

Save the Children Europe Group

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

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

Save the Children have been at the forefront in the fight for the rights of the child since 1919.

Save the Children works for:

A world which respects and values each child

A world which listens and learns

A world where all children have hope and opportunity

A world where children are protected from violence, abuse and exploitation

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

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

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

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

2 Executive Summary

Since the mid 1990s six Save the Children organisations have been engaged in combating the digital distribution of child pornography and raising awareness about sexual abuse and exploitation via the Internet. The work against child pornography is a 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 mandate for this work is set out in Articles 19 and 34¹ on the UN Convention of the Rights of the Child 1989. Save the Children's work also includes the operation of internet hotlines. This is a referral system for the public to report potentially illegal images found on the internet. Five Save the Children hotlines are members of the international hotline network INHOPE (www.inhope.org) which coordinates and facilitates the exchanging of information and expertise amongst members.

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

What is child pornography?

- Child pornography is defined by the Optional Protocol on the Sale of Children, Child prostitution and Child pornography as any representation of a child engaged in real or simulated explicit sexual activities or of the sexual parts of a child for primarily sexual purposes.
- Child pornography is the evidence of the sexual abuse of a child and the production of child pornography always presupposes a crime committed towards the child.
- Child pornography objectifies and degrades children.
- Child pornography may be used by abusers as a means to manipulate a child by claiming that what is happening to the child in the picture is something that many children take part in. (Linked to the 'Grooming Process'²)

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.

² The Grooming Process is the strategy used by sexual abusers to manipulate the child, and potentially protective adults, so the abuse can take place in a situation where the abuser has total control over the victim. It is a process where the abuser gradually overcomes the child's resistance through a sequence of psychologically manipulative acts. It is also used to silence the child after the abuse has taken place.

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

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

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

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

The European Union

Save the Children believes that the European Union has an important role to play in transnational child protection issues at the European level. The framework decision on which political, but not final, agreement has been reached at the time of writing by EU member states to combat child pornography and harmonize sentences for the sexual exploitation of children is an important step in the right direction. Under the Framework decision on combating the sexual exploitation of children and child pornography, all member states have to adjust national laws to protect all children up to the age of 18 from abuse through child pornography. This also applies to so-called "virtual pornography", lifelike images of children.

Save the Children also welcomes the European Commission's engagement in protecting children through the Safer Internet Action Plan. The continuation of the programme from 2003 to 2004 is important and it should continue to build networks across Europe that will teach children the positive benefits of the Internet whilst also focusing on child protection.

³ Child Abuse and Adult Justice (2002): A comparative study of different European Criminal Justice systems handling of cases concerning Child Sexual Abuse: Save the Children Europe Group 2002

Recommendations

- The European Union should ensure that the Framework decision is fully implemented by member states so that they can establish clear child protection policies with regard to child sexual abuse and exploitation on the Internet.
- Save the Children urges the European Commission to continue its role in supporting the European Hotline work through the Safer Internet Action Plan.
- Greater prominence should be given to children's rights and the issue of child pornography on the Internet in the accession countries.

National Governments

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

Recommendations

- Save the Children calls for a long-term commitment to resolve the root causes of child sexual abuse and reinforce child protection initiatives in relation to abuse via the Internet.
- Save the Children strongly urges Governments to implement fully 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 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 Cybercrime.
- National Governments should fund research into the reactions and treatment of victims of child pornography. It is essential that governments raise societal awareness about the trauma children suffer through the production and distribution of child pornography
- More resources need to be made available to police and social services to train front line child protection workers about investigating possible links to the production of child pornography in child abuse investigations
- University and other research departments need to prioritise research in this area and be provided with the necessary resources to do so.

 Awareness raising efforts regarding chat safety are crucial and governments should be responsible for implementing efforts that teach children to be aware of the potential dangers of online chat.

Law Enforcement Agencies Recommendations

- Save the Children recommends continuing formal and informal co-operation between law enforcement agencies to facilitate cross border co-operation. Interpol and Europol have a vital role to play here and continued and greater efforts need to be made by them to share investigation techniques and identification methods.
- 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 specialised child protection teams.
- Victim identification databases should be used with caution and with rigorous restrictions regarding who has access to them.
- Law enforcement staff should be trained in the Convention on the Rights of the Child when dealing with alleged victims of sexual abuse.
- Lawyers, judges and other judicial staff need training on the issue of children's rights and child protection.

Internet Service Providers Recommendations

- Save the Children recognises the vital role that Internet Service Providers have in protecting children on the Internet and urges Governments to implement legislation where self regulation has failed.
- Code of Conducts should be introduced by Internet Service Providers at the European and National level on child protection.
- Save the Children encourages co-operation between National hotlines, Law Enforcement and Internet Service Providers.
- Internet service providers need training on children's rights and child protection issues in relation to abuse via the Internet.

Non Governmental Organisations and the legal context on facilitating Hotline Work

Recommendations

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

3 Child Sexual Abuse and the Internet: An Overview

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

The Guardian Newspaper, UK, 3rd July, 2002

3.1 Save the Children Hotlines

Save the Children has implemented programs to combat the growing problem of child sexual abuse on the Internet based on commitment to the philosophy of protecting children through the UN Convention on the Rights of the Child. The first Save the Children Hotline started as a project in connection with the First World Congress on Commercial Sexual Exploitation of Children in Stockholm 1996. Save the Children Norway started operating this Hotline in January 1997, and within the first two years they received more that 6000 reports. The conclusions and recommendations within this position paper are partly based upon the experience and knowledge gained by six Save the Children organisations that are actively involved in combatting child

pornography on the Internet. Five of these organisations currently run hotlines. The content of this position paper is also based on the experience that has been gained through membership of INHOPE, the international network of hotlines combatting illegal content online. This network provides an important platform for exchange of expertise and the development of best practice standards among hotlines. Save the Children organisations running hotlines are all members of INHOPE.

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

Apart from the hotlines, Save the Children organisations have been active within their own countries in raising awareness about safety on the Internet. An example of this is the Safer Chat site operated by Save the Children Denmark in co-operation with the Danish Crime Prevention Council, www.sikkerchat.dk. This has received massive attention amongst the general public and has enabled research to be undertaken on how children use chat sites in co-operation with the Danish National Children's Council.

3.2 How does a Hotline operate?

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

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

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

3.3 The complaints received

The Danish Save the Children Hotline receives between 5000 and 6000 reports per year in a country with a population of 5.5 million people. When the reports are analysed, only a certain amount is assessed as being illegal according to the Danish Penal Code. Some reports received by Save the Children concern so-called "child erotica", Some reports refer to images that can be offensive to the viewer, but are not illegal under national legislation. Finally some reports refer to sites that only are accessible if you pay with credit card, or to sites that have already been closed down by the police or the Internet provider.

3.4 Child Pornography: What do we mean?

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

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

Child pornography is defined by the Convention on the Rights of the Child (Art. 34) and, in particular, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The definition includes any representation of a child engaged in real or simulated explicit sexual activities or of the sexual parts of a child for primarily sexual purposes.

Sir William Utting's (1997) report on the safeguards for children living away from home (commissioned by the UK Government) and Catherine Itzin in several articles, both suggest that exposure to pornography 'desensitises children'. 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. There is some material which suggests that one of the most critical functions of child pornography is as a reinforcement and justification of the will to abuse⁴. This contradicts the discredited 'cathartic hypotheses' used by some commentators to suggest that the use of child pornography will help potential abusers control their urges to abuse a child.

Abusers often use images in which children have been forced to smile so it can be claimed, especially with younger children, that they are "having fun" and have given "consent". This allows sexual abusers to manipulate their victims.

Utting, Itzin and many other commentators also suggest that child pornography can be used to "entrap children further". This entails the belief on the child's part that their involvement in the original sexual act might mean that they too have committed an offence that can be used as emotional coercion to force the child to commit further sexual aggression. This is relevant in cases where the child has been coerced into sexually aggressive behaviour against other children for purposes of producing child pornography. Alternatively, the child might be afraid that if the person possessing the image were to show it to their parents or friends that it would cause huge embarrassment or upset.

⁴ Wyre, R.1992 Pornography and Sexual Violence: Working with Sex offenders; Oxford University Press and Bibby, P et al 1996 Organised Abuse Arena Press; NOTA Research Paper, NOTA News, 2002.

3.5 The overlooked problems of "child erotica"

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

Child erotica sites usually advertise legal images of children on the opening page with the promise of more 'hard core' child pornographic material available through payment via a credit card.

Save the Children believes that the easy access to child erotica could lead to an increase in children and young people being sexually abused and exploited. This development is linked to the commercial sexual exploitation of children where the economic rule of supply and demand suggests that more children will be used to fulfil this demand.

"Some of these Russian sites make \$30.000 Dollars a month. In the distorted Russian economy, just one month is enough to survive on for years"

Red Herring Magazine, January 2002

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

Co-operation between the Credit Card Company VISA and Save the Children (explained in the section "commercial aspects of child pornography") is a new initiative. Save the Children recommends that self-regulation initiatives are undertaken which limit the circulation of "child erotica" material. However the limited number of self-regulation schemes suggests that legislation is required in this area and more work is needed to solve the definitional problems posed by this material.

3.6 Child pornography and other forms of sexual exploitation of children

Child pornography is also linked to sex tourism and trafficking where seizures of child pornography have confirmed the children's accounts of being abused in such circumstances. Many of the detected sex tourism cases include seizures of child pornography. Digital cameras and video cam recorders have made life easier for

abusers who wish to make a record of their criminal behavior for private entertainment or commercial gain. This record of the crime can then be used for their own gratification when they return home or can be exchanged with other sexual abusers as means of gaining acceptance in child sexual abuse networks. It can also be used as a commercial commodity to be sold to other sex offenders and as a means of gaining other abusive images. This often compulsive collecting behaviour usually means however that there is evidence that law enforcement agencies can use in a court of law against the perpetrator which strengthens the child's chances of obtaining justice and protection.

The use of Internet chat rooms gives sexual abusers the opportunity to come into contact with children without the abusers having to reveal their identity to the child. This allows abusers to groom children in such a way that leaves them open to actual abuse or engage them in an online abusive relationship. Research by the University of New Hampshire found that one in five children between the ages of 10 and 17 received a sexual solicitation over the Internet in the last year. One in thirty-three received an aggressive solicitation - someone who asked to meet them, called them on the telephone, or sent them regular mail, money, or gifts.

4 The victims of Child Sexual Abuse on the Internet

4.1 Identification of the victims

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

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

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

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

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

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

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

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

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

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

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

4.3 The collection and use of data

Law enforcement agencies in several European countries are collecting child pornographic pictures found on the Internet in databases. In a recent Parliamentary answer on the subject of setting up a child pornography data bank (2003/C28E/119) Commissioner Vitorino states:

"The Commission....(is supporting)...the project 'International Child Exploitation Database Feasibility Study' under the STOP II Programme Committee. This project

presented by the United Kingdom in collaboration with Italy and Germany aims to assess the feasibility of an international database with images of child sexual exploitation, sourced from the Internet or any other pictorial systems. The feasibility study will examine whether and how the international law enforcement community could contribute to feed images of children being used or engaged in sexual activities or description of such images into a central database in order to assist in both victims and suspect identification. Europol is fully associated to the project as well as the other member states, Interpol and the group eight most industrialised countries."

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

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

4.4 Save the Children recommends that:

- National Governments should fund research into the reactions and treatment of victims of child pornography. It is essential that governments raise societal awareness about the trauma children suffer through the production and distribution of child pornography.
- More resources need to be made available to police and social services to train front line child protection workers about investigating possible links to the production of child pornography in child abuse investigations
- Assessment and therapy should take into account the trauma attached to the special circumstances surrounding the filming of the sexual abuse and its posting on the Internet.
- Databases should be used with caution and with rigorous restrictions regarding who has access to them.

5 Sexual abusers - Who are They?

5.1 The Diversity of the Sexual Abuser

It is frequently the case that sterotypical views are held about the profile of sex offenders. However, child sexual exploitation is unlikely to be prevented unless we recognise the diversity of the people who sexually exploit children. Men and a minority

of women 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 "ordinary people" can be abusers. Because the vast majority of sexual abusers do not fit the stereotype that is portrayed in the media, society is leaving children dangerously unprotected. The concentration of resources on some particular group of abusers 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.

Recent high profile Internet abuse cases support scientific research on sexual abusers which shown that people who sexually abuse come from different educational backgrounds, age groups and all socio-economic levels in society. 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.

5.2 Save the Children recommends that:

- Policy makers acknowledge the complexity of the problem. Child sexual exploitation is unlikely to be efficiently prevented unless the diversity of the people who sexually exploit children is fully taken into account.
- University and other research departments need to prioritise research in this area and co-operation with practitioners working directly with sex offenders - and be provided with the necessary resources to do so.

6 Production, Distribution and Possession

6.1 The Extent of the Problem

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

It is difficult to give an informed response to the question of the extent of child pornography on the Internet. 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 50 000 pictures in the university's database 2000 individual children have been subjected to sexual abuse.

The general lack of data and research by child protection agencies and others means that it is currently not possible to have an overview of the extent to which child pornography is implicated in child sexual abuse. This is for two reasons: few prevalence studies ask specific questions about the involvement in pornography; and few police and child protection agencies either systematically search for child pornography in suspected cases of child sexual abuse or record its presence in their data systems⁵. This suggests that countries (even those that have child protection teams) do not have the capacity to deal with the specialized demands that investigating possible links to the production of child pornography presents in child abuse investigations.

6.2 The Digital Production Facilities

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

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

Child pornography on the Internet has expanded dramatically in recent years and appears to have largely overtaken and absorbed previous production and distribution methods of child pornographic material. Computer and digital technology allows for production, distribution and consumption of both stills and moving pictures of child sexual abuse as well as advanced interactive live performances. Although there seems to be an increase in well-organised commercial operators, most registered child pornography is produced, circulated and collected by abusers on a non-commercial basis.

6.3 Technological Developments

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

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⁵ Kelly and Regan, Rhetoric and Realities: Sexual Exploitation of children in Europe, 2000

Yet despite this change in the context in which sexual abusers might participate and distribute images of child sexual abuse, child protection has still not been given the resources it needs to provide an adequate service in most countries. Very few journals or academic literature for child protection officers or therapists working with those committing sexual offences against children make reference to the Internet or its use by sex offenders. ⁶

6.4 Commercial Aspects

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

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

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 pornography⁷. German police estimate that 130.000 children in 1993 were forced by parents or other acquaintances to participate in the production of pornography.

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

6.5 Combating the problem: What can be done?

At the first World Congress against Commercial Sexual Exploitation of Children in Stockholm in 1996, one issue of great concern was how to meet the new challenge posed by the transmission and sharing of pornographic images of children on the relatively recent medium of the Internet. Since then there has been a proliferation of

⁶ Geer et al, Empathy, social skills, and other relevant cognitive processes in rapists and child molesters, 2000

⁷ Incardi 1985; Silbert and Pines, 1989 in Kelly and Regan, Rhetoric and Realities: Sexual Exploitation of children in Europe 2000

child pornography on the Internet which has resulted in police, Internet Service Providers and NGOs having considerably upgraded their own skills in tracking the movement of child pornography, identifying its sources and bringing to court those who upload and download it.

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

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

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

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

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

Recent legislation stemming from the group's activities has resulted in legislation to tackle paedophile "grooming" activity on- and off-line. This includes a new criminal

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

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

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

Co-operation between NGOs and the private sector is an example of co-operation between different actors. In 2001 Save the Children began co-operation with VISA International in recommending that banks and card billing companies play a role in combating child pornography through self regulation. Visa International is now blocking the possibility of payment through their credit card on child erotica websites and has written a policy paper on ethical standards in regard to company policy and child pornography. The effect of VISA's work is becoming 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 CEEC countries.
- Save the Children supports uniformity of penalties in EU and CEEC countries as proposed in the draft framework decision on child pornography on the Internet (for EU member states).
- Save the Children encourage co-operation between National hotlines, Law Enforcement and Internet Service Providers, and encourage the crossborder cooperation facilitated by INHOPE.
- Save the Children recommends that other private sector companies follow the Visa ethical stance.
- Save the Children recommends that national Governments take action to coordinate 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 sexual abusers have become skilled at using chatrooms to contact children. 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.

Potential perpetrators can use the anonymity of Internet chat to come into contact with children and this raises serious concerns for their safety.

Actual cases of abuse show that the anonymity of the chat room are 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, the so-called "grooming process". The potential perpetrator will act as a friend and create confidence and trust while planning the process leading to the abuse. It is obvious that the difficulties of controlling such relations are enormous. One of the solutions to problem posed by chat danger is therefore to raise awareness among children. The chat providers also have an important responsibility in securing the best monitoring systems and logging procedures.

The recent development of mobile phones is another area that should be closely observed because Internet chat and SMS will probably be closely linked.

In a recent case a 12 year old boy planned a meeting with what he thought was an 11 year old girl. Instead an adult male showed up 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 escape.

Case Study from Save the Children Hotline

7.2 Save the Children recommends:

- That all chat-providers be aware of the different ways of creating safe chat, so as to monitor chat rooms for children and to ensure logging of all conversations.
- Awareness raising efforts are crucial and governments should be responsible for implementing efforts that teach children to be aware of the potential dangers of online contact.

8 The Need for International Co-operation

8.1 International Co-operation and Initiatives

Save the Children believes that international co-operation is of fundamental importance in combating all forms of child sexual abuse and exploitation. The Council of Europe together with the European Union and its institutions have a pivotal role to play in protecting children from sexual abuse and exploitation. They are ideally placed to disseminate knowledge, encourage international co-operation and endorse good child protection practice from individual member states. The European Union and the Council of Europe have both been active in starting initiatives looking at child protection issues and the Internet.

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

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

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

The EU Framework Decision

The European Union Council of Ministers have recently agreed to harmonize penal codes and law enforcement in connection with protection of children from sexual abuse and protect children up to the age of 18 in all member states. The complex problem of morphed images has also been included as being classified as child pornography. Save the Children welcomes this.

The EU Commission Safer Internet Action Plan

The EU Commission launched The Safer Internet Action Plan, covering the period 1999-2002 with a budget of 25 million Euro, and has three main functions;

- 1. Creating a safer environment through promotion of hotlines, encouragement of self-regulation and codes of conduct.
- 2. Developing filtering and rating systems, facilitation of international agreement on rating systems.

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⁸ EU 2000/375/JHA

3. Awareness: Making parents, teachers and children aware of the potential of the Internet and its drawbacks, overall co-ordination and exchange of experience.

The European Commission is making preparations for implementing the follow on programme 2003-2004, the extension of the Safer Internet Action Plan 1999-2002. Subject to approval by the European Parliament and Council, the programme will provide funding for activities to deal with illegal and harmful content on the Internet and new online technologies, as part of a coherent approach by the European Union. At the time of writing, amendments are under discussion to strengthen the position of children within the text.

Creating a European network of hotlines to span the EU both geographically and linguistically was one of the key aims of the Safer Internet Action Plan since hotlines only existed in a limited number of Member States in its early stages. Mechanisms for exchange of information between national hotlines, both within the EU and beyond needed to be put in place.

Council of Europe Convention on Cyber Crime

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

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

The entry into force of the Convention requires ratification by five states including three member states of the Council of Europe. At the time of writing only two states have ratified.

Law Enforcement

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

The ILO Convention no.182

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

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

The INHOPE network of hotlines

INHOPE is one of the few international responses to illegal content and activity on the Internet and is partly funded by the European Commission. INHOPE facilitates and co-ordinates the work of 18 national hotlines against illegal internet content. Whereas a single hotline can be successful on a national level to tackle the problem, it's influence is limited when content is hosted in a foreign country or the perpetrator is located abroad. The INHOPE network is a important means to co-ordinate the exchange of information and expertise between hotlines worldwide. All Save the Children hotlines are members of INHOPE

The key functions of INHOPE are:

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

9 Responsibilities and Recommendations

9.1 The European Union and the work of the Commission

- Save the Children welcomes the Framework decision by member states of the EU to combat child pornography and harmonise sentences for the sexual exploitation of children. Under the agreement all member states have to adjust national law to protect all children up to the age of 18 from abuse through child pornography. This also applies to so-called "virtual pornography", lifelike images of children.
- Save the Children welcomes the European Commission's engagement in protecting children through the Safer Internet Action Plan and welcomes the continuation of the programme from 2003 to 2004.

- Save the Children urges the Commission to continue their role in supporting European Hotline work.
- Greater prominence should be given to children's rights and the issue of child pornography on the Internet in the accession countries.

9.2 National Governments

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

- Morphed images that depict a child in a violent and/or explicit sexual activity
 contribute to a conception of the child as a sexual object and is a violation of the
 rights of the child. Possession of these images should therefore be prohibited in
 the same way as possession of pictures of child sexual abuse.
- Awareness raising efforts regarding chat safety are crucial and governments should be responsible for implementing efforts that teach children to be aware of the potential dangers of chat rooms.

9.3 Law Enforcement

- Continuing formal and informal co-operation between law enforcement agencies to facilitate cross border co-operation is needed. Interpol and Europol have a vital role to play. This is a criminal offence that should be given the same priority as the work towards illegal drugs and organised crime.
- Save the Children welcomes the growing knowledge base amongst law enforcement agencies about child sexual abuse in relation to the Internet and encourages the further training of specialized child protection teams
- Resources and expertise still remain a problem in most European countries in regard to combating child pornography. These resources need to be made available and co-operation with CEEC countries needs to be strengthened
- Save the Children supports uniformity of penalties in EU and CEEC countries as proposed in the draft framework decision on child pornography on the Internet (for EU member states)
- Law enforcement staff should be conversant with the Convention on the Rights of the Child when dealing with victims of sexual abuse
- Lawyers, judges and other judicial staff need training on this issue

9.4 Internet Service Providers

- Save the Children recognises the vital role that Internet Service Providers have in protecting children on the Internet and urges Governments to implement legislation where self regulation has failed
- Save the Children urges self-regulatory Codes of Conduct be introduced at the European and National level on child protection.
- Save the Children encourages co-operation between National hotlines, law enforcement and Internet Service Providers
- Save the Children recommends that other private sector companies to follow the Visa ethical stance

- Save the Children urges all chat-providers to be aware of the different ways of creating safe chat, so as to monitor chat rooms for children and to ensure logging of conversations.
- Internet service providers need training on children's rights and child protection issues in relation to abuse via the Internet.

9.5 NGOs and the legal context on facilitating Hotline Work

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

10 Bibliography

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

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

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

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

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

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