



PREVENTING CHILD SEXUAL ABUSE

Focus on intervention programmes and
awareness-raising campaigns

Online seminar, 3-4 November 2020

**UP
GRADE**
YOUR LEGAL
EXPERTISE

**Criminal
Law**



Speakers & Chairs

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

Julia Davidson, Professor of Criminology, University of East
London

Antonio Labrador Jimenez, Team Leader, Fight Against Child
Sexual Abuse, Unit D.4: Cybercrime, DG for Migration and Home
Affairs, European Commission, Brussels

Gabriela Kühn, Head of Programme, ECPAT International,
Bangkok

Mick Moran, Garda Liaison Officer, Irish Embassy, Paris

Ethel Quayle, Professor, Forensic Clinical Psychology, School of
Health in Social Science, University of Edinburgh

Milan Šimek, Public Prosecutor, Prague

Margus Veem, Director, Personal Rehabilitation Programme for
Sex Offenders, Tartu Prison, Tallinn

Samantha Woolfe, Global Partnerships and Development
Manager, INHOPE, Amsterdam

Key topics

- European and international legal instruments to fight child sex abuse
- Measures against advertising abuse opportunities & sexual exploitation of children in travel and tourism
- Preventive intervention programmes or measures
- Intervention programmes or measures on a voluntary basis in the course of or after criminal proceedings

Language
English

Event number
320SDT09

Organiser
ERA (Laviero Buono) in cooperation
with the Polish National School of
Judiciary and Public Prosecution



With the support of the Internal Security Fund – Police
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PREVENTING CHILD SEXUAL ABUSE

Tuesday, 3 November 2020

08:30 Connecting to the videoconference platform

09:00 Welcome and introduction to the programme
Laviero Buono

I. INTRODUCTORY SESSION

Chair: Laviero Buono

09:05 **Preventing child sex abuse: from measures against child sex tourism to (preventive) intervention programmes and measures – an overview of articles 21-24 of the 2011 EU Directive**
Antonio Labrador Jimenez

09:45 Discussion

10:00 **Legislating, regulating and prosecuting against child sexual abuse: developments in substantive and procedural law**
Julia Davidson

10:30 **Pushing the boundaries: how technology challenges existing laws on child sexual abuse**
Julia Davidson

11:00 Discussion

11:15 Short Break

Chair: Laviero Buono

11:30 **Detecting and dismantling networks of child-abuse perpetrators: case-building and victim identification – a view from the coalface**
Mick Moran

12:10 Discussion

I. MEASURES AGAINST ADVERTISING ABUSE OPPORTUNITIES, SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM AND PREVENTIVE INTERVENTION PROGRAMMES

Chair: Laviero Buono

12:20 **Prevent or prohibit the dissemination of advertising material and the organisation of travel arrangements with the purpose of committing offences concerning child abuse: sharing best experiences**
Gabriela Kühn

13:00 Discussion

13:15 End of first online seminar day

Objective

Child sexual abuse material refers to the production, possession and/or distribution of photographs or videos that depict child nudity or children engaged in sexual activity – be this with peers or adults. This seminar aims to assess and debate the legal measure enacted to prevent and combat this phenomenon and to promote the effective investigation and prosecution of these offences. This seminar will particularly focus on the intervention programmes and awareness-raising campaigns.

Who should attend?

Judges, prosecutors, lawyers in private practice, law enforcers, ministry officials, academia, victims' support units and representative of children rights from Poland, Hungary, Czech Republic and Slovakia ("Regional approach"). However, due to the fact that the seminar will take place online, small quotas of other nationalities could be allowed up to the overall number of 40.

Interactive online conference

The online conference will be hosted on ERA's own online training platform. You will be able to interact immediately and directly with our top-quality speakers and other participants. We will make the most of the technical tools available to deliver an intensive, interactive training experience. As the platform is hosted on our own server, the highest security settings will be applied to ensure that you can participate safely in a high-quality online training environment.

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 **8 CPD hours**.

Wednesday, 4 November 2020

Chair: *Laviero Buono*

08:45 Connecting to the videoconference platform

09:00 **Taking the necessary measures to ensure that persons who fear that they might commit offences against children may have access to intervention programmes: lessons to be learnt**
Ethel Quayle

09:45 Discussion

II. PREVENTING CHILD SEXUAL ABUSE THROUGH AWARENESS-RAISING CAMPAIGNS, RESEARCH AND EDUCATION PROGRAMMES

Chair: *Laviero Buono*

10:00 **Raising awareness and reducing the risk of children, becoming victims of sexual abuse or exploitation: work carried out by NGOs**
Samantha Woolfe

10:45 Discussion

11:00 Short Break

III. INTERVENTION PROGRAMMES OR MEASURES ON A VOLUNTARY BASIS IN THE COURSE OF OR AFTER CRIMINAL NATIONAL PROCEEDINGS

11:15 **Preventing and minimising the risks of repeated offences of a sexual nature against children: experiences to share**
Margus Veem

11:45 Discussion

IV. ADJUDICATING CHILD SEXUAL ABUSE CASES

Chair: *Laviero Buono*

12:00 **Child abuse and child sexual exploitation in court: the experience of a prosecutor**
Milan Šimek

12:30 Discussion

12:45 End of the online seminar

For programme updates: www.era.int

Programme may be subject to amendment.

Your contacts



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Save the date

Online Annual Conference on European Border Management 2020
22-23 October 2020

Annual Conference on European Criminal Justice 2020
Event will be live streamed
Trier, 12-13 November 2020

Specialised e-Courses

Fighting Child Pornography Online: 10 Key Questions
Alisdair Gillespie



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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

Times indicated are CET (Central European Time)

Apply online for
“Preventing Child Sexual Abuse”:
www.era.int/?129363&en

Preventing child sexual abuse: An overview of Articles 21-24 of the EU Directive on combating child sexual abuse

ERA TRAINING: PREVENTING CHILD SEXUAL ABUSE

3rd – 4th November 2020 Online Seminar

Antonio Labrador Jimenez

Team Leader, Cybercrime Unit

Directorate-General for Migration and Home Affairs

European Commission

Agenda

1. Introduction
2. Directive 2011/93/EU
3. Strategy on a more effective fight against child sexual abuse

Agenda

1. Introduction

2. Directive 2011/93/EU

3. Strategy on a more effective fight against child sexual abuse



1. Introduction

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



1. Introduction

- 3 main tools at EU level to fight child sexual abuse:
 - **Co-ordination**
 - **Funding**
 - **Legislation**

1. Introduction

- Co-ordination:
 - **Europol (EC3, EMPACT)**
 - **WPGA**
 - ...

1. Introduction

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

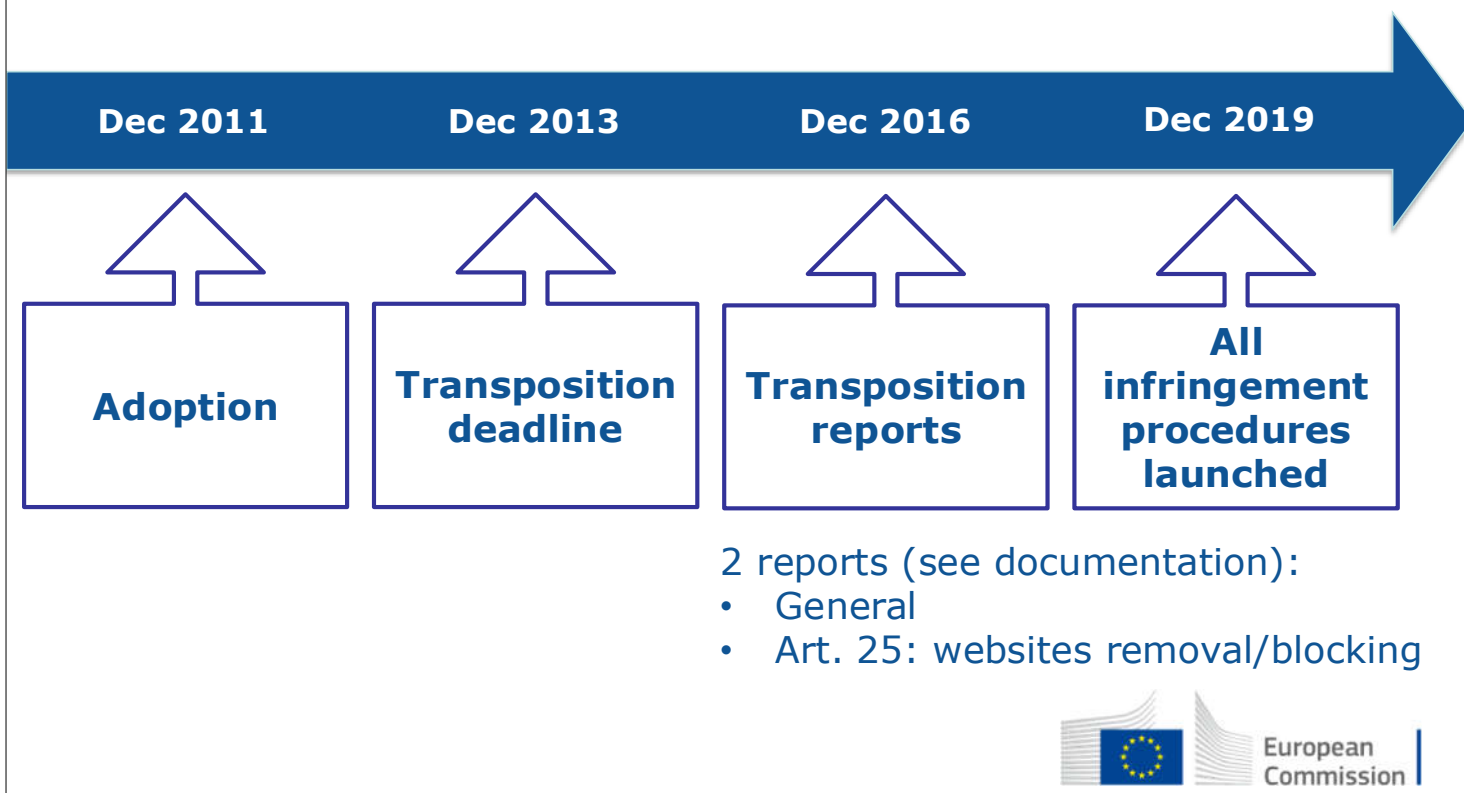


1. Introduction

- 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**



Monitoring of implementation: timeline



Agenda

1. Introduction

2. Directive 2011/93/EU

3. After this training course

4. Strategy on a more effective fight against child sexual abuse

Directive 2011/93/EU

- **Replaces** Framework Decision 2004/68/JHA
- Incorporates into EU law the **CoE Lanzarote Convention**
- 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

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.



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.



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



Agenda

1. Introduction

2. Directive 2011/93/EU

3. Strategy on a more effective fight against child sexual abuse



Strategy on a more effective fight against child sexual abuse

On 24 July 2020, the Commission adopted the Strategy on a more effective fight against child sexual abuse. It sets out to provide:



- ✓ An effective response to this crime at EU level;
- ✓ A framework for developing an efficient and comprehensive response to these crimes.



The Strategy

The Strategy sets out 8 initiatives that focus on:

- ✓ Implementing and developing the right legal framework;
- ✓ Strengthening law enforcement's response;
- ✓ Galvanising a coordinated multi-stakeholder response on prevention, investigation and assistance to victims.



Key initiatives

I. Implement and develop the right legal framework to protect children

- 1. Ensure complete implementation of current legislation (Directive 2011/93/EU);**
- 2. Ensure that EU legislation enables an effective response;**
- 3. Identify legislative gaps, best practices and priority action.**

Key initiatives

II. Strengthen law enforcement response and enhance cooperation among all stakeholders

- 4. Strengthen law enforcement efforts at national and EU level**
- 5. Enable Member States to better protect children through prevention**
- 6. A European Centre to prevent and counter child sexual abuse**
- 7. Galvanise industry efforts to ensure protection of children in their services**
- 8. Improve protection of children globally through multi-stakeholder cooperation**

Your cooperation is important

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



Thank you for your attention!

If you have further questions feel free to reach out:

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Antonio Labrador Jimenez
Team Leader, Cybercrime Unit
Directorate-General for Migration and Home Affairs
European Commission

References

- *EU strategy for a more effective fight against child sexual abuse COM (2020) 607 final*
https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20200724_com-2020-607-commission-communication_en.pdf
- *Council Conclusions on combating child sexual abuse (st12862/19)*
<https://data.consilium.europa.eu/doc/document/ST-12862-2019-INIT/en/pdf>
- *European Parliament resolution of 26 November 2019 on children's rights on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child (2019/2876(RSP)0*
https://www.europarl.europa.eu/doceo/document/TA-9-2019-0066_EN.pdf



References

- *Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography,*
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0093>



Legislating, regulating and prosecuting against child sexual abuse: developments in substantive and procedural law & Pushing the boundaries: how technology challenges existing laws on child sexual abuse

Professor Julia Davidson OBE
Director of the Institute for Connected Communities, University of East London



University of
East London

PREVENTING CHILD
SEXUAL ABUSE FOCUS
ON INTERVENTION
PROGRAMMES AND
AWARENESS-RAISING
CAMPAIGNS. ERA
ONLINE SEMINAR, 3-4
NOVEMBER 2020

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



Overview

- ▶ 1. Context
- ▶ 2. EU substantive and procedural law outline and evaluation
- ▶ 4. Prosecuting online CSA
- ▶ 3. Industry Regulation in the UK: A case study
- ▶ 4. Children's online rights and safety by design
- ▶ 6. Summary

Context

Online Facilitated CSA

- ▶ The internet has created opportunities for sexual offending against children.
- ▶ It enables perpetrators to view images of a child being sexually abused (also referred to as indecent images of children).
- ▶ Offenders can also take and distribute indecent images of children to other offenders- NCMEC received almost 17 million reports of child sexual abuse from industry in 2019 alone (15,884,511 were received from Facebook)
- ▶ Growing problem of self generated indecent content – can be coerced
- ▶ The internet is also used to groom children.
- ▶ These acts can be live streamed and images taken of the footage.
- ▶ Reports and CSAM have risen exponentially during COVID-19

Definitions

- ▶ The term online child sexual abuse is used to cover a variety of offences (ranging from accessing websites with child abuse material to online grooming)
- ▶ The term child sexual abuse material (CSAM) refers to any form of child indecent imagery, video, pictures and text
- ▶ Live streaming of CSA- real-time broadcasting of child sexual abuse to viewers in remote locations-across national borders and domestic live streaming of child sexual abuse

COVID- 19 & CSA the Scale of the Problem

- ▶ There are indications that the COVID-19 crisis has exacerbated the problem , especially for children who live with their abusers .
- ▶ In addition, children are spending more time than before online, possibly unsupervised.
- ▶ With more offenders isolated at home, the demand for child sexual abuse material (CSAM) has increased (e.g. by 25% in some Member States), which may lead to increased demand for new material .
- ▶ During the COVID-19 UK Lockdown period the number of reports of CSAM in UK increased by 50%
<https://www.iwf.org.uk/news/'definite-jump'-as-hotline-sees-50-increase-public-reports-of-online-child-sexual-abuse-during>
- ▶ Advances in technology, namely the advent of Deepfakes and AI based crime, are becoming apparent in relation to CSAM
<https://www.ucl.ac.uk/news/2020/aug/deepfakes-ranked-most-serious-ai-crime-threat>
<https://www.esafety.gov.au/about-us/blog/fighting-deepfakes-arms-race>



Child Rescue Coalition,
real time downloads
map of a sample of child
sexual abuse material on
13 July 2020.

Different colour dots
indicate different
networks from which the
material was
downloaded.

Legal Frameworks & EU States Response – Substantive & Procedural Law

Lanzarote Convention

- ▶ The Council of Europe Lanzarote and Budapest Conventions provide comprehensive benchmarks for both criminal law and procedural law standards to prevent and combat OCSEA.
- ▶ They build on international standards concerning the protection of children, including the UNCRC and the Optional Protocol on the Sale of children, Child Prostitution and Child Pornography. Articles 18 to 29 of the Lanzarote Convention and Article 9 of the Budapest Convention set out the substantive criminal law and definitions of offences required to be transposed into national law.
- ▶ .

Lanzarote Convention

The articles relevant specifically to online offences are as follows:

- ▶ Articles 20 to 23 Lanzarote Convention focus specifically on criminalising the production, distribution and possession of, and knowing access to CSAM ("child pornography", Article 20),
- ▶ offences concerning the participation of a child in pornographic performances (21),
- ▶ the corruption of children through intentional exposure to sexual activities (22)
- ▶ and the solicitation of children for sexual purposes (23)

Live Streaming of CSA

- ▶ Live streaming child sexual abuse is not explicitly mentioned in international, regional and national legal instruments.
- ▶ Criminalized under the sections of these instruments that prohibit "participation of a child in pornographic performances." Article 2(e) of Directive 2011/92/EU "pornographic performance"
- ▶ Article 21(1) of the Lanzarote Convention criminalizes "recruiting a child into participating in pornographic performances or causing a child to participate in such performances; ...[the] coercing [of] a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes; ...[and] knowingly attending pornographic performances involving the participation of children."

EU Directive 2011/93

- ▶ Directive 2011/93 draws heavily on the Lanzarote Convention,
- ▶ In terms of substantive law the 2011/93 Directive is the central criminal law instrument
- ▶ Ensuring that EU Member States share the same constituent elements of crimes, jurisdiction, sentencing levels and sanctions in the combat against children sexual abuse online.
- ▶ However, this instrument cannot be seen in isolation. It is rather a part of the EU legislation on criminal law.

Legal Framework Challenges

- ▶ Harmonisation across jurisdictions eg age of consent
- ▶ Harmonisation in non criminal law instruments - Online child protection provisions in different areas of the legislation including child welfare (eg Children Act) , offences (Sexual offences act 2003) , communications and online harms (2020 UK forthcoming online harms legislation), cybercrime (the EU Cybercrime Convention, 70 (adopted in 2001) which first dealt with child sexual abuse images in a very limited manner).
- ▶ May not be focused on best interests of the child
- ▶ Often balanced against the right to privacy and commercial interests

Challenges: Legal Definition of Child – Jurisdictional Variation

- ▶ Age of consent variation- harmonisation across jurisdictions
- ▶ Cultural variation – some countries do not have an age of consent
- ▶ Central child criminal court? Helena Kennedy QC

Challenges: NON Criminal Law Instruments

- ▶ Progress across the EU on the criminalisation of Online CSA offences and, complementary non-criminal law measures are equally important and also require a European level approach.
- ▶ Two aspects of regulatory frameworks outside the remit of criminal law are key : the regularisation of electronic commerce and audio-visual media services
- ▶ In the context of ensuring that the Internet is safer for children , industry regulation or not (!) and safety by design
- ▶ Other legislation can have unintended consequences eg European Electronics Communications Code, recital 270

European Electronic Communications Code

- ▶ Recital 270 of the relevant Directive says:
“In the absence of relevant rules of Union law, content, applications and services are *considered to be lawful or harmful in accordance with national substantive and procedural law. **It is a task for the Member States, not for providers of electronic communications networks or services, to decide, in accordance with due process, whether content, applications or services are lawful or harmful.***”

Consequences of Recital 270

- ▶ On 22nd December across 28 countries, the UK included, voluntary measures being taken by companies since 2010 to protect children would become illegal. Businesses would be no longer allowed to detect, delete and report illegal child sex abuse material.
- ▶ Companies already doing this would have to stop **unless and until the legislature of the relevant jurisdiction expressly made it lawful.**
- ▶ Microsoft PhotoDNA* would be ended along with other important initiatives
- ▶ UK CP charities and NGOs have written to the LIBE Committee of the European Parliament to challenge this decision

*PhotoDNA creates a unique digital signature (known as a "hash") of an image which is then compared against signatures (hashes) of other photos to find copies of the same image. When matched with a database containing hashes of previously identified illegal images, PhotoDNA is an incredible tool to help detect, disrupt and report the distribution of child exploitation material. PhotoDNA is not facial recognition software and cannot be used to identify a person or object in an image. A PhotoDNA hash is not reversible, and therefore cannot be used to recreate an image <https://www.microsoft.com/en-us/photodna>

EU strategy for a more effective fight against child sexual abuse

Brussels, 24.7.2020 COM(2020)
607 final

- ▶ In 2011, the EU took an important step with the adoption of the Child Sexual Abuse Directive (2011/93/EU20), whose implementation in Member States now has to be finalised as a matter of urgency.
- 1. Ensure complete implementation of current legislation (Directive 2011/93/EU)
- 2. Ensure that EU legislation enables an effective response
- 3. Identify legislative gaps, best practices and priority actions
- 4. Strengthen law enforcement efforts at national and EU level
- 5. Enable Member States to better protect children through prevention
- 6. A European centre to prevent and counter child sexual abuse
- 7. Galvanise industry efforts to ensure the protection of children in their products

EU Strategy (p4-5) – possible antidote to Recital 270

- ▶ *“The Commission considers that it is essential to take immediate action..... It will therefore propose a narrowly-targeted legislative solution with the sole objective of allowing current voluntary activities to continue. This solution would allow the time necessary for the adoption of a new longer-term legal framework.”*

United Nations: International Instruments

- ▶ UN Convention on the rights of the child (to be updated shortly to include digital focus – open consultation)
- ▶ The Optional Protocol to the CRC on the Sale of Children, Child Prostitution, and Child Pornography (OPSC)
- ▶ Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, adopted in 2005 by the United Nations Economic and Social Council, set forth “good practices based on the consensus of contemporary knowledge and relevant international and regional norms, standards and principles.

EU States Response CSAM

The International Centre for Missing and Exploited Children (ICMEC) conducts regular analysis of national legal provision for OCSEA offences. ICMEC global review of legislation in relation specifically to child sexual abuse material (CSAM) considers the following five criteria:

- ▶ 1. Exists with specific regard to CSAM;
 - ▶ 2. Provides a definition of CSAM;
 - ▶ 3. Criminalises technology-facilitated CSAM related offenses;
 - ▶ 4. Criminalises the knowing possession of CSAM, regardless of the intent to distribute;
 - ▶ 5. Requires Internet Service Providers (ISPs) to report suspected CSAM to law enforcement or to some other mandated agency.
- ▶ Ratings reflect the count of criteria met by each country, to a maximum of 5.

EU States Response: Grooming

For legislation specific to online grooming of children for sexual purposes, the core ICMEC criteria are as follows:

- ▶ 1. Exists with regard to the online grooming of children for sexual purposes;
- ▶ 2. Provides a definition of (or describes) grooming, including online grooming, and utilizes computer- and Internet-specific terminology;
- ▶ 3. Criminalises online grooming, with the intent to meet the child offline;
- ▶ 4. Criminalises online grooming, regardless of the intent to meet the child offline;
- ▶ 5. Criminalises showing pornography to a child.

EU States Response to CSAM and grooming Legislation

- ▶ With regard to CSAM legislation, the majority of member states receive an ICMEC score of 4 (5 being the Maximum for full compliance). Scores are more variable for grooming and many countries are still at 3 or below.
- ▶ This reflects the fact that most countries around the world do not mandate ISP reporting of identified CSAM.
- ▶ Generally speaking, countries with a rating of 3 or lower are those that have not yet criminalised knowing possession of CSAM, regardless of the intent to distribute, or those who have not specifically provided for technology-facilitated offences.
- ▶ Some of the countries in focus for this baseline mapping exercise are deemed also to lack a definition of CSAM and grooming in national legislation.

Source: Baines(2019)

EU States Response: Legal Reporting Duty

- ▶ A number of Council of Europe member states have introduced legal duties to report child sexual abuse or child endangerment.
- ▶ In some states, such as Croatia and Liechtenstein, citizens have a legal duty to report any criminal offence which has come to their attention.
- ▶ In Denmark, Estonia and Iceland this duty is confined to incidents of violence against children, child endangerment, and child sexual abuse respectively.
- ▶ In other states including Cyprus, Finland, Hungary and Romania, there is a more focused obligation on professionals to report any concerns or suspected abuse to the relevant authority.
- ▶ In The Netherlands, schools are obliged to report criminal offences.⁵⁰

Source: Baines(2019)

Prosecuting Online CSA

Prosecuting Online Child Abuse

- ▶ The Lanzarote Convention provisions for child-friendly justice are set out in Articles 30-36.
- ▶ Article 30 contains the guiding principles, namely that investigations and criminal proceedings should be carried out in the best interests and respecting the rights of the child.
- ▶ Investigations should not aggravate a child's trauma, and should be prioritised and expedited, while respecting the right of the defendant to a fair trial.
- ▶ Common to the principles outlined is the assumption that the rights and welfare of the child should be a primary consideration in all matters affecting them.

Children's Access to Justice

- ▶ The Child Rights International Network (CRIN) has analysed and scored children's access to justice around the world.
- ▶ Their assessment is based on national legal status of the UNCRC, legal status of the child, legal mechanisms to challenge children's rights violations, and related practical considerations.
- ▶ Not focused on online CSA only - a good indicator of progress towards the implementation of child-friendly justice procedures in the context of the Lanzarote Convention

Source – Child Rights International Network 2020 <https://home.crin.org/>

Country	CRIN Access to Justice Score /261 & %	Minimum Age of Criminal responsibility	Age of Consent to Sexual Activity
BELGIUM	213 81.6%	12	16
MONTENEGRO	142 54.4%	14	14
TURKEY	159.5 61.1%	12	18
MONACO	122 46.7%	13	15
SAN MARINO	130 49.8%	12	14
IRELAND	162 62.3%	10	17
UNITED KINGDOM	182 69.8%	10	16
GERMANY	153.5 58.8%	14	14

Source- Adapted from Child Rights International 2019

Children's Access to Justice

- ▶ Access to justice- the majority of Council of Europe member states exceed the global average score of 129.9 out of 261 (49.8%)
- ▶ What is children's experience? How child friendly are justice systems – evidence from UK that children feel victimised by the system (Davidson & Bifulco, 2012; Plonnikoff, 2018), evidence from the US and Scandinavian countries suggests a better experience in the context of child protection centres such as the Zebra Centre in Canada <https://www.zebracentre.ca/>

Legislation & Industry Regulation

Regulating Industry

- ▶ Regulating e-commerce and audio-visual media services.
- ▶ Risk of the violation of fundamental rights, and of the freedom of expression in particular.
- ▶ National differences in the social, cultural and political constructions of what content is harmful or not.
- ▶ For these reasons, generally European legislation on regulating the internet has been particularly cautious- this can be to the detriment of COP.

The Online Harms Bill: UK Case Study

- ▶ A free, open and secure internet
- ▶ Freedom of expression online
- ▶ An online environment where companies take effective steps to keep their users safe, and where criminal, terrorist and hostile foreign state activity is not left to contaminate the online space
- ▶ Rules and norms for the internet that discourage harmful behaviour
- ▶ The UK as a thriving digital economy, with a prosperous ecosystem of companies developing innovation in online safety
- ▶ Citizens who understand the risks of online activity, challenge unacceptable behaviours and know how to access help if they experience harm online, with children receiving extra protection
- ▶ A global coalition of countries all taking coordinated steps to keep their citizens safe online
- ▶ Renewed public confidence and trust in online companies and services

Forthcoming Legislation: Implications for Industry

- Required to take action appropriate to the scale and severity of the harm in question.
- More stringent requirements imposed for harms that are clearly illegal, such as child abuse, terrorist activity and hate crime
- The regulator would take a risk-based and proportionate approach and any action would be assessed according to the size and resources of the company and the age of those at risk of harm- particular attention on minors(under 18)
- Each company within scope of the legislative framework would need to ensure that their terms and conditions comply with the duty of care and codes of practice and must be sufficiently clear and accessible to all audiences, including children

Forthcoming Legislation continued:

- Companies would be expected to have user-friendly complaints and appeals procedures in place
- The regulator would have power to require annual transparency reports from companies which must include evidence of effective enforcement of the company's terms and conditions, the processes in place for reporting online harms, the number of reports received and any action taken by the company
- In addition, the regulator would have the power to impose fines, disrupt business activity, block services and impose liability on individual members of senior management for non-compliant organisations

UK: The Information Commissioner's Age Appropriate Design Code

Implemented on the 2nd September 2020 and organisations should be in compliance by 2nd September 2021 (ICO, 2019)

- ▶ 1. Best interests of the child: To be at the forefront of design and development of online services used by children
- ▶ 2. Data protection impact assessments (DIPA): To assess and mitigate risks, must account for difference ages, capacities and developmental needs.
- ▶ 3. Age appropriate application: Either establish the age of users (in a way that is not in conflict with DIPA) or apply standards of the code to all users
- ▶ 4. Transparency: Information to users on privacy information must be concise, prominent and in clear language.
- ▶ 5. Detrimental use of data: Children's personal data cannot be used when it is detrimental to their wellbeing or goes against codes of practice
- ▶ 6. Policies and community standards: Published terms, policies and community standards need to be upheld (including, but not limited to, privacy policies, age restriction, behaviour rules and content policies)

UK: The Information Commissioner's Age Appropriate Design Code

- ▶ 7. Default settings: Settings must be 'high privacy' by default
- ▶ 8. Data minimisation: The minimum amount of a child's personal data should be collected and retained in order to provide the service the child is actively engaged in. Children should be given the option to activate individual elements
- ▶ 9. Data sharing: Children's data should not be shared
- ▶ 10. Geolocation: Geolocation should be off by default, if turned on must sign tracking is active and revert to off at the end of the session
- ▶ 11. Parental Controls: Age appropriate information must be given about controls and must signify to the child if their activities are being monitored or tracked

UK: The Information Commissioner's Age Appropriate Design Code

- ▶ 12. Profiling: Profiling should be off by default and only permitted if there is protection against harmful effects of profiling
- ▶ 13. Nudge techniques- Nudge techniques should not be used to gather personal data or weakening privacy protections
- ▶ 14. Connected toys and devices: Connected toys and devices should also be in compliance
- ▶ 15. Online tools: Tools should be prominent and accessible to assist child in exercising their rights and being able to report concerns

Further information is given relating to specific age ranges
Source: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-data-protection-themes/age-appropriate-design-a-code-of-practice-for-online-services>

Children's Online Rights



5Rights Foundation(2020) *Building the Digital World that Young People Deserve Priorities for the Online Harms Bill* 5Rights Foundation October 2020

[HTTPS://5RIGHTSFOUNDATION.COM/IN-ACTION/BUILDING-THE-DIGITAL-WORLD-THAT-YOUNG-PEOPLE-DESERVE-PRIORITIES-FOR-THE-ONLINE-HARMS-BILL.HTML](https://5RIGHTSFOUNDATION.COM/IN-ACTION/BUILDING-THE-DIGITAL-WORLD-THAT-YOUNG-PEOPLE-DESERVE-PRIORITIES-FOR-THE-ONLINE-HARMS-BILL.HTML)

Industry Regulation and Children's Online Rights

'Young people have existing rights under the United Nations Convention on the Rights of the Child (UNCRC), that are interconnected and interdependent. The UK has undertaken to uphold and observe these rights and in all matters that affect them a child's 'best interests' should be the primary consideration. This means that where children's rights come into conflict with other rights, for example those of adults or corporations, a child's rights must be considered of primary importance'. (Kidron, 2020, p5)

The Committee on the Rights of the Child (CRC) is currently formulating a General Comment on the Digital World¹⁷ that will codify the convention for the digital world (to be adopted in 2021)' (Kidron, 2020, p5).

Services in Scope of Regulation

- ▶ Online gaming. – evidence of grooming - 59% of 5-15-year-olds in the UK now play online games (71% of boys and 48% of girls).
- ▶ Search services- pose high risks to young people such as child sexual abuse material (CSAM), health misinformation and conspiracy theories, as well as consistent failure to identify paid for content.
- ▶ Business-to-business services- Evidence shows that business-to-business (B2B) messaging and file-transfer services are a key method of distributing child sexual abuse material
- ▶ VSPs and Social media sites
- ▶ Online shops – sale of age restricted items

Regulation

- ▶ The Online Harms Bill must capture any and all online services that create risks or facilitate or cause harms to children, including private messaging.
- ▶ Regulated services must be required to conduct regular Child Impact Assessments to reveal known harms, unintended consequences and emerging risks.
- ▶ These must feed into a continual drive to improve knowledge of the risks children face.
- ▶ Regulated services must also ensure their services meet minimum standards laid down by the regulator, provide age-appropriate default settings and account for the impacts of their algorithms.
- ▶ Regulated services must publish their terms in ways their users can understand and be accountable for upholding their own community guidelines, terms and conditions, and privacy notices

Regulation

- ▶ The harms within the scope of the Bill must include known harms, both legal and illegal.
- ▶ But the regulation must be flexible enough to take account of new and emerging harms as well.
- ▶ Many service providers will need to establish the age of their users in order to give young people the specific protection to which they are entitled. Those that don't will have to provide services appropriate for all users, including the very youngest.
- ▶ The Regulator must enforce the duty of care and be provided with sufficient resources to overcome the current asymmetry of arms.

Grooming deterrent - Duty to provide age- appropriate default settings

Many digital products and services offer the lowest privacy settings by default, which puts young people at unnecessary risk, Regulated services must:

- ▶ ensure that young people are given the highest level of privacy and safety, by default;
- ▶ ensure high privacy settings are easy to maintain;
- ▶ ensure that young people are not incentivised to reduce their privacy or safety on the service in order to access unrelated features (e.g. through bundled consents, or nudges that encourage lower privacy);
- ▶ offer warnings and advice that promote privacy when young people attempt to lower settings;
- ▶ have regard to any guidance on default settings produced by the Regulator.

Grooming deterrent

- ▶ Some features are never appropriate for young people, for example, enabling direct messaging from stranger adults⁴⁸ or publicly broadcasting to 'everyone'. In these cases, it is not enough to disable them by default, instead, they should not be made available to young people at all.

Duty to train staff

'The Online Harms Bill must ensure that 'not knowing' or 'failing to consider' young people's rights and welfare in the design and distribution of products and services, is no longer acceptable'

Regulated services must:

- ▶ provide effective training to all staff in the design and governance chain (including developers, engineers, UX designers, product managers, and others) on young people's rights, vulnerabilities at different stages of development and the range of risks and harms they may experience online as a result;
- ▶ ensure that such training is not restricted to known harms but engenders a broader understanding of how young people use technology and how technology impacts on their rights and wellbeing;
- ▶ account for the efforts they have made to train their staff, in their Child impact Assessments.

Model implementation of Duty of Care for young people

- ▶ The online service in question is a (hypothetical) social media platform that allows users of all ages (above 13) to interact with each other publicly and privately, including by sharing photos, videos, and livestreams.
- ▶ The company undertakes a child impact assessment and identifies that users of the platform under the age of 18 are at risk of being contacted and groomed by adult users. In order to mitigate this risk, the company takes the following steps.

Model duty of care example

- ▶ Default settings that provide young people with the highest level of privacy and safety- profiles and content should not be made visible by default to users they don't know.
- ▶ Limit who can comment on a child's live stream or uploaded videos to friends or followers, not 'everyone'.
- ▶ Restricts private messaging for young people to ensure that they cannot be contacted privately by people they don't know, and that adult users cannot initiate private contact.
- ▶ Gives all young people the option of easily disabling both comments and private messaging.

Model Duty of Care

- ▶ Implements moderation tools to detect grooming patterns and language in interactions with young people.
- ▶ Age verification- Establishes the age of users, going beyond mere self-declaration of age.
- ▶ Signposts easy to use and robust reporting tools, encourages reporting and offers child-friendly, swift and decisive responses.
- ▶ Regularly assesses the effectiveness of these steps, how they can be improved and the merits of introducing additional steps.

Implications for Legislators

- ▶ Model duty of care in respect of COP when drafting digital communications and cybercrime legislation and other relevant legislation
- ▶ Training in COP issues- provide effective training to all staff in key COP issues –
 - young people's online rights
 - vulnerabilities at different stages of development and the range of risks and harms they may experience online as a result

Summary

Key Points

- ▶ Some robust substantive legislative frameworks at EU level – following on from the Lanzarote convention , and the directive 2011/93. Build on international standards set out in the UNCRC and other protocols
- ▶ Some good examples of the implementation of procedural law at member state level but implementation of 11/93 is patchy
- ▶ Legal challenges- lack of harmonisation on key issues such as age of consent, disparity between criminal law and non-criminal law (such as communications and cybercrime legislation) leads to confusion and not always focused on best interests of the child
- ▶ Pace of technology – the legislation lags behind and is often slow to be introduced in the context of legislative procedure. Legislators also need to understand the impact of new trends on online CSA eg AI and deepfakes,

Key Points

- ▶ Industry regulation seen as problematic by EU, some member states will regulate eg UK
- ▶ Safety by design and safety tech are increasingly important aspects of COP sitting alongside robust legal frameworks and educational awareness raising

See- Safer technology, safer users: The UK as a world leader in Safety Tech

<https://www.gov.uk/government/publications/safer-technology-safer-users-the-uk-as-a-world-leader-in-safety-tech>

- ▶ Do we need a COP model duty of care for legislators and other stakeholders working in this area?



**University of
East London**

Contact

j.davidson@uel.ac.uk

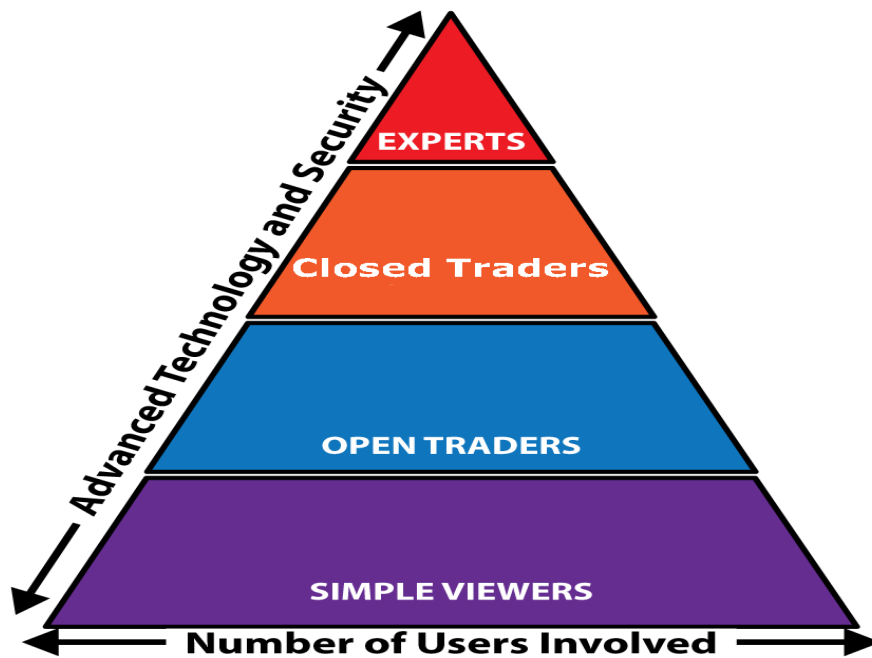
Twitter

@juliadavidson13



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

Typology of Online Child Exploitation Material Users



Prevent or prohibit the dissemination of advertising material and the organisation of travel arrangements with the purpose of committing offences concerning child abuse: sharing best experiences



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

PREVENTING CHILD SEXUAL ABUSE

Focus on intervention programmes and awareness-raising campaigns

Online seminar, 3-4 November 2020



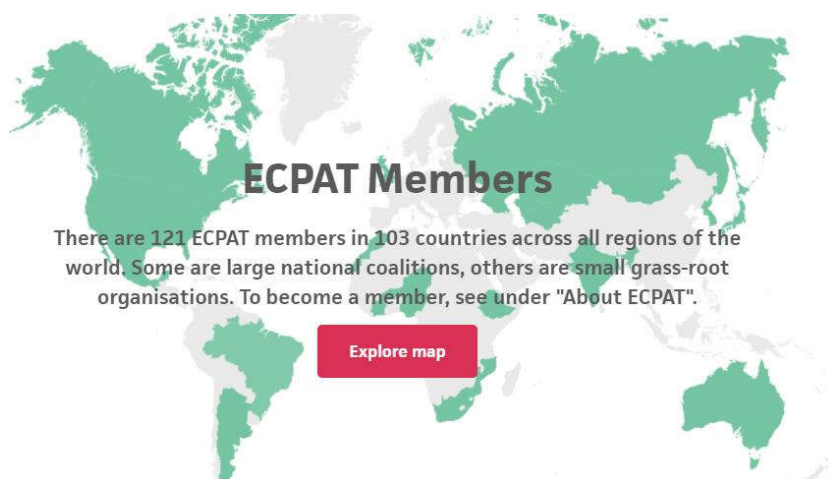
ECPAT International

Global network of CSOs committed to ending child sexual exploitation



121 members
103 countries

www.ecpat.net

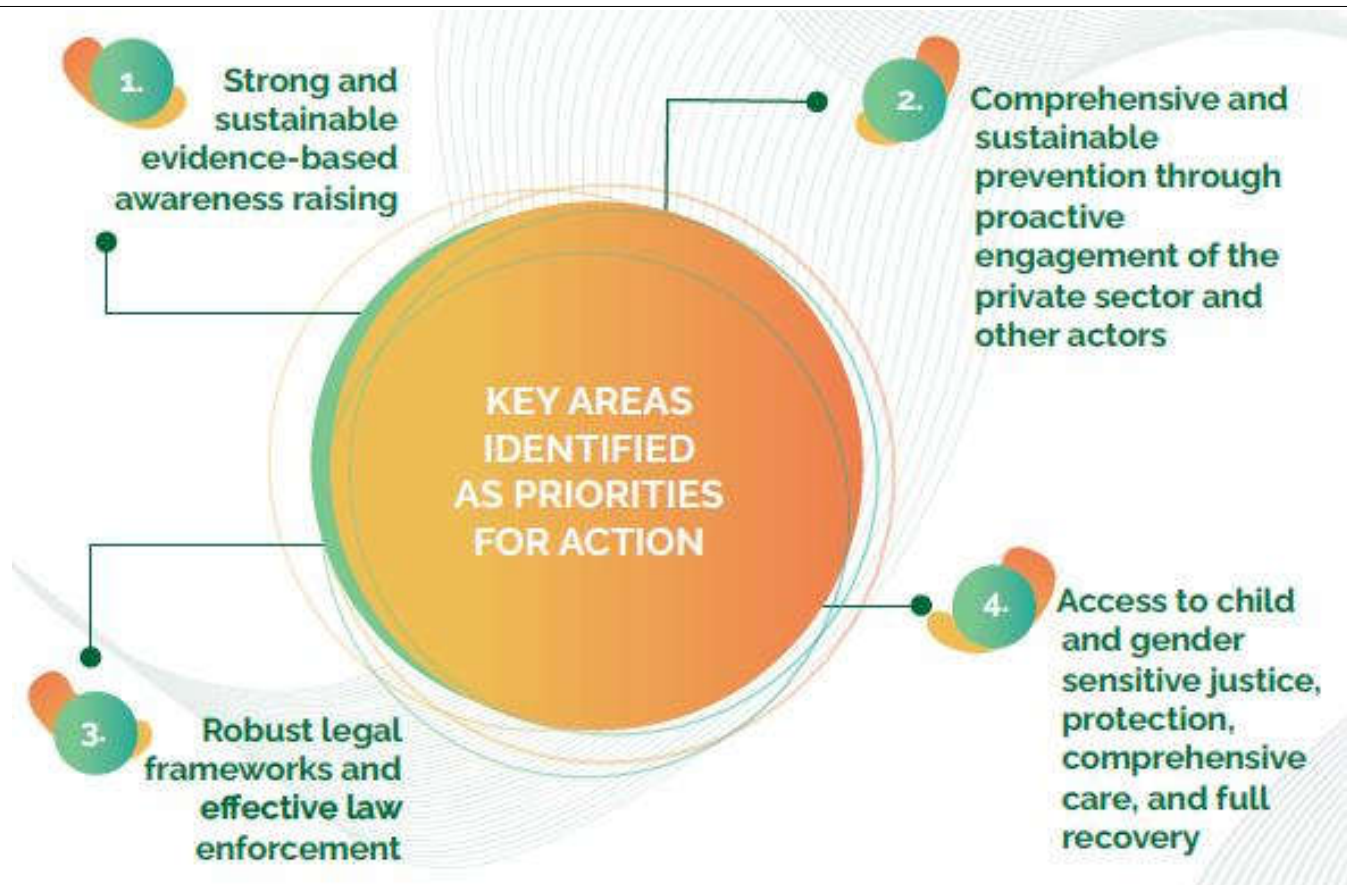


ECPAT Members

There are 121 ECPAT members in 103 countries across all regions of the world. Some are large national coalitions, others are small grass-root organisations. To become a member, see under "About ECPAT".

[Explore map](#)

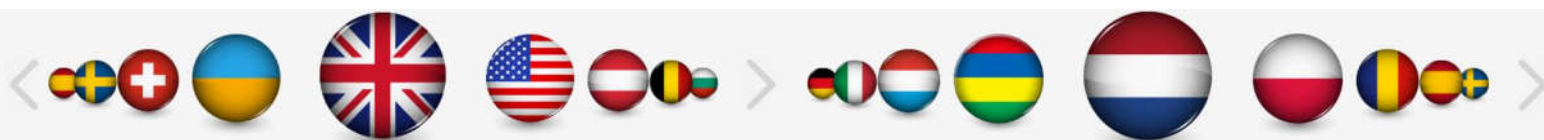
Gabriela Kühn, Head of Programme
Email: gabrielak@ecpat.net



Don't look away! www.dontlookaway.report

Not just here on a business trip.

Not just here for the beach.



World Tourism Day 2020

For tourism to be truly responsible and sustainable, children's rights must be respected, so today we're urging the travel and tourism industry to make child protection a key priority as the sector recovers after COVID-19.

[Read more >](#)

THE DOWN TO ZERO
ALLIANCE LAUNCHES

**A CALL FOR
RESTARTING TRAVEL
& TOURISM WITH
CHILD PROTECTION
IN FOCUS**



18 NOVEMBER

European Day
on the Protection
of Children against
Sexual Exploitation
and Sexual Abuse

www.unicef.int/EndChildSexAbuseDay





I met this man on the internet and he invited me to meet in a nice place in the city...

Working with the private sector



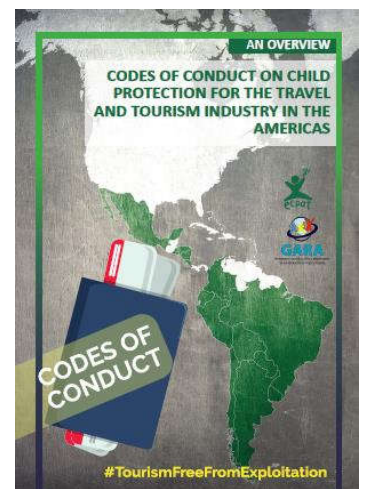
379 member companies
166 implementing countries

The Code of Conduct for the protection of children from sexual exploitation in travel and tourism

- 1 Establish a policy and procedures**
against the sexual exploitation of children
- 2 Train employees**
in children's rights, the prevention of sexual exploitation and how to report suspected cases
- 3 Include a clause in contracts**
through the value chain stating a common repudiation and zero tolerance policy of sexual exploitation of children
- 4 Provide information to travellers**
on children's rights, the prevention of sexual exploitation of children and how to report suspected cases
- 5 Support, collaborate & engage stakeholders**
in the prevention of sexual exploitation of children
- 6 Report annually**
on implementation of the six criteria



www.thecode.org



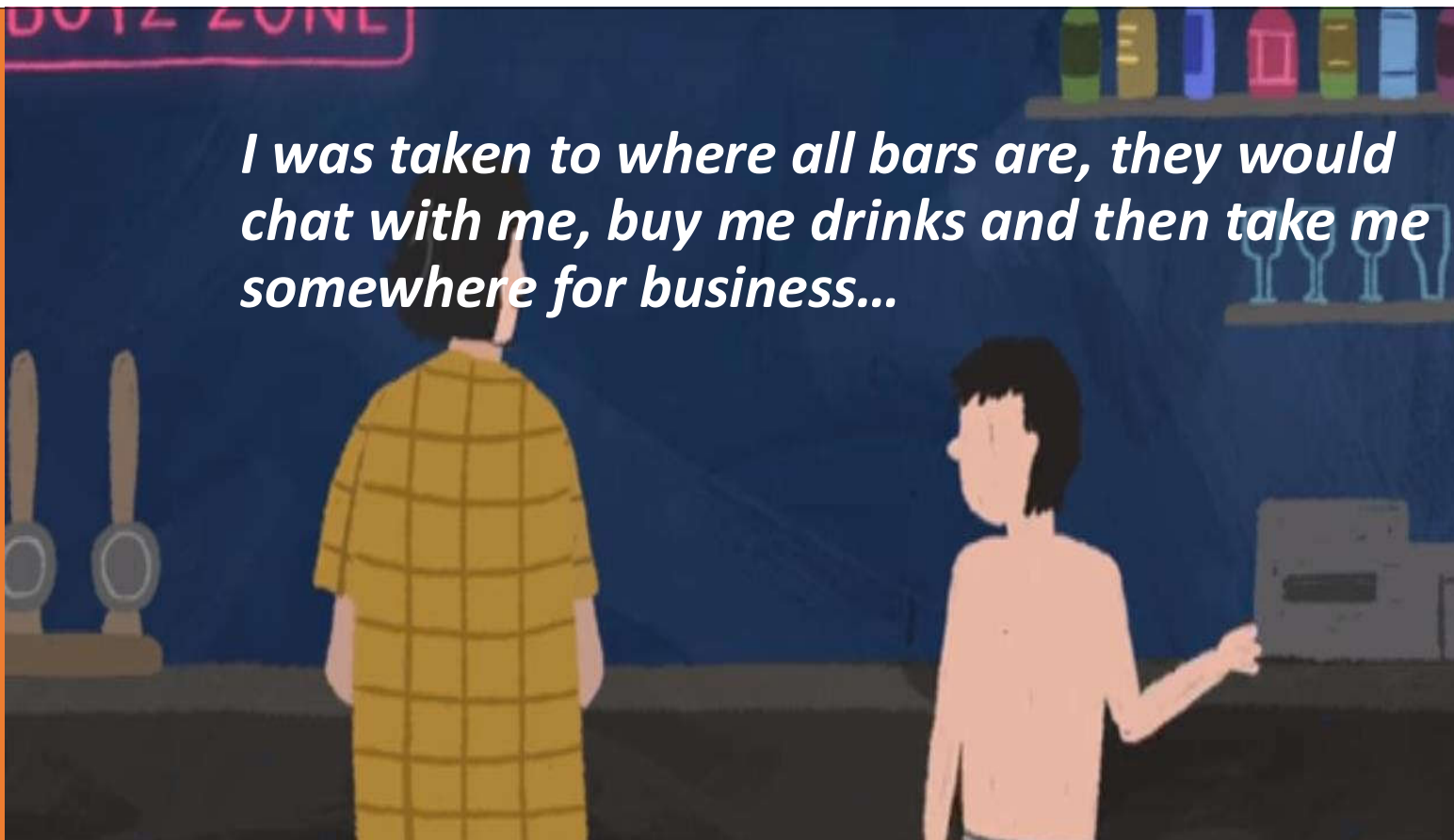
Responses:

Findings	
Yes	The matter has been regulated
Yes*	The matter has been partially regulated
No*	The matter has not been legislated, however, other legal provisions could apply
No	The matter has not been regulated
?	Insufficient data

- Obligatory government-regulated **child protection standards**
- **National reporting systems** with response protocols
- The **liability of the private sector**

	AR	BR	BO	CL	CO	CR	EC	SV	GT	GY	HN	MX	NI	PY	PE	UY
	Yes*	Yes*	No	Yes*	Yes	Yes*	No*	No	Yes*	No	Yes*	Yes*	Yes	No	Yes	Yes
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No*	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	No	No*	No	No*	Yes	Yes*	Yes	Yes*	Yes	No*	No*	Yes*	Yes	No	Yes	Yes*

I was taken to where all bars are, they would chat with me, buy me drinks and then take me somewhere for business...



Responses:

- **A sex offender registry**
- **Denying entry/travel** of persons convicted of SEC or set up strict conditions for their travel
- **Exclude sexual offences against children from bail** or establish bail conditions that disable the (alleged) offender from travelling outside of the country
- **Do not apply the principle of double criminality** for SEC
- **Providing appropriately severe penalties**, including for attempted crimes

BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
No	No	?	No	Yes	No	No	Yes*	No	No
?	Yes*	Yes*	?	?	?	Yes*	?	Yes*	?
Yes*	No	Yes*	No	No	Yes*	Yes*	No	No	No
Yes*	Yes*	No	?	Yes*	Yes	No*	Yes*	No	Yes
Yes*	No*	No*	Yes*	Yes*	No*	Yes*	Yes*	Yes*	Yes*

Findings	
Yes	The matter has been regulated
Yes*	The matter has been partially regulated
No*	The matter has not been legislated, however, other legal provisions could apply
No	The matter has not been regulated
?	Insufficient data

Every time I see someone looking at me, I wonder if they know, if they've seen the pictures...



Responses:

Findings

Yes	The matter has been regulated
Yes*	The matter has been partially regulated
No*	The matter has not been legislated, however, other legal provisions could apply
No	The matter has not been regulated
?	Insufficient data

- **Criminalise the solicitation of children** ('grooming') for sexual purposes including through the use of the Internet and other information and communication technologies
- **Extraterritorial jurisdiction**, within the parameters of Article 4 OPSC, for all offences of SEC, including those occurring in the online environment
- **Data retention and preservation laws** and procedures, following the principle of the best interest of the child, to allow for retention and preservation of **digital evidence** and cooperation with law enforcement which applies to ISPs, mobile phone companies, social media companies, cloud storage companies, and the technology industry

ET	CD	GM	CI	KE	LR	MG	MW	SL	TZ	UG
Yes	No	No	No	No	No	Yes	No	No	No	No
Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	No*	Yes*	Yes*
Yes	No	No	Yes	No*	No	No	Yes*	No	Yes*	No*

Voluntourism and orphanage tourism put children at risk of sexual exploitation



Responses:

- Obligatory **reporting by professionals** working with children and institutions that, due to the nature of their activities, may come across suspected cases of sexual exploitation of children
- **Regulated and monitored use of international volunteers** ('volun-tourism') in children care centres and in activities with direct child contact
- **Criminal background** checks for every national or non-national applying for work with or for children

Findings	
Yes	The matter has been regulated
Yes*	The matter has been partially regulated
No*	The matter has not been legislated, however, other legal provisions could apply
No	The matter has not been regulated
?	Insufficient data

BD	BT	IN	NP	PK	SL
No*	No*	Yes*	Yes*	No	Yes*
No	No	No	No	No	No
No	No	Yes*	Yes*	No	No

RESPONSES in the NGO sector

ECPAT International's child safeguarding policy: outlines the standards that are applied by the ECPAT International secretariat, and that must be reflected by network members in their own child safeguarding approaches.

- Scope & definitions
- Awareness
- Recruitment (criminal record checks)
- Risk assessment and management
- Research
- Communications
- Raising concerns
- Responding
- Disciplinary actions



CHILD SAFEGUARDING POLICY



CENTRUM
POMOCY
DZIECIOM

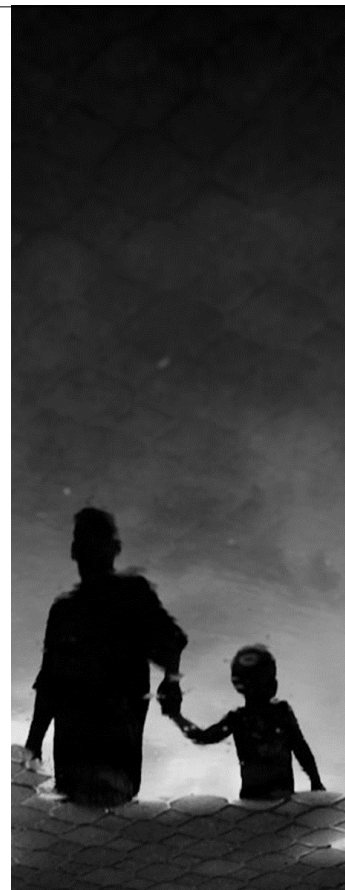


DAJEMY
DZIECIOM
SIĘ



Legal frameworks

- **Convention on the Rights of the Child (CRC)**
- The **Optional Protocols**: on the Sale of Children, Child Prostitution and Child Pornography (OPSC); on the Involvement of Children in Armed Conflict and on a Communication Procedure
- **Protocol** to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo protocol)
- **ILO Convention** concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour
- **ASEAN Convention** Against Trafficking in Persons, Especially Women and Children (ACTIP)
- **SAARC Convention** on Preventing and Combatting Trafficking in Women and Children for Prostitution / SAIEVAC
- **Lanzarote Convention** and **Budapest Convention (CoE)**
- The United Nations' World Tourism Organizations' (UNWTO) **Framework Convention on Tourism Ethics**



LEGAL CHECKLIST

KEY LEGAL INTERVENTIONS TO PROTECT
CHILDREN FROM SEXUAL EXPLOITATION
IN TRAVEL AND TOURISM (SECTT)

Findings

Yes	The matter has been regulated
Yes*	The matter has been partially regulated
No*	The matter has not been legislated, however, other legal provisions could apply
No	The matter has not been regulated
?	Insufficient data

www.protectingchildrenintourism.org

Explanatory Report to the

Guidelines regarding the
implementation of the Optional
Protocol to the Convention on the
Rights of the Child on the sale
of children, child prostitution
and child pornography

Interagency
Working Group
September 2019



www.ecpat.org

Domestic responses in your countries?

- Child protection **standards** for the tourism industry
- **Reporting** by professionals
- **National reporting systems** with response protocols
- The **liability** of the private sector
- A **sex offender registry**
- **Deny entry/travel** of persons convicted of SEC
- **Exclude** sexual offences against children **from bail**
- **Do not apply the principle of double criminality**
- Appropriately **severe penalties**
- Criminalised '**grooming**' for sexual purposes
- **Extraterritorial jurisdiction**
- **Data retention** and preservation laws
- Regulate and monitor use of **volunteers**
- **Criminal background checks**
- **Abolish statutory limitations**
- **Define 'child'** for the purposes SEC
- **Child protection measures**
- **Child-friendly interviewing methods**
- **Right to recovery and rehabilitation**
- **Compensation**

If some of the points mentioned above are in use in your country
can you share a good practice example of using it?

Words matter!

It is not 'child prostitution'

It is the sexual exploitation of a child

Call it like it is



www.interpol.int

#WORDSMATTER

3 TERMS YOU SHOULD STOP USING

~~CHILD PORN~~

Child victims are not pornographic actors

~~CHILD PROSTITUTE~~

*Children are not prostitutes,
they are victims of sexual exploitation*

~~CHILD SEX TOURISM~~

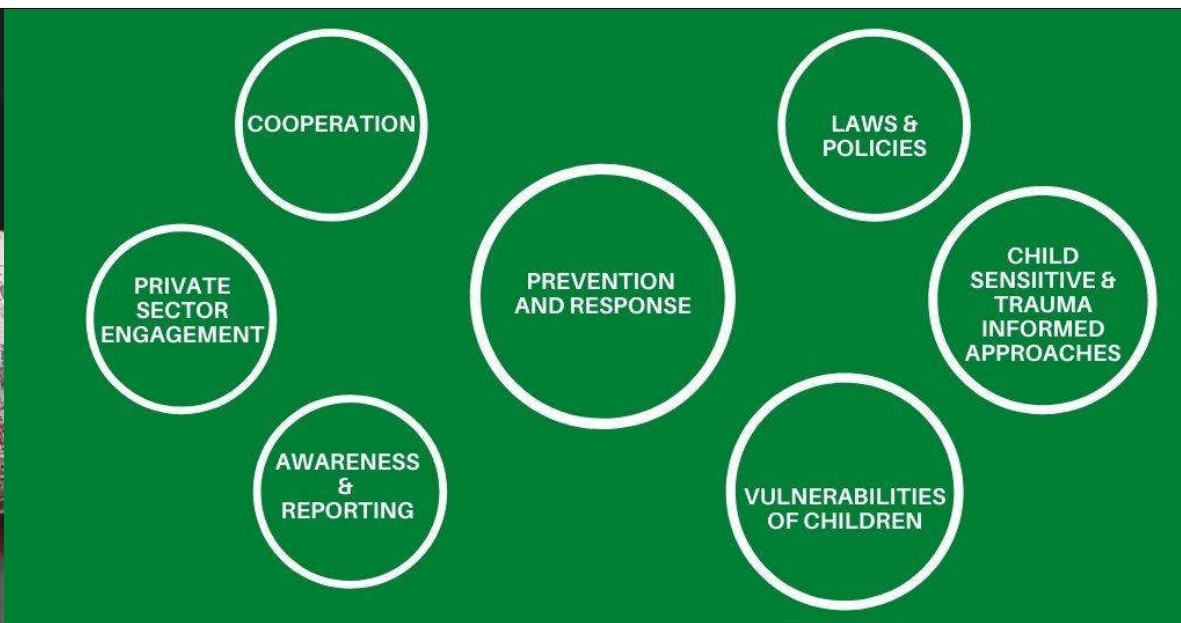
*It's not just another form of tourism,
it's a crime*



Terminology Guidelines



For more information, please visit www.luxembourgguidelines.org



WAY FORWARD

to prevent or prohibit the dissemination of advertising material and the organisation of travel arrangements with the purpose of committing offences concerning child abuse

RESOURCES

www.ecpat.org

www.thecode.org

www.protectingchildrenintourism.org

CONTACT

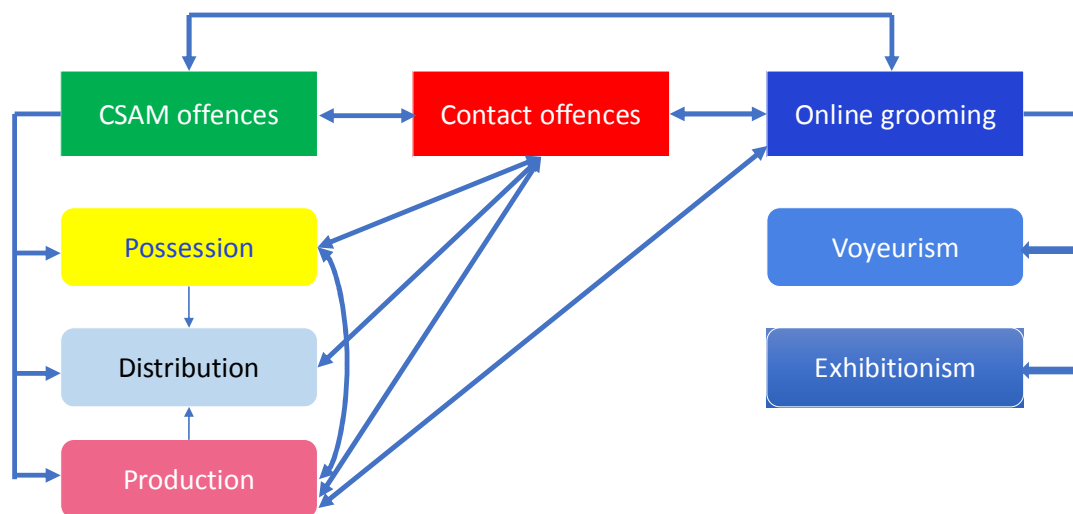
Gabriela Kühn

Head of Programme

Email: gabrielak@ecpat.net

THANK YOU!





What is deterrence?

- The omission of a criminal act because of the fear of sanctions or punishment, which involves a rational calculation that weighs costs and risks against rewards (Paternoster, 2010).
- Specific deterrence targets people who have personally experienced the consequences of punishment and chosen to refrain from crime in the future.
- General deterrence is directed towards those who see others prosecuted and therefore refrain from criminal acts because they regard the risk of punishment as too great.



Person-situation approaches and public health models.

- Rather than responding to crimes once they have happened, person situation approaches and public health models argue for a proactive initiative in shaping the environment in such a way as to reduce the likelihood of offending, or re-offending.
- We can look at offending across three levels: primary, secondary and tertiary.
- Situational prevention of online abuse and exploitation requires strategies that reduce for example opportunities for accessing children, as well as illegal images, by making making the activity

Public health matrix of online abuse and exploitation (adapted from Clarke et al., 2013).

	Host (children)	Vector (offenders)	Physical environment (Internet)	Social environment (norms/policies)
Pre-event (preventing image distribution)	Awareness raising & education; Parental supervision	Counselling for adults at risk of offending; Self-help programmes.	Internet monitoring Report mechanisms; Chat moderation	Media campaigns; Pressure on advertising and media industry.
Event (reducing negative impact)	Helplines for reporting; Treatment referrals.	Financial restrictions on image purchase; Increasing difficulty of access.	Pop-up warnings and ads. linked to known search terms; Increasing difficulty of access.	ISP codes of practice. Co-ordination of laws and penalties.
Post-event (reducing negative outcomes)	Assistance and recovery programmes	Prosecution of offenders; Treatment.	Identification and removal of images; Hotlines.	Enforcement of laws. Adequate child protection policies.

Pre-event examples: self-help; reporting; media campaigns.



Illegal images of children
– it's never too early to stop!

Change language:

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.

Welcome message to self-help section



Our vision is of a society where children are free from sexual abuse and exploitation

Anonymous user

100% anonymous self help resources

[Start a new session](#)

[Resume previous session](#)

Family and Friends

Get anonymous information and support

[Continue](#)

Professionals

Content for professionals

[Continue](#)

together we can prevent **child sexual abuse**

Stop it Now! UK and Ireland is a project of The Lucy Faithfull Foundation. The foundation is a registered charity, No. 1051602, and a company limited by guarantee, Registered in England No. 2028957.

IIOC CAMPAIGN 2018

ASSETS – POSTERS & LEAFLETS

We have created an A3 poster and double-sided A5 leaflet.
We can post out hard copies upon request.

Poster

Please download these assets here:

<https://we.tl/UeGuqPPI4L>

Leaflet



Media Campaigns

Education and messaging of children...

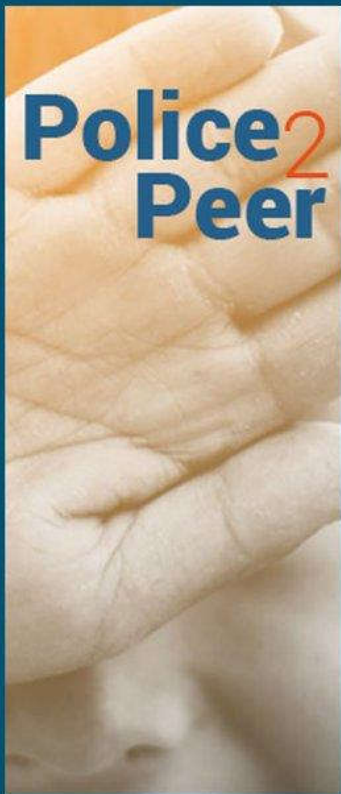


Event strategies: hardening access through removal of content; pop-up warnings.



Unique Police2Peer initiative combats child sexual exploitation and abuse online





Helplinks.eu

is a no-strings attached information resource for those that realize that their sexual interest in children is problematic and wish to do something about it. The links are collected by the police in the countries in which the services reside, but the services have no connection to law enforcement, nor do they report to or share information with the police.

**Post event: prosecution of offenders and
management programmes.**

Inform Plus



Structure

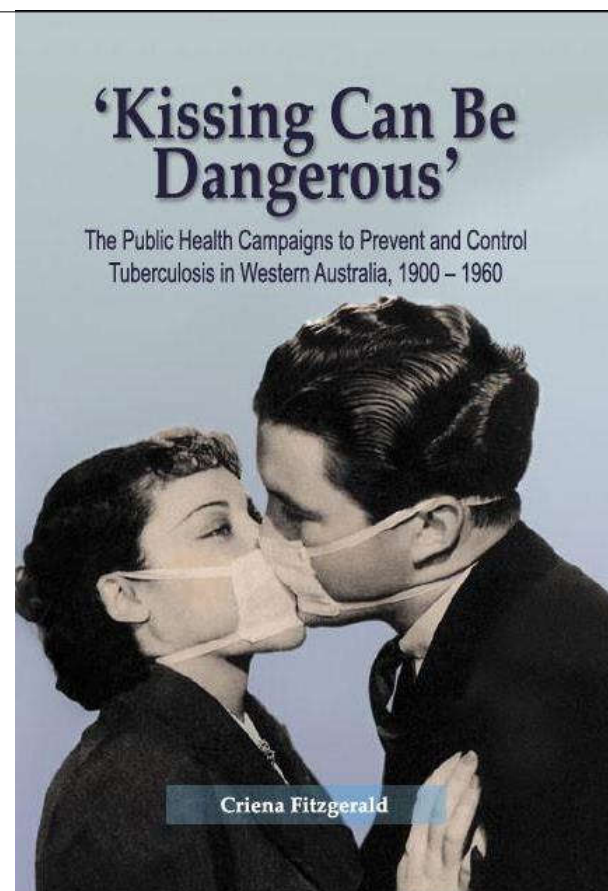
- Pre-group individual 'face to face' meeting
- Ten x 2.5 hour sessions
- Approx. 8-10 group members – all male
- Two group leaders
- Personal work set between sessions
- Post programme follow-up review group meeting
- Available on a 1:1 basis

Working to Protect Children



Campaigns: who do we target?

- Whole populations
- At-risk populations
- Those already accessing CSAI





The role of media campaigns?

- Provide an opportunity to reach a large audience at little cost.
- Promotes a voluntary change in people's behaviour.
- Focus on changing public attitudes, knowledge and social norms... lead to behaviour change.
- Targets motivated to change behaviour when perceived threat is high, and alternative response is available (effective, easy to implement and low cost.
- Fear messages are effective if accompanied by a high efficacy message, i.e. strategies with which to avoid or prevent negative consequences

When you **see** a **problem** situation...

Distract

Approach the victim with a reason for them to leave the situation – tell them they need to take a call, or you need to speak to them; any excuse to get them away to safety.

Direct action

Call out negative behaviour, tell the person to stop or ask the victim if they are OK. Do this as a group if you can.

Delay

Wait for the situation to pass then ask the victim if they are OK. Or report it later when it's safe to do so – it's never too late to act.

Delegate

Tell someone with the authority to deal with the situation, or call for help.



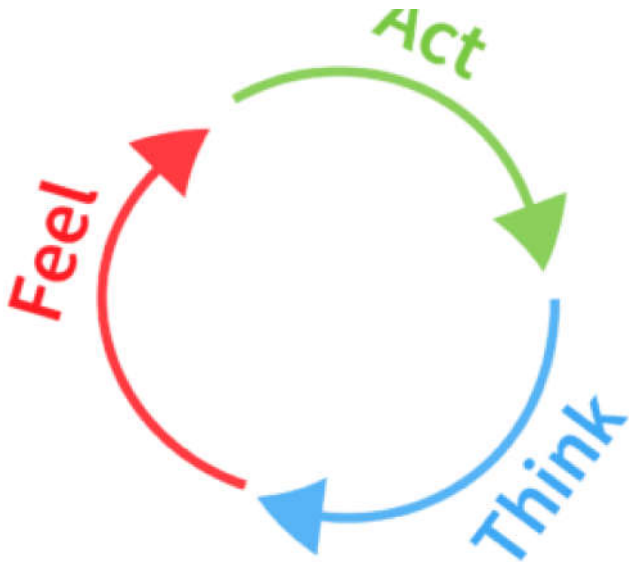
BREAK/NG THE SILENCE
CAMBRIDGE SPEAKS OUT AGAINST SEXUAL MISCONDUCT

UNIVERSITY OF
CAMBRIDGE

By-stander or policy change?

- Social marketing attempts to change a person's own behaviour, but it can also be used to mobilise bystanders into actions that reduce others' harmful behaviours.
- Indirect effects by highlighting an issue to the public, and creating a climate for policy change rather than facilitating individual behavioural change.
- Media-based campaigns involving a large population are expected to cost less per person than a clinical intervention. Therefore, there is reason to invest in this type of intervention.

BUT



The evaluation of campaigns to reduce sexual abuse often focuses on a change in attitudes, knowledge or awareness, or hypothetical behaviour rather than actual behaviour change (e.g. Dickson, & Willis, 2017)

Can't assume translation into behaviour change. Reflected in general crime deterrence campaign research literature, in relation to both victim and offender targeted campaigns (Flexon, & Guerette, 2009).

Social media campaigns



- Internet provides an additional platform to increase the public's exposure to the campaign. Some indication the more types of media are employed, the greater the success of the campaign (Levin et al., 2017).
- May be useful for the distribution of particular types of material; for example, video campaigns are more likely to be shared on social media.
- Most people have easy access to the Internet in any location through the use of mobile phones and can access material when they want.
- Tailored advertising options, also available through social media platforms, offer strong potential for audience segmentation, or the targeting of particular population subgroups, so that campaigns have a better chance of reaching their desired audience.

What did we do?

- Assessed the impact of 2 public health campaigns designed to deter viewing of online images of children, one based in the UK and Ireland and the other in Germany.
- No conviction data – used number of people seeking help to stop viewing images (indirect measure of the impact of campaigns on reducing viewing activity).
- Asks has the message reached the target audience, and second, does it have an impact on behaviour.



NSPCC



CHARITÉ
UNIVERSITÄTSMEDIZIN BERLIN

Lucy Faithfull Foundation's Stop it Now! (UK and Ireland)

- Campaign 2015 focused on refuting justifications of viewing CSAI and outlining consequences for those who do not seek help. Within the campaign message, two principal sources of support were also signposted for individuals wishing to seek help to stop viewing CSAI:
 - *Stop it Now! Helpline*: telephone helpline set up in 2002 for adults concerned about all aspects of child sexual abuse, including those seeking help to stop looking at CSAI.
 - *Stop it Now! Get Help website*, specifically set up for the campaign launch in 2015. Hosts a range of online self-help resources, information and support for adults who want to stop looking at CSAI and for friends and family.



Campaign

- 4 films designed for online distribution. A fifth film was also developed in 2017, which emphasised the consequences of offending.
- The target was CSAI viewers both known and unknown to authorities, and therefore the campaign aimed for an extensive and cost-effective method of distribution, which was afforded by the ease with which films could be distributed and shared on social media (<https://www.youtube.com/user/stopitnowukirel> and, the Stop it Now! UK and Ireland YouTube channel)



Main messages

- Viewing sexual images of anyone under 18 is a crime and is harmful to the children shown in images
- The consequences for those who persist in offending are severe
- There is help available to stop, through a range of self-help resources operated by Stop it Now! These include a specialist website hosting a range of online self-help resources (Get Help website), and a confidential helpline that can be called anonymously.

Promotion strategy



- Traditional media: Exposure for the campaign and its aims was secured through over 200 separate pieces of national television and newspaper media coverage.
- Social media: Twitter, Facebook and Instagram to promote campaign-related messages to followers on these channels. To increase visibility to non-followers, the organisation paid for promoted posts on Facebook and Instagram, targeting large numbers of young men.
- Regional engagements
- Organisational engagements

Data used



- Stop It Now! UK & Ireland Get-Help website 3 surveys
- Helpline data
- Get Help website monitoring

Confidential Help and Support



Are you concerned about your own thoughts or behaviour?

Read more →



Are you concerned about the behaviour of another adult?

Read more →



Are you concerned about a child or young person's sexual behaviour?

Read more →

www.org.uk/concerned-about-the-behaviour-of-another-adult/

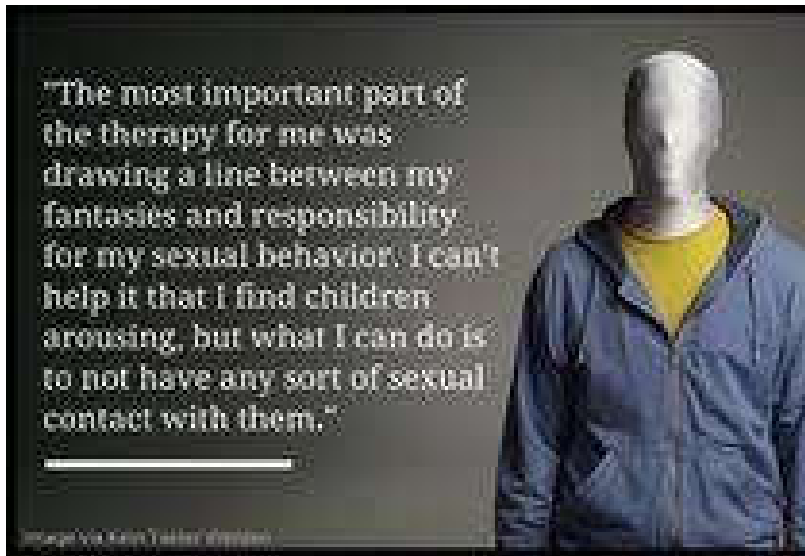
Prevention Project Dunkelfeld

Prevention Project Dunkelfeld (PPD) built on the premise that one of the greatest risk factors for offending is paedophilia or hebephilia or the presence of both (Beier et al., 2016).

The project offers treatment to men who express these sexual preferences and who are willing to engage in a research and treatment programme.



Data sources



- PPD and PPJ website monitoring
- Facebook activity
- YouTube activity

Results: LFF Get Help website survey results: 3 surveys

- Post-arrest respondents (more likely to have access to direct professional support to address their online sexual behaviour) less need to rely on online self-help resources to the same extent that pre-arrest respondents do.
- Higher prevalence of younger respondents within the pre-arrest group might indicate higher skill (e.g. due to advanced online technological literacy) in protecting their anonymity online.
- Pre-arrest participants reported an Internet search as the main route leading to the website at a rate of 57.7% in Survey 2, and 47.2% in Survey 3. This suggests that efforts to promote awareness of the website through online searches to offenders unknown to law enforcement have been successful.

Results: Get Help website survey results: 3 surveys

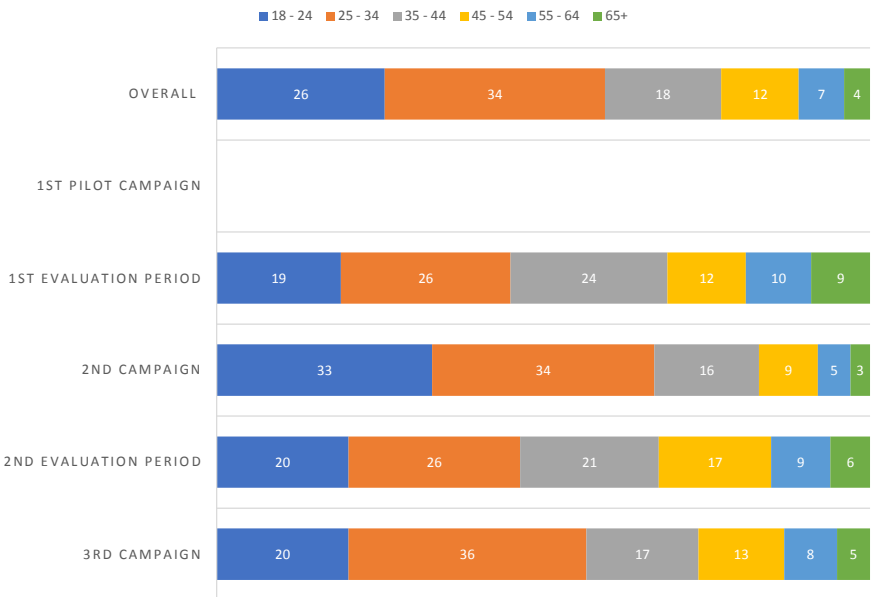


- Post-arrest offenders might be less technologically literate, which could explain both their arrest status due to their lower ability to hide their online tracks, and their non-engagement with social media.
- Campaign may target younger individuals who are pre-arrest.
- 91.7% reported stopping viewing online CSAI, as opposed to 54.5% of those who did not engage with LFF. However, this indicates that even for the latter group Stop It Now! resources are an important source of information that can bring about behavioural change.

Results: Get Help website

Greater proportion of male visitors to the site during active campaign periods relative to the inactive periods.

The most frequently represented age group was 25-34 across the different time periods, though the proportion of 25- to 34-year-olds was slightly higher during active campaign periods than non-active.



	Sessions	Page views	Average session duration	Pages/session
Facebook	8,434 (81.7%)	17,021 (70.2%)	00:00:47	2.0
Twitter	1,057 (10.2%)	4,157 (17.2%)	00:02:43	3.9
Instagram stories	577 (5.6%)	1,083 (4.5%)	00:00:38	1.9
YouTube	77 (0.8%)	726 (3.2%)	00:07:09	9.4
Instagram	20 (0.2%)	52 (0.2%)	00:00:56	2.6

The number of new users increased across campaign periods. Increase of 178.3% from Campaign 1 to Campaign 2, and a 30.3% increase from Campaign 2 to Campaign 3. This suggests the success of the Stop It Now! campaigns to increase awareness over time and reach larger audiences.

YouTube platform most likely to produce users demonstrating high engagement levels, as shown by the high average session duration and pages per session metrics compared against similar ratings metrics of other social media platforms.

Results: Get Help Website

Results: Prevention Project Dunkelfeld



- 'Don't offend' German and English websites: peaks in activity on the German 'Don't Offend' site correspond directly with an increase in media coverage about the projects, particularly PPD, and child sexual abuse as a social problem.
- Therefore, the time spent on the German 'Don't Offend' website is consistent with the number of visitors data, and prominent media coverage both of CSAI as a social issue and the PPD.

Results: Prevention Project Dunkelfeld



- **Facebook activity:** The social media campaign for PPD was launched in February 2017. visitors to the Facebook page were mostly younger men, and site visitors increased over time, with a peak in February 2018.
- **YouTube activity:** most of the peaks in viewing activity can be related to press activity about the PPD or other media stories on the topic of child sexual abuse.



STEERING CLEAR

of Indecent Images of Children

EDUCATION & COMMUNICATION CAMPAIGN
SUPPORTER PACK



HM Government

LAST UPDATED MARCH 2018

INTRODUCTION & CURRENT PARTNERS

The Home Office is running a campaign to educate young men on the law relating to indecent images of children online. To better protect potential victims and reduce demand on the Criminal Justice System the campaign is aiming to:

- Prevent offending **before it occurs**
- **Disrupt the escalation** of harmful offending behaviour

The campaign is using targeted communication activity to educate and empower young men (18-24 years old) to navigate the internet more responsibly by:

- **Increasing understanding** of the law regarding Indecent Images of Children (IIOC)
- **Challenging myths** around victim harm and offender stereotypes

The campaign has been developed in partnership with the **NSPCC**, **Marie Collins Foundation** and the **Internet Watch Foundation** all of whom are involved in dealing with the reporting of, or effects of, IIOC.

This is where we need your support to help deliver our messaging and increase our partner presence.

AUDIENCE

18-24 year old males

TIMINGS

Ongoing current phase



KEY MESSAGES

The key messages have been developed and tested with the target audience.

Primary messages will deliver the key information.

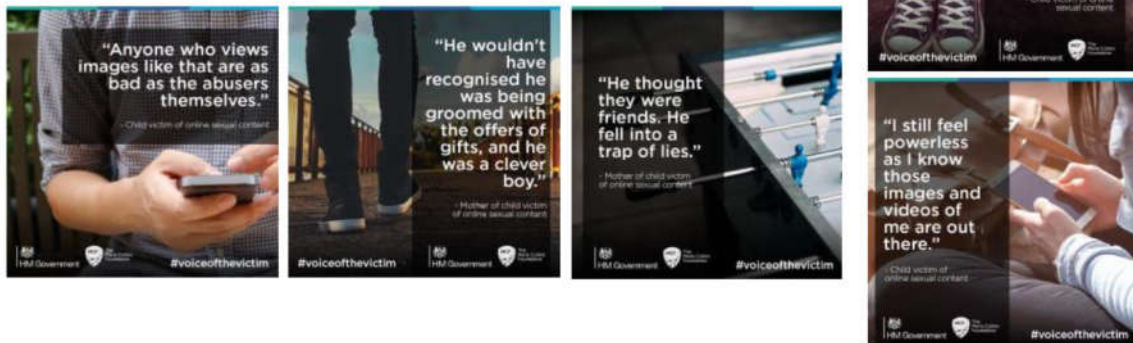
1. Looking at sexual images/videos of under-18s is illegal, regardless of if you know how old they are
2. These images/videos involve real children and young people, and viewing them causes further harm
3. If you encounter sexual images of children online, please report to the IWF. Reporting only takes a few minutes and can be done completely anonymously

Secondary messages act as additional 'evidence'.

4. There is no stereotypical offender – they can look just like you
5. You could encounter sexual images of under 18s online

ASSETS – MARIE COLLINS FOUNDATION

The Marie Collins Foundation have created 5 social visuals using quotes from victims and family members



The graphic features a yellow background with a stylized eye icon in the center. The eye is composed of a black circle with a white dot in the middle, and two white curved lines extending from the sides, resembling a steering wheel. Below the eye, the text "STEERING CLEAR" is written in large, bold, black capital letters. Underneath this, the text "of Indecent Images of Children" is written in a smaller, black font. At the bottom of the graphic, there is a dark blue section containing white text. The text reads: "More information on the campaign and further sources of support for anyone impacted by these issues can be found here:" followed by the URL "https://www.gov.uk/government/publications/indecent-images-of-children-guidance-for-young-people". Below the URL is the HM Government logo and the text "HM Government".



THE UNIVERSITY *of* EDINBURGH



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

Fighting CSAM.

Don't ignore it,
Report it!

INHOPE

Raising awareness and
reducing the risk of
children becoming
victims of sexual abuse
or exploitation: work
carried out by NGOs

04.10.2019
Samantha Woolfe

01 Background and INHOPE

04.10.2019
Samantha Woolfe

02 INHOPE and Insafe: Trends,
Reducing the risk, Context and the
pandemic

03 Mitigating risk and prevention

01

Background and the
role of INHOPE

Background

- Today the scale is phenomenal – collaborative effort is needed
- No-one knew and it wasn't made for children
- First Hotlines / Tiplines saw trends in the 90s in Europe & USA
- Informal groupings to share knowledge
- 1999 Association formed by 6 = INHOPE
- Network formed to exchange reports and get funding - EC
- Consequences of CSAM devastating for victims
- It's only got worse as computers became small, then laptops, then phones...

Why

To explain how hotlines combat CSAM online:

- Remove online CSAM
- Contribute to the rescue of victims
- Prevent revictimisation
- Less pressure on the police
- Work toward the objective of making the Internet a safer space
- VISION = An internet free of CSAM

If you find CSAM: Don't ignore it - Report it

Go to: www.inhope.org



INHOPE

Find your hotline

Country

[Report it!](#)

● INHOPE member hotlines ● Reporting portals

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 are 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 scared 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?

The value of the network

- CSAM is **transnational**, crosses borders, jurisdictions – thus policies and actions aimed at mitigating risks relating to CSAM demand international collaboration
- Network that provides possibility to **exchange reports legally**
- BPPs, training, support and hotlines support each other, buddy systems, change legislation
- **ICCAM system** – allows for instant exchange of reports when hosted in other countries (often multiple)
- **Faster action / response**
- **Speed:** Get the content removed fast (NTD)
- **Speed:** Get evidence preserved so police can investigate
- **Speed** is everything!

Isn't this police work?

Structure & Purpose

- Isn't this is police work?
- Triage – 90 / 10 rule – add value for police - MoU
- Hotline objectives = add value, speed up actions and get content removed + free up law enforcement resources which are scarce

Stakeholder Support

Hotlines can only exist with the support of stakeholders

including :

- LEA
- Government
- Industry
- Child Welfare

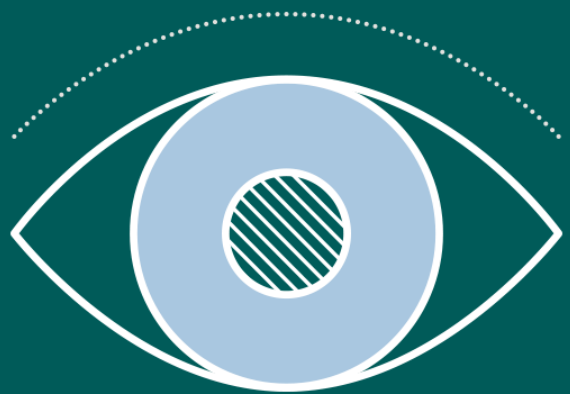
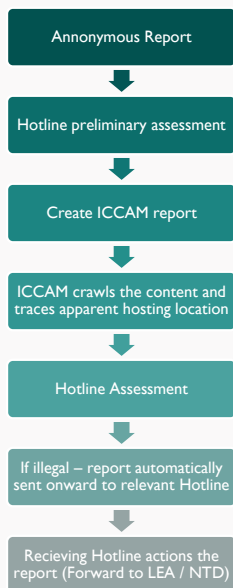


ICCAM

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

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

The Process



Why you should care?

- Because the INHOPE network reduces the risk of children becoming victims of CSAM – supply/ demand
- The sooner it is removed from the internet preventing re-sharing / copying and minimising continual revictimisation
- Law enforcement (nationally) are advised rapidly
- Interpol victim ID team advised of any new material directly through ICCAM
- ICCAM means less duplication -less trauma for analysts
- ICCAM feeds ICSE database
- ICCAM 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
- View Hotlines as a resource and partner both nationally and internationally.



02

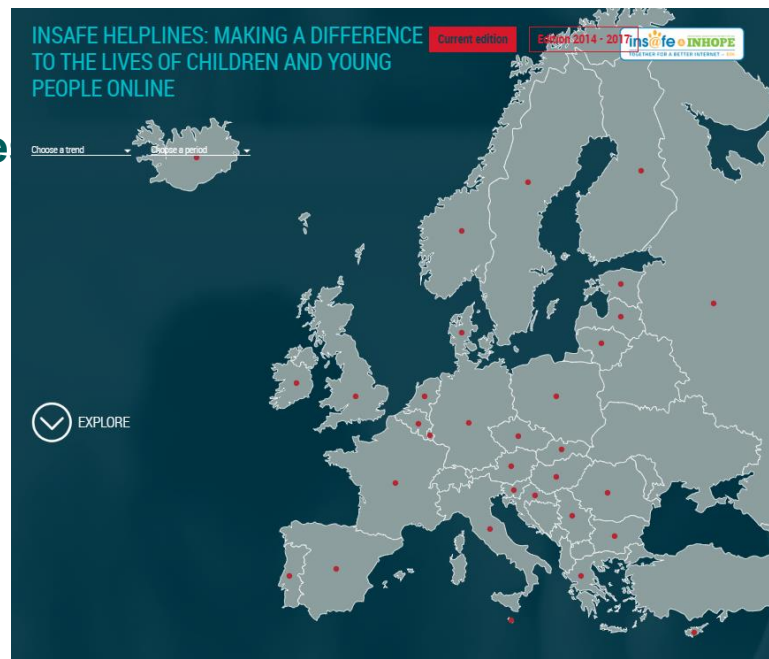
INHOPE and Insafe: Trends,
Reducing the risk, Situation and
Context (every day and during
the pandemic)

The Insafe Network

30 Safer Internet Centre

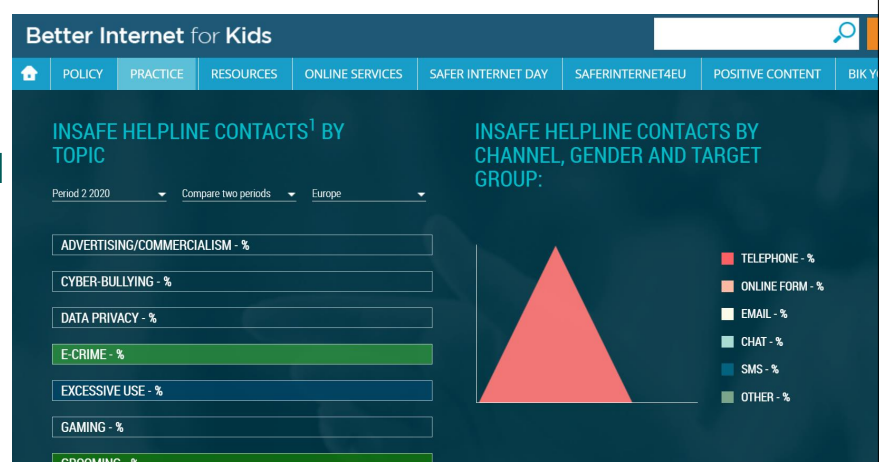
- Awareness Centre
- Helpline
- Hotline
- Youth Coordinator

18 general helplines
12 online safety specific helplines

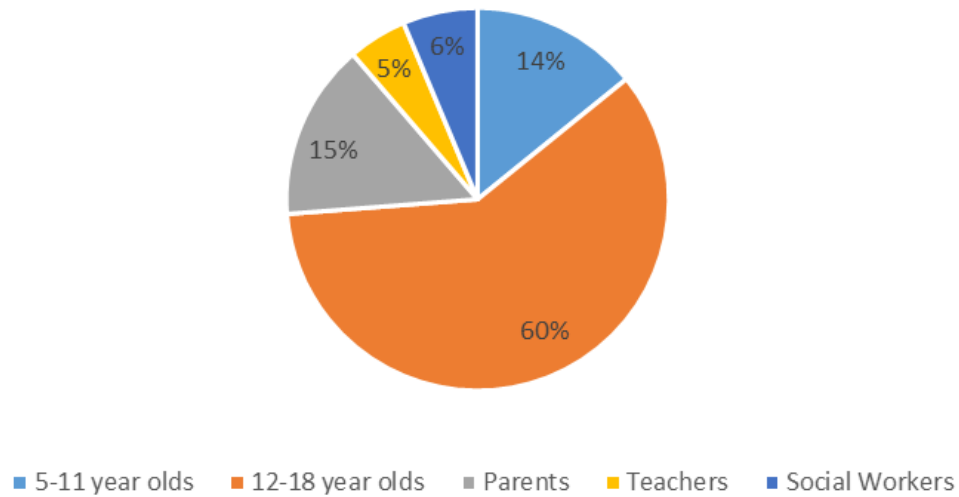


www.betterinternetforkids.eu/helpline-statistics

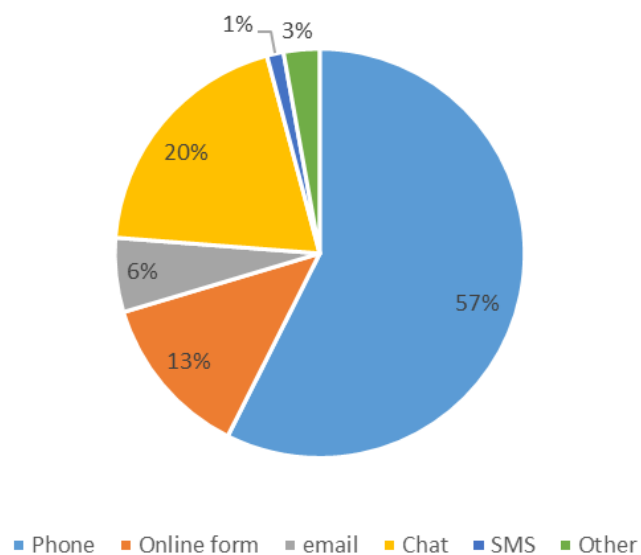
- Data collected quarterly
 - 16 categories
- Report published and shared internally
- Ability to identify ***possible*** trends
- Early warning system
- Public highlights shared in BIK bulletin



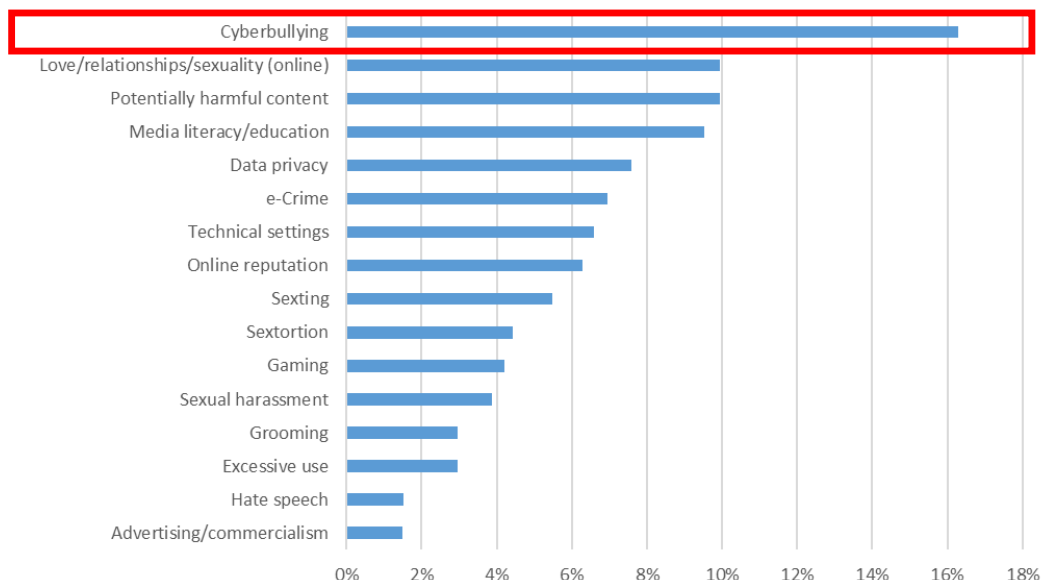
Helpline contacts April - June 2020 (inclusive)



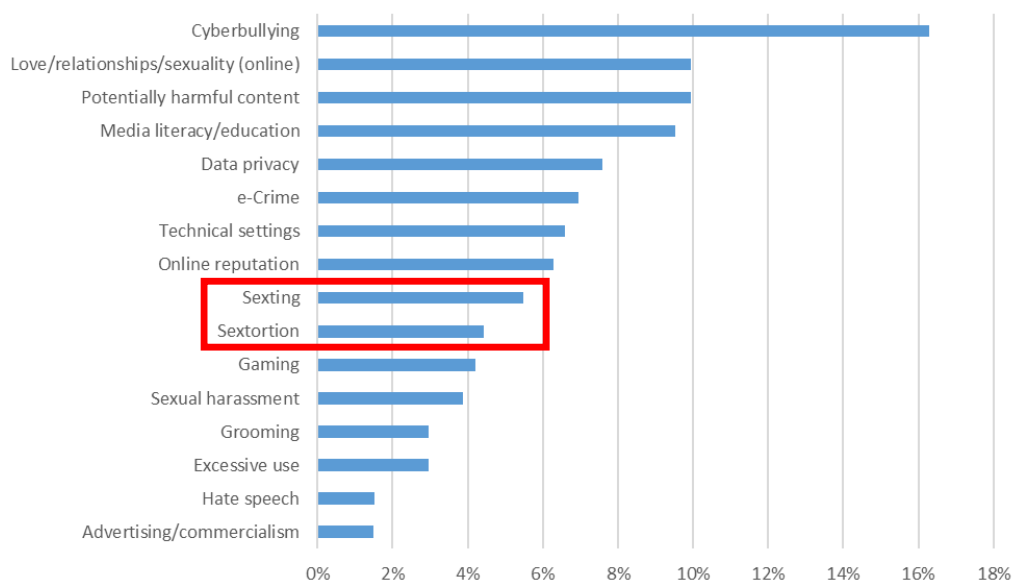
How helplines were contacted April-June 2020



Reasons for contacting helplines April-June 2020

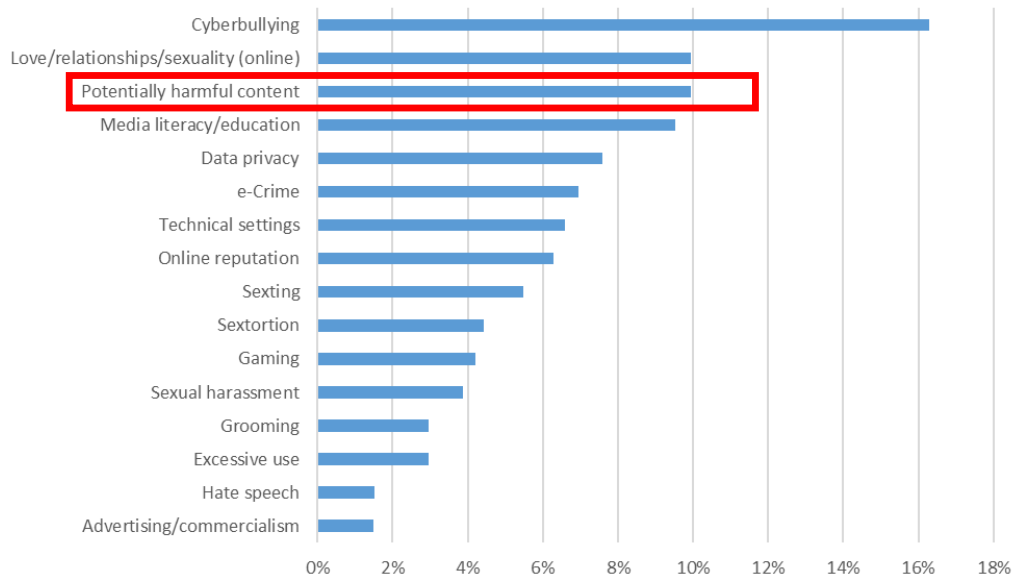


Reasons for contacting helplines April-June 2020



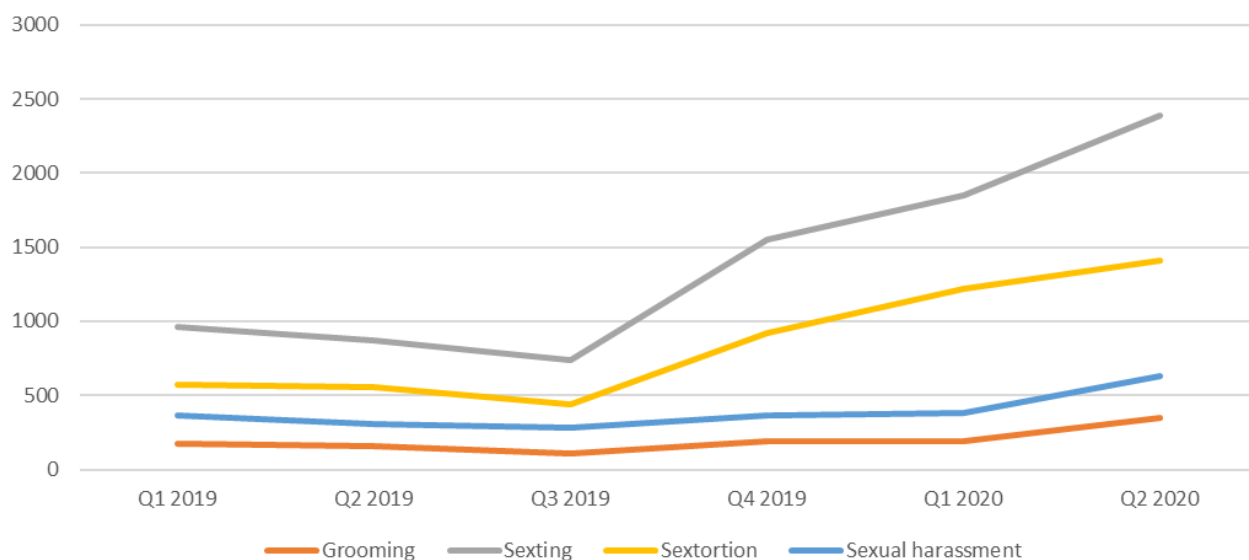
“Sexual extortion, also called ‘sextortion’, is the blackmailing of a person with the help of self-generated images of that person in order to extort sexual favours, money, or other benefits from her/him under the threat of sharing the material beyond the consent of the depicted person (e.g. posting images on social media). Often, the influence and manipulation typical of groomers over longer periods of time (sometimes several months) turns into a rapid escalation of threats, intimidation, and coercion once the person has been persuaded to send the first sexual images of her/himself.”

Reasons for contacting helplines April-June 2020



<https://www.culturereframed.org> – ‘public health crisis of the digital age’

A graph to show changes in the number of calls relating to specific issues 2019-2020

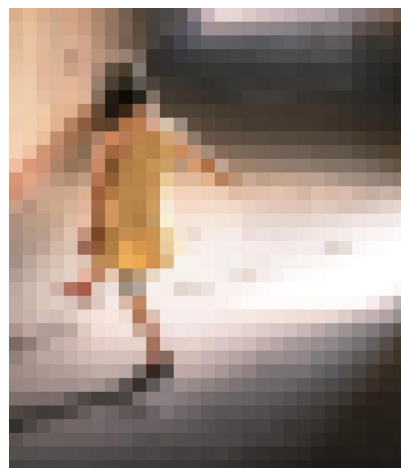


Increase in call numbers Q1 – Q2 2020

Sextortion	15%
Sexting	29%
Love, relationships and sexuality online	53%
Data privacy	194%

CSAM trends in the context of the pandemic

- To understand and mitigate risk we need to understand trends and context
- COVID19 pandemic has made situation worse.
- Europol and INTERPOL Reports
 - online CSAM in the EU has increased and it's one of the top cybercrime threats as a result of the lockdown measures put in place during the COVID19 pandemic.

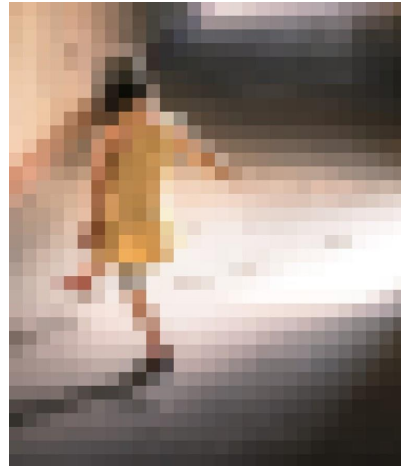


CSAM trends

○ April 8, 2020

“They must do more to detect and stop harmful activity against children online, including grooming and the creation and distribution of child sexual abuse images and videos.”

WORLD HEALTH ORGANISATION



Europol report key findings heightening the risks

- Significant increases in activity relating to child sexual abuse and exploitation on:
 - **surface web and dark web** during the COVID-19 lockdown period.
- Travel restrictions and other measures during the pandemic have prevented offenders from travelling so they have shifted their focus to the exchange of CSAM online.
- An increase in the number of offenders exchanging CSAM online during lockdown may have an impact on and stimulate demand for this type of material online beyond the lockdown.

Europol report key findings continued

- Revictimisation - increases in detection and reporting of CSAM during lockdown indicate the higher level of re-victimisation through the distribution of images and videos depicting them.
- SGC - Society, including law enforcement, needs to focus on the self-generation of CSAM to ensure that children are protected from this type of exposure to harm. The increased circulation of CSAM during the COVID-19 pandemic will also increase the need for law enforcement to identify the victims depicted in it.
- **Raising awareness and resilience** - We need to continue promoting preventive and educational initiatives in a coordinated and structural manner across Europe and globally.

CONTEXT IN THE PANDEMIC

Victim

Confinement measures increase the amount of time children spend online for educational, entertainment and social purposes

- alternative ways of socialising unaware of associated risks
- victims of domestic CSEA may be in lockdown with the offender – in the family
- boredom may lead to increased risk-taking, including an increase in the taking and sharing of self-generated material
- the circulation of viral content leads to continuous revictimisation.

CONTEXT IN THE PANDEMIC

Offender

- Offenders who usually operate online are likely to increase the amount of time they spend online.
- Offenders continue to adapt and change their online environments to avoid police detection and to target platforms based on popularity with children.
- Transnational child sex offenders are facing significant travel restrictions and may transition their offending to an online environment.
- Economic hardship from COVID19 might lead to an increase in CSEA material traded and produced for payment in the future – commercial CSAM.

Location

- The online environment in itself has not changed and CSEA offences continue to take place across multiple channels and platforms.
- The emergence of virtual learning environments has led to a new types of livestreaming offences which might increase anyway due to lockdown and the offender's inability to travel.

Main CSAM indicators showing an increase:

- number of attempts to access online CSAM
- activity on P2P networks
- the number of reports from the public to NGOs hotlines, helplines, law enforcement and others
- the volume of new posts on online forums dedicated to child sexual abuse
- activity on dark web forums

www.betterinternetforkids.eu



March edition of the BIK bulletin
pandemic

Awareness 31/03/2020 8



Share



We are in unprecedented times. As schools close and the coronavirus (COVID-19) pandemic, we are being online is providing a lifeline for everyone.

Key areas of support include:

- General advice to families during COVID-19
- Positive content and family entertainment while in lockdown
- Well-being while in lockdown
- Responding to online risks under COVID-19
 - Disinformation and fact-checking in times of COVID-19
 - Managing children and young people's screen time and online tools while in lockdown
 - Dealing with harmful and/or illegal content during COVID-19
 - Protecting online privacy and keeping personal information private during COVID-19
 - Avoiding scams, malware and other online threats during COVID-19
- Educational responses to the COVID-19 crisis
 - Safe emergency remote teaching and learning during COVID-19
 - Making the best of online pedagogical resources for remote teaching and learning
- Tech companies' responses to the COVID-19 crisis
- Policy responses to the COVID-19 crisis (focused on EU)



SAVE the DATE

Safer Internet Day

2021 | Tuesday
9 February

www.saferinternetday.org



European
Commission

INHOPE

insafe

03

Communicating mitigating risk and prevention

INHOPE & Insafe, NACs & Youth Coordinator

Raising awareness and resilience means increasing preventive communications to:

- Parents, teachers, children
- All national stakeholders

Using resources..

- Kiko and the hand – Council of Europe
- Bodhini, NGO, Kerala, India
- Many organisations around the globe...

WHY DON'T KIDS TELL?

© The Mama Bear Effect, inc

She said it was a game. He told me it was "our little secret".
 I was afraid my parents would be mad at me.
 I was too ashamed. I did, and my mom told me to stop.
 I didn't think anyone would ever believe me.
 She said I was afraid my dad would kill him.
 "teaching" me. My parents thought he was the "nicest guy".
 He told me it was my fault.
 She said she'd kill herself. She told me she loved me.
 He said he'd do it to my little sister if I didn't.
 It happened so many times, it felt like it was too late.
 We never talked about this kind of stuff. He said no one would ever want to know.
 It was too embarrassing to tell - anyone.
 My parents said they needed the money.
 I didn't want to lose my dad, I just wanted him to stop.

LET US KEEP OUR CHILDREN SAFE

• A BODHINI INITIATIVE •



Does any child you know

- Show sudden behavioural changes
- Show signs of fear, mood changes, panic attacks, withdrawal or clinginess
- Have Fear or Anger to be around certain people or places
- Have pain in their private parts
- Have frequent unexplained stomach aches, headaches and fatigue

....this could be symptoms of Abuse

Teach children

- That nobody is to touch their private body parts
- To say No, to run away, and to tell trusted people, if someone touches them in their private parts
- That being abused is not their fault.
- To never feel ashamed, guilty or sad if someone has touched them inappropriately
- To not touch anyone else's private parts
- To not watch obscene videos or photographs
- To not give in to threats

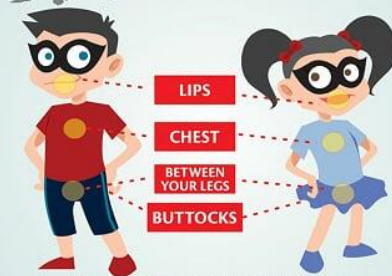


Childline: 1098 Bodhini: 8891320005 bodhini2014@gmail.com bodhini.in

Body Safety For Kids

Dear kids, just like traffic rules to keep you safe while on the road there are a few Body Safety Rules that help you keep your body safe from harm.

DO NOT LET ANYONE TOUCH YOU ON YOUR



If someone does, follow these steps



Always remember that it is never your fault

Note: Parents to clean you or doctors when with parents may touch you to treat you when sick.

Your five trusted adults could be

1. Parents
2. Teachers
3. Elder brothers or sisters
4. Relatives
5. Childline (call 1098)



bodhini.in

Offender prevention and response

Two ultimate goals of prevention efforts = reducing CSAM consumption and reducing contact offences.

CSAM consumption is considered as the viewing or downloading of any images or videos that show a child engaged in or depicted as being engaged in explicit sexual activity.

Contact offences are those which involve direct contact of a sexual nature with a child.

These two offences are distinct, and it is not the case that viewing CSAM is necessarily a gateway to performing contact offences. While this is the case for some individuals, for others the opposite is true, and people can begin with contact offences and later start to consume CSAM.

Report on: existing prevention initiatives in INHOPE member countries and opportunities for collaboration

<https://inhope.org/EN/prevention>

There is no silver bullet. We must keep moving forward. We must collaborate, we must continue to raise awareness and standards to protect children. We must communicate with our children and each other removing the taboo from this subject, as well as remove the supply of CSAM while also tackling prevention with offenders. There is a lot to do!



**Thanks for
listening.**

samantha.woolfe@inhope.org

INHOPE



Viljandi Haigla

mõistuse ja südamega



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

Preventing and minimising the risks of repeated offences of a sexual nature against children: experiences to share

Margus Veem
Psychologist
Viljandi Hospital



Background info

- The population of Estonia – 1.3 million
- Prisoners – 1900 (situated in 3 prisons)
- On probation 3800 people
- 640(2019) sex offences reported annually
- 110 convictions of SO-s of which 81 against minors



Risk-Need-Responsivity

Risk	Need	Responsivity
<ul style="list-style-type: none">• Risk of reoffending• Higher risk means more intervention	<ul style="list-style-type: none">• Criminogenic needs• Treatment should target relevant factors	<ul style="list-style-type: none">• Best and scientifically proven methods• Individual factors for participation, motivation and willingness to change



Is treatment effective?

- Meta-analysis found that Interventions that utilized R-N-R principles reduced reoffending rates (Hanson et al. 2009) (treatment group 10.9%, comparison group 19.2%)
- In Finland reoffending rate differed almost twofold (10.5% vs. 5.6% but small group of offenders, n. 143)(Laaksonen et al. 2015)
- In Estonia – no effectiveness studies conducted as off yet, but using scientifically proven methods should make it as good as it gets.



Treating Sex offenders in prison

- Specialized unit in Tartu Prison – contains all imprisoned SO-s in the system(apr. 100)
- Risk measures – STATIC 2002R, STABLE 2007+ACUTE 2007 in probation
- Individual program New Way (Nina Nurminen, Finland) – for low to medium risk offenders
- Rockwood group program (Liam Marshall, Canada) – for medium to high risk offenders



Intervention programs outside prison

- Systematic treatment in Viljandi County Hospital since 2017
- Voluntary patient (10% of patients)
 - Porn addiction
 - Obsessive sexual thoughts
 - Parafilias
- Reference from legal system
 - Investigator
 - Prosecutor
 - Criminal charges dismissed, but sanctions apply
 - Court order
 - On probation or on parole



Course of action

- The contact
- Meeting with the psychologist
 - Life History
 - Evaluation
 - Risk assessment if applicable
 - Treatment motivation
 - Goals for treatment
- Joint meeting with psychiatrist
 - Diagnosis
 - Treatment plan and goals
- Treatment – Therapy or/and medicinal treatment



Medicinal treatment

- Antidepressants
 - Decreases libido as a side effect
 - Improves mood
 - Helps against obsessive thoughts
- Antiandrogens (rarely)
 - Suppresses sexual thoughts
 - Suppressed sexual functioning



Individual therapy

- Based on Cognitive-behavioral theory
- Uses Good Lives Model as a theory to explain sexual offending
- Concentrates on improving dysfunctional fields of life and promoting individual goals.
- Uses dynamic risk assessment (STABLE 2007 and RSVP – Risk for sexual Violence protocol) to tie life goals to reoffending needs.



Experience so far!

- Treatment is needed – the sooner the better
- It's easier to find people for treatment, when they have already offended!
- The treatment is effective when the RNR principles are applied.
- Ambulatory treatment is easier with (up to) medium risk offenders. (the treatment intensity with high risk offenders is harder to apply)
- Video capabilities make the intervention accessible to bigger audience.
- Good communication is essential between treatment provider, patient and probation officer(or prosecutor)



Äitäh!

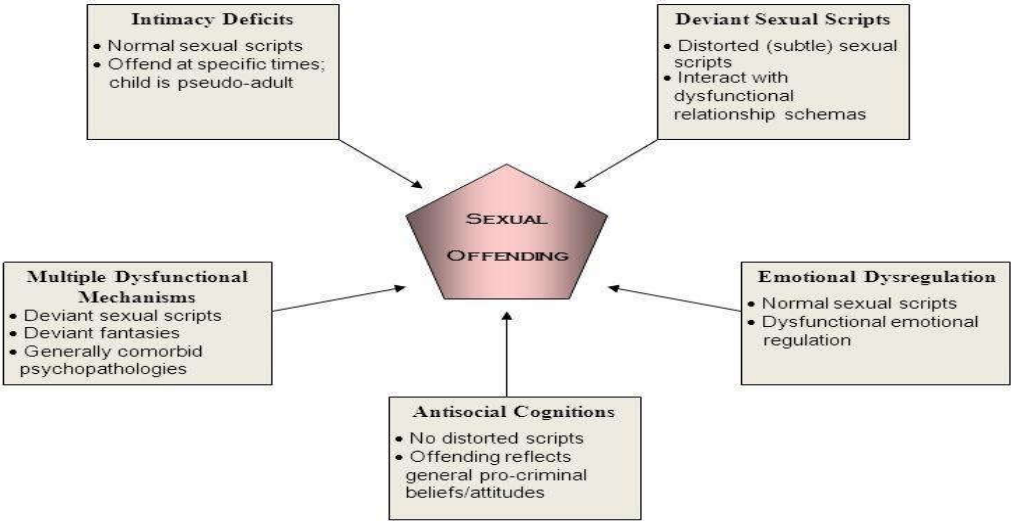
mõistuse ja südamega

vmh.ee

Bonus material

Pathways Model of Child Sexual Abuse (Ward and Siegert 2002)

Theoretical morphing:
Finkelhor's Precondition Theory
Hall & Hirschman's Quadripartite Theory (critical threshold)
Marshall & Barbaree's Integrated Theory (negative early - life experiences)



Child abuse in the Czech Republic „case Atelier“



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

4. 11. 2020 Child abuse in the Czech Republic - case Atelier



Milan Šimek

- prosecutor of the District Public Prosecutor's Office in Hradec Králové (2003-2006)
- prosecutor Regional Public Prosecutor's Office in Hradec Králové (2006-2020)
- occasional lecturer at the Academy of Justice of the Czech Republic

specialization

- criminal activity against children
- juvenile delinquency
- human trafficking
- member of two joint investigation teams at Eurojust (Atelier, Blue Mexico)

4. 11. 2020 Child abuse in the Czech Republic - case Atelier

In the Czech Republic at present most of the detected cases of sexual abuse of children does not occur in families (true or false incest), but related to the abuse of the Internet. Typically with the use of social networks (Facebook, Instagram) or chat applications (Skype, ICQ, Snapchat, WhatsApp and various other types of chat, etc.). This specific form of cybercrime has become so widespread in recent time that it rightly attracts the interest of the professional and lay public. The attention is logically focused mainly on the prevention and detection of this type of crime.

Child abuse via the Internet is mainly based on the commission of crimes related to child pornography. But what all is child pornography or not yet?

4. 11. 2020 Child abuse in the Czech Republic - case Atelier

Application problems also stem from the fact that the regulation of pornographic crime has undergone relatively significant changes in recent years ago - following the change in European legislation - specifically by Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography. This is logically related to the absence of relevant and established case law, from which it would be possible to base the interpretation and application of the facts of pornographic offenses.

Supreme Court of the Czech Republic, but already 2005, judicated that „child pornography“ can typically be considered to be, for example, images of naked children in positions provocatively presenting the genitals for sexual gratification (for primarily sexual purposes), as well as images of children depicting positions of actual or pretended sexual intercourse with them, or other similarly sexually irritating images of children.

In a particular case but maybe be very difficult to assess whether the photos or videos images "genitals for primarily sexual purposes."

4. 11. 2020 Child abuse in the Czech Republic - case Atelier

One of the relatively new criminal offenses contained in the Criminal Code is the criminal offense of participation in a pornographic performance. This is again the implementation of the already mentioned Directive 2011/93/ EU. But again, it is not a simple legal question to interpret the central concept of "pornographic performance".

According to the Directive a pornographic performance (in which a child acts) means a live performance intended for a specific audience, including a performance transmitted through information and communication technologies, and must be either a performance by a child engaging in actual or simulated sexually explicit conduct or a performance involving exposing the genital organs of a child for primarily sexual purposes.

If we clarify problem number one, what is a pornographic performance. There is still number two problem with the crime of participating in a pornographic performance. How to prove it. The perpetrator watched everything live. And if the perpetrator did not make a video (which would also produce child pornography), it is not a record of what happened. So only a child victim can describe it. But if the child does not want to say what happened, then direct evidence is missing again. The only evidence in these cases, then may be a chat between the perpetrator and the victim in which they agreed on what the child would show. And the perpetrators' comments about what they saw, what they would like to see and how they liked it. So proving this crime is very difficult and most of these cases are not detected at all.

As already mentioned, the current Czech legislation of pornographic offenses is relatively new, and moreover, the complex and individual facts of these crimes overlap to some extent. When interpreting these facts, or their features, it is necessary to take into account both European legislation, and (especially) it is necessary to carefully perceive the object of these crimes, ie to protect what interests and values are given. In individual cases, it can sometimes be very difficult to assess whether the characteristics of a crime have actually been met - for example, the problem of assessing the possible pornographic nature of photographs, videos or the introduction of a child, when concluding whether it is a "representation of the genitals for primarily sexual purposes" may be debatable.

A big topic to be solved is the prevention of anonymous (fake) accounts in individual social networks or applications, through which perpetrators of crimes related to child abuse commit. But that would be for another separate lecture or seminar.

4. 11. 2020 Child abuse in the Czech Republic - case Atelier

CASE ATELIER

1. February 2013 - an independent journalist forwarded to the Czech Police an anonymous e-mail in English containing information that **Pavel R.** (his email and phone number included) was producing and selling child pornography (abroad).
2. Pavel R. was not an unknown person for the Czech police - he was already prosecuted for sexual abuse and the production of child pornography in 2003-2007 (sentenced to 2 years in prison).
3. March 2013 - The Police Presidium in Prague received a request from Canada for information about Pavel R. They found child pornographic images that were bought by their perpetrator Bryan W. from Pavel R.

4. 11. 2020 Child abuse in the Czech Republic - case Atelier

In order to properly clarify the matter were allowed all conceivable operational intelligence means of searching - interception (tapping) of telephone number, e-mail and IPaddress of Pavel R. and his personal monitoring (physical surveillance).

It was also carried out extensive financial investigation. Financial investigation showed that in the years 2008-2012 Pavel R. received from abroad about 400.000, - Euro (he almost lost everything in slot machines- gambling).

Girls from 10 to 17 years old came to atelier of Pavel R. He sent the pictures to customers mainly from Sweden and the USA. Part encrypted (to cloud of Company ADrive in USA) and part not (to cloud registered in the Netherlands – for websites newstar a teenmarvel).

April 2013 - EUROPOL and EUROJUST were requested to cooperate.

Subsequently it was found that another 3 people cooperated in the production of the images with Pavel R in Czech Republic.

4. 11. 2020 Child abuse in the Czech Republic - case Atelier

July 2013 – In EUROJUST was established Joint Investigation Team „ATELIER“ between the Czech Republic and Sweden - one of the major purchasers of Pavel R. images was appointed in Sweden - according to payments made (used Western Union payments).

The Swedish perpetrator Michael A. then sold these pictures to others. Most traded person use the nickname Takeshi. According to payments the Swedish police found it to be Adolfo B.

November 2013 - JIT was expanded to include Spain. Coordination meetings took place in The Hague (once every 2-3 months). Provided evidence was shared. A joint action day was agreed.

4. 11. 2020 Child abuse in the Czech Republic - case Atelier

Pavel R. - the interrogation of a charged person

- ▶ 4 interviews carried out
 - ▶ Rohel - his knowledge and experience of the criminal proceedings was obvious.
 - ▶ He dictates his testimony word by word.
 - ▶ He emphasizes the influence of „gambler's addiction recidivity“ on his criminal activities commitments
 - ▶ He underestimates - reduces his property profits from the criminal activities.
 - ▶ He expects the concrete, specific evidentiary materials to be presented.
- He emphasizes voluntary participation of all persons involved in taking photos
 - He shifts responsibility (criminal and moral) to models and their parents
 - He refuses to state the names of the children having been involved in taking photos and filming pornography
 - He avoids the questions forcing him to describe his criminal activities in more details



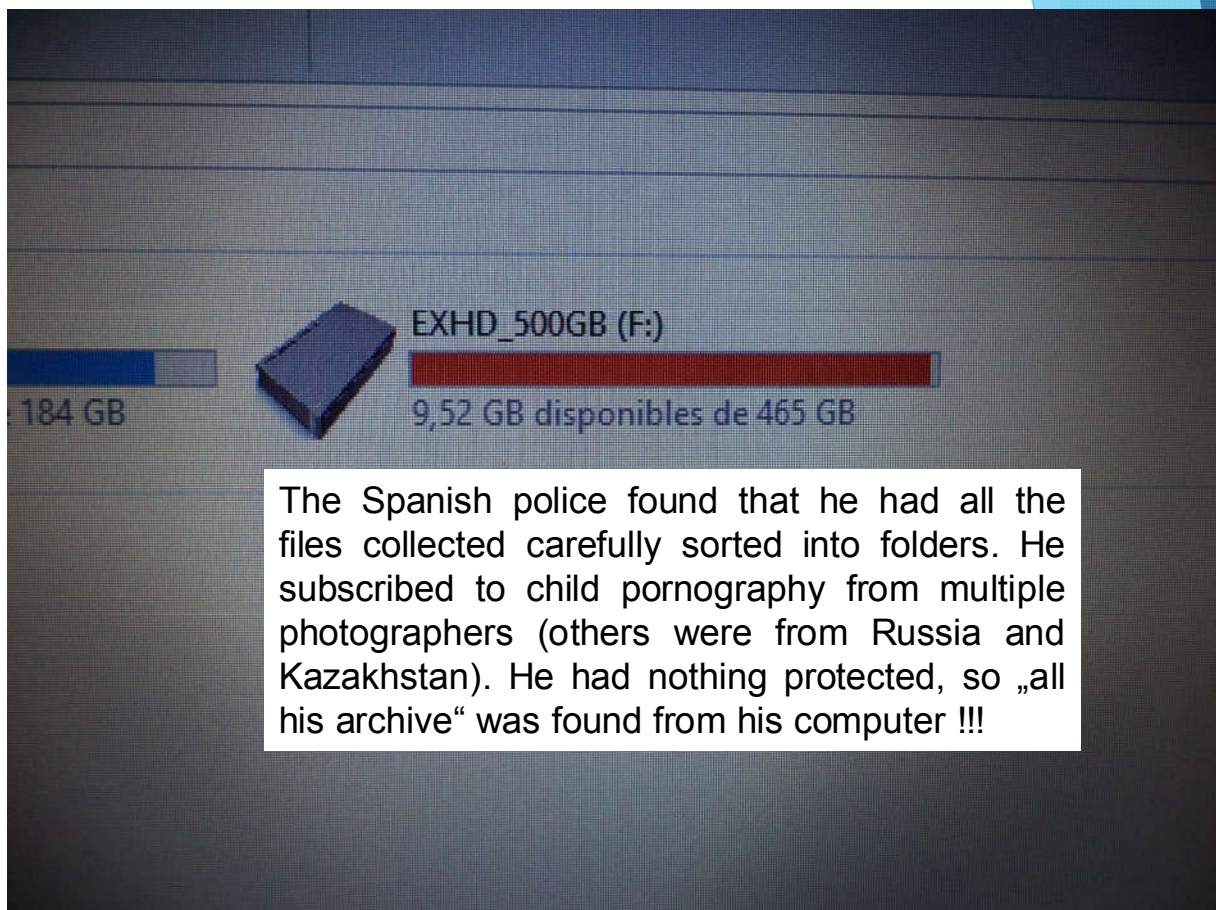
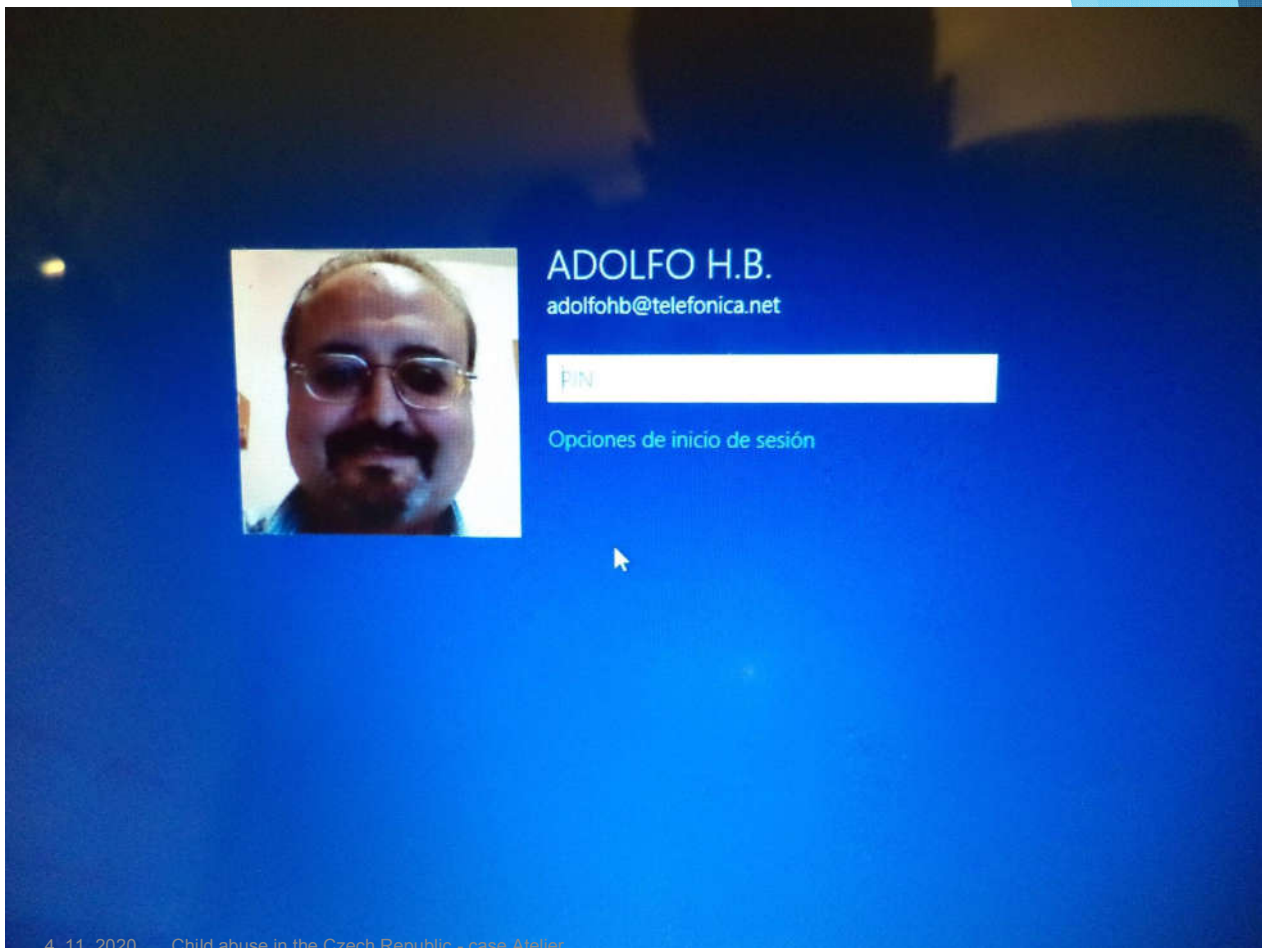
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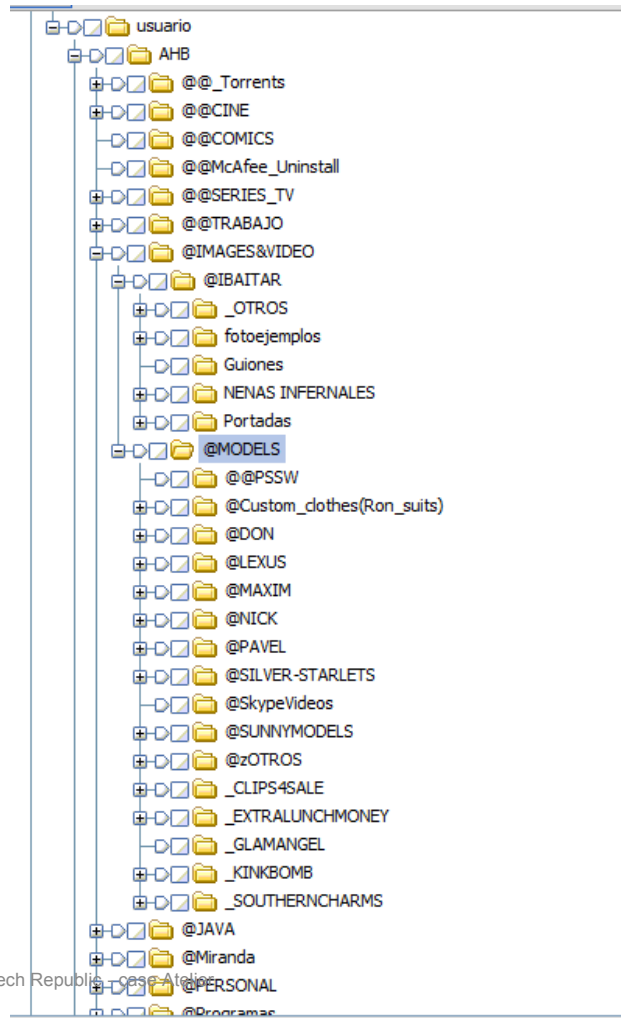
Rohel - the interrogation of a charged person

- ▶ He avoids the questions, where the name of a concrete person (witness or a would-be accomplice) is demanded in case he thinks we do not know his/her name.
 - ▶ His answer: „I am sorry, it is not to express my arrogance, but....“
 - ▶ As for his charge in relation to Adolfo B. and Michael A. he stated on 5th April 2014: „I state, I feel guilty in case of illegal taking photos and videos for customers in Sweden and Spain. I consider this to be my personal failure and I expect to be put in custody and I expect the punishment as well.“
- As for his charge in relation to NewStar he stated on 5th April 2014:
„On the other side I have to refuse the charge concerning my activities in the field of photography and video activities related to the customer from Power Trading in the USA and I state, this charge is not based on evidence.“

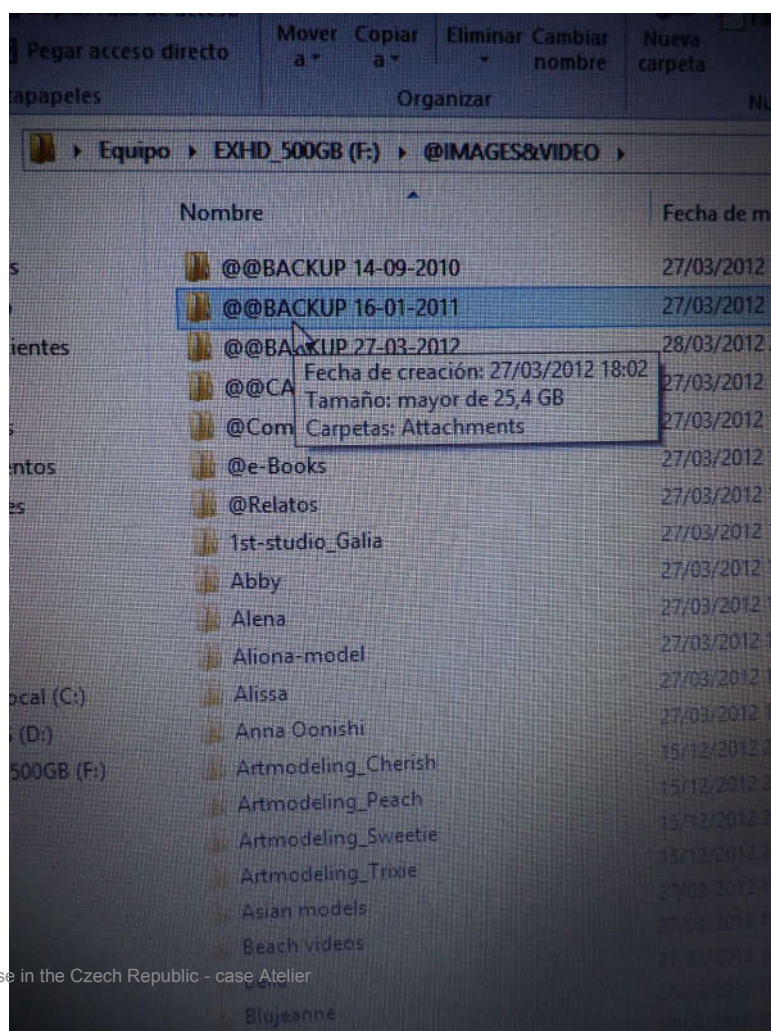


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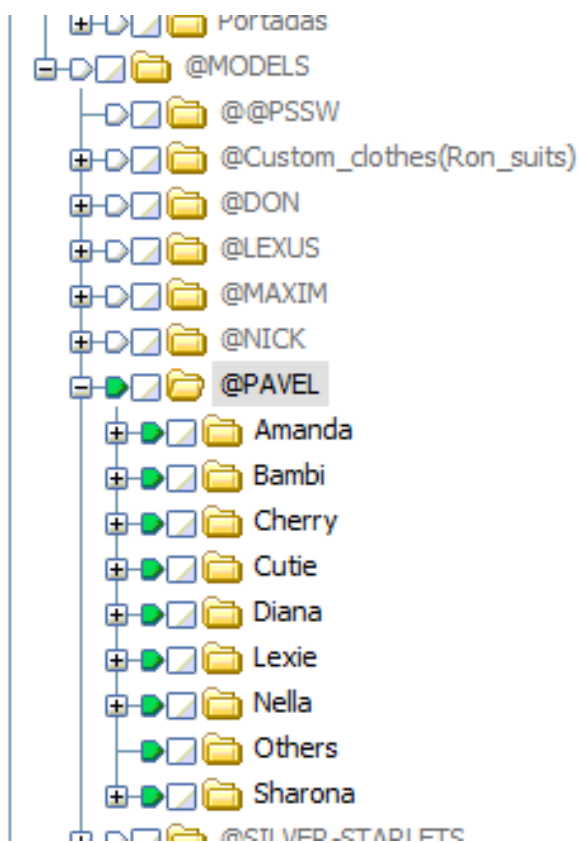




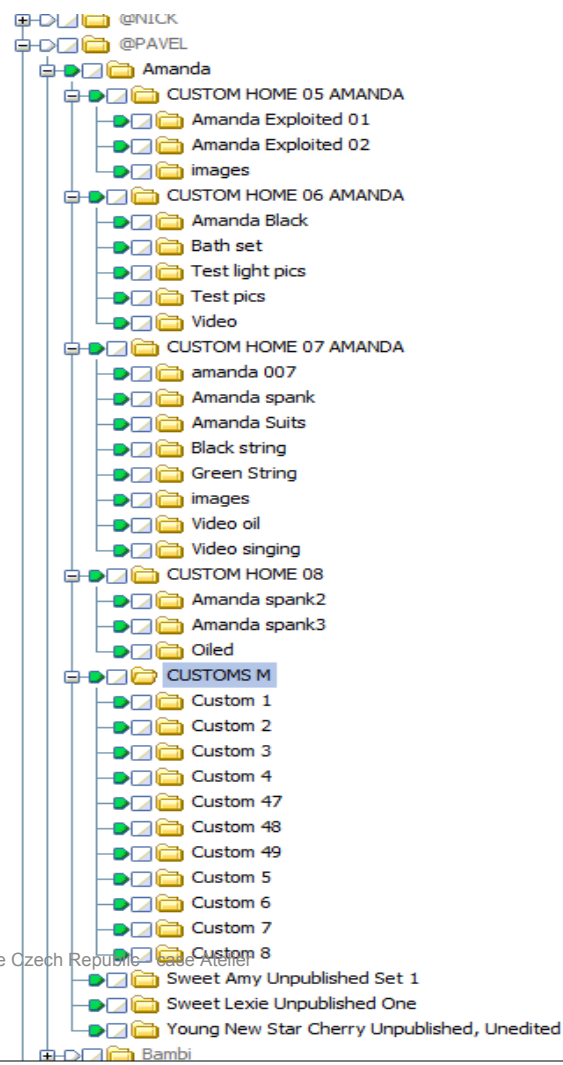
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Final evaluation of JIT cooperation

- ▶ Having taken place on several levels - from the very small details up to providing the other JIT partners with crucial seized evidence.
- ▶ Fundamental evidence - image/picture material seizure abroad.
- ▶ Willingness and effort to help each other in spite of the differences concerning criminal proceedings in particular countries.
- ▶ Cooperation within JIT - faster, more simple and effective contrary to the way of legal assistance.
- ▶ The reason: resulting from the character of JIT working, personal knowledge, direct communication, common interest, openness when information sharing, willingness to help each other in spite of the differences concerning criminal proceedings in particular countries.
- ▶ Financial support of JIT from Eurojust important.
- ▶ Contribution of Europol.
- ▶ **Outcome of the JIT investigation** - secured 2 million images (photos and videos)
- ▶ **During 2014 the indictments** were filed for 4 persons in Czech Republic (Pavel, Yuliya, Jaroslav a Miloslav), in Sweden for 1 person (Michael A.) and in Spain for 1 person (Adolfo B.).
- ▶ The secured evidences subsequently served as a basis for **convicting a further 20 persons in non-JIT countries** (Canada, USA, France, Great Britain and Ireland).

Results of trials:

In Sweden

Michael A. accepted conviction for 6 years in prison and financial penalty and damages for victims

In Spain

Adolfo B. accepted conviction for 12 years and damages for victims

In Czech Republic

first verdict in March 2016

- **Yuliya Ch.** accepted conviction for 3 years
- **Jaroslav J.** accepted conviction for 2 years and damages for victims
- **Miloslav M.** accepted conditional sentence

And what about Pavel R.? Good question!

First verdict for Pavel R. (March 2016)

7 years + confiscation of things stated in the indictment
+ paying on damages total about 80.000,- Euro

He appealed. I also appealed (not guilty for THB). The Court of Appeal set aside the first instance judgment. The Court of Appeal also set aside the second judgement (June 2018).

The case was again resolved for the third time by the court of first instance with new judges (the judge who handled the case died).

At the initiative of the defense there were already 4 different expert opinions from sexologists on whether or not non-naked images are pornographic.

The court of first instance had to deal with this contradictory evidence. And to redefine what is and what is not child pornography.

Third verdict (December 2019): Images without exposed genitals were not considered child pornography. Pavel R. was sentenced only to 3 years in prison for other nude images. I filed an appeal against him. **The Court of Appeal has not yet ruled.**

4. 11. 2020 Child abuse in the Czech Republic - case Atelier

What to say at the end!

Whatever will be the final verdict on Pavel R., one network of perpetrators who exploited children to produce child pornography was broken.

And we have learned a lot in the area of obtaining evidence in cyberspace.

Thank you for your attention ☺ !

Milan Šimek, prosecutor
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