

## CHILD SEXUAL EXPLOITATION 2010 FACT SHEET

### Introduction

‘**Child sexual exploitation**’ refers to the sexual abuse of a human being below the age of 18. Among other things, it includes the production of child abuse images and online dissemination as particularly serious forms of crime committed against children.

The distribution of images depicting the sexual exploitation of children is mainly facilitated by improper use of the Internet, as the apparent anonymity offered by this means of communication makes it difficult to successfully locate and identify the offenders and to save child victims from further exploitation.

It must be emphasised that the discovery of illegal material is only the beginning, of an investigation into the actual sexual exploitation (e.g. rape, sexual assault) of a child; there is a clear distinction between specific legislation on the offences related to the production, distribution/sale and possession of child sexual exploitation material and specific legislation on the sexual offences committed against children.

While there is no doubt that sexual abuse and exploitation of children is a serious problem, there is a lack of accurate and reliable statistics on the nature of the phenomenon and the numbers of children involved, mainly due to differences in national definitions of different child sexual abuse and exploitation offences.

On 29 March 2010, the European Commission adopted a proposal for a new Directive on combating sexual abuse, sexual exploitation of children and child pornography, following up on a previous proposal tabled in 2009, with the aim of replacing the current EU legislation (*Framework Decision 2004/68/JHA*) which now seems to be out of date. The new Directive, if approved, will follow the Lanzarote (Spain), October 2007<sup>1</sup> Council of Europe “*Convention on the Protection of Children against Sexual Exploitation and Sexual Exploitation*” and it will cover actions on the following different aspects:

- **Criminal law:** criminalisation of serious forms of child sexual abuse and exploitation currently not covered by EU legislation, with **Articles 3 and 4** aiming at punishing the intentional conduct of recruiting or coercing a child into prostitution or into pornographic performances or profiting from or otherwise exploiting a child for such purposes, and establishing provisions that punish all the offences related to child pornography which already fall under the Europol mandate as listed in the Council Decision establishing the Europol Police Office, applicable from 1 January 2010.

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<sup>1</sup> Council of Europe – European Treaty Series – No 201: Of the **47** CoE Member States, **8** have not yet signed it and only Denmark, The Netherlands, San Marino, Albania, Greece and Serbia have ratified it. The Convention has entered into force (situation on 02/08/2010 – source: Council of Europe – Treaty Office <http://conventions.coe.int>).

- **Developments in the IT environment:** new forms of sexual abuse and exploitation facilitated by the use of the Internet would be criminalised (e.g. grooming or viewing child abusive material (CAM) without downloading the files).
- **Criminal investigation and initiation of proceedings:** a number of provisions would be introduced to assist with investigating offences and the bringing about of charges, in the absence of reporting by the child victim.
- **Offences committed abroad:** rules on jurisdiction would be amended to ensure that child sexual abusers or exploiters from the EU face prosecution including if they commit their crimes in a non-EU country.
- **Protection of victims:** new provisions would ensure that abused children have easy access to legal remedies and do not suffer as a result of participating in criminal proceedings.
- **Prevention of offences:** special programmes should be accessible for offenders to prevent them from committing new offences. National mechanisms to block access to websites with child pornography, which are most often located outside the EU, should be put in place under the supervision of judicial services or the police.

## **Child sexual exploitation and the Internet**

The Internet as a mass medium is extensively used in connection with sexual material; it is used for the sale and purchase of adult pornographic material and sexual devices, for advertising contacts for explicit sexual purposes, and to distribute child sexual exploitation content, providing a platform for online grooming of innocent children with the abusive material reaching the Internet, constituting a permanent re-victimisation of the depicted child.

The first international common commitment to tackle the distribution of child sexual exploitation material on the Internet was expressed at the International Conference on "Combating Child Pornography on the Internet", held in Vienna in 1999, where it was stated that, "*Child Pornography on the Internet is a growing problem, and as more of the world comes online, it will continue to grow in the future since it does not know or respect borders*".

Several European and worldwide operations have resulted in the identification of thousands of suspects in relation to offences committed against children, with numbers apparently growing over the years, confirming the development of the issue. A great leap forward is now needed in order to fight the producers and the people who profit from this serious crime.

Fighting child sexual exploitation, including the proliferation of child sexual exploitation material on the Internet, is a constant challenge for law enforcement, due to technological innovations which provide easier and faster access to the material to the offenders, while apparently allowing greater anonymity. It is argued that this development has created a wider market and demand for such illegal material which has inevitably led to an increase in child sexual exploitation.

It is clear, though, that an effective partnership approach is required between law enforcement agencies, judicial authorities, the ICT industry, Internet Service Providers (ISPs), the banking sector and non-governmental organizations. The

contribution provided by officially recognised hotlines, which receive Internet related child sexual exploitation information, should also be acknowledged.

In most Member States, the need to establish close co-operation between law enforcement and ISPs has been identified, both for crime prevention and investigation. ISPs can assist by providing data that can be used in the identification and prosecution of offenders and also by adopting procedures and codes of conduct that can limit the exploitation of the Internet by child sex offenders. Several Member States have built up specialised units for combating child sexual exploitation on the Internet, as dealing with this topic requires specialised knowledge and expertise.

## **Trends**

The following trends are in evidence at this present time:

- The involvement of worldwide criminal networks in offering pay-per-view websites is apparently decreasing, as a result of major international law enforcement efforts and cooperation over the last two years;
- Criminals seem to be focusing on hidden channels where private access is granted only to those who have been 'selected'. This 'selection' derives from the amount and kind of images that can be shared and it is based on respect and trust;
- Child sex offenders and their networks make more and more use of sophisticated software in order to try to protect their anonymity, to make use of online storage and to use advanced encryption techniques to counteract digital forensic examination by police;
- Child sex offenders travel to specific countries where children are offered by their families or other facilitators in order to be sexually exploited and to produce illegal material that is distributed through the Internet;
- Sometimes, illegal material is self-produced by teenagers or children who underestimate the risks of distributing their images or movie files;
- In some other cases, children are persuaded or coerced into producing the material by child sex predators through online grooming;
- Online grooming and the solicitation of sexual messages through mobile phones and multimedia devices ('sexting') are dangerous realities which need constant attention from a responsible society.

## **Core issues**

In order to tackle these specific forms of crime in the most effective way, serious consideration should be given to:

- Enhancing awareness and providing appropriate tools, equipment and human resources to carry out investigations;

- Reducing any duplication of efforts in activities by consulting international police cooperation agencies and spreading knowledge and proposals;
- Developing closer operational co-ordination of ongoing investigations at national, European and worldwide levels;
- Enhancing close co-operation with Internet Service Providers and the Internet private sector;
- Enhancing close co-operation with non-governmental organisations.

## **Europol activities**

Europol, in close co-operation with the Members States, aims to:

- Identify perpetrators and establish cross-links within the participating Member States;
- Identify cross-border modus operandi and shed light on the methods of communication of criminal networks, with a view to dismantling those networks;
- Identify the victims, with a view to stopping potentially ongoing exploitation and to make it possible to initiate care measures by the competent authorities;
- Co-operate on an operational level via the Europol Liaison Officers (ELO) network, as well as providing strategic and operational analytical support;
- Conduct expert meetings (both operational and strategic) with the aim of exchanging information on ongoing investigations and enhancing mutual co-operation between law enforcement bodies and other competent authorities, by updating the Member States experts about relevant cases, modus operandi, etc.;
- Participate and contribute to several initiatives, e.g. awareness meetings, projects on the implementation of new legislative instruments and training sessions organised by international organisations;
- Support international projects developed by the EU Member States, such as the COSPOL Internet Related Child Abuse Material Project (CIRCAMP) and the European Financial Coalition (EFC), providing expertise and criminal intelligence analysis.

The **CIRCAMP** project was launched in 2004 by the European Police Chiefs Task Force under the Comprehensive Operational Strategic Planning for the Police (COSPOL) mandate to fight the use of the Internet for the distribution of child abusive material<sup>2</sup>. The project was successful in implementing the Child Sexual Abuse Anti Distribution Filter and disseminating it widely. At the same time, the project members identified new challenges that required a more operational approach and this has led to a new proposal, which is entirely needs-driven. The operational activities will be effective if carried out at a national level and there is a requirement for a European or, even, an international approach, including the involvement of Europol and Interpol. The intelligence generated by the above investigations is to be contributed to Europol for analysis and dissemination of the relevant intelligence packages to the involved countries. Such activity requires stronger support to be provided by AWF Twins to CIRCAMP in order to coordinate the collective actions undertaken by the participating countries and to identify international cross-links.

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<sup>2</sup> This issue, by nature, is cross-border and requires joint effort and actions of national law enforcement agencies. From 2008 till 2010, the CIRCAMP network was funded under the DG INFSO SIP programme.

Europol has supported CIRCAMP since its launch in 2004.

The aim of the **EFC** is to disrupt the commercial gain behind child sexual abuse images. The major financial, Internet and technology corporations have joined forces with international police agencies, the EU Commission and specialist child protection NGOs to track, disrupt and confiscate commercial gains made by those who profit from the distribution of indecent images. On the policing side, Europol is working with the Child Exploitation and Online Protection Centre (CEOP) from the United Kingdom to deliver a European wide policing response, supported by the Italian National Police. VISA Europe, MasterCard, Microsoft, PayPal and the NGO Missing Children Europe, assisted by Allen and Overy, are amongst the founding members of the coalition and are joined by the International Center for Missing and Exploited Children (ICMEC) and the International Association of Internet Hotlines (INHOPE).

Europol has supported the European Financial Coalition since its launch in March 2009, participating in and providing expertise to the Steering Group, the Law Enforcement Cooperation Working Group and the Legal Working Group.

The core activity of Europol is to support the Member States in their actions to prevent and combat serious and organised crime, with the Analytical Work File (AWF) being one of the means of providing support to the Member States. AWF Twins was opened in 2001 to support the participating Member States in preventing and combating the activities of criminal networks involved in the production, sale or distribution of child sexual abuse material, and the associated forms of crime within Europol's mandate. This activity, due to its great success, will continue.

In 2009, the AWF supported several investigations:

Operation "**Typhon**" was concluded with house searches conducted in 19 countries, enabling the identification of 286 child sex offenders, of which 118 have been arrested. The investigation was led by the Austrian Criminal Intelligence Service .BK which detected an ISP that was misused by child sex offender groups to distribute illegal content. Log files collected by the Austrian investigators were sent to Europol together with the child abuse images. After structuring and analyzing the content, Europol provided intelligence packages and analytical reports to EU Member States and those countries with a Europol cooperation agreement that were also affected. The offenders had various professional backgrounds, some of whom were teachers or caretakers and were therefore in close contact with children. Furthermore, this case has led to the identification and rescue of five children, aged between four and twelve, who were the victims of sexual crimes in different countries.

Operation "**Venice Carnival**" resulted in data packages being sent by Europol to some MS and non EU countries concerning URLs of websites infected by a malware which caused internet surfers to be redirected to child abuse images websites. This investigation, conducted by the Venice Italian Postal and Communication Police, revealed malware code stored on servers, the owners of which were not aware that they had been infected. It is believed that the same criminal organization involved in commercial child abuse images websites were also behind the malware-infection process. As a result of this operation, several websites in different MS were "cleaned" by their owners once they had been informed about the presence of the malware.

To date, AWF Twins has led to the identification of around **1,600 suspects** belonging to different

criminal networks involved in offences related to the distribution of child sexual exploitation material on the Internet, and support has been given to **23 international operations** as at the end of 2009.

## **Training course**

The annual Europol training course, "**Combating the Sexual Exploitation of Children on the Internet**", for law enforcement officers and the judiciary has the aim of developing and increasing their knowledge and expertise with a view to combating and dismantling child sex offender networks, together with the aim of saving the children involved. This hands-on training also aims to build fundamental skills on investigating child exploitation on the Internet and to bring law enforcement investigation standards together, as well as to disseminate the latest investigation techniques and methods and to promote the sharing of mutual experience.

Opening the course up to members of the judiciary, such as prosecutors and judges, contributes to a better understanding of the crime area, the investigation methods used and the possible constraints that investigators are confronted with. As at October 2009, after the 10th training course took place, around 420 law enforcement officers and 40 members of the judiciary from the EU and countries from all over the world had attended.

## **Europol reports**

Scan Notices, for law enforcement use only, are produced on an ad-hoc basis, with the purpose of raising awareness and to inform Europol's partners that are engaged in combating and preventing the sexual exploitation of children about issues that may have an impact on law enforcement agencies operating within the EU and elsewhere. Among other things, these intelligence notices allow external authors to provide contributions that are included in the report in order to share knowledge and best practice within the law enforcement community.

## **Relevant legislation**

### **EU legislation**

- Decision N° 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a Multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks (OJ L 33 of 6.2.1999)
- Council Decision N° **2000/375/JHA** of 29 May 2000 to combat child pornography on the Internet ( OJ L 138 of 9.6.2000)
- Council Framework Decision **2004/68/JHA** of 22 December 2003 on combating the sexual exploitation of children and child pornography, OJ L 13 of 20.1.2004; currently the only EU legislation in force on the subject of sexual exploitation of children.

- Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA. This is the proposed new legislation which is being discussed both in the Council of Ministers and in the European Parliament. See in particular Article 3, Article 14 on "investigation and prosecution" and Article 21 on "Blocking access to websites containing child pornography" which is the object of major controversy in the European Parliament.

### **Council of Europe Conventions**

- 2001 Budapest Convention on Cybercrime (CETS N° 185) (see Article 9, paragraph 2 (a) on child pornography). Entered into force in 2004. In force in the following EU countries: Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Netherlands, Portugal, Romania, Slovakia, Slovenia and Spain. It is also in effect in the Ukraine and in the US.
- 2007 Lanzarote Convention on the protection of children against sexual exploitation and sexual abuse (CETS N° 201) (see Article 20 regarding child pornography and Article 23 on grooming). Entered into force on 1.7.2010. In force in the following EU countries: Denmark, Greece and the Netherlands.

### **UN Conventions**

- 1989 UN Convention on the Rights of the Child, entered into force on 2 September 1990 (see Article 34c) on the exploitative use of children in pornographic performances and materials). Ratified by all EU Member States. Not ratified by the US.
- 2000 Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography (see Article 2 c) defining child pornography). Not ratified by the following EU Member States: the Czech Republic, Finland, Ireland, Luxembourg and Malta.

### **Related legislation**

- The EU legislation on trafficking also includes trafficking in relation to sexual exploitation. The currently applicable legislation is contained in Framework Decision 2002/629/JHA which is now the object of a proposal for a directive on preventing and combating trafficking in human beings and protecting victims repealing Framework Decision 2002/629/JHA (see Article 2 (3) and (5) with regard to child trafficking for sexual exploitation).
- The International Labour Organisation Convention N° 182 concerning the Prohibition and immediate Action for the elimination of the Worst Forms of Child Labour also refers to child prostitution and child pornography (Article 3 b).