investigation of IT crimes. The hotline staff team receives training and access to psychological counselling to enable them to review and deal with such content appropriately.

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 that 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.

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 were analysed, not all were classed as illegal, according to Danish legislation. Some of the report material concerned so called "child erotica" which is usually characterised by showing children semi naked or sexualised posing in undergarments. 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 are only accessible by means of payment with a credit card, or to sites that have already been closed down by the police or the Internet Service Provider.

### 3.3. The definition of ‘child pornography’

"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".

Kelly, L & Regan, L. *The Journal of Sexual Aggression* (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 with 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 are therefore legal, while in others they are illegal, and in others judges to decide on a case by case basis.

Differences in 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 is not the case in others. The discrepancies in the definition of child pornography result in major difficulties in the protection of children from child abuse on the Internet.

The EU has taken steps to overcome this problem by adopting a Framework Decision<sup>3</sup> which aims at harmonising the penal codes and legislation of Member States.

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.

Save the Children supports the definition in the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.<sup>4</sup> 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.

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<sup>3</sup> See below, chapter 8

<sup>4</sup> Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

### 3.4. Effects on Children

Sir William Utting's (1997) in his 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'. Research undertaken with child sexual abusers has shown that both adult pornography and child pornography are often used as part of the 'grooming process' 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 and becoming involved with online communities who share similar interests<sup>5</sup>.

Abusers often use images in which children have been forced to look happy 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 and "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. This can be used as emotional coercion to prevent disclosure to child protection agencies or even to force the child to commit acts of sexual aggression. This is relevant in explaining 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; which again stops the child disclosing the abuse.

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

In parallel to the illegal images of child sexual abuse that are found on the Internet, there are thousands of images that are 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 are also used to 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 also been sexually abused for the purposes of illegal child pornography<sup>6</sup>.

Child erotica sites usually advertise legal images of children on the opening page with the promise of more 'hard core' 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

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<sup>5</sup> (Durkin 1997) Misuse of the Internet by paedophiles: implications for law enforcement and probation practice, Federal Probation 61(2) 14 -18 in Taylor & Quayle (2003).

<sup>6</sup> Taylor & Quayle 2003

exploitation of children where the economic rule of supply and demand suggests that more children will be used to fulfil this demand.

"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. The Danish Save the Children Hotline estimates that around one fourth of referrals from member of the public concern websites exhibiting "legal" child erotica". Sex offenders who have been convicted of downloading illegal images of child sexual abuse will often have other images that can be described as child erotica or even pictures of children posing with clothes on. This highlights the complexity of the issue which relates to the collecting of images of children.

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

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

Although the vast majority of seizures suggest that child pornography tends to be produced within domestic settings by abusers who are known to the child, we must be aware of the growing links to other forms of commercial sexual exploitation. One of the most alarming new developments in the area of child pornography and the Internet is the growth of what appears to be organised crime involvement. Commercial web sites selling child pornography videos exist, many seem to have their origins in Russia and Eastern Europe. The potential for links with child trafficking and child prostitution are further areas of concern. A major investment in terms of law enforcement resources, at both a national and international level, is necessary to deal with this development. This must be treated as a high priority at both the political and policy levels of all EU member states and of the EU commission. Given that the children involved 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>7</sup>.

### **3.7 Child Sexual Abuse and links to sex-tourism**

An abuser made legal history by being jailed in Britain for offences involving children in Cambodia and the Philippines. Peter Swale, 49, took 584 indecent photos of children in his hotel room and abused a boy aged 11 while on trips to South East Asia from 2001 and 2004. He was caught downloading other indecent images at an Internet cafe in Ipswich. A total of 3,865 images were found by police on his home computer in Huntingdon, Cambridgeshire. Swale, a lorry driver, from New Zealand, was jailed for

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<sup>7</sup> Taylor, M and Quayle, E 2003 p.207

three years and nine months at Ipswich crown court. He was banned from working with children for life.

*The Daily Mirror, 11 May 2005*

Child pornography is also linked to sex tourism and trafficking where seizures of child pornography have confirmed children's accounts of being abused in such circumstances. 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 it 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 is linked to the collecting behaviour of sexual abusers who use their own images as currency to swap and barter with other paedophiles within online communities. This psychologically compulsive collecting behaviour has only recently been researched.<sup>8</sup> But this also means that primary evidence is available to law enforcement agencies that can be used in a court of law against the perpetrator. This strengthens the possibility of obtaining justice, protection, and appropriate therapy for the abused child.

Member States and the Commission, law enforcement agencies and child protection services need to take steps to investigate the linkages between child pornography, sex tourism and child trafficking

## **4 THE VICTIMS OF CHILD SEXUAL ABUSE IN CONNECTION WITH THE INTERNET**

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

We have very little knowledge about the children who appear in child pornography – very few are ever identified.

*Taylor, M & Quayle, E (2003). P.19*

Tracing and identifying the children who are abused for the production of pornographic material are major challenges for law enforcement and child protection agencies. This is of vital importance so victims can be offered therapeutic help and support to guide them through the trauma of being abused and of knowing 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 will circulate in cyber-space forever. The implications of this are that the child's image could be downloaded and copied onto a computer many times with many people having the possibility to see the child being sexually abused. This knowledge will follow

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<sup>8</sup> See Taylor & Quayle (2003) and O'Connell Davidson, J (2005) for more information and discussion on the psychology of collecting child abuse images



the victim into their adult life. Save the Children believes it is of the utmost importance that this issue is addressed by politicians at national and international levels.

Interpol's Child Abuse Image database has been in operational use since 2001 and consists of more than 200 000 images, showing the sexual abuse of over 20.000 individual children. The database was recently supplemented when 700.000 images which were transferred from the University College, Cork Copine Project.

It is distressing to report that, according to Interpol, less than 350 of these sexually abused children have been identified and become the subject of a child protection investigation. This low number is unacceptable and requires urgent action by all law enforcement agencies in collaboration with Interpol.

It is a matter of grave concern 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 1263 children sexually abused by members of the network, have been identified.

In 2003 a well coordinated investigation initiated 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 almost 40 Swedish children. This case was an important example of how an interdisciplinary investigation by law enforcement agencies from different countries, together with local authority social services, should be coordinated. It resulted in the arrest of a dangerous sex offender while maintaining the principle that the protection of the interests of the children was the primary consideration of the investigation. This shows that good practice can be achieved at the international level in child protection investigations involving the production and distribution of child abuse images.

It is 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 co-ordinate their investigations in order to protect the child from having to undergo repeated forensic interviews. This is good childcare practice based on working together principles and should be used in all child abuse investigations. The Children's House model adopted in Iceland is a good example of how child abuse investigations should be conducted.<sup>9</sup>

## **4.2. Reactions of children who have been abused**

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:

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<sup>9</sup> See the Save the Children report Child Abuse and Adult Justice (Diesen 2003) for more information on this model. Information can be obtained from Icelandic child protection services: [www.bvs.is/inc/sersidur.php?prenta=1&ser=39](http://www.bvs.is/inc/sersidur.php?prenta=1&ser=39)

- 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 distribution 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 behaviour 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”.

Victim identification is of paramount importance in this respect, but 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.

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

"The fact that the camera is there changes the abusive behaviour 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, Psychologist, Save the Children Sweden, 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 database (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 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. It would serve children's interests to have one central agency which would be responsible for the collection of images and coordination of identification of victims at the international level. Interpol could undertake this delicate task as they already hold a database of child abuse images for victim identification purposes.

Secondly there are important dilemmas linked to the use of such data. For example, it is probable that, in future, courts will need more data evidence in convince 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. This may lead to intrusive press contact.

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

National governments should allocate more resources to training law enforcement agencies in victim identification techniques, and to foster international cooperation.

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 in investigating possible links to the production of child pornography in child abuse investigations

Assessment and therapy should take into account the impact of the special circumstances surrounding the filming of the sexual abuse and its posting on the Internet, on the victim.

Databases should be used with caution and with rigorous access restrictions. Save the Children recommends that the Interpol database become the central unit for information on offenders and identified children.

## **5 CHILD SEXUAL ABUSERS - WHO ARE THEY?**

### **5.1. The Diversity of sexual abusers**

Sexual interest in children is much more widespread than we might imagine. In the present climate, few people would openly acknowledge this, but in a sense, the numbers engaged in behaviours associated with accessing child pornography on the internet gives us an indication of the extent of such interest ... Some practitioners find conclusions of this kind difficult to accept. Sometimes this may be because they have a vested interest in maintaining a particular personal position.

*Taylor, M & Quayle, E (2003) P. 198 - 199*

“Sexual abusers; who are they and why do they do it?” are possibly the questions most frequently asked question by the public and by professionals working to protect children from sexual abuse. It is not a question with one answer. Although sex offenders can be grouped into different types, related for example to the preferred victim (e.g. pre-pubescent female child), types of sexual acts committed , or motivations for offending, sex offenders will have their own unique histories, personalities, deficits, and social circumstances, all within the contexts of the prevailing cultural norms.<sup>10</sup> Sex offenders are a very diverse group of people and convictions gained against Internet sex offenders show that this group come from all socio-economic levels in society and therefore can not be put in one particular category.

Research suggests that there are four broad classes of sex offending behaviours associated with the Internet:

- Downloading images of children being sexually abused,
- Trading these images with other sexual abusers,

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<sup>10</sup> National Association for the treatment of abusers, UK, NOTA position paper 2001, [www.nota.co.uk](http://www.nota.co.uk)

- Producing images of child sexual abuse for one's own gratification, commercial gain, acceptance amongst groups of online child sexual abusers and collecting behaviour,
- Seduction of children through chat groups etc.<sup>11</sup>

Stereotypical views are frequently held about the profile of both contact and non contact internet sex offenders. Research suggests that child sexual abusers are people we know and can be people that we care about. This is also the case concerning individuals who have been convicted of downloading child pornography. 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) It is difficult to establish how many who download child abuse images will go on to abuse a child but it is clear most have a sexual interest in children. It is therefore important to undertake a comprehensive risk assessment of all those convicted of downloading child abuse images.

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>12</sup> Many abusers will hold responsible positions in society and can be seen as being 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 and the possible links to the production of child abuse images. 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>13</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. This can leave children vulnerable to abuse.

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

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<sup>11</sup> Taylor & Quayle 2003

<sup>12</sup> See [www.stopitnow.org.uk](http://www.stopitnow.org.uk) for more information on child sexual abuse as a public health issue.

<sup>13</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

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 not to undermine the dangers that individuals and groups of men who are defined, or define themselves as paedophiles present to children.<sup>14</sup> Paedophiles do present very real danger to children, but the psychiatric diagnosis "paedophilia" covers only a small section of sexually abusive men and does not include teenage boys under the age of 16 who download and distribute child abuse images. Adolescents are also responsible for a significant number of sexually abusive assaults on other children.

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 majority of child sexual abusers. This also includes sex offenders who download, distribute or produce images of child sexual abuse on the Internet. 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. This case also led to the identification of over 7,000 people in the UK (known as Operation Ore) where their credit card had been used to access child abuse images through the landslide website. This case demonstrates the acute difficulty in assessing and offering treatment to all internet abusers.

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 online abuse and how sex offenders use the Internet as part of their offending behaviour patterns. 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 between 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,

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<sup>14</sup> It should be emphasised that the choice of young victims is not necessarily the same as paedophilia. Paedophilia (according to the DSM-IV diagnostic system, American Psychiatric Association, 1994), implies enduring sexual fantasies or actual abuse involving children who have not reached puberty, committed by a person aged at least 16 and with an age difference of at least 5 years.

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 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.

But it must be emphasised that the vast majority of those downloading, producing and distributing will not be caught and held responsible for their actions.

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.

‘Research suggests that child pornography can reinforce sexual fantasies involving children and lower the potential perpetrators internal inhibitions thus allowing the offender to minimise and distort abusive behaviour. The potential perpetrator who is at the stage of actively seeking to overcome internal barriers is able to find online communities on the Internet that will support and condone the collection, distribution and production of child abuse images<sup>15</sup>. This in turn allows the abuser to use cognitive distortions to justify sexual fantasies about children that in some cases will lead to contact abuse.

The ease of access and the increase in the amount of abusive images of children on the Internet appears to have added to this cycle of violence and abuse against children. Those offenders who produce child pornography are by definition contact sexual abusers but not all Internet sex offenders who distribute and download abusive images of children will go on to sexually abuse children.<sup>16</sup>

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<sup>15</sup> E.g. Denmark. Danish Paedophile Association [www.danpedo.dk](http://www.danpedo.dk)  
USA - NAMBLA (North American Man / Boy Love Association) <http://www.nambla1.de/>

<sup>16</sup> Taylor & Quayle (2003)

## 5.2. Save the Children recommends:

Policy makers must acknowledge the complexity of the problem of internet sex offenders. Child sexual exploitation is unlikely to be efficiently prevented unless the diversity of offenders and their modus operandi is fully taken into account.

University and other research departments need to prioritise research in this area and to co-operate with practitioners working directly with sex offenders. They must be provided with the necessary resources to do so.

The right 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 and the rights of the child should remain the main focus when working with Internet sex offenders. This should be reflected in sentences given by the judicial system

## 6. PRODUCTION, DISTRIBUTION AND POSSESSION

It would be wrong to say that thousands of pre-pubertal children are daily exploited in a vast and hugely profitable trade in child pornography. But the fact that child pornography and 'erotica' can play an important role in the management and expression of paedophilic desire certainly does contribute to the sexual exploitation of some children for commercial as well as non-commercial ends.

*O'Connell Davidson, J (2005) P. 103*

### 6.1 The extent of abuse images on the Internet

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 etc. This inter-agency co-operation has been highlighted as being of great importance in cases of child abuse. It is only recently that professionals have been trained in this complex new 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 more than 2000 individual children have been subjected to sexual abuse<sup>17</sup>.

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>18</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. 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.

Kelly, L and Regan, L (2000)

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

For people who are interested in, and search for pornographic material, the "Internet can 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

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<sup>17</sup> In August 2004 COPINE's database was handed over to Interpol. The University of Cork still continues to study the phenomenon of Child pornography and sexual abuse of children via and on the Internet.

<sup>18</sup> Kelly and Regan, 2000

means of distribution. Some of the methods of distribution are: peer to peer programmes, newsgroups, E-mail, and websites.

Today, people also have access to the Internet through their mobile phones and handheld devices. There is a myriad of new services, including services locating other mobile phone users. This means that the opportunities and risks that the Internet has given and posed will be transferred and present on the third generation of mobile phones. The main difference from the Internet, with regard to children's access to chat rooms via their mobile devices, is that most young people carry their own mobile phone and consider it as a personal possession, such as a bracelet or a diary. The mobile phone is closer to you than the Net and guarantees availability and instant contact. Thus, young people are more likely to be on their own – anywhere – when accessing chat rooms or other communication services. Adults, in their communication, frequently use the close personal relation one can obtain via the mobile phone with children. Potential abusers also exploit the fact that communications via text messages and phone conversations are harder to trace than Internet dialogue.

Yet despite this change in the context in which sexual abusers might participate and distribute images of child sexual abuse as well as entice children for sexual contact, child protection services have 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 people who commit sexual offences against children make reference to the Internet or its use by sex offenders.<sup>19</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 easily be accessed by the use of a credit card with subscription fees usually ranging from between 20-50 US Dollars a month. There has been very little research undertaken that looks at the number of children under the age of 18 who are involved in the commercial sex industry. There are many commercial websites that openly advertise as catering for those interested in teenagers. It is not clear how many of the models that pose on these sites are under 18 as the industry goes to great lengths to claim that they are over 18.<sup>20</sup> The recorded sexual abuse of pre-pubertal children was thought to be non-commercial by most law enforcement agencies, child pornography being produced by paedophiles for their own networks and collections. The Internet does appear to be changing this with Pay-per-view and the ease of distribution allowing for huge profits to be made.

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

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<sup>19</sup> Geer et al, Empathy, social skills, and other relevant cognitive processes in rapists and child molesters, 2000

<sup>20</sup> O'Connell Davidson (2005)

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 such cases not being investigated in many countries, resulting in many suspected child abusers not being arrested despite the existence of primary evidence.

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>21</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 explicit abuse images 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 indicates 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 Eastern European countries (typically hosted in Russia) is of great concern to Save the Children. It is imperative that Europol extends 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 abuse images of children**

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 of, 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, if trained officers work together.

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<sup>21</sup> Incardi 1985; Silbert and Pines, 1989 in Kelly and Regan, Rhetoric and Realities: Sexual Exploitation of children in Europe 2000

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 should be a priority for serving officers, social workers and other practitioners engaged in child protection (Home Office, 2001, United Kingdom). The UK government has also announced that it is establishing a national multi disciplinary online child protection unit. The centre for child protection on the internet will have around 100 staff and will start work by April 2006.

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

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

Operation Hamlet started in a provincial Danish Town. 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 (his T-shirt had a Danish Company Logo). This led to the infiltration of the world-wide network of sexual abusers who were mainly parents or carers abusing their own children or children in their care. The photo and video images of the abuse were traded with members of the network on the Internet. The abuse involved sado-masochism and other forms of torture which in some cases was broadcast live over the internet. The cooperation between Interpol, Danish police, FBI, and US Customs Service led to arrests worldwide and resulted massive media attention. Over 100 children who were abused by the network have been identified in the USA. The Danish girl was allegedly trafficked within Denmark and abroad to be sexually abused. When they were arrested the parents were planning a trip with the victim to a member of the network in Germany. The Danish step-father and his wife have now been convicted for sexually abusing their 11 year old daughter and distributing pictures of the abuse over the Internet. The male abuser was sentenced to 3½ years in prison and the mother ordered to receive psychiatric care. The trial of a San Diego psychologist who is alleged to have abused several children as a member of the network will start in October 2005.

The UK has also introduced legislation to tackle paedophile "grooming" activity on- and off-line. This includes a new criminal offence relating to meeting with a child with intent to commit a sex offence. A

new civil order has 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.

The proposal from the Home Office has also introduced 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 requirements for clear safety messages and for tools, such as 'alert' buttons, to be displayed in chat rooms. It also included a requirement that moderators of chat rooms specifically for children, 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.

Save the Children Norway has, for the last two years, lobbied for similar legislative measures in Norway and is currently participating in a cross departmental group with the police to consider this issue. However, it is obvious to Save the Children that legislation alone is not enough to secure children's right to protection on line but is an important signal to perpetrators that the enticement of children is illegal. In addition, a definite legislation makes it clear to the police that cases concerning online sexual abuse of children have to be prioritised.

Hotlines constitute a practical approach to combating 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 cooperating with VISA International in recommending that banks and card billing companies play a role in combating child pornography through self regulation. Visa International now blocks the possibility of payment through their credit card on child erotica websites and has written a policy paper on ethical standards w 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 encourages co-operation between National hotlines, Law Enforcement agencies and Internet Service Providers, as well as the cross border co-operation facilitated by INHOPE.

Save the Children recommends that other private sector companies follow the Visa card company's 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 way of 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 into 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 *de facto* 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 are another area that should be closely observed due to the fact that Internet chat and SMS will be linked.

In a recent Danish 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 when the adult left the room.

Case Study from Save the Children Denmark Hotline

## **7.2 Empowering children to be safe on the Internet<sup>22</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 - to ensure 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. It is important to empower and develop children's ability to protect themselves. The development of filtering systems 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 should 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.

## **7.3 Self victimisation and risk taking behaviour**

Save the Children have become increasingly aware of a number of accounts where children and young people, either through cameras, mobile phones or web cams, have taken sexual photographs of themselves and circulated them to others via the Internet. It appears that these children are unaware of the consequences of such behaviour and how this risk taking behaviour puts them at risk of sexual exploitation and possible ridicule amongst their peer group. Research has shown that adults with a sexual interest in children frequently visit websites with 'erotic' pictures of teenagers in order to recruit sexual partners and the children in the pictures often receive unwanted attention following the publication. The images are often distributed to other pornographic websites, downloaded on mobile phones or distributed to an unknown number of recipients via e-mail.

In several cases, video-clips have been subsequently auctioned through an Internet auction site (by a youth). There are now websites in Denmark, Norway and Sweden where teenage girls and boys are asked to film parts of their body and send them in to a website where they can either receive

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<sup>22</sup> For a full account of this subject see, *Empowering Children on a Safer Internet*, Save the Children Italy, exp. May 2004

financial reward or be judged by visitors to the website whereby they will be awarded points. Such web sites have hundreds of thousands of users in Scandinavia. This form of risk taking behaviour needs to be researched and documented so child protection strategies that target the risk taking behaviour of some teenagers can be implemented. Save the Children Norway has recently filed charges against five such web sites in Norway for showing explicit sexual images of minors.

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 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.

#### **7.4 Save the Children recommends:**

National Governments should allocate adequate resources to campaigns, targeting and including, as appropriate, children and adults, to raise awareness on how to be safe on-line.

Save the Children recommends that national governments adopt policies and awareness raising activities which will give the same attention to risks as to the opportunities that Internet can offer. This should focus on content and services created exclusively for and by children.

All chat-providers should be aware of the different ways of creating safe chat rooms, to ensure effective monitoring of chat rooms for children and good logging procedures.

More Governments should follow the example of the United Kingdom in implementing legislation against grooming of children online as well as in other arenas. Children have the right to be protected from adults planning or travelling to abuse them sexually.

## **8 THE NEED FOR INTERNATIONAL CO-OPERATION**

### **8.1 International Initiatives**

International co-operation is of fundamental importance in combating all forms of child sexual abuse and exploitation. Child pornography on the Internet is a trans-national crime and as such requires a trans-national 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 practices 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 undertaken in this area, followed by Save the Children's recommendations. 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 important development in combating the distribution and production of sexually abusive images on the Internet was the Council's decision of May 2000 obliging member states to take the necessary steps to encourage Internet users to report suspicions of the distribution of child pornography via the Internet to law enforcement agencies. It is aimed 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>23</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 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 all persons up to the age of 18 years, 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. 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 of children. A member state has jurisdiction to prosecute offences committed on its territory, by a national, 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 the promotion of hotlines, encouragement of self-regulation and codes of conduct, developing filtering and rating systems,

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<sup>23</sup> EU 2000/375/JHA

facilitating international agreement on rating systems and awareness raising amongst parents, teachers and children. This programme was extended until 2004.

The European institutions have adopted the Safer Internet Plus programme. It is a four year programme, with a budget of €50 Million, which runs from 2005 – 2008. The programme builds on work carried out in the previous Action Plan but will include new media. It also includes the accession countries and will focus on parents, educators and children. The activities under the four Safer Internet plus action lines 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. However Save the Children believes that greater focus is needed on the participation of children in the design of safety tools. Save the Children also believes that more emphasis is needed on helping member states identify children who are abused in connection with the production and distribution of sexually abusive/exploitative images on the Internet

### **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, 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 Cyber crime 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 cyber crime, inter-alia by adopting appropriate legislation and fostering international cooperation.

Ten Council of Europe states have ratified the Convention on Cybercrime and the Convention entered into force on 1 July 2004.

### **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 23 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 cyber crime

## **9 RESPONSIBILITIES AND RECOMMENDATIONS**

### **9.1 The European Union**

EU Member states should ensure that the Framework decision is fully implemented by January 2006 so that they can establish clear child protection policies with regard to child sexual abuse and exploitation on the Internet.

The EU should ensure that it monitors the implementation of the Framework decision and that action is taken where member states have not adjusted their national laws to implement the legislation

Save the Children welcomes the continuation of European Union action in this area through the Safer Internet Plus programme. We urge more emphasis be placed on the participation of children themselves, in the development of safety tools, in the Safer Internet Plus programme.

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.

More emphasis is needed on helping member states identify children who are abused in connection with the production and distribution of sexually abusive/exploitative images on the Internet. Save the Children recommends that the European Commission establishes an expert group on victim identification which should bring together police, member states, NGOs, industry and relevant parts of the Commission's services.

Member States and the Commission should take steps to further investigate the linkages between child pornography and child trafficking.

## **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 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 who 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 should 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 campaigns targeting and including, as appropriate, children and adults, to raise awareness 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 as to the opportunities that Internet can offer, particularly with regard to content and services created exclusively for and by children.

### **9.3 Law Enforcement**

The role of law enforcement agencies is of vital importance at both national and international levels in protection children from online sexual exploitation.

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 fight against 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 right 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

Inadequate resources and expertise are a problem in most European countries in combating child pornography. Resources need to be made available, and co-operation with Central and Eastern European countries needs to be strengthened

Save the Children supports a uniformity of penalties in EU and Central and Eastern European countries, as set out in the Framework decision on child pornography on the Internet, and urges new member states in the EU to 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 the introduction of self-regulatory Codes of Conduct on child protection at the European and National levels.

Save the Children encourages co-operation between National hotlines, law enforcement agencies and Internet Service Providers.

Save the Children recommends that other private sector companies to follow the ethical stance of the VISA company.

All chat-room providers should monitor chat rooms for children, to ensure good logging procedures and should also display clearly visible information on how to chat safely

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 blocking access to websites in parts of the world where legislation is 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, and guidelines on best practice, need to be made available to NGOs running Hotlines.

NGOs working in this field should be encouraged to join INHOPE, the international hotline network, 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 abusive images of children.

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