



## children's charities' coalition on internet safety

Terri Dowty  
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Dear Terri,

Thank you for sending a copy of ARCH's statement of 15<sup>th</sup> November about the draft proposal from the Commission of the European Union for an "EU Directive on combating the sexual abuse, sexual exploitation of children and child pornography". We note that you have only commented on one aspect of the draft Directive which, on the date of publication in March, 2010, had over twenty clauses in total covering several distinct issues relating to children's rights or child protection.

CHIS very much agrees with ARCH that wherever child abuse images are discovered on web sites the priority must always be to get the images deleted at source as rapidly as possible. Where a child abuse image is found on a server within an EU Member State typically this should be straightforward. Once deleted, no one else can see or access the image from anywhere in the world. However it is a shocking and unpalatable truth that, outside of the EU, some illegal images can remain on web servers, on public view, for over a year even after they have been reported to the relevant authorities in the jurisdiction concerned.

Thus CHIS was disappointed to see that, where deletion of a child abuse image found on a web site cannot be achieved swiftly, ARCH is nonetheless campaigning against the proposal made by the Commission to require all Member States to put in place mechanisms to ensure that access to such images is greatly reduced through blocking. In the UK 98.6% (OFCOM's figures) of all domestic broadband users belong to ISPs that implement blocking and it is operational at scale in several other EU Member States, as well as in other parts of the world.

We see child abuse images as being, inter alia, an egregious breach of the child's right to privacy. The children who appear in the images did not consent to being raped or sexually abused in the first place, much less to pictures or videos of the rape or abuse being created. By the same token the children did not and could not consent to the images or videos being published, whether on the internet or elsewhere. As a result, where it is impossible to get the images deleted within a reasonable period of time we

cannot see what children's rights argument there could be for failing to take steps to reduce the numbers of people who can look at them.

The ARCH statement says "Working as we do in the UK where blocking is already in place, we can say with complete certainty that there is no evidence that it works."

BT have shown repeatedly how many times their blocking system has prevented illegal attempts to reach web addresses containing child abuse images. In 2009 on their broadband network they were halting up to 40,000 attempts per day. This suggests that, spread across the whole of the UK consumer broadband network, the number of illegal attempts being prevented could be in the order of 58 million per annum. Obviously a good proportion of these are likely to be botnets or other automated systems but that does not mask the fact that each attempt is illegal and injurious to the interests and rights of the child.

In smaller countries such as Denmark in 2006 the police estimated that during the initial five months period when they closely monitored the performance of their (then) new blocking system it prevented 238,000 users from reaching addresses on their list. In Norway their system was blocking between 10 and 12,000 per day and in Sweden it was in the order of 20-30,000 attempts per day.

The ARCH statement also says "We must address the existence of the images and the crimes, not the symptoms."

The production and publication of child abuse images is not a "symptom". It is a serious crime in and of itself. It compounds, magnifies, changes and adds to the original abusive act.

Moreover some child abuse images are created expressly and solely for the purpose of selling them on the internet. Their manufacture is organized by criminals who are in every other sense not paedophiles, nor are they abusive family members or part of a child's existing social circle. The makers recruit or coerce other people's children. They are gangsters who are in it only for the money.

One undeniable advantage of blocking is that it reduces the numbers of people who can see the images and who can buy the images, it disrupts the criminal networks, makes it more expensive for them to operate and therefore reduces the financial incentive for them to continue. This in turn increases the likelihood of the criminals ceasing to recruit more children to abuse to make new images for sale.

As you say, blocking does not delete the image. It is simply a temporary stop gap measure until deletion can be achieved. The image might still be viewed by people with the right technical knowledge and a degree of determination to circumvent blocking. It is hard to know how large this group is but one estimate we have seen from an organization that works closely with people convicted of these offences (the Lucy Faithfull Foundation) suggests "at least half" would have been deterred by almost any barrier or obstacle that had been put in the way.

Do you see no advantage at all to achieving this level of reduction both in terms of the children's rights and in terms of how it would leave law enforcement and others with more resources to focus on the technically literate and determined offenders?

You say the EU should show its seriousness by getting the matter taken up in bilateral treaty and trade negotiations. We agree, but have you any idea how long these things take, even with the fairest of winds behind them? Alternatively you seem to suggest that Member States should find extra resources for individual national police or other services to enable them to act more swiftly. You make an excellent comparison with the approach taken by the banks. In the "Age of Austerity" that much of the western world is now facing that is pie in the sky. Obviously we support the idea but, even if we were not in the "Age of Austerity", it would still take a very long time to achieve. Meanwhile the children's pictures stay fully on view to anyone who wants to access them. That is indefensible. We all have a duty to mitigate the harm these images can do and blocking does just that.

Finally CHIS is very concerned that your statement will be seized upon by individuals, agencies and companies who have historically shown little or no interest in child protection, and would prefer to avoid any new legislation or regulations which may require them to act or invest money or resources in procedures that would help deal with this problem. ARCH is supplying them with an alibi for inaction.

We would be more than happy to meet with you to discuss these matters further, should you so wish.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Carr', written in a cursive style.

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