



PREVENTING CHILD SEXUAL ABUSE MATERIAL ONLINE

GROOMING, BLOCKING MEASURES, REMOVAL AND OTHER SAFEGUARDS

Lyon, 10-11 February 2020



Criminal Law



Speakers & Chairs

Laviero Buono, Head of European Criminal Law, ERA, Trier

Véronique Bechu, Captain, Head of the Central Unit for the Protection of Minors, Lyon

Cormac Callanan, CEO, Aconite Internet Solutions, Dublin

Philippe Davadie, Police Officer, Gendarmerie Nationale, Paris

Matthew Dompier, Criminal Intelligence Officer, Crimes Against Children, Interpol, Lyon

Donald Findlater, Director, Stop it now!, The Lucy Faithfull Foundation, London

Denton Howard, Executive Director, INHOPE, Amsterdam

Michael Lynch, Detective Inspector, Garda National Protective Services Bureau,

Mick Moran, Garda Liaison Officer, Irish Embassy, Paris

Laurent Moscatello, Commissaire Divisionnaire, Head of Department, Partnerships and International Training, ENSP, Lyon

Catherine Plano, Divisional Chief Inspector, ENSP, Lyon

Katie Steel, Captain, Deputy Head of the Central Unit for the Protection of Minors, Lyon

René Steiner, Policy Officer, Cybercrime Unit, DG Migration and Home Affairs, European Commission. Brussels

 $\textbf{Melvin van Kuilenburg}, \, \mathsf{Judge}, \, \mathsf{District Court}, \, \mathsf{Rotterdam}$

Key topics

- European and international legal instruments to fight child sex abuse material
- Blocking and removal measures to prevent the distribution of child sex abuse material online
- Soliciting children on the internet for sexual purposes ('grooming')

Language English

Event number 320DT07

Organiser ERA (Laviero Buono) in cooperation with the École Nationale Supérieure de la Police, France





With the support of the Internal Security Fund – Police Programme 2014-2020 of the European Union

PREVENTING CHILD SEX ABUSE MATERIAL ONLINE

Monday, 10 February 2020

08:30 Arrival and registration of participants

09:00 Welcome and introduction to the programme Laurent Moscatello & Laviero Buono

I. INTRODUCTORY SESSION

09:15 Legislating, regulating and prosecuting child sexual abuse material: developments in substantive and procedural law René Steiner

09:45 Preventing child sex abuse material: from measures against child sex tourism to (preventive) intervention programmes and measures – an overview of articles 21-24 of the 2011 EU Directive

René Steiner

10:15 Discussion

10:30 Coffee break

Chair: Laviero Buono

11:00 Combatting the global distribution of child sexual abuse material online: INHOPE, Hotlines & law enforcement working together Denton Howard

11:45 The deterrence campaign on indecent images of children in the UK: design, activities and results

Donald Findlater

12:30 Discussion

12:45 Lunch

II. THE "GROOMING" PHENOMENON, DISMANTLING NETWORKS OF CHILD-ABUSE PERPETRATORS AND FILTERING/BLOCKING ISSUES

Chair: Catherine Plano

- 14:15 Preventing child sexual abuse material online: "grooming", i.e. soliciting children online for sexual purposes
 - Targeting the victim and gaining trust
 - · Filling the need and isolating the child
 - Sexualising the relationship

Michael Lynch

- 15:00 Detecting and dismantling networks of child-abuse perpetrators: case-building and victim identification (with case example)

 Mick Moran
- 15:45 Discussion
- 16:00 Coffee break

Chair: Laviero Buono

16:30 Filtering child sexual abuse material: the role of the internet industry in preventing, detecting and responding to crimes committed using information and communication technologies

Cormac Callanan

Objective

Sexual abuse and sexual exploitation of children are particularly severe crimes which the development of the internet has further aggravated, generating new crimes such as "grooming", i.e. soliciting children online for sexual purposes.

This seminar will explain legal measures to prevent and combat the production, processing, possession and distribution of child sexual abuse material on the internet and promote the effective investigation and prosecution of offences in this area through cooperation with the internet industry. This event will focus in particular on "grooming", blocking measures and other safeguards.

Who should attend?

Judges, prosecutors, lawyers in private practice, law enforcers, ministry officials, academia, victims' support units and representative of children rights from Belgium, France, Ireland, Luxembourg and The Netherlands ("Regional approach")

Venue

École Nationale Supérieure de la Police 9 Rue Camot 69450 Saint-Cyr-au-Mont-d'or Lyon, France

Participation fee

€ 140

Your contacts



Laviero Buono Head of Section E-Mail: LBuono@era.int



Liz Greenwood Assistant E-Mail: Egreenwood@era.int



17:15 Discussion

17:30 End of the first day

19:30 Dinner

Tuesday, 11 February 2020

III. "LIVE-STREAMING" AND ADJUDICATING CHILD SEXUAL ABUSE MATERIAL CASES

Chair: Cormac Callanan

- 09:30 The "live-streaming" phenomenon: experiences in France with case studies Véronique Bechu & Katie Steel
- 10:15 Child abuse in court: two worlds colliding the experience of a judge
 - Child abuse and fair trial: protecting the victim and the rights of the defendant
 - Child abuse: a criminal case or a family matter?
 - Child abuse and the age of consent: victim by choice?
 Melvin van Kuilenburg
- 11:00 Coffee break

IV. WORK CARRIED OUT AT EU AND INTERNATIONAL LEVEL

Chair: Laviero Buono

- 11:30 Combatting child exploitation by beating encryption and research to overcome protection of systems

 Philippe Davadie
- 12:00 Fight against child sex abuse material: work carried out by Interpol Matthew Dompier
- 12:30 Discussion
- 12:45 End of seminar and lunch

For programme updates: www.era.int
Programme may be subject to amendment.

Apply online for this seminar: www.era.int/?129232&en

About the project

This seminar is part of a large-scale project sponsored by the European Commission under the "Internal Security Fund – Police" Programme. It consists of six events to take place in Lyon, Tallinn, Cracow, Zagreb, Trier and Lisbon

CPD

ERA programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **9 CPD hours**.



This programme has been produced with the financial support of the Internal Security Fund – Police Programme 2014-2020 of the European Union.

The content of this programme reflects only ERA's view and the Commission is not responsible for any use that may be made of the information it contains

More information at: www.era.int



ERA (European Law Academy) Trier Germany

PREVENTING CSAM ONLINE (Child Sexual Abuse Material)
Grooming, Blocking Measures, Removal and other Safeguards

INTERNET FILTERING CYBERCRIME RESPONSES



With the support of the Internal Security Fund – Police Programme 2014-2020 of the European Union

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- IANAL
- IANAP



Introduction

- PhD in smartphone security/data risks
- MSC in Digital Forensics and Advanced Security (GCHQ Certified)
- Worked as Cybercrime Expert for Council of Europe, OSCE, EC, UNODC
- Industry, NGO, Academic background
- Member of Irish National Advisory Council for Online Safety (NACOS)
- Member of Europol EC3 Industry Advisory Group
- Past-CEO INHOPE International Network of Internet Hotlines combating child abuse
- Established First ISP in Ireland

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Agenda

- Context
- What is filtering?
- Why Filtering?
- Who performs Filtering
- Who identifies Content
- How to specify content?
- Problems & Challenges
- Questions

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CONTEXT

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In an *ideal* world

content is prevented

from reaching a personal computer or **computer screen**

by a software or hardware product which reviews all Internet communications and decides whether to prevent the receipt and/or display of **specifically targeted content**

WHAT IS INTERNET BLOCKING?

Is "INTERNET BLOCKING"
AN OXYMORON?



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HOW IS FILTERING ACHIEVED?

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How is Internet Blocking done?

- The term "Internet Blocking" covers a broad range of
 - Policies
 - Hardware
 - Software
 - Services
- Mistake to think that all strategies of Internet blocking
 - are the same
 - equally effective
 - legally equivalent
 - that one system can easily be used in relation to more than one type of content

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Real World Borders - Great Wall of China



Source: http://www.crystalinks.com/chinawallarge.gif

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Networking Overview

- IP Addressing
- DNS
- Ports
- NAT
- Subnets
- DHCP
- Hash Values
- Photo DNA

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- DNS Blocking
- IP Blocking
- Hybrid
- Finger Printing (Hash Algorithms)
- Proprietary Algorithms
- Image Analysis

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Real World Firewall US Mexico Border



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Preventing CSAM Online (Child Sexual Abuse Material) Source: http://www.buzzfeed.com/mjs538/25-pictures-of-the-united-states-mexico-border

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Real world borders



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WHY FILTERING?

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Why Consider Internet Blocking?

- Missing Control Instruments on the Internet
- International Dimension of the Internet
- Decreased Importance of National Hosting Infrastructure
 - Hotmail email accounts
 - Cloud Computing

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Jurisdiction / Loss of location

- Where to send Mutual Legal Assistance Request?
 - Location of Cloud Provider?
 - Physical location of Data Centre?
 - Data Centre where encrypted data is stored?
 - Data Centre where encrypted vm is stored?
 - Location of End User? ("offering its services")
 - Location of Cloud Sales Office?
 - All of these?
 - None of these?
- Council of Europe Recommendations adopted by the T-CY in Dec 2014
 Parties should consider allocating more, and more technology-literate,
 staff for mutual legal assistance not only at central levels but also at
 the level of institutions responsible for executing requests (such as
 local prosecution offices).

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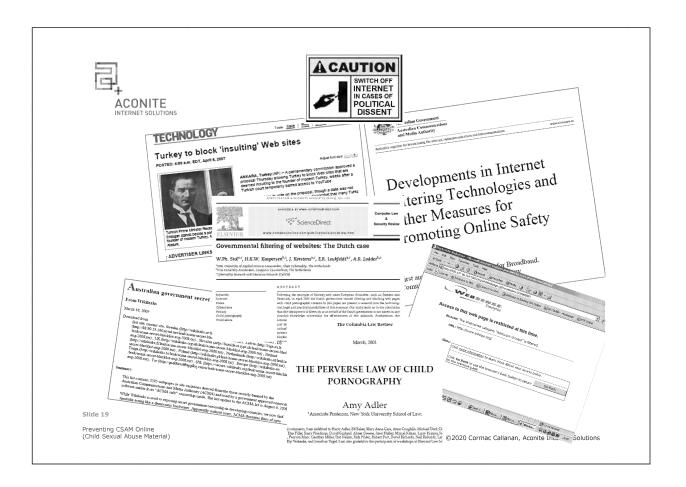


Where is the data?

- It is often unclear whether data is stored or in transit ..
- ... and therefore whether production orders, search and seizure orders, interception or realtime collection orders are to be served in order to disclose the data
- Data Retention (EU Directive)
 - Challenge of storing data for law enforcement purposes only
 - Directive Declared invalid by the European Court of Justice in 2014.

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Communication Control



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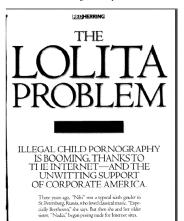
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INHOPE - International netvinhope. **Internet Hotlines**

Red Herring, January 2002

The mission of INHOPE is to facilitate and coordinate the work of hotlines in responding to illegal use and content on the Internet.



AN INVESTIGATIVE REPORT BY ROBERT GROVE AND BLAISE ZEREGA

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WHO PERFORMS FILTERING?

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Styles of Filtering

- Personal filtering
- Network blocking
- Hybrids of these two styles

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Personal Filtering

- User selects which types of content are blocked
- Individually tailored for categories of users
 - parent, child, teacher, student, etc
- Most precise
- <u>Does not prevent users</u> from accessing content which they still chose to see and download
 - even though it maybe illegal.

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Network Based

The service-provider
 Internet access provider, employer, club, etc)

DECIDES

- which type of content or activity will be blocked

... for ALL users

 This is only true with regard to content accessed directly via the upstream network equipment of the provider where the blocking technology is implemented.

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Blocking Child Pornography Notice page - Norway



KRIPOS
Den resjonets inhet for belyempelus av
urganisart og annen akkritig kriminaltat.



KRIPOS TIPSMOTTAK www.tips.kripos.no

Stopp!

Nettleseren din har nå forsøkt å kontakte et nettsted som benyttes i forbindelse med distribusjon av overgrepsbilder av barn - noe som er straffbart etter norsk straffelovs §204a (tidl. kalt barnepomografi).

Dersom du har innvendinger mot at sidene er sperret, eller mener en slik sperring ikke er korrekt, kan du ta kontakt med Kripos på tif. 23 20 80 00 eller ved å sende oss en épost.

Det logges ikke noe informasjon om din IP-adresse eller annet som kan identifisere deg når du får opp denne siden. Denne sperringen er utelukkende ment for å forbeygge straffan distribusjon av dokumenterte seksuelle overgrep, og hindre at barn som allerede er avbildet blir ytterligere utnyttet.

Hvis du ønsker mer informasjon, eller ønsker å tipse Kripos, gå til Kripos tipsmottak eller ring oss på 09989.

Kripos og internettleverandørenes samarbeidsprosjekt mot seksuell utnytting av barn på Internett

The Child Sexual Abuse Anti-Distribution Filter (CSAADF) is part of the COSPOL Internet Related Child Abusive Maxerial Project (CIRCAMP). The project is initiated by the European Chief of Police Task Force - aimed at combating organized criminal groups behind commercial sexual exploitation of children.



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WHO IDENTIFIES CONTENT?

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Industry and Law Enforcement Roles and Responsibilities

- Law Enforcement is
 - responsible for the prevention and investigation of crime
 - knowledgeable on cybercrime trends.
- Internet industries are
 - victims of crime
 - knowledgeable about cybercrime trends
 - hold data about their customers who are perpetrators or victims of criminal acts

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An important distinction...

VS ILLEGAL

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- List managed by
 - INHOUSE
 - Commercial
 - NGO
 - Government
 - Law Enforcement
- Transparency

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HOW TO SPECIFY CONTENT?

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Content targeted

- Erotic and pornographic
- Child Pornography
- Controversial political topics / hate speech /
- Illegal
- Libel and publication of false information
- · Content published by terrorist
- Copyright violations
- Intellectual Property Rights
- Gambling Websites
- Terrorist activities

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Specifying content

- IP addresses
- Domain names and DNS
- URLs
- File content and Filename
- Keywords
- Content Signatures (hash values)

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PROBLEMS & CHALLENGES

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Important Note

All Internet blocking systems

are subject to false-negatives

and false-positive problems

and in advanced systems these are minimised during the design of the blocking strategies



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Concerns

- missing removal of the content at its source
- many possibilities to circumvent the technology
- content can still be accessed by using connections that do not block access
- blocking technology is often used for other purposes
- The fact that the content is not removed enables users to seek access by circumventing the technical protection solutions.
- making such material invisible might mislead the political debate

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Measuring Effectiveness

- Not possible to express effectiveness as the amount of content that is blocked correctly in comparison to the total amount of available illegal content since the total volume of available illegal content is unknown.
- Often unclear where hits on a website come from, figures quoting volume of hits on an existing list are a very crude indicator
- Analysis of over-blocking and under-blocking potential can be used
- ease of circumvention of a block...
- availability of alternative methods of access to the same content,
- The availability of other enforcement options

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Technical Summary

Medium	Blocking	Effectiveness				Blocklist		DPI
		OVER-blocking	UNDER-blocking	Resources required	Circumvention	Maintenance effort	Identifier	
Web	DNS	VENY EIREEV	Lovey	50%	EASS	elot.	Domainname	-
	Domain	VERY LIRELY	LIRVLY	Мерлин	Мерлия	Maosura	1P address to domainname	
	URL	LESS LIKELY	Very Linery	Meerow	Мендин	Han	URL	+
	IP.	VERY LIKELY	LIRELY	Low	Мердин	Maoue	IP address	-
	Dynamic	Very Linksy	Very Linely	Ніся	Мердин	Low	Keywords, graphics recognitiontectechnol ogy or other	+
	Signatures	Less Loury	Visay Cistin	Hann	Messon	High	Hash	+
	Hybrid (IP+signature/L RL)	Essa LIKELY	Very three	Historia	Меслин	Ман	Ip and Hash or URL	+
Email	Dynamic	the fit	Linday	Mission	Hasten	Legy.	Keywords or other	
	URL	L) KO(1)	LEGLY	Personal	HARRER	Масн	URL	
	IP address	VERY LIMELY	LIMITEY	Mozue	HARDER	HIGH	IP address	
	Signatures	Loss Lovely	Linear	Hich	HARDER	Нівн	Hash	+
Usenet	Per Group	C In cont	Linner	LOW	Endy	Low	Groupname	-
	Per hierarchy	VERY LIBERY	Liss Lixery	LOW	Essy	609	Group hierarchy	-
Search	Keyword	VERY LIKELY	Very Likely	Насн	EASY	Messure	Keywords	
P2P	Per protocol	Veny LIXELY	Loss Chercy	Марим	HARDER	Low	Protocol recognition	+
	Per file (signature)	Less LikeLy	VERY LIKELY	Hiai	HARDER	Нзан	Hash	+
	Per file (dynamic)	Languy	Neus Places	VERY HIGH	HARDER	Low	Advanced algorithms	+

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Internet Blocking and the law

- · Charter of the United Nations
- UN Universal Declaration of Human Rights (UDHR)
- UN International Covenant on Civil and Political Rights
- · UN Convention on the Rights of the Child
- UN Convention on the Rights of Persons with Disabilities
- UN Convention on the elimination of all forms of racial discrimination
- Council of Europe European Convention on Human Rights (ECHR)
- Council of Europe Convention on Cybercrime

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Fundamental freedoms that might be in opposition with blocking

- Can interfere with the right to private life
 - permitting or requiring the retention of Internet data that is protected by confidentiality, or preventing individuals from availing of some Internet potential
- Internet blocking attempts can interfere with the freedom of expression
 - by preventing people access to online information or to make available such information.
- Internet blocking interferes with the specific rights awarded to some categories of persons, such as the right for disabled persons
- Internet blocking may be seen as a substitute for respecting the obligations in the Child Rights Convention
 - which requires states to take all appropriate international steps to prevent the exploitation of children for pornographic purposes.

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Conditions under which Internet blocking could be legally acceptable

- Step 1 Internet blocking would need to be implemented in a way that other rights and freedoms are not violated.
- Step 2 Determining rights and freedoms that will be limited
- Step 3 Determining the extent of the limitation
- Step 4 Determining precisely the pursued aim(s)
- Step 5 Establishing if blocking aim corresponds to a reality
- Step 6 Determining if blocking in the determined aim answers a pressing social need
- Step 7 Analysing the proportionality of the interference to the pursued aim
- Step 8 Consider the principles that must govern blocking in light of the European Court's criteria (necessity in a democratic society, a pressing social need)
- Step 9 Establish if a law is needed to prevent the use of certain functionalities of the blocking mechanism
- Step 10 Providing for blocking within law

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CHALLENGES

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Case Study: Fast Flux Cybertip.ca Nov 2008

- Cybertip.ca tracked the IP ac randomly selected commerci Cybertip ca website fast flux domain hosting child abuse imagery.
- Over a 48-hour period, Cybertip.ca observed one website cycle through 212 unique IP addresses, located in 16 different countries. Appeared 10 at a time and change approx every three minutes.

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http://www.cybertip.ca/pdfs/Cybertip_researchreport.pdf

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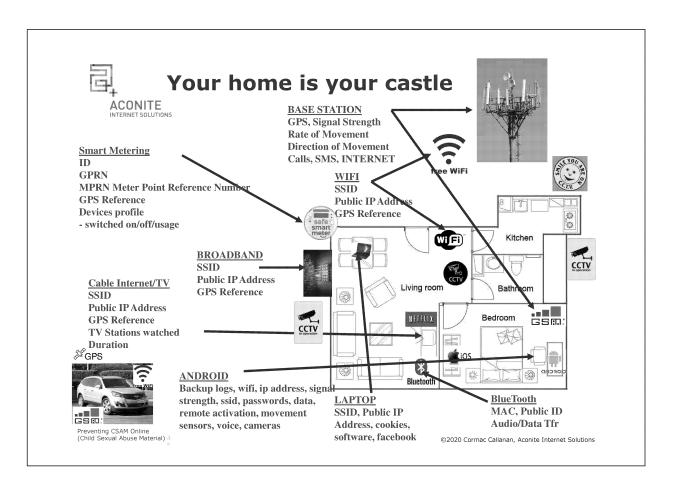


DESIGN CRITERIA FOR A GOOD SURVEILLANCE DEVICE?



- Undetectable
- Lifetime battery life or renewable energy
- Audio/telephone surveillance
- Voice and conversation analysis
- Historical log records local and remote
- In-field upgrades and repairs
- 24/7 access to moving, non-deterministic target
- GPS tracking
- Visual surveillance
- Hidden and trusted
- Remote verification records
- Remote access
- Remote backup
- Network of contacts
- **Proximity Detector**

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Clear Web

- Standard internet websites with links, database links
- Accessible for users
- Sometimes password protected

Deep Web

- Unpublished Websites
- Unpublished, unindexed Links
- Private Websites
- Not accessible via search engines

Dark Web

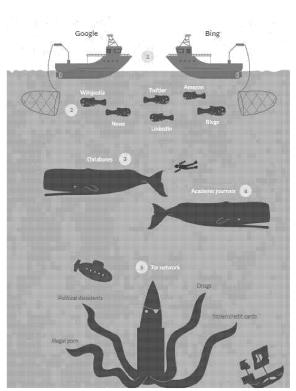
- Encrypted content

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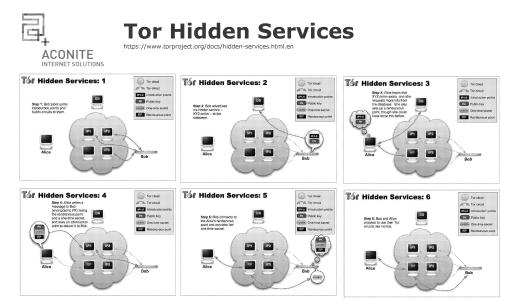




8 Silda //s

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- TOR offers anonymity to Internet user
- TOR offers anonymity to websites or other types of servers through Tor's Hidden Service

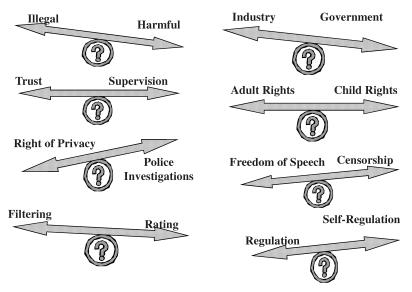
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Balancing internet rights



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Ye Olde Firewall

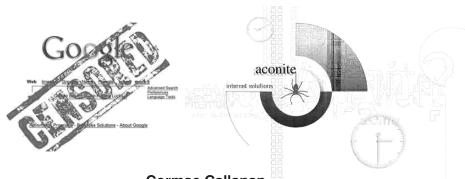


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Questions?



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Child Exploitation Response by Beating Encryption and Research to Unprotect Systems



IRCGN (French Gendarmerie)





Netherlands Forensic Institute (NFI)





University College Dublin (UCD)





CERBERUS

WP 1

Management
and

Coordination of
the Action

WP 6
Mobile cloud computing research

WP 2

Building of the password cracking platform

CERBERUS

WP 5
Vulnerability
research and
exploit
development



WP 4

Building password and passphrase dictionaries, implementing dictionaries generation algorithms WP3

Implementing
R&D on new
hardware chips
attacking anti-GPU
algorithms

LE PJGN DANS LES PROJETS EUROPÉENS



Dimitris Avramopoulos, commissaire européen aux migrations et aux affaires intérieures de la commission Juncker, Bruxelles le 04/02/2019 :

« Our funding has supported dozens of European networks, bringing together law enforcement officials from different countries. This is to engage them in joint operations, share best practices in the fight against crime, and to this end, harness new technology together. For example in the Cybercrime area, the project **Cerberus** will develop a platform allowing to crack passwords used by criminals. »

Ingénierie des projets européens au PJGN





WP 1 - MANAGEMENT AND COORDINATION OF THE ACTION (FR)

Workshop 1
4-8 November 2019

Workshop 2

June 2020

- 7 countries
- 9 institutions
- 21 experts
- 4 days of expertise sharing

Topics: low-level reverse engineering

- Vulnerabilities disclosure (WP5)
- Dictionaries (WP4)

Conference

Autumn 2020



WP 2 - PASSWORD CRACKING PLATFORM (FR)

Technical specs:

- 20 servers
- 100 NVIDIA Tesla T4
- €486,000 total cost
- + €26,000 for a firewall & training







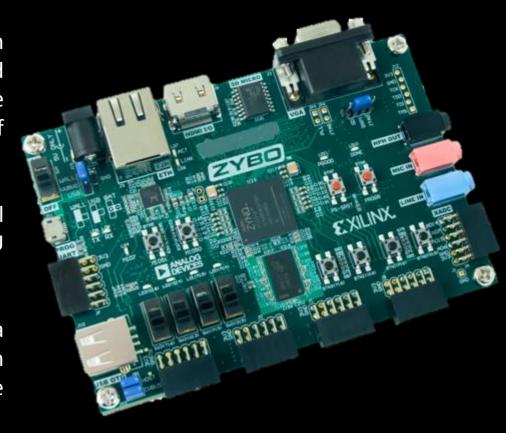


WP 3 – R&D ON NEW HARDWARE CHIPS ATTACKING ANTI-GPU ALGORITHMS (NFI)

New anti-GPU algorithms have been on the rise recently on modern smartphones. One such algorithm is "Scrypt", used by all modern Android systems. This algorithm cannot be attacked using GPU cards and have to be attacked using very slow methods, thus lowering the success chance of finding the password.

Thanks to the expertise and an advanced hardware laboratory, the NFI will work towards creating new hardware chips dedicated to cracking anti-GPU hashing algorithms.

The research will target on methods to improve speed. It will start with a literature study on existing methods; then possible improvements on current methods (CPU/GPU). Then complete new approaches will be studied.



The research will result in a working proof-of-concept.





WP 4 - GENERATION OF CUSTOM DICTIONARIES & RULES (NFI + FR)

Done

French custom dictionaries + thematics (child abuse/drug dealing...)

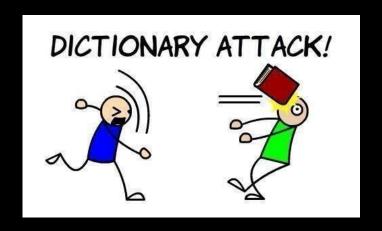
Dutch custom dictionaries

Massive list of real passwords

Analysis of these real passwords to optimize brute force attack

To do

Finalization of a web scraper
Building a set of rules based on device used
Exchange platform to share dictionaries & rules





WP 5 - VULNERABILITY RESEARCH AND EXPLOIT DEVELOPMENT (FR)

CONFIDENTIAL

CERBERUS WORKSHOP 4-8 Nov 2019



WP 6 – MOBILE CLOUD COMPUTING RESEARCH (UCD)

Research on forensics acquisition and analysis of the 14 most used social network applications on mobile devices including Skype, Viber, WhatsApp, Facebook Messenger, Google hangouts, Nimbuzz, Tango, KIK, BBM, IMO, WeChat, JusTalk, Line, Kakao Talk.

Develop an app as a prototype for forensics acquisition and analysis of some popular social network applications such as Skype, Viber, WhatsApp.

Research on a new method for analysing mobile forensic data using Elastic search.





... in the continuity of CERBERUS EXFILES project

CERBERUS ends in January 2021, and will be followed by EXFILES.

In the footsteps of CERBERUS, EXFILES will focus on vulnerability research and exploit development (WP3)

It will also focus on the use of a physical attack bench, through the work of PhD student (WP5)

Both these tasks will be integrated in the CERBERUS platform to enhance its capacities (WP6)







With the support of the Internal Security Fund-Police Programme of the European Union 2014-2020





Crimes Against Children Unit

Vulnerable Communities Sub-Directorate
Organized and Emerging Crimes Programme

February 11, 2020

CRIMES AGAINST CHILDREN UNIT

Victim identification, online investigations and international operations

Country support and capacity building

- Team of 20+ of varying backgrounds and expertise
 Tools for global investigations and information sharing
 (ICSE Database) (INTERPOL Notices)
 - giland Israel Marway and France
 - Analysis reports and concept studies
- Surrently have members based in Lyon, Bangkok,
 - Transnational Child Sex Offenders (TCSO)

International cooperation & multi-stakeholder partnerships

CAC Projects:

- Project Soteria
 - Focused on individuals with sexual interest in children, with background of sexual offending, utilizing NGO's and aid networks in order to gain access to potential victims.
 - Focused on African and Asian regions
 - Identifying appropriate mechanisms allowing better screening

CAC Projects:

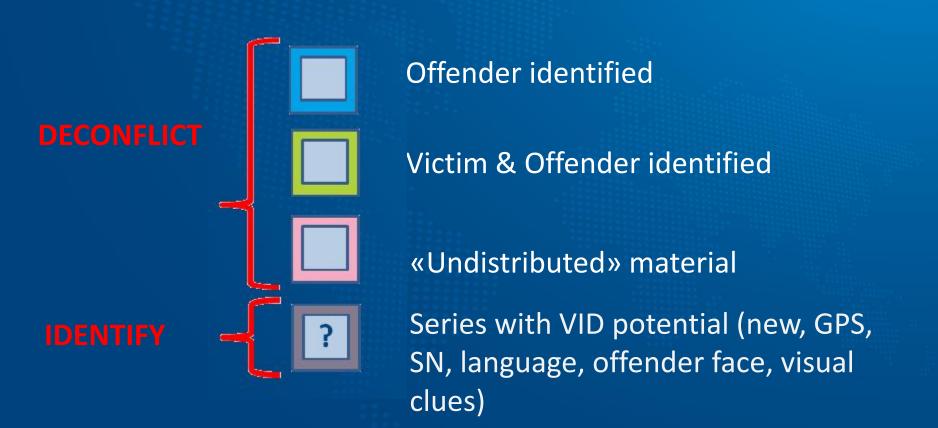
- Disrupting Harm Project (2019 2021)
 - Research project to understand online child sexual exploitation and abuse funded by the Fund to End Violence Against Children (EVAC).
 - The project will assess the scale, nature and context in eight countries in Southern and Eastern Africa region, and six countries in Southeast Asia.
 - Research to produce key insights to inform discussions with national stakeholders and Governments about further action.

THE INTERNATIONAL CHILD SEXUAL EXPLOITATION DATABASE (ICSE DB)

- Launched in 2009, backed by G8 and funded by the European Commission.
- Available through INTERPOL's secure global police communications system – I24/7 Network.
- Enables certified users in member countries to access the database in real time - interrogate existing holdings, upload new data, triage and sort material, deconflict, conduct analysis and communicate with other experts around the world.



TRIAGE AND DECONFLICTION





Project Sentinel

- → Analysis File at INTERPOL to target Online Child Sexual Exploitation (OCSE)
- → Support INTERPOL's member countries in preventing TCSO, and live stream child abuse in particular.







for carrying out crime analysis in the framework of a specific project.



Identification

Of threats, crime trends and criminal networks" (Article 10(2) h) of the RPD)



Linkages

between instances of crime and the entities involved



Actionable analytical outputs

for those MC participating in the Analysis File.



IWOL

INTERPOL Worst of List of domains



2019-12-17_IPSG_THB_Worst_of.txt - Notepad File Edit Format View Help lolaxxx.site lolibest.biz lolicam.xvz loliclubya.temp.swtest.ru lolimix.xyz lolisharev.temp.swtest.ru lolitaporn.xvz lolitits.xvz lolli-teen.com lollixxx.top lolly.ayzik.club lolly.terga.xyz lonnyyo.xyz lookteen.top lookteensporn.top loosepics.men lori.pw lostary.xyz lovecum.xyz lovedcuties.top lovegirl.best lovehomeporn.top loveis.bz lovely-teens.site lovely-teens.xyz lovelygirlies.top lovepink.xvz loveporn18-19.top lovesmile.top loveteen.top lovethatone.best lovetolove.best lovetriangle.pw ls-magazine.one lscutiesy4.temp.swtest.ru lslinks.to ltinma.xyz luelonazh.icu lustyboys.xyz lustysin.xyz luxfanta.pw

Basic text file with domains, available for free

Current list: 1856



All National NCBs

Internet providers

Registries/registrars







BASELINE



BASELINE

- Confirmed CAM list
- Strict criteria
- Evaluated isolated and objectively
- Voting integrated into ICSE
- Voting at dedicated workshops
- Verified by 3 experts + INTERPOL
- Made available to industry partners





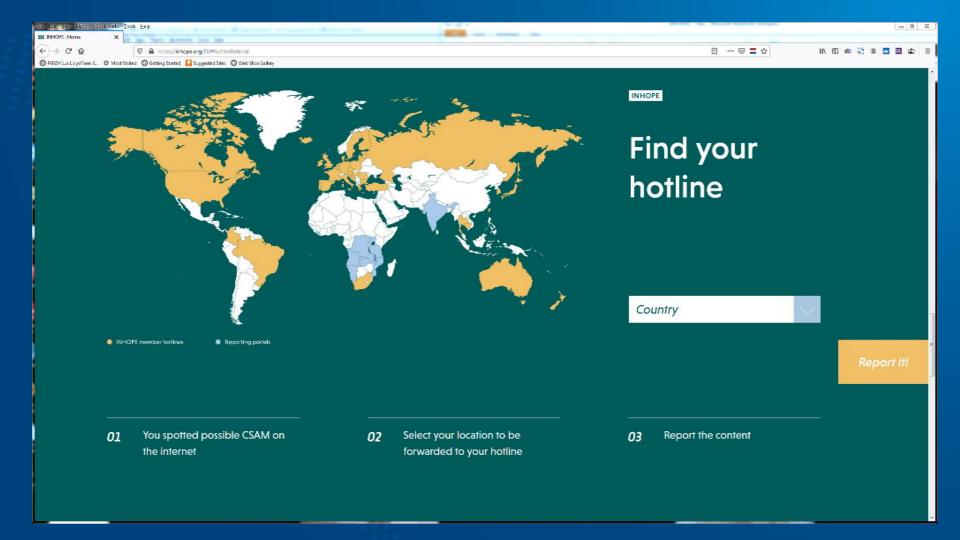
Criteria for IWOL/Baseline

- ✓ Real child
- ✓ Prepubescent/very first signs of puberty/< 13 years old</p>
- ✓ "Sexual activity" of the child/with child/in presence of child/between children
 - or focus on vagina, penis or anal region of the child
- ✓ Verified by several specialists/countries



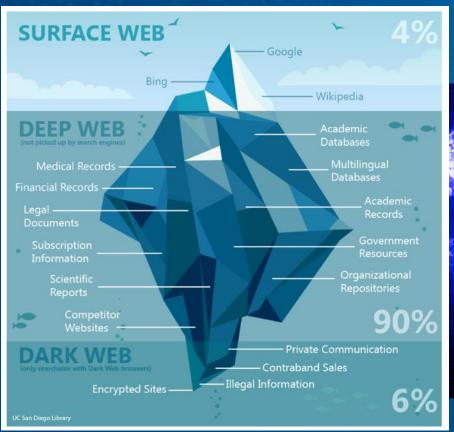
ICCAM

I see Child Abuse Material









THE CHALLENGE OF POLICING THE INTERNET



Child abuse is a local crime

- Identification more likely if the investigation becomes local
 - (Country Region Town Building Room)
- Local unit can assume direct ownership
 - Develop a local strategy and skills
 - Local set of problems

Case Examples



Operation Confluence



Over 5,600 "related" accounts

Geographic Search

Searches made on specific geographic areas of interest

174 accounts

Short Listing

Accounts shortlisted by indicative usernames and/or USD amount received

31 accounts



Operation Confluence



Request made to Western Union for records on Short-Listed accounts

18 accounts

Value Adding

Searches made on Original Data for related accounts

10 additional/duplicative accounts found for 1 account of interest

Open Source Targeting

All identifiers from all accounts searched in Social Media

Profile of interest found



Operation Confluence

Referral and Engagement

All information requested by, and provided to PNP

PNP officers conduct covert online engagement...





Right now I was trying to find someone welling to help me and also my children .for me right now ages doesn't matter

THE CHALLENGE OF POLICING THE INTERNET



Child abuse is a local crime

- Identification more likely if the investigation becomes local
 - Develop your network!
- Local unit can assume direct ownership
 - Trust your own local experience and expertise!

Thank You



CRIMES AGAINST CHILDREN UNIT

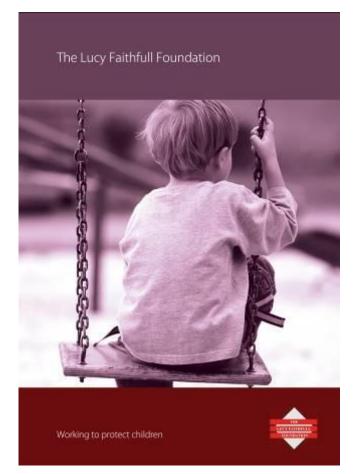
Vulnerable Communities Sub-Directorate
Organized and Emerging Crimes Programme
INTERPOL



Working to Protect Children

Working to prevent child sexual abuse in the UK

Donald Findlater February 2020





With the support of the Internal Security Fund-Police Programme of the European Union 2014-2020



Indecent Images of Children Deterrence Campaign



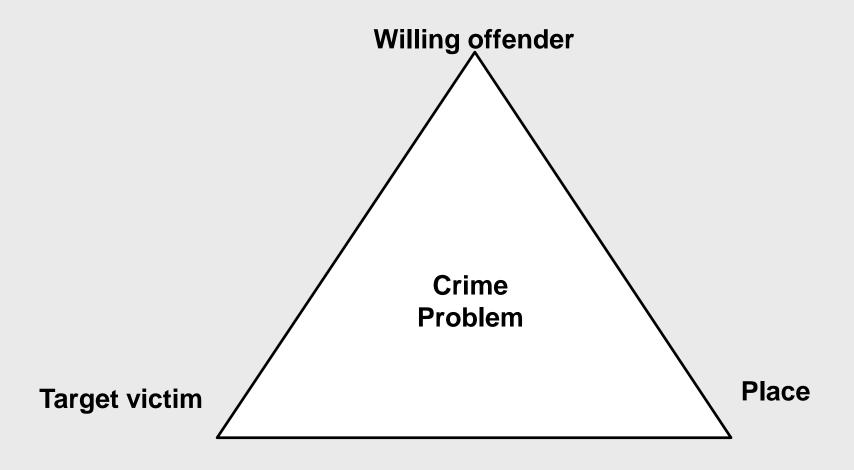
Outline

- Introductions
- Eck's "Crime Triangle"
- Prevention Framework
- Stop It Now! Helpline
- Inform+
- Stop It Now! Get-Help (self-help) website
- IIOC Deterrence campaign creating the assets
- IIOC Deterrence campaign activities, partners, impact
- Other issues suicide, self-harm, impacts on family
- Questions/Discussion

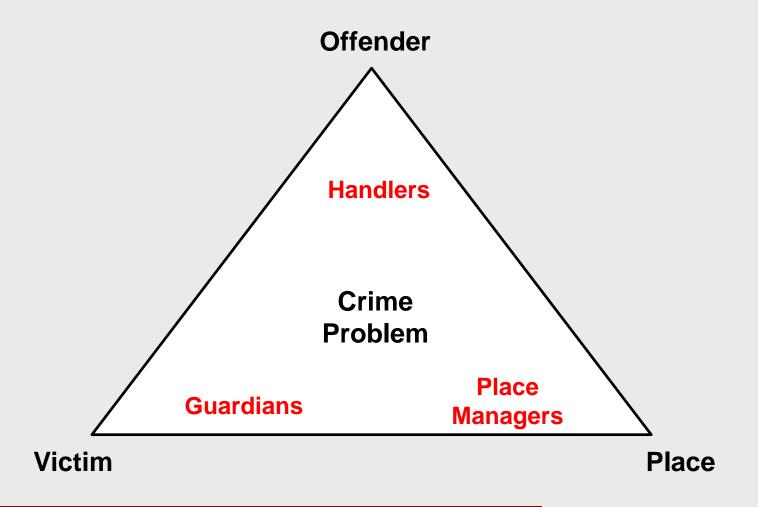


Prevention also needs to think about the crime.....

Eck's "Crime Triangle" (basic chemistry of crime)



Eck's "Crime Triangle"



A Comprehensive Framework for the Prevention of Child Sexual Abuse

Prevention Targets

	Primary prevention (Before harm)	Secondary prevention (Before harm/at risk)	Tertiary prevention (After abuse)
Offenders			
(Potential)			
Victims			
(Children)			
Families/			
Communities			
Situations/			
Places			

Working to Protect Children

Lucy Faithfull Foundation work

	Primary prevention	Secondary prevention	Tertiary prevention
Offenders (Potential)	Hedgehogs	Stop! + Get-Help "Steering Clear"	Stop! + Get-Help Assess/Intervention Inform+/Inform YP IIOC Deterrence Circles of Support/Accountability
Victims (Children)	Hedgehogs Online safety	Online safety (LD)	Therapy
Families/ Communities	Parents Protect Online Safety (P/S)	Online safety (LD) Stop! + Get Help "Steering Clear"	Stop! + Get Help Inform IIOC Deterrence Assess/Intervention
Situations Working to Protect	Safer Recruitment Training Children	Safety Audits	



Stop it Now! UK and Ireland

- Prevention campaign
- Confidential helpline



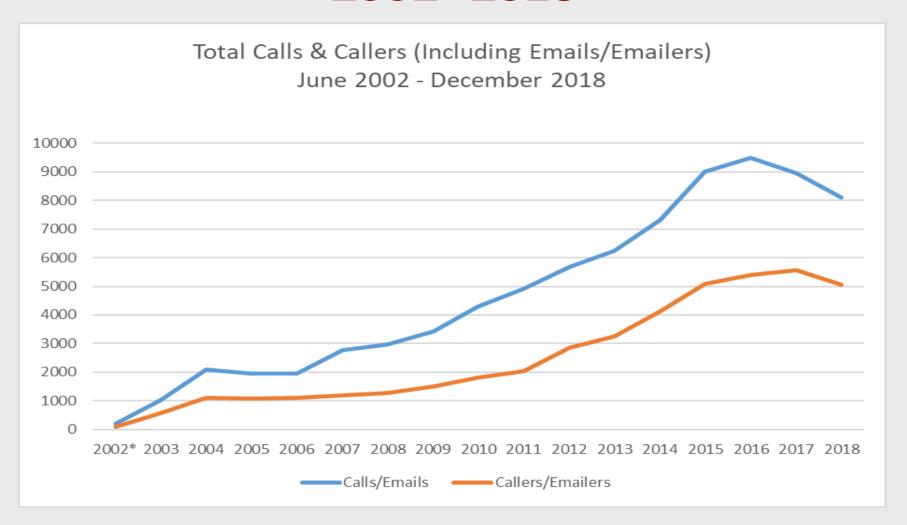
The only UK-wide Helpline and Campaign dedicated solely to tackling child sexual abuse

Stop It Now! Helpline

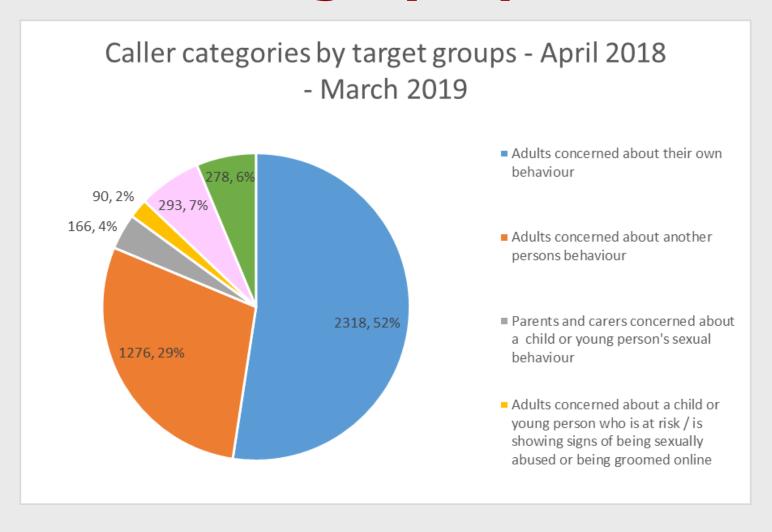
Principal Target Groups:-

- Adult abusers and potential abusers: to encourage them to recognise their behaviour as abusive and seek help to change.
- Family and friends: to encourage them to recognise the signs of abusive behaviour in those close to them and to seek advice about what action to take.
- Parents and carers of young people with worrying sexual behaviour: to encourage them to recognise signs of abusive behaviour in their children and seek advice about what to do.

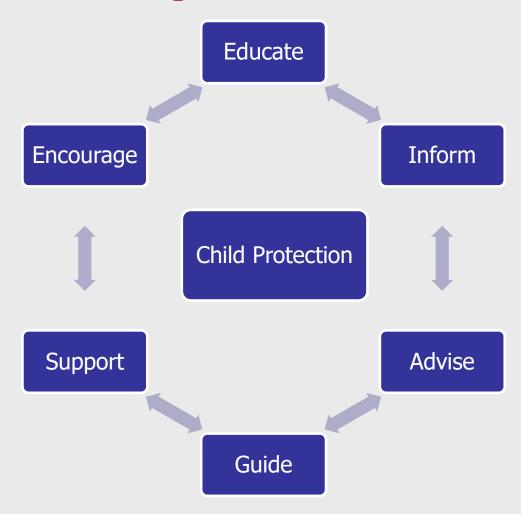
Total calls and callers (including emails) 2002 -2018



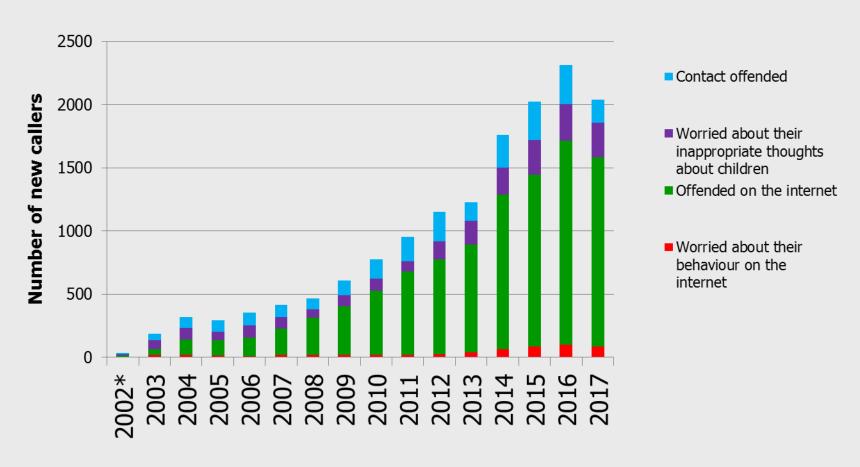
Caller category – pie chart



Helpline tasks



Calls from adults concerned about their own behaviour



Direct impacts of Helpline on offenders

Understand behaviour can be changed Implement techniques and change behaviour

Recognise behaviour as risky

Strengthening other protective factors









Inform Plus:

A psycho-educational programme for viewers on indecent images of children

Inform Plus programme



- For men who have been arrested, cautioned or convicted of accessing indecent images of children online
- Referral via the Stop it Now! helpline or Probation/Children's Services' referrals
- Voluntary attendance
- Self-funded (some subsidised places)

Inform Plus



Structure

- Pre-group individual 'face to face' meeting
- Ten x 2.5 hour sessions
- Approx. 8-10 group members all male
- Two group leaders
- Personal work set between sessions
- Post programme follow-up review group meeting
- Available on a 1:1 basis

Inform Plus



Content

- Offence analysis
- The role of sexual fantasy
- Addictions and compulsions
- Disclosure, social skills and relationships
- Criminal Justice information
- Victim empathy
- Lifestyle change and looking to the future

Inform Plus



Key differences from *sex offender treatment programmes*:

- Most men are still being investigated
- Psycho-educational approach
- Length/intensity
- Voluntary attendance
- Self-funded

Inform Programme



- 'Inform' for partners, relatives and friends of someone who has accessed indecent images of children online
- Inform structure: 5 x 2.5 sessions
- Inform content: facts and myths; understanding the behaviour; risk management; communication and support

The story so far...



- Inform Plus groups delivered from Epsom, Birmingham, Bristol /Glos, Manchester, Edinburgh and Leeds.
- Inform Plus: over 2500 participants to date
- Inform: 650+ participants to date
- Aspirations to expand delivery of the programmes to other centres of population (including via partner organisations)

Inform Plus - evaluations

2016 - Benefits with:

- depression
- anxiety and stress
- self-esteem
- social competency
- improved locus of control
- reduced distorted attitudes.

2017 - Offenders reported:

- better able to manage their thoughts, feelings and behaviours
- motivated for change
- improved communication
- seeing a desirable future away from offending.

Gillespie, et al: An evaluation of a community-based psychoeducational program for users of child sexual exploitation material. Sexual Abuse: A Journal of Research and Treatment

Dervley et al: Themes in participant feedback on a risk reduction programme for child sexual exploitation material offenders, Journal of Sexual Aggression.

Help to stop - 'Get Help' website (plus Stop! Helpline)

Seeking help with illegal online image use?

Stop it now provides information and support for users of illegal online images and those around them, helping to cope with difficult emotions and to change problematic behaviours.









Self-Help modules

- 1. Understanding Why
- 2. Problem of Immediate Gratification
- 3. Triggers
- 4. Taking Responsibility
- 5. Images Are children
- 6. Fantasy
- 7. Addiction
- 8. Problematic Collecting
- 9. Online Relationships
- 10. Recognising and Dealing with Feelings

- 11. Opening Up to Others
- 12. Disclosure
- 13. Self Esteem and

Assertiveness

- 14. Problem Solving
- 15. Self-Talk
- 16. Relapse Prevention
- 17. Building a Good Life

IIOC deterrence campaign

The story so far...

- THE
 LUCY FAITHFULL
 FOUNDATION

 working to protect children
- Research with IIOC offenders (2015)
- Identify key "deterrence" messages
- Develop resources
- Plan and launch National campaign October 2015
- Regional campaigns 2016, 2017, 2018, 2019, 2020 (Police primary partner)
- Organisational campaigns (NHS, Universities)
- Evaluations April 2016, 2017, 2018, 2019, 2020
- September 2019 on Phase 5

Police Force Engagement 2015 / 2016 UK



20 qualitative interviews

- It's a crime
- It causes harm
- It has consequences
- Help to stop















2015 to date

Full site | Store locator | Contact us

2016



Pilot evaluation:

25% increase in calls Fivefold increase in visits Self-reported behaviour change

- Pornography viewing stopped
- · Controls and filters added
- Curbed use of digital devices
- Use of the internet stopped completely
- Curbed use of the Internet







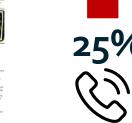












Phase 1: October 2015 – March 2016

Objective

Deter pre-arrest offenders from accessing Indecent Images of Children and drive access to support to stop, reducing reoffending and preventing the escalation of harmful behaviour

Activities

Short deterrence films developed with offenders





Enhanced anonymous resources on Get Help



- 1. Understanding Why
- 2. Problem of Immediate Gratification
- 3. Triggers
- 4. Taking Responsibility
- 5. Images Are children
- 6. Fantasy
- 7. Addiction
- 8. Problematic Collecting
- 9. Online Relationships
- 10. Recognising and Dealing with Feelings
- 11. Opening Up to Others
- 12. Disclosure
- 13. Self Esteem and Assertiveness
- 14. Problem Solving
- 15. Self-Talk
- 16. Relapse Prevention
- 17. Building a Good Life

Phase 2: October 2016 – March 2017

Activities

- Filmed interview with an offender and edited into a series of short and longer films focussing on key messages of consequences, victim harm, hope to change, education and confidential help to stop through the helpline and online resources
- Organised and recorded voice-over of films to protect identity of offender
- Kept the film style away from the stereotypical offender image, with a light, home-setting





 Started working with police to deliver targeted regional campaigns





Police Force
Engagement
2016 / 2017
East of England and
South Wales



Phase 3: October 2017 – March 2018 > Activity and implementation

UPLIFT IN PRESS COVERAGE



Coverage

337 pieces (16/17 - 205 pieces)



National coverage 15

pieces

16/17 – 12 pieces



UK Males reached (16/17 - 43%)



LFF spokesperson interviews

(16/17 - 16)

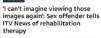


🔀 INDEPENDENT



tw NEWS atten Sky NEWS Western Morning News











■YORKSHIRE POST









Law Enforcement

Wales Police Forces

- · A long-term, sustained partnership
- 50% increase in contacts from people in Wales

North West Police Forces

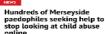
- 134 pieces of press coverage
- 41% increase in Twitter profile views
- Major conference attended by 160 safeguarding professionals

South West Police Forces

- **78** pieces of press coverage
- Engagement from relevant partners, inc. police forces, safeguarding and youth orgs
- Major conference attended by 120

Cambridgeshire and Peterborough NHS Foundation Trust: Messages rolled out to staff and patients via social, printed materials, intranet and face-to-face briefings













Toolkit created and disseminated to relevant charities to raise awareness of Stop it Now! among helpline operators and encourage referrals











Data notes: *Data provided by Britain Thinks, Carat, Consolidated PR, Gorkhana and The Lucy Faithfull Foundation

THE SCOTSMAN THE WEEK

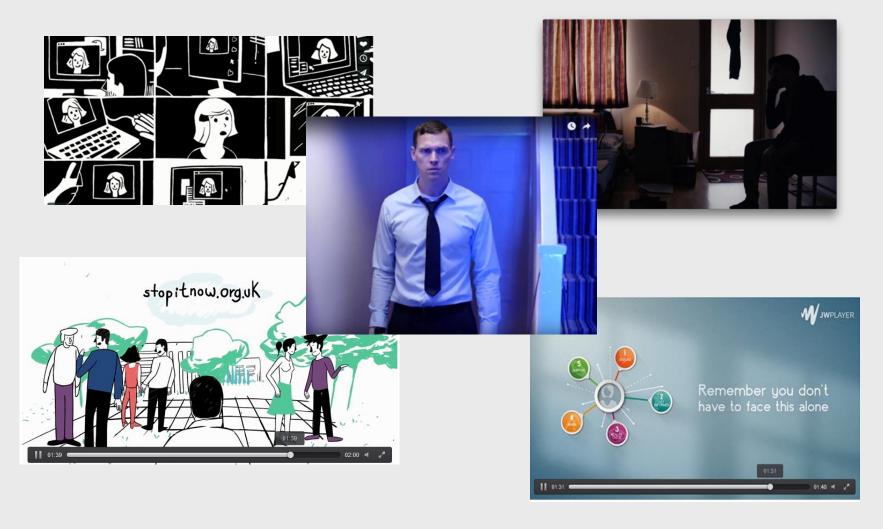
Police Force Engagemer 2017 / 2018 North West and South W **England** SCOTLAND **North West England** NORTH NORTHERN IRELAND YORKS/ MIDLANDS ANGLIA MIDLANDS **South West** LONDON **England** SOUTH EAST SOUTH WEST

Police Force Engagement 2018 / 2019 South East England



Police Force Engagement 2019 / 2020 Wales, London and SCOTLAND **Northern Ireland** NORTH NORTHERN IRELAND **Northern Ireland** YORKS/ HUMBER Humb MIDLANDS WEST Mest ANGLIA WALES London CONDO SOUTH EAST SOUTH WEST **Wales**

Deterrence Campaign "assets"



Film summaries

https://www.youtube.com/user/stopitnowukireland



- 1. communicate key campaign messages:
- the viewing of the images is not a victimless crime
- there are no justifications
- there are serious consequences
- there is help to stop; and it is confidential
- 2. **educate the public** in steps they can take if they think someone they know might be viewing sexual images of under 18s.

Posters





Police social media activity







Partner agency support

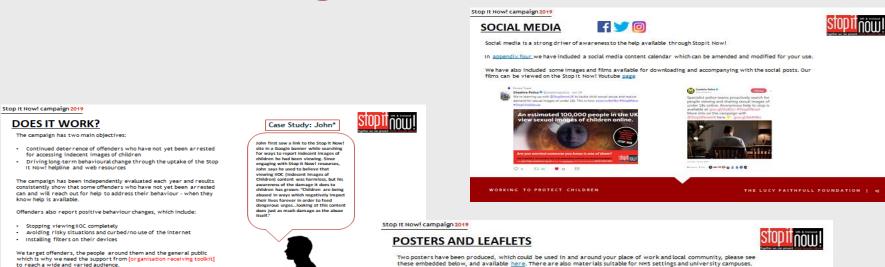








Campaign toolkit for police



WORKING TO PROTECT CHILDREN

THE LUCY FAITHFULL FOUNDA

Viewing and sharing sexual images of anyone under 18 is a crime.

Police are active ordine and ordering more effectives than every before, and an assessment of the effective ordinary of the effective ordinary ordi

Are you worried someone you know is one of them?

It's diffrout to think about, and harder to look doors, but you can let to us.

Please feel free to use these as appropriate within your organisation. And feel free to share them with partner agencies and organisations. We are also happy for posters to be co-branded with your organisation if this would be of interest.



WORKING TO PROTECT CHILDREN

THE LUCY FAITHFULL FOUNDATION | 17

Toolkit for universities

How to engage with... Students who don't know the law and how to report

Visual content displayed across campus



- · Within the men's toilet e.g. inside toilet doors In areas students congregate e.g. student ba
 Inside counsellor or warden offices



Features one young man and his 'special sock'. The film aims to

easy and anonymous.

Share the Sock film on social media with the hashtag

videos illustrating the damage viewing indecent images of children can cause. The four videos focus on online about the law and the need

The government have worked with the NSPCC, Marie Collins Foundation

This video interviews young men to bring to life the issues faced. The

questions can be used in your own someone's age from a photo or vide The possibility of accidentally

riewing illegal sexual images of Understanding around the legal

What to do if sexual images of Whether students would report



Helping students navigate the internet safely

Making students aware of the law and how to report sexual images that could be of under 18s
 Helping any students who are wilfully seeking out sexual images of children to stop











How to engage with... Students who are worried about their thoughts and/or behaviour

Posters & leaflets

We recommend posters and leaflets are placed in counsellor or wardens offices, halls of residence, student union buildings, staff rooms and in helpline or nightline offices. Posters and leaflets on this issue can be found at

https://www.stopitnow.org.uk/deterrence-campaignposters-leaflets.html including:

'Preventing Child Sexual Abuse': introduces the Stop It Now! project: what it is, why we need it and what Stop It Now! is doing to prevent child sexual abuse.

'The internet & children - what's the problem?': encourages people to question their own use of technology and to seek advice. It provides the information needed to recognise the tell tale signs that someone may be using technology in sexually inappropriate or harmful ways and enables people to build up confidence to do something about it.



Videos

Videos have been created and are available on the Lucy Faithful Foundation's YouTube page here. These would be best placed on a mental health or welfare sections of your intranet and/or shown to counsellors and wardens etc. during training sessions. They could be given to them as

- Interviews with people who have been arrested for looking at sexual images of under 18s
- The Knock a film looking at the consequences of offending



Supporting staff & helpline volunteers

There are a range of volunteers and staff across the university who may be approached by students who need help - counsellors, welfare officers, wardens in halls of residence, student union reps. They need support so they can help students in the right way e.g. student helpline staff may receive calls from people who've seen something they're concerned about or who are worried about their behaviour. They need to know how to handle these conversations and where to signpost them to for the right kind of help.

How support staff can help

Ways of approaching and speaking to someone dealing with this problem:

- · Direct students to the Stop It Now! helpline and/or website e.g. 'there is a helpline which deals specifically with this issue and can provide anonymous and confidential support and advice'
- · Take a non-judgemental tone

More information and resources are available on the Lucy Faithful Foundation's website

Where & how to signpost people to get help:

If you are struggling with your behaviour online, you should go to Stop It Now!

> The Stop It Now! services are confidential and anonymous.

You can call the helpline on 0808 1000 900 or visit the website at http://gethelp.stopitnow.org.uk/

RESULT

Stop It Now! has helped over 35,000 people since 2002 - you can get help and learn to control your behaviour online

Toolkit for NHS settings



Stop It Now! Get Help self-help website



Public campaign running

"Get-Help" website results

- (UK Police arrest c 5,000 per year)
- Total UK visitors* = 103,178
- 17,659 sessions lasted between 10 and 30 minutes.
- 9,968 sessions lasted 30 minutes or more
- 4,809 people have visited between 15 and 25 times
- 4,294 people have visited between 26 and 50 times.

^{*}September 2016 – end February 2019

"Get-Help" website results

(UK Police arrest c 5,000 – 6,000 per year)

Global

- Sessions = 244,221
- Users = 166,546

UK

- Sessions = 192,438
- Users = 122,156
- 13,699 sessions lasting 30+ mins
- 6,348 people have visited between 15 and 25 times
- 5,679 people have visited between 26 and 50 times.

^{*}October 2015 – March 2019

What does it mean for families and friends of those arrested?



How does it feel for wives, partners, parents, of those arrested?

How does it feel for children of those arrested?

Please discuss with your neighbour.

Families and Friends Forum

Family and Friends Forum

Topics	Replies	Last reply
Pinned: Ask Lucy - Tonights session is postponed by Lucy from Stop it Now! on Wed November 21, 2018 10:03am	0	No replies yet
Pinned: Ask Lucy - first session by Lucy from Stop it Now! on Thu November 8, 2018 1:01pm	4	by Lucy from Stop it Now! Mon November 19, 2018 12:02pm
Pinned: Welcome by The Lucy Faithfull Foundation on Tue August 28, 2018 12:49pm	27	by R Sun November 18, 2018 7:36pm
Pinned: How to get started on the forum by Lucy from Stop it Now! on Mon September 10, 2018 2:27pm	0	No replies yet
I don't think like a victim by losthusband on Wed November 21, 2018 9:51am	5	by losthusband Wed November 21, 2018 2:34pm
Everyone's stories? by G&J on Sun November 11, 2018 10:21pm	20	by Onwards&upwards Wed November 21, 2018 7:38am

Working to Protect Children

Families and Friends Forum

Topics	Replies	Last reply
In the public eye by Scooby on Fri October 19, 2018 9:23am	5	by Scooby Sun October 21, 2018 1:50pm
Their choices which we could NOT have influenced by Onwards&upwards on Sat October 20, 2018 8:38am	5	by Onwards&upwards Sat October 20, 2018 10:50pm
I am not alone after all by Onwards&upwards on Fri October 19, 2018 11:06pm	3	by Onwards&upwards Sat October 20, 2018 7:57am
Are my feelings normal?! by KLK on Thu October 11, 2018 8:28pm	11	by Andrea Fri October 19, 2018 6:19pm
Guilt for leaving Mum to go to university by Elizabeth on Sat October 13, 2018 12:23am	6	by Scooby Fri October 19, 2018 8:48am
Either way i lose by Maria on Wed October 17, 2018 9:09am	3	by Scooby Thu October 18, 2018 5:30pm

Next Steps





SCALING UP

How do we reach more people before they offend? What partnerships can we forge to maximise reach and impact?



CREATING A RESOURCE IN TOR

Making our resources available in the dark web



TARGETING 'GROOMING' BEHAVIOUR

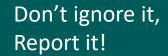
Using learning and research to develop evidence-based deterrence campaigns targeting 'groomers'





With the support of the Internal Security Fund-Police Programme of the European Union 2014-2020

Fighting CSAM.



Preventing Child Sexual Abuse Material (CSAM) online

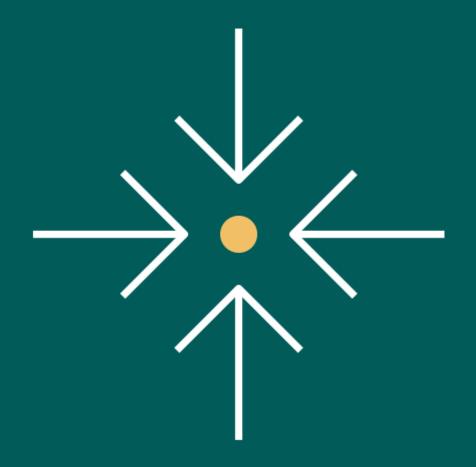
11.02.2020 Lyon

Denton Howard - INHOPE Executive Director



Table of Contents

- Who I am & Why I am here?
- INHOPE & hotlines
- Our global network
- A global response to tackle a global issue
- ICCAM What it is & Why you should know (in partnership with Interpol)



Who am I & Why am I here?

Who

Der Geschäftsführer – INHOPE.org

- Responsible for an endless list of stuff to make
 Hotlines more effective
- Law enforcement trainer on tackling CSAM (Europol COSEC SELM)
- 15 years experience in combatting CSAM

Why

To explain how hotlines combat CSAM online:

- Remove online CSAM and
- Contribute to the rescue of victims.
- Work toward the objective of making the Internet a safer place.
- Best explained with a short video.....

INHOPE & hotlines

A hotline is...

- An organization operating on a national basis that allows anonymous reporting of suspected illegal
 Internet material including CSAM
- Each report is assessed by the hotline
- If classified as illegal, law enforcement and/or internet service providers advised for notice and takedown (removal of access NOT deletion)
- Reported via the ICCAM system more about this
 later



Hello Hotline,

I was on the internet and saw a website http://www.europol.eu

On the first page there were pictures – I think they may be illegal, but I am wary of telling the police in case they think I am a paedophile – please do something about this......

Regards – Anonymous Citizen

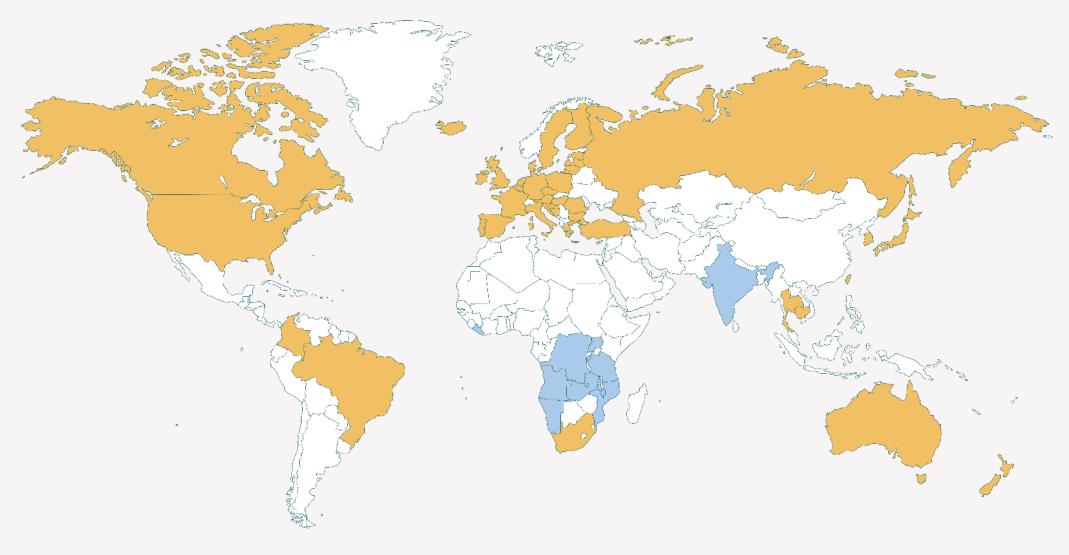
A hotline is...

Structure: Run by NGO's / Government / ISP Associations + Hybrids

What is a report?

3

Our global network



INHOPE Member hotline

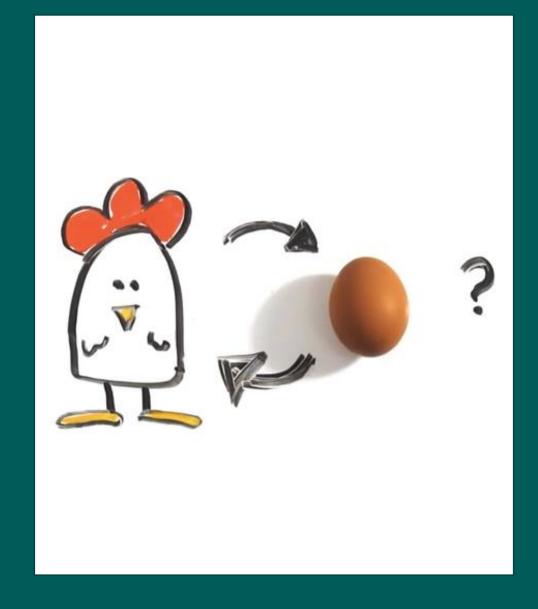
Reporting Portal

The value of INHOPE

- CSAM is rarely hosted in the country in which it is reported thus **transnational**.
- Network facilitates the exchange of reports
- Allows for faster action / response as national Hotlines have national stakeholder support.
- Ensures reports go to the relevant LEA as quickly as possible.
- ICCAM system allows for instant exchange of reports when hosted in other countries (often multiple)
- Improve notice & takedown performance (removal of access) which is key metric for the EC & governments
- Common operational systems and standards

Which came first?

- First Hotlines / Tiplines in the 1990's in Europe &
 USA
- Informal groupings to share knowledge
- 1999 Association formed by 6 = INHOPE
- Network formed to exchange reports and get funding



A global response to tackle global issue

Isn't this police work?

Structure & Purpose

- Isn't this is police work?
- Triage 90 / 10 rule
- Hotline objectives = add value, speed up actions and get content removed + free up law enforcement resources so.......
- I hope you agree that they are a good idea!

Stakeholder Support

Hotlines can only exist with the

support of stakeholders

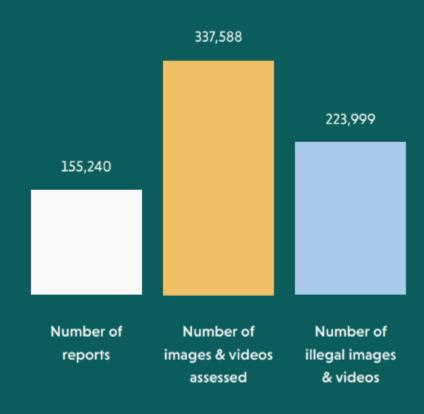
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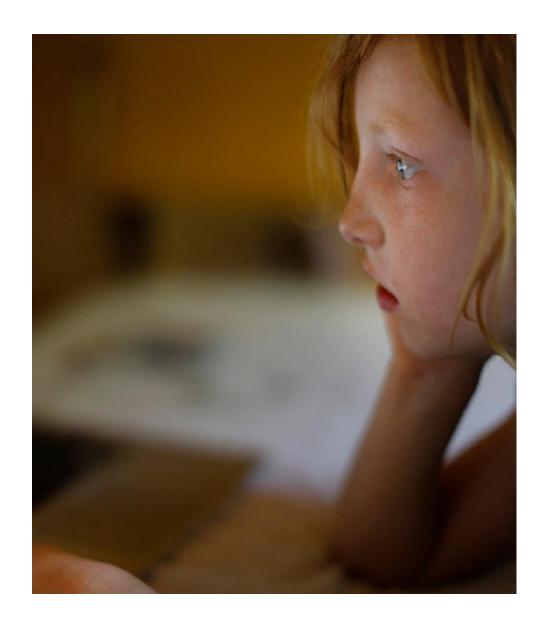
- LEA
- Government
- Industry
- Child Welfare



What has INHOPE achieved?

- 155,240 reports routed via ICCAM in 2018 which included 337,588 images & videos.
- 223,999 images and videos were assessed as illegal,
 an increase of 51% on 2017.







Global



2018

Europe



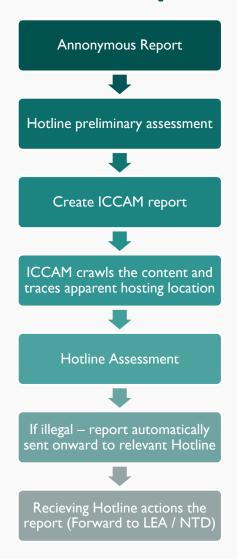
ICCAM – What & Why

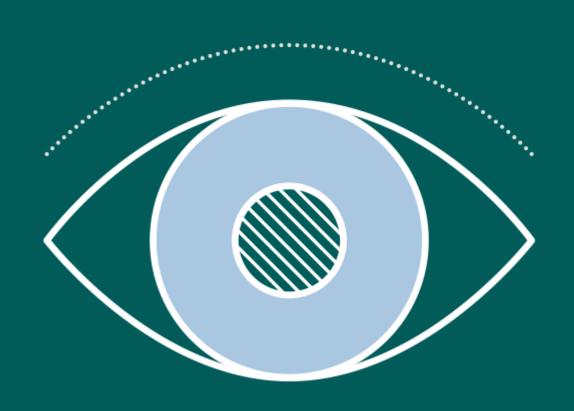
ICCAM

(I)I (C)See (C)Child (A)Abuse (M)Material

^{*}Created with funding from the European Union & hosted by Interpol

The Process (level 1)





Why you should care?

- The sooner it is removed from the internet preventing resharing / copying and minimising continual revictimisation.
- Law enforcement (nationally) are advised rapidly.
- Interpol victim ID team advised of any new material directly.
- It feeds ICSE database
- Its makes us more efficient
- It delivers real time data

What can you do?

- Make sure that you know about your national hotline – see www.inhope.org
- Do everything you can to make sure that the Hotline is allowed to operate effectively.
- Specifically in regard to using the full functionality of ICCAM.
- View Hotlines as a resource and partner both nationally and internationally.

Our law enforcement, industry and government partners believe in INHOPE and its member hotlines.





Co-funded by the Internal Security Fund – Police Programme 2014-2020 of the European Union



The "Grooming" Phenomenon

Michael Lynch
Detective Inspector
GNPSB



WHAT IS GROOMING?



- What is it?
- Who does it?
- Who is groomed?
- How long does it take to groom a child before sexual exploitation begins?



WHAT IS GROOMING?







Difficulties with Definition

- 'Grooming' term first used publicly in 1995
- 'Grooming' linked to Internet Chat Rooms in 2001
- 'Stranger Danger'
- Harmful Behaviour -v- Innocent Behaviour





Various Dictionaries

To keep an animal's hair or fur clean/tidy

To make your appearance tidy and clean, eg washing, shaving, brushing your hair, or

To prepare for a future role or function





Groom – Collins English Dictionary

a male servant or attendant



Collins English Dictionary

 To win the confidence of (a victim) in order to a commit sexual assault on him or her





NSPCC

 Grooming is when someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse or exploitation.





"A course of conduct enacted by a suspected paedophile, which would give a reasonable person cause for concern that any meeting with a child arising from the conduct would be for unlawful purposes." (O,Connell, 2003)





"A course of conduct enacted by a suspected paedophile, which would give a reasonable person cause for concern that any meeting with a child arising from the conduct would be for unlawful purposes." (O'Connell, 2003)



WHAT IS GROOMING?

preparing "a child, significant adults and the environment for the abuse of this child... gaining access to the child, gaining the child's compliance and maintaining secrecy to avoid disclosure" (Craven et al, 2006)



WHAT IS GROOMING?

- Building Rapport?
- Being a Role Model for Children?

Coaches/Youth Group Leaders

How do we balance

Being A Role Model -V- Predatory Grooming



WHAT IS GROOMING? THE PURPOSE

Child Sexual Abuse

- Contact Sexual Abuse
- Collecting Child Abuse Material (Child Pornography)
- Self-taken Child Abuse Material



- Stranger in the Street or the Park?
- Stranger on the Internet?
- Parent or Other Adult Relative
- Teacher/Clergy
- Sports Coach
- Scout Leader
- Youth Group Leaders
- Men/Women?
- Other Children



The internet provides many new opportunities for offenders (strangers) to groom children

BUT

The vast majority of children are groomed by someone who already knows them!

STOCK BENEFIT OF THE PARTY OF T

WHO IS GROOMED?

- Child
- Family of the Child
- Family of the Offender
- Colleagues in Work/Voluntary Organisations
- The Community
- The Police
- Lawyers
- Professionals Doctors/Psychologists
- Judges?



- 33% of offenders explicitly worked on becoming welcome in the child's home
- 53% of offenders offered to play games, teach a sport, or teach how to play a musical instrument.

(Elliott et al 1995)



Fathers who abused

- 73% of perpetrating fathers viewed trust as crucial to the "sexual relationship" to reduce the risk of the daughter disclosing the abuse
- Many fathers also show clear signs of favouritism toward their victimized daughter

(Warner-Kearney, 1987).



Offenders who used Babysitting

- 49% started talking to the child about sex,
- 21% misrepresented the abuse as educational or loving
- 20% offered to bathe or clothe the child.
- 47% used "accidental" touch.
- 40% said first move was sexual touching or genital kissing.
- 32% asked child for help with undressing or lying down.

(Elliott et al 1995).



Offenders who used Babysitting

- 44% of offenders used coercion and persuasion,
- 61% would stop the abuse if the child became resistant and then persuaded the child to let them begin again.
- Many offenders committed the abusive acts in their own homes, where
- 33% used pornographic videos and magazines to desensitize the child.

(Elliott et al, 1995).

WHO IS GROOMED?



- Child
- Family of the Child
- Family of the Offender
- Colleagues in Work/Voluntary Organisations
- The Community
- The Police
- Lawyers
- Professionals Doctors/Psychologists
- Judges?



WHO IS GROOMED?

Planning strategies used included:

gaining trust of the whole family

using affection, understanding and love

(Finkelhor, 1984; McAlinden, 2012)



WHO IS GROOMED?

- Everybody involved can be groomed!
- Sexual Predators are not seen as monsters until they are caught sexually exploiting children
- Until they are caught they are usually:
 - Very Nice People
 - Pillars of Society
- Being Nice is part of the Modus Operandi



Child Trafficking & Pornography Act 1998 (Amended **2007**)

- Section 3(2A) and 3(2B)
- Meeting or Attempting to Meet A Child
- Within the State (2A) or Outside the State (2B)
- For the purpose of Sexual Exploitation of a Child
- Having communicated with the child on 2 or more occasions

SEXUAL EXPLOITATION OF A CHILD



S.3(2) Child Trafficking & Pornography Act 1998 (Amended **2008**)

- Sexual Exploitation of a Child
- Wording of Offence changed
- Definition of Sexual Exploitation changed

SEXUAL EXPLOITATION OF A CHILD



- prostitution of the child or the use of the child for the production of 'Child Pornography'
- commission of an offence specified in the Sex Offenders Act 2001 against a child, or
 - causing another person to commit such an offence against a child
 - inviting, inducing coercing a child to commit such an offence against another person,

SEXUAL EXPLOITATION OF A CHILD



Inviting, inducing, coercing a child to:

- engage in prostitution or production of 'Child Pornography',
- engage or participate in any sexual, indecent or obscene act,
- observe any sexual, indecent or obscene act, for the purpose of corrupting or depraying the child.

SEXUAL EXPLOITATION OF A CHILD



Inviting, inducing, coercing a child to:

- engage in prostitution or production of 'Child Pornography',
- observe any sexual, indecent or obscene act, for the purpose of corrupting or depraying the child.

SEXUAL EXPLOITATION OF A CHILD



Inducing, coercing a child to:

 engage or participate in any sexual, indecent or obscene act,

Inviting a child to

 engage or participate in any sexual, indecent or obscene act, that constitutes an offence (2017)

Criminal Law (Sexual Offences) Act 2017



Gives Effect to EU Directive No. 2011/93/EU

- Combating the
 - Sexual Abuse of Children
 - Sexual Exploitation of Children
 - Child Pornography

Criminal Law (Sexual Offences) Act 2017



New Grooming Offences in 2017

- S.4 Invitation to sexual touching (U.15 10 Years Imp)
- S.5 Sexual activity in presence of a child (U.17 10 Years Imp)
- S.6 Causing child to watch sexual activity (U.17 14 years Imp)
- S.7 Meeting child for purpose of sexual exploitation (U.17 14 Years)

 <u>After just 1 communication</u>
- S.8(1) Use of ICT to facilitate sexual exploitation of a child (U.17 14 Yrs)
- S.8(2) Send <u>sexually explicit</u> material to a child (U.17 14 Yrs) (Any <u>indecent/obscene images or words</u>)

Criminal Law (Sexual Offences) Act 2017



New Grooming Offences in 2017

S.8(1) Use of ICT to facilitate sexual exploitation of a child (U.17 - 14 Yrs)

- Any person who
- by means of ICT (Phone, tablet, PC, laptop, Game Console)
- communicates with another person (including a child)
- for the purpose of facilitating the sexual exploitation of a child
- by that person or any other person



- Friendship Forming Stage
- Relationship Forming Stage
- Risk Assessment Stage
- Exclusivity Stage
- Sexual Stage



Friendship Forming Stage

- General chat about likes/dislikes
- Asks for descriptions
- Often includes request for picture of Child not request sexual, but may receive sexual picture



Friendship Forming Stage

"look for a kid who is easy to manipulate. They will go along with anything you say. I would approach them by being friendly, letting them think I was someone they could confide in and talk to"

(Conte et al., 1989, p. 298)



Friendship Forming Stage

- Grooming or Building Rapport?
- Being a Role Model for Children?

Coaches/Youth Group Leaders

How do we balance

Being A Role Model -V- Predatory Grooming



Relationship Forming Stage

- Discussion about home/school life
- Become Child's best friend
- Text/Chat becomes sexual
- Mentor describe the 'How to' of sexual activity
- Invite child to masturbate & describe how it felt



Relationship Forming Stage

- 33% of offenders admitted to using affection and love to gain the child's trust.
- 53% of offenders offered to play games, teach a sport, or teach how to play a musical instrument.
- 46% of offenders used gifts as bribes in exchange for sexual favours.

(Elliott et al 1995)



Risk Assessment Stage

- Location of Devices?
- Who's at home?
- Who else uses devices?
- Do parents check devices?



Exclusivity Stage

- 'I understand what you're going through'
- 'You can talk to me about anything'
- Best Friends
- Trust
- Mutual Respect
- Secrecy



Exclusivity Stage

• 46% percent of offenders gave bribes, took the child for an outing, or drove the child home.

(Elliott et al 1995)



Exclusivity Stage

- Intrafamilial offenders often isolate the victim from their non-abusing parent, siblings and the outside world by developing an exclusive relationship with the child.
- They may encourage mothers to have more of a life outside the home, which then gives themselves increased opportunities to abuse their victims.

(Leberg, 1997).



Exclusivity Stage

- They may isolate non-abusing parents from the outside world in order to prevent them from having people in whom to confide about any concerns
- Encourage mothers to develop an alcohol dependency, in part so that any future disclosures made lack credibility
- Limit credibility include questioning the mother's parenting ability in front of friends and other family members. This may constitute part of their strategy for grooming the environment and significant others

(Leberg, 1997).



Sexual Stage A

- Adult sends the child:
 - Adult Pornography
 - Child Erotica Material Not Necessarily Illegal (?? 2017)
 - Child Abuse Material 'Child Pornography'
- Requests Child to produce and/or distribute
 - Child Erotica Material Not Necessarily Illegal (?? 2017)
 - Child Sexual Abuse Material 'Child Pornography'

In Ireland - this appears much more common than contact Offending



Sexual Stage B

- Fantasy Enactment 'Cyber Sex' or 'Phone Sex'
 - One/both describing a scene of sexual activity
 - One/both masturbating, describing how they feel
 - Perception of Mutuality
 - May include subtle blackmail/coercion



Sexual Stage C

Meeting Child for Purpose of Sexual Exploitation



Sexual Stage D

- Contact Sexual Offending
 - Rape, Sexual Act with a Child
 - S.4 Rape (Anal/Oral penetration, use of objects)
 - Sexual Assault
 - Aggravated Sexual Assault





Sexual Stage

- Damage Limitation
 - Positive encouragement, praise to child
 - Apology for threats/coercion "but I felt you needed to do it"
 - 'I love you'
 - This is our secret



Sexual Stage

Damage Limitation

3 types of pressure used to keep victims compliant:

- material goods
- misrepresentation of moral standards
- need for human contact.

Burgess and Holmstrom (1980)



SEXUAL EXPLOITATION OUTSIDE THE STATE

S.7 Criminal Law (Human Trafficking) Act 2008

- Sexual Exploitation of a Child
- Irish Citizen or Person Ordinarily Resident in State
- Any Place other than the State
- Does not have to be offence in other place
- Any person anywhere in a place other that the State
- Sexually exploits an Irish child
- Does not have to be offence in other place













MOBILE TELEPHONES?







MOBILE TELEPHONES

[Danny]	Asl	8/3/2009 21:58
[Caroline]	13 f naas u?	8/3/2009 22:08
[Danny]	Im 18 4m dublin do u mind tat im older den	8/3/2009 22:09
[Caroline]	No dat cul	8/3/2009 22:10
[Danny]	Cool so wat r u doin now	8/3/2009 22:12
[Caroline]	Tv er	8/3/2009 22:12
[Danny] (4)	Can i hav a pic of u	8/3/2009 22:14



MOBILE TELEPHONES

[Danny]	Do u ride	8/3/2009 22:32
[Danny] (7)	Do u ever do any sex xxx	8/3/2009 22:31
[Caroline]	Felas s wel of course	8/3/2009 22:30
[Caroline]	Dncin n hangn w frds	8/3/2009 22:28
[Danny]	Blond tall n im told im gud lukin my names danny wat r u in2	8/3/2009 22:24
[Caroline]	Caroline, tal, brn hair, n bad looker u?	8/3/2009 22:20
[Danny]	Wat do u luk lik n wats ur name	8/3/2009 22:18
[Caroline]	Nah fne lost da got dis piece sht t 'teach me'	8/3/2009 22:15



MOBILE TELEPHONES

[Danny]	Hav u done head xx	8/3/2009 22:40
[Caroline]	Ye	8/3/2009 22:42
[Danny]	Wen did u giv head last xx	8/3/2009 22:45
[Caroline]	2 wks	8/3/2009 22:45
[Danny] (13)	Wud u meet up wit me sumtime	8/3/2009 22:46
[Caroline]	Dunno u far way	8/3/2009 22:47
[Danny]	Do u swollow d xxx	8/3/2009 22:47
[Danny]	I cud drive down 2 u xx	8/3/2009 22:49
[Danny] (18)	Wud u suck	8/3/2009 22:53



Thank You

An Garda Síochána **Garda National Protective Services Bureau**Harcourt Square

Dublin 2

Phone: + 353 1 6663423

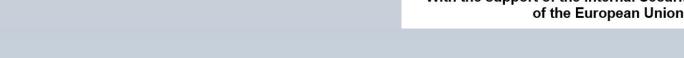
Fax: + 353 1 6663439

Email: gnpsb@garda.ie



























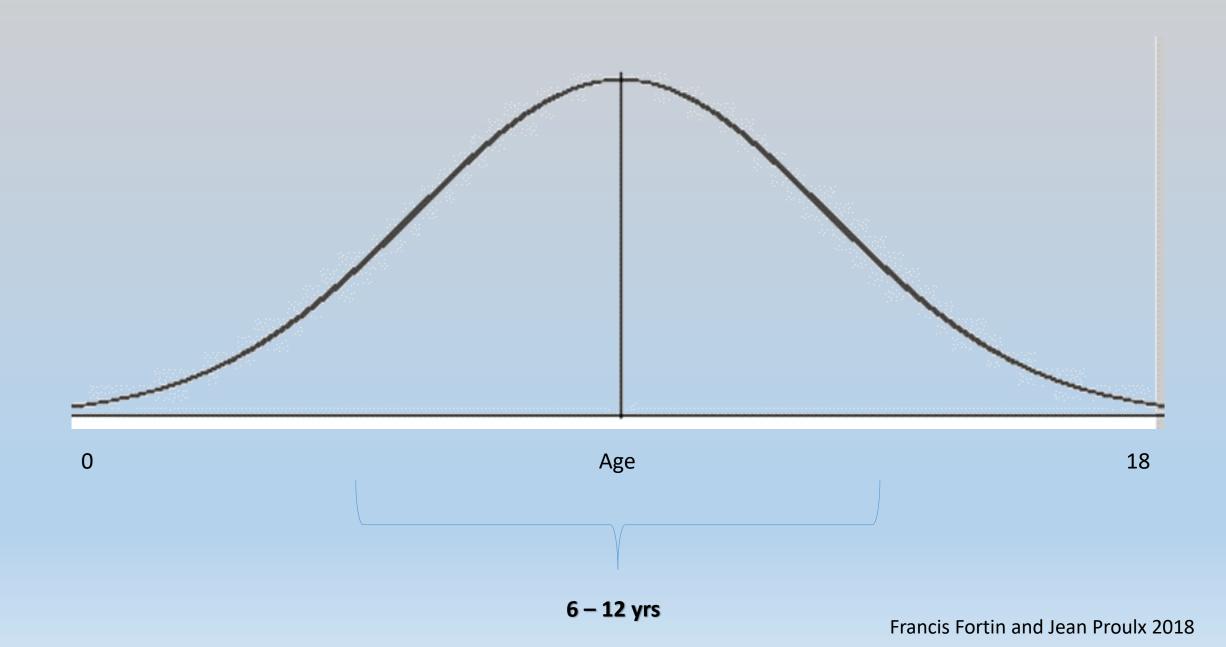


CSAM – CSEM Typology of Paedophile Picture Collections

Level	Name	Description of Picture Qualities
1	Indicative	Non-erotic and non-sexualised pictures showing children in their underwear, swimming costumes, etc. from either commercial sources or family albums; pictures of children playing in normal settings, in which the context or organisation of pictures by the collector indicates inappropriateness
2	Nudist	Pictures of naked or semi-naked children in appropriate nudist settings, and from legitimate sources
3	Erotica	Surreptitiously taken photographs of children in play areas or other safe environments showing either underwear or varying degrees of nakedness
4	Posing	Deliberately posed pictures of children fully, partially clothed or naked {where the amount, context and organisation suggests sexual interest) MAX. TAYLOR, GEMMA HOLLAND AND ETHEL QUAYLE 2001

CSAM – CSEM Typology of Paedophile Picture Collections

6	Explicit erotic posing	Emphasising genital areas where the child is either naked, partially or fully clothed
7	Explicit sexual activity	Involves touching, mutual and self- masturbation, oral sex and intercourse by child, not involving an adult
8	Assault	Pictures of children being subjected to a sexual assault, involving digital touching, involving an adult
9	Gross assault	Grossly obscene pictures of sexual assault, involving penetrative sex, masturbation or oral sex involving an adult
10	Sadistic/ bestiality	a. Pictures showing a child being tied, bound, beaten, whipped or otherwise subjected to something that implies pain b. Pictures where an animal is involved in some form of sexual behaviour with a child MAX. TAYLOR, GEMMA HOLLAND AND ETHEL QUAYLE 2001.

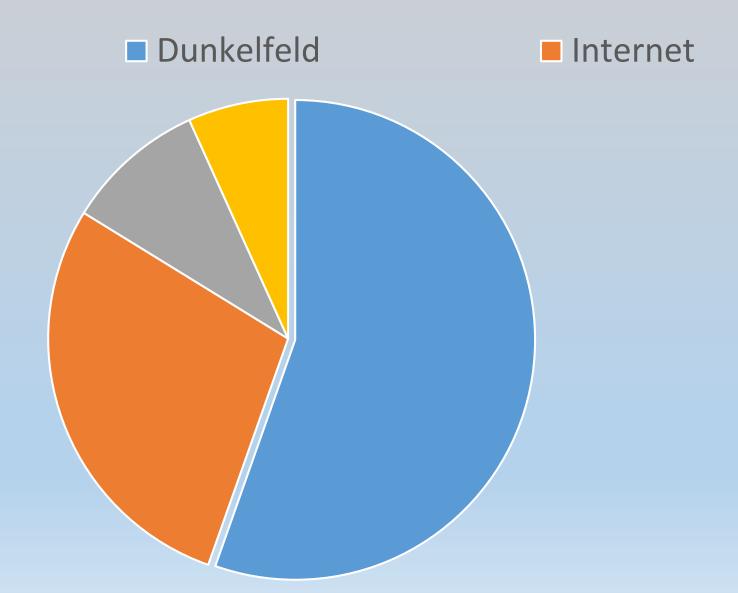


Child Sex offenders -

Preferential – v- Situational

Online / Offline?

Child Sex offenders -



CSAM offenders and Sexual Abuse

• Butner/ Butner redux – 85%

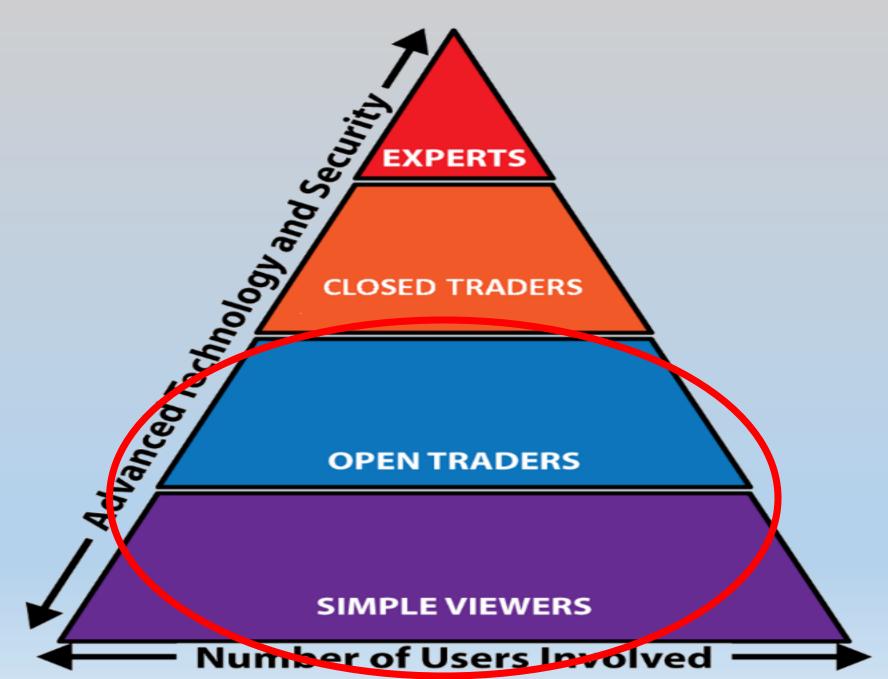
Rochester Institute of Technology (RIT) – 50%

• Seto, Hanson, Babachishin – 50%

Typology of offenders:

Type of involvement	Features	Level of networking by offender	Security	Nature of abuse
Browser	Response to spam, accidental hit on suspect site - material knowingly saved	Nil	Nil	Indirect
Private fantasy	Conscious creation of online text or digital images for private use	Nil	Nil	Indirect
Trawler	Actively seeking child pornography using openly available browsers	Low	Nil	Indirect
Non-secure collector	Actively seeking material often through peer-to-peer networks	High	Nil	Indirect
Secure collector	Actively seeking material but only through secure networks. Collector syndrome and exchange as an entry barrier	High	Secure	Indirect
Groomer	Cultivating an online relationship with one or more children. The offender may or may not seek material in any of the above ways. Pornography may be used to facilitate abuse	Varies - online contact with individual children	Security depends on child	Direct
Physical abuser	Abusing a child who may have been introduced to the offender online. The offender may or may not seek material in any of the above ways. Pornography may be used to facilitate abuse	Varies - physical contact with individual children	Security depends on child	Direct
Producer	Records own abuse or that of others (or induces children to submit images of themselves)	Varies - may depend on whether becomes a distributor	Security depends on child	Direct
Distributor	May distribute at any one of the above levels	Varies	Tends to be secure	Indirect
	Tony Krone 2004		secure	

Typology of Online Child Exploitation Material Users



Principle: Children first

- Indication of sexual interest in children
- Don't judge seriousness by CSAM
- Assume worst case scenario as you work your way in
- Offenders always minimise always
- Victims also minimise
- Suspect access to children and risk of offending

Principle: Identify your suspect

Principle: Investigation

Principle: Evidence

Principle: Children first

- Full use of databases available including OSINT
- Local knowledge
- Establish current or potential risk of contact offenders
- Paddress challenges ple: Investigation
- Don't pre-judge the offender who else has access to IP
- Other addresses?
- Plan your search properly

- Timing
- Physical
- Resources

Principle: Identify your suspect

Principle: Evidence

Forensics – use triage but don't rely totally

Remember your period of opportunity

Proper professional search

Cloud? External devices? Workspace?

Access to children?

Interview those around suspect

Consider Stopitnow

Timing

Physical

Resources

Principle: Children first

Principle: Identify your suspect

Principle: Investigation

Principle: Evidence

• Forensics – prepare in advance – Support if possible

Profile machines – Encryption? Darknet? Wiping?

Collection- Size? Sorted? Indexed? Wide or narrow?

• If in doubt - seize

Seek guidance on what you can and cannot do

Cloud? External devices? Workspace?

• International angle – share as much as possible with Europol and Interpol.

Prepare your file – use modern techniques to present

Victim identification

Principle: Children first Principle: Identify your suspect Principle: Investigation Principle: Evidence Principle: Prosecution

- Remember they are busy too!
- If possible seek a specialised prosecutor
- This is new crime type we're still learning.
 Innovate, overcome, invent, share
- Demand victim ID report for court
- Give profile of offender machine, collection type, contact with others.

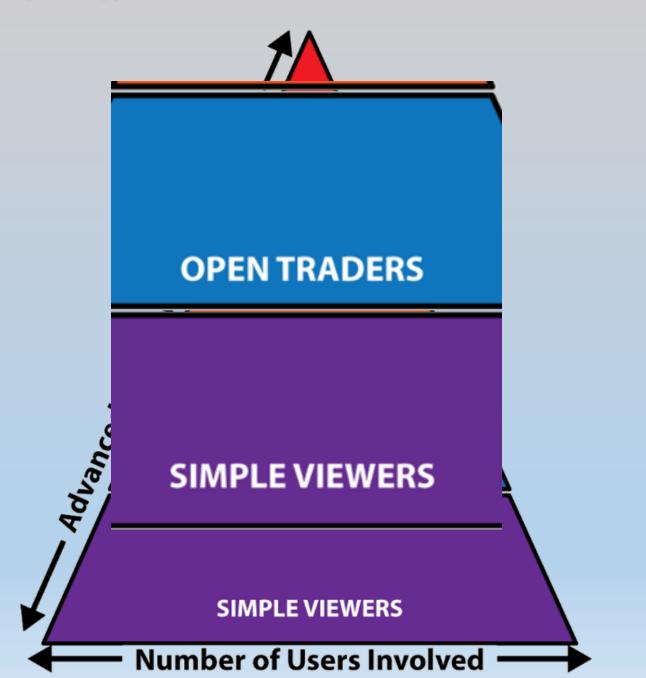
Principle: Children first

Principle: Identify your suspect

Principle: Investigation

Principle: Evidence

Typology of Online Child Exploitation Material Users



OPEN TRADERS

SIMPLE VIEWERS

- IP address/ other element
- Identify suspect address
- Search warrant
- Forensic examination
- Arrest
- Prosecution





- Serious, Organised Crime
- International operation
- Requires careful planning and careful execution
- Modern and innovative methods





WARHEAD

BENJAMIN FAULKNER



PATRICK FALTE

Frincis on in and Jean July





Thank you



What questions have you?



@mickmoran
michael.moran@garda.ie
mick@mickmoran.eu



Directive 2011/93/EU on combatting the sexual abuse and sexual exploitation of children

ERA TRAINING: PREVENTING CHILD SEXUAL ABUSE 10th February 2020, Lyon

René J. Steiner

Cybercrime Unit

Directorate-General for Migration and Home Affairs

European Commission

Agenda

- 1. Introduction
- 2. Directive 2011/93/EU
- 3. After this training course



Agenda

- 2. Directive 2011/93/EU
- 3. After this training course



• Why me?





- Why the EU?
- Commission, Parliament, Council
- The team at the Commission



• 3 main tools at EU level to fight child sexual abuse:

- Co-ordination
- Funding
- Legislation



- Co-ordination:
 - Europol (EC3, EMPACT)
 - WPGA
 - •



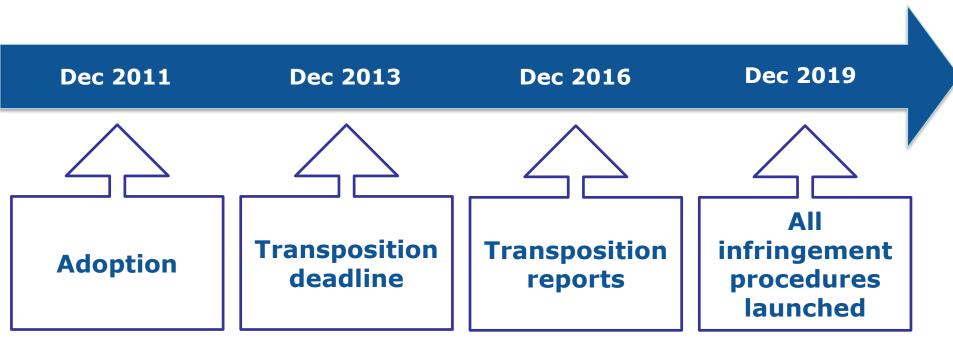
- Funding:
 - Research projects; INHOPE (51 hotlines in 42 countries), ICSE database (at Interpol), ...
 - Horizon 2020 (Horizon Europe); Internal Security
 Fund-Police (Internal Security Fund)



- Legislation: Directive 2011/93/EU
 - Content in a moment (printed in the documentation)
 - Directive v regulation
 - Infringements against 23 MSs
 - 3 MSs involved in other exchanges of conformity
 - DK not part
 - UK on its way out



Monitoring of implementation: timeline



- 2 reports (see documentation):
- General
- Art. 25: websites removal/blocking



Agenda

1. Introduction

2. Directive 2011/93/EU

3. After this training course



Directive 2011/93/EU

- Replaces Framework Decision 2004/68/JHA
- Incorporates into EU law the COE Lanzarote
 Convention (printed in your documentation)
- Most comprehensive and ambitious piece of
 EU law ever in the area of fighting child sexual exploitation



Directive 2011/93/EU covers multiple areas...

Prosecute offenders

Protect child victims

Prevent child sexual abuse and exploitation



... through 5 main parts (plus legal-technical articles)

Definitions (Art. 1-2)

Subject matter (Art. 1), Definitions (Art. 2)

Offences & Penalties (Art. 3-13)

Offences concerning sexual abuse (Art. 3), sexual exploitation (Art. 4), child pornography (Art. 5), solicitation of children for sexual purposes (Art. 6); Incitement, aiding and abetting, and attempt (Art. 7); Consensual sexual activities (Art. 8); Aggravating circumstances (Art. 9); Disqualification arising from convictions (Art. 10); Seizure and confiscation (Art. 11); Liability of legal persons (Art. 12); Sanctions on legal persons (Art. 13)

Investigation & Prosecution (Art. 14-17)

Non-prosecution or non-application of penalties to the victim (Art. 14); Investigation and prosecution (Art. 15); Reporting suspicion of sexual abuse or sexual exploitation (Art. 16); Jurisdiction and coordination of prosecution (Art. 17)

Assistance to victims (Art. 18-20)

General provisions on assistance, support and protection measures for child victims (Art. 18); Assistance and support to victims (Art. 19); Protection of child victims in criminal investigations and proceedings (Art. 20)

Prevention (Art. 21-25)

Measures against advertising abuse opportunities and child sexual tourism (Art. 21); Preventive intervention programmes or measures (Art. 22); Prevention (Art. 23); Intervention programmes on a voluntary basis in the course of or after criminal proceedings (Art. 24); Measures against websites containing or disseminating child pornography (Art. 25)



Prevention articles

- Article 21: Measures against advertising abuse opportunities and child sex tourism
- Article 22: Preventive intervention programmes or measures
- Article 23: Prevention
- Article 24: Intervention programmes or measures on a voluntary basis in the course of or after criminal proceedings
- Article 25: Measures against websites containing or disseminating child pornography

European

Article 21: Measures against advertising abuse opportunities and child sex tourism

Member States will take appropriate measures to prevent or prohibit:

- (a) the dissemination of material advertising the opportunity to commit any of the offences referred to in Articles 3 to 6; and
- (b) the **organisation for others**, whether or not for commercial purposes, of travel arrangements with the purpose of committing any of the offences referred to in Articles 3 to 5.

Article 22: Preventive intervention programmes or measures

• Member States shall take the necessary measures to ensure that persons who fear that they might commit any of the offences referred to in Articles 3 to 7 may have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed.



Article 23: Prevention

- 1. Member States shall take appropriate measures, such as education and training, to **discourage and reduce the demand** that fosters all forms of sexual exploitation of children.
- 2. Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of children, becoming victims of sexual abuse or exploitation.
- 3. Member States shall promote **regular training for officials** likely to come into contact with child victims of sexual abuse or exploitation, including front-line police officers, aimed at enabling them to identify and deal with child victims and potential child victims of sexual abuse or exploitation.



Article 24: Intervention programmes or measures on a voluntary basis in the course of or after criminal proceedings

- 1. [...] Member States shall take the necessary measures to ensure that effective intervention programmes or measures are made available to prevent and minimise the risks of repeated offences of a sexual nature against children. Such programmes or measures shall be accessible at any time during the criminal proceedings, inside and outside prison [...].
- 2. The intervention programmes or measures, [...] shall meet the specific developmental needs of children who sexually offend.
- 3. Member States shall take the necessary measures to ensure that the following persons may have access to intervention programmes or measures [...]
 - a) persons subject to criminal proceedings for any of the offences referred to in Articles 3 to 7 [...] under conditions which are neither detrimental nor contrary to the rights of the defence or to the requirements of a fair and impartial trial, and, in particular, in compliance with the principle of the presumption of innocence; and
 - b) persons convicted of any offences referred to in Articles 3 to 7.



Article 24: Intervention programmes or measures on a voluntary basis in the course of or after criminal proceedings

- 4. Member States shall take the necessary measures to ensure that the persons referred to in paragraph 3 are subject to an assessment of the danger that they present and the possible risks of repetition of any of the offences referred to in Articles 3 to 7, with the aim of identifying appropriate intervention programmes or measures.
- 5. Member States shall take measures to ensure that the persons [...] whom [...] measures have been proposed:
 - a) are **fully informed** of the reasons for the proposal;
 - b) consent to their participation in the programmes or measures with full knowledge of the facts;
 - c) may refuse and, in the case convicted persons, are made aware of the possible consequences of such a refusal.

Furopean

Article 25: Measures against websites containing or dissemination child pornography

- 1. Member States shall take the necessary measures to ensure the **prompt removal** of web pages containing or disseminating child pornography **hosted in their territory** and to **endeavour** to obtain the removal of such pages **hosted outside of their territory**.
- 2. Member States may take measures to **block access** to web pages containing or disseminating child pornography towards the Internet users within their territory. These measures must be set by transparent procedures and provide adequate **safeguards**, [...] and that users are informed of the reason for the restriction. Those safeguards shall also include the possibility of judicial redress.

Agenda

- 1. Introduction
- 2. Directive 2011/93/EU
- 3. After this training course



Work will continue to ensure full implementation

- Ongoing exchanges with Member States will continue until reaching full implementation
- Directive is a very solid and ambitious framework
- Has led to substantive progress in Member
 States so far and more will follow



Your cooperation is important

- Complementary roles
- Importance of working together: same purpose
- Don't hesitate to reach out:

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CHILD ABUSE IN COURT

two worlds colliding – observations of a judge

mr. M. van Kuilenburg, LLM
District Court Rotterdam (NL)
Head section juvenile law/judge
*** in a personal capacity***

Topics:

- ► Introduction
- ► Child abuse and fair trial: protecting the victim and the rights of the defendant
- ► Child abuse and the age of consent: victim by choice?
- ► Child abuse: a criminal case or a family matter?
- ► Conclusion / questions / take-away



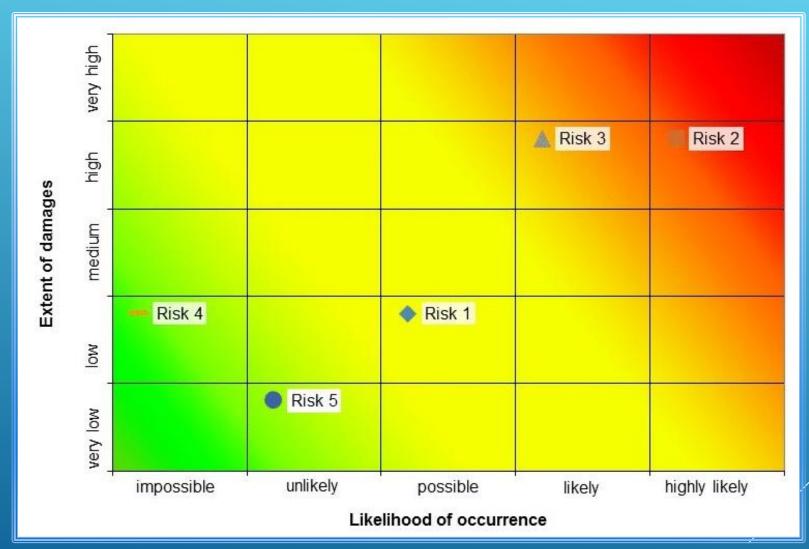
INTRODUCTION

- Bio
- Dutch legal system a bird's eye view
 - criminal law
 - Inquisitorial
 - Fact finding = task of the judge on all matters i.e. facts proven → facts punishable → defendant punishable → appropriate punishment
 - civil law
 - more adversarial
 - Juvenile law: Child's best interest is paramount

GOALS OF PUNISHMENT

- Retribution
- Restoration
- Deterrence (general / special)
- Rehabilitation
- Incapacitation and societal protection

IN COURT: WHERE'S THE DEBATE?



SEX OFFENDERS: NOT THE USUAL SUSPECTS



WHAT ARE THE CHARACTERISTICS OF A SEXUAL OFFENDER AND HIS VICTIM?

THE PRESUMPTION OF INNOCENCE?

Biggest difference:

- online disinhibition
 - dissociative anonymity
 - physical invisibility
 - Asynchronous events
 - minimisation of status and authority
 - Peer pressure / groupthink

DIFFERENCES

ONLINE VS OFFLINE

CHILD ABUSE AND FAIR TRIAL: PROTECTING THE VICTIM AND THE RIGHTS OF THE DEFENDANT

Balancing rights! See preambule 50

Protecting (the rights of) the victim (see material 'D'):

- Directive 2012/29/EU
- Directive 2004/80/EC
- Guidelines on child friendly justice (17/11/10)

Protecting the rights of the victim and the defendant:

Directive 2011/93/EU

CHILD ABUSE AND FAIR TRIAL: PROTECTING THE VICTIM AND THE RIGHTS OF THE DEFENDANT

Solely or decisively

- Al-Khawaja and Tahery v. the United Kingdom
- Schatschaschwili v. Germany other aspects

116. Given that the Court's concern is to ascertain whether the proceedings as a whole were fair, it must review the existence of sufficient counterbalancing factors not only in cases in which the evidence given by an absent witness was the sole or the decisive basis for the applicant's conviction. It must also do so in those cases where, following its assessment of the domestic courts' evaluation of the weight of the evidence (described in more detail in paragraph 124 below), it finds it unclear whether the evidence in question was the sole or decisive basis but is neverthelessy satisfied that it carried significant weight and that its admission may have handicapped the defence. The extent of the counterbalancing factors necessary in order for a trial to be considered fair will depend on the weight of the evidence of the absent witness. The more important that evidence, the more weight the counterbalancing factors will have to carry in order for the proceedings as a whole to be considered fair.'

CHILD ABUSE AND FAIR TRIAL: PROTECTING THE RIGHTS OF THE DEFENDANT

The decryption order vs the privilige against self incrimination / nemo tenetur

Convention on Cybercrime (Budapest, 23/11/2001) Article 18 – Production order

ECHR - Possible infringement – 4 criteria

- 1 the nature and extent of coercion;
- 2 the weight of the public interest;
- 3 the presence of relevant safeguards in the procedure;
- 4 the way in which the compelled material is used.

Protecting the rights of the defendant

- ► CASE OF JOHN MURRAY AGAINST THE UNITED KINGDOM (1996)
 - ▶ 'On the one hand, it is self-evident that it is incompatible with the immunities under consideration to base a conviction solely or mainly on the accused's silence or on a refusal to answer questions or to give evidence himself. On the other hand, the Court deems it equally obvious that these immunities cannot and should not prevent that the accused's silence, in situations which clearly call for an explanation from him, be taken into account in assessing the persuasiveness of the evidence adduced by the prosecution. Wherever the line between these two extremes is to be drawn, it follows from this understanding of "the right to silence" that the question whether the right is absolute must be answered in the negative.

 (\ldots)

Whether the drawing of adverse inferences from an accused's silence infringes Article of same matter to be determined in the light of all the circumstances of the case, having particular regard to the situations where inferences may be drawn, the weight attached to them by the national courts in their assessment of the evidence and the degree of compulsion inherent in the situation.' (§47)

Protecting the rights of the defendant

- ► CASE OF JALLOH v. GERMANY (2006)
 - ▶ 'the privilege against self-incrimination is commonly understood in the Contracting States and elsewhere to be primarily concerned with respecting the will of the defendant to remain silent in the face of questioning and not to be compelled to provide a statement.' (§110)
- ► CASE OF SAUNDERS v. THE UNITED KINGDOM (1996)
 - 'The right not to incriminate oneself is primarily concerned, however, with respecting the will of an accused to remain silent. (...) [1]t does not extend to the use in criminal proceedings of material which may be obtained from the accused through the use of compulsory powers but which has an existence independent of the will of the suspect such as, inter alia, documents acquired pursuant to a warrant, breath, blood and urine samples and bodily tissue for the purpose of DMA testing.' (§69)
 - Means and / or material?
 - 'The right not to incriminate oneself, in particular, presupposes that the prosecution in a criminal case seek to prove their case against the accused without resort to evidence obtained through methods of coercion or oppression in defiance of the will of the accused. In this sense the right is closely linked to the presumption of innocence' (§68).

CHILD ABUSE AND THE AGE OF CONSENT: VICTIM BY CHOICE?

victim		10 - 13 < age of consent	age of consent < adult	Adult
minor < 10 - 13	1	2 or CA 🕏	CA S	CA 5
10 - 13 < age of consent	1 or 2 or CA	3	2 or CA 🕏	CA 5
age of consent < adult	CA	2 or CA	3	4
> adult	CA	CA (?)	4	no issue regardig age

- CA: Child Abuse
- 1: Under 10 13 yrs no criminal liability
- 2: possible 'close in age' exemption
- 3: likely 'close in age'-exemption

- 4: CA unless 'close in age'-exemption
- 5: CA regardless initiator
- NB: exemption of wedlock

CHILD ABUSE AND THE AGE OF CONSENT: VICTIM BY CHOICE?

List: ages of consent in Europe (source: eng.wikipedia.org)

Relevant circumstances

- Age difference mostly objectified
- Specifics of the sexual act
- ▶ Consensuality
- ▶ Personal conditions

What if CSAM was made?

CHILD ABUSE: A CRIMINAL CASE OR A FAMILY MATTER?

Food for thought

- Juvenile offenders
- CSA(M) within the family

conclusion/Questions/ Conclusion/Questions/