

# CHILD PORNOGRAPHY ONLINE LEGAL ISSUE

Protecting Children from Sexual Offenders

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## WHAT WE KNOW

- Child Pornography is available online
- Global phenomenon
- Fighting child pornography online requires legislation
- Need for legislation is not limited to substantive criminal law but also needs to include issues like procedural law, procedures for international cooperation and responsibility of Internet Service Provider

## LEGISLATION

- Biggest problem is not necessary a lack of legal approaches
- EU Framework Decision on combating sexual exploitation of children and child pornography (2003)
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007)
- Council of Europe Convention on Cybercrime (2001)

## QUESTIONS TO BE ANSWERED

- Did the Internet lead to an increase in numbers or threat related to child pornography?
- To what extent is organised crime involved?
- To what extent is the exchange of child pornography commercial in nature



### **Article 20 – Offences concerning child pornography**

1 Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised:

- a producing child pornography;
- b offering or making available child pornography;
- c distributing or transmitting child pornography;
- d procuring child pornography for oneself or for another person;
- e possessing child pornography;
- f knowingly obtaining access, through information and communication technologies, to child pornography.

## EXAMPLE ORGANISED CRIME R.

- An example for quotations without verifiable reference was discovered by the Wall Street Journal in 2006.
- While investigating a quotation that “child pornography is a multibillion business – 20 billion USD a year - the journalist reported that two main documents containing information about revenues from 3 billion to 20 billion – a publication from NCMEC and one from the Council of Europe - did refer to Institutions that did not confirm the numbers.

83 Symantec Internet Security Threat Report VI (January - July 2007).

84 US merchants reportedly lost US\$ 2.6 billion through fraud in e-commerce in 2004. <http://retailindustry.about.com/b/a/126525.htm>

85 Symantec Internet Security Threat Report VI (January - July 2004).

86 Estimates on the annual business volume related to child pornography on the internet range from US\$ 3 billion <http://internet-filter-review.topnureviews.com/internet-pornography-statistics.html> to US\$ 20 billion globally (FBI data).

87 ECPAT International 2005.

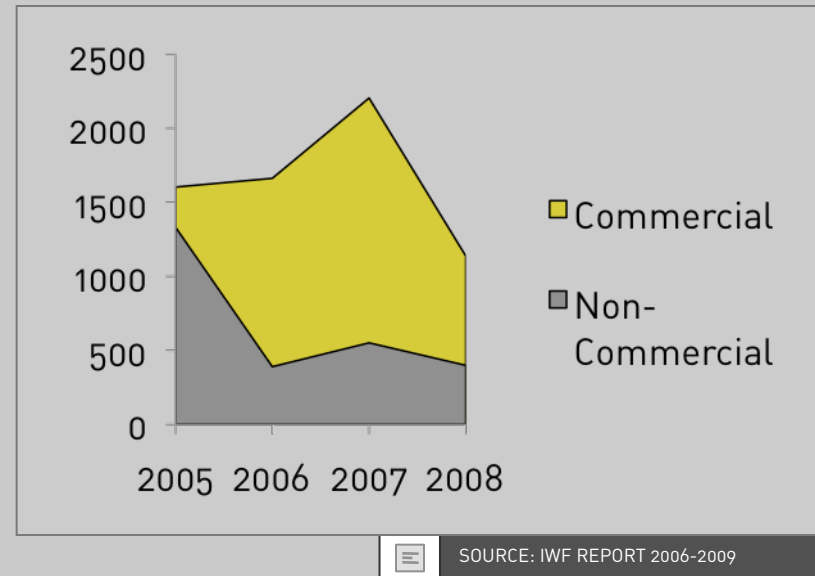
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2005 CoE Organised Crime Situation R.

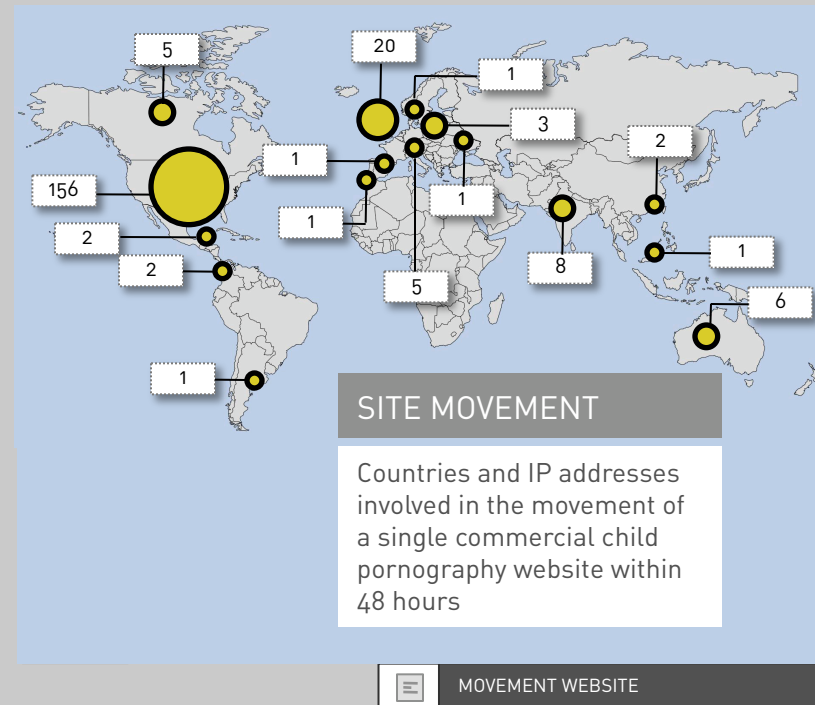
## COMMERCIAL CHILD PORNOGRAPHY

- Commercial Child Pornography sites available
- Close links between commercial child pornography and organized-crime
- Enables the use of the UNTOC within international cooperation



## SPEED OF DATA TRANSFER

- Data transfer speed enables quick move of data
- Offenders can make use of the speed of data transfer processes to hinder the removal of information



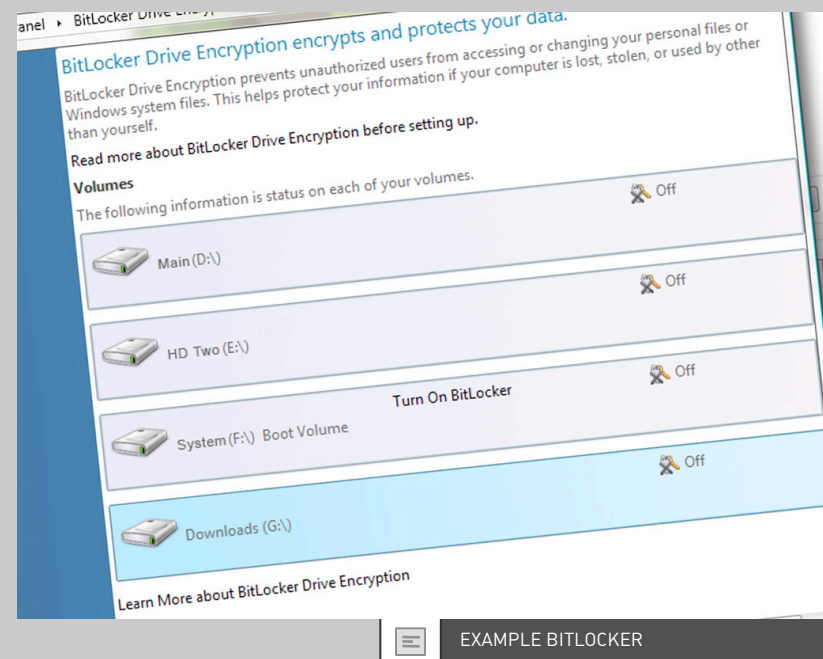
## COMBINED APPROACHE

- Importance of an intensive discussion among technical and legal experts
- UNODC/ITU
- KIC Cybercrime Virtual Forum

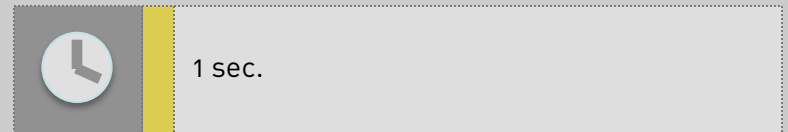
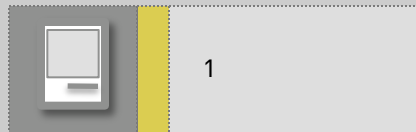
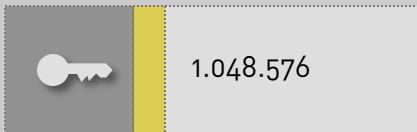


## GLOBAL PHENOMENON

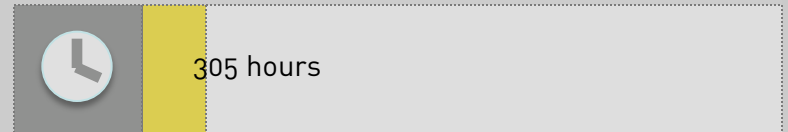
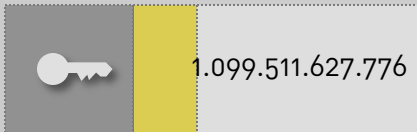
- Availability of encryption technology is a global challenge
- Powerful software tool that enable are available on a large scale in the Internet
- Some of the latest versions of operating systems contain encryption technology



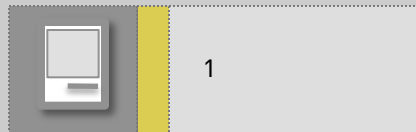
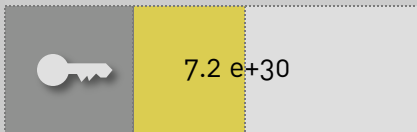
## 20 BIT ENCRYPTION



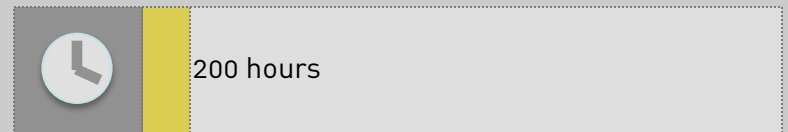
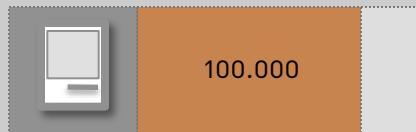
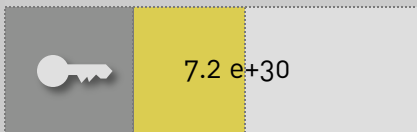
## 40 BIT ENCRYPTION



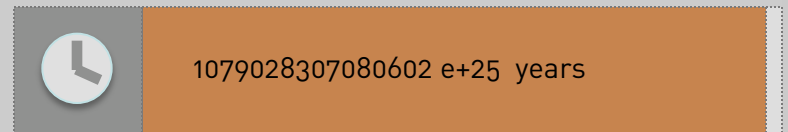
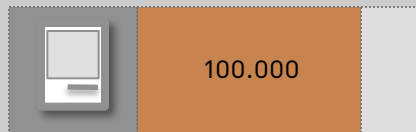
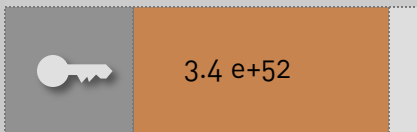
## 56 BIT ENCRYPTION



## 56 BIT ENCRYPTION



## 128 BIT ENCRYPTION



## PROPOSAL FD SEXUAL EXPLOITATION

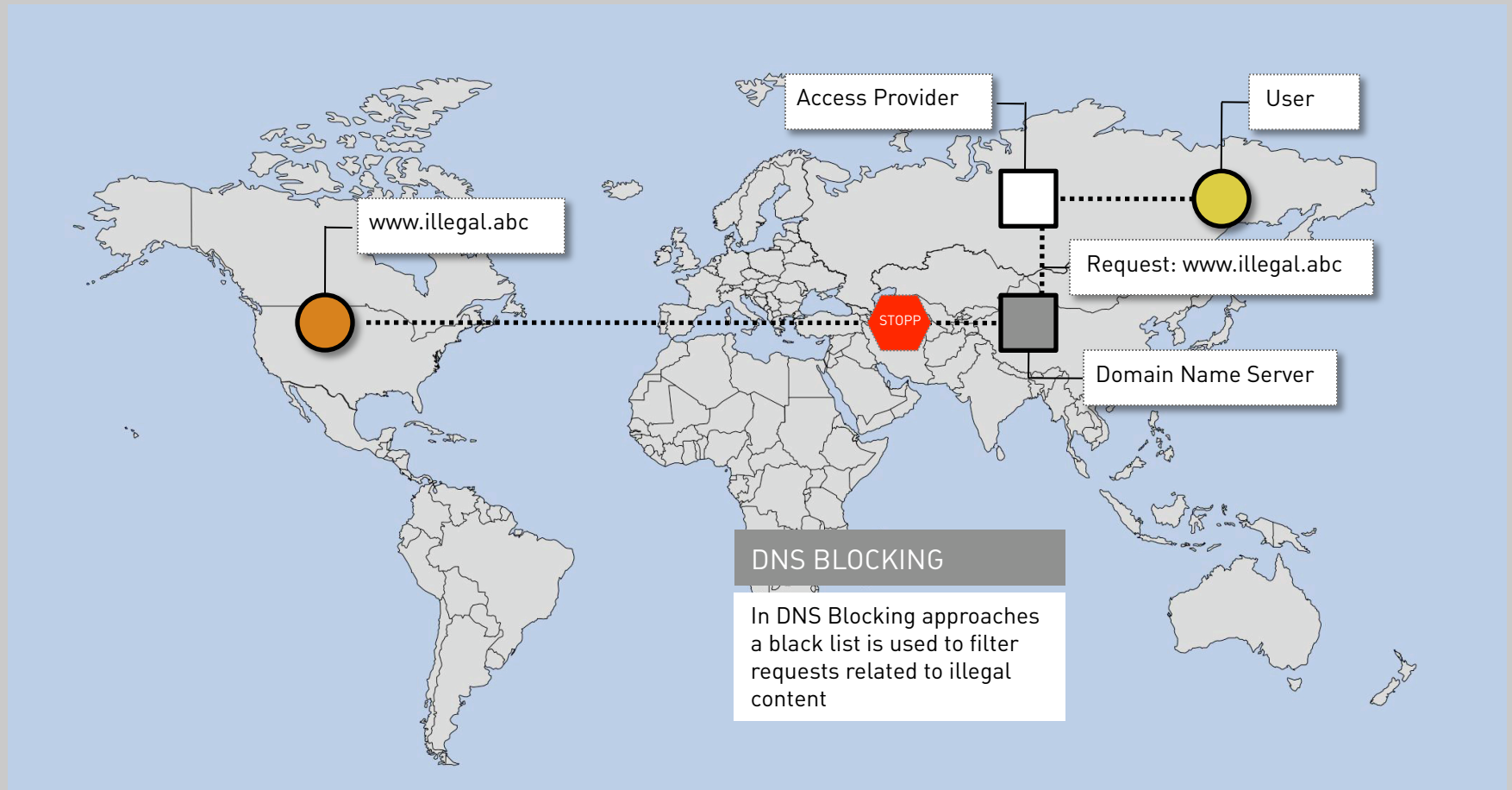
- Increasing debate about legislation implementing mandatory technical approaches
- In 2009 a proposal for a Framework Decision repealing the existing Framework Decision on combating sexual exploitation was published
- Contains a provision related to the blocking of child pornography websites



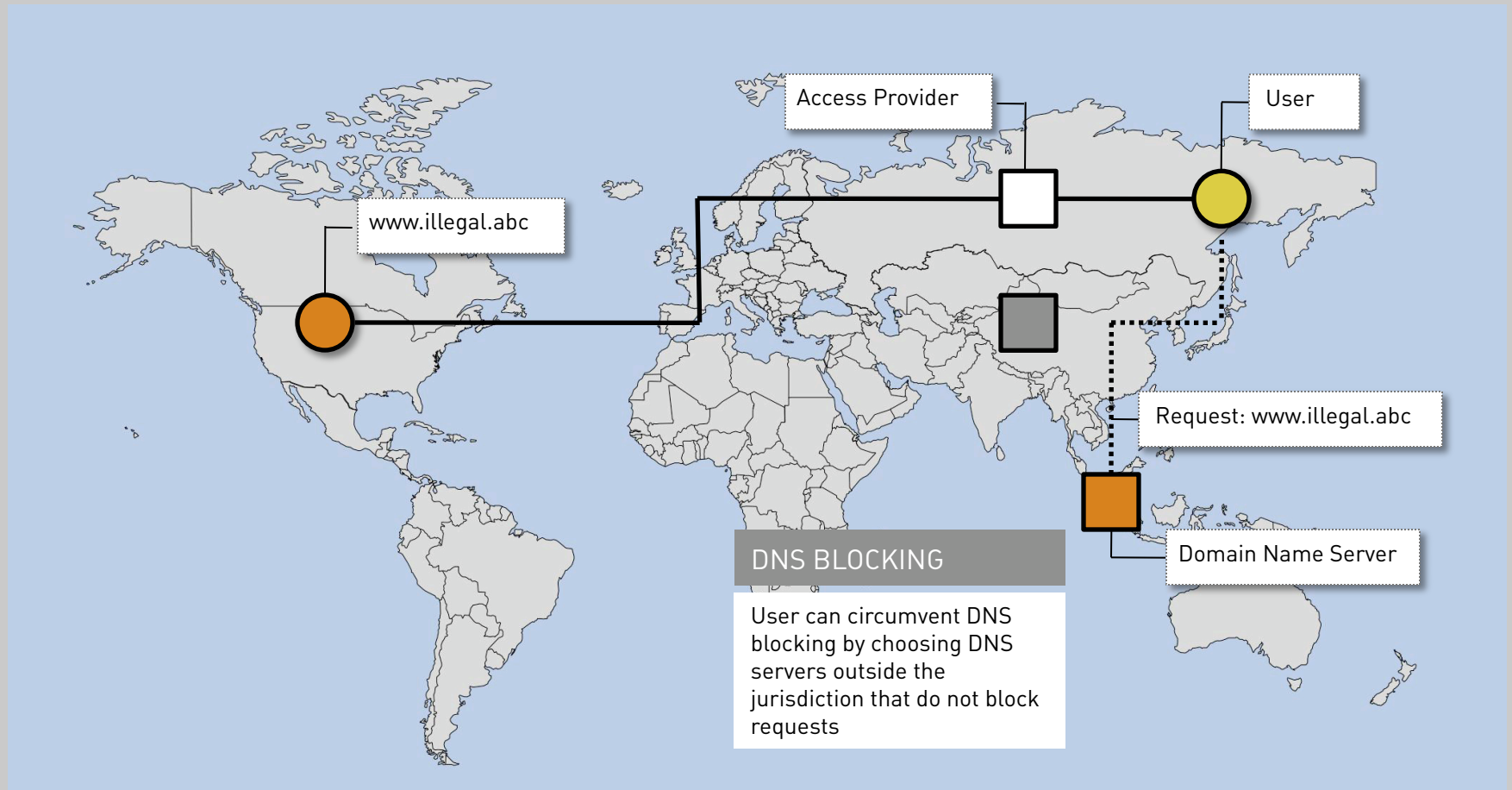
### **Article 18 - Blocking access to websites containing child pornography**

Each Member State shall take the necessary measures to enable the competent judicial or police authorities to order or similarly obtain the blocking of access by internet users to internet pages containing or disseminating child pornography, subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers are informed of the possibility of challenging it.

## DNS FILTERING



## DNS FILTERING



## BOTNET

- Similar approach already exists in anonymous communication services such as TOR .onion
- If content is made available through the TOR network it is very difficult to identify the physical location

