



Action on Rights for Children

[Text of a letter sent to MEP's – 15th November 2010]

Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography

ARCH is a children's rights organisation based in England and Wales. It has particular expertise in the effects of information technology on children's civil and data protection rights. While we would not normally become directly involved in issues of child protection, we are so profoundly concerned about the misunderstanding of technology and the proposed misuse of resources in the proposal to introduce website blocking that we feel it necessary to voice our concerns.

The exploitation of children for pornography is horrific. There is no acceptable level of such suffering. It degrades children and disgraces societies which fail to intervene. Civilised societies owe a duty to their children to eradicate it, not merely to provide inept attempts to hide the crimes.

ARCH believes that the only acceptable approach to websites which host child pornography is to eliminate them. This approach has been shown to work against criminal gangs that target bank customers. If it is good enough for banks, it is good enough for children.

Blocking can make no such claims. 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. It does not prevent abuse and it does not even remove images of abuse from the internet. Those who are determined to see them will continue to do so. Blocking represents an unacceptable compromise and offers a dangerously false reassurance.

Rights

Children have the right to be protected from abuse. Although it is impossible to protect all children from all harm, we owe every child a duty to do everything we can. We must make sure that effective steps are taken to keep them safe. This duty is too important to shirk, and must rank highly in the priorities of any society which wishes to call itself civilised.

Where immediate protection has failed, or abuse has taken place elsewhere in the world, common humanity demands that we try to mitigate the damage which has been done. Where abuse has been recorded, we should make it impossible to circulate the images. We must address the existence of the images and the crimes, not the symptoms.

Blocking

The proposal would require EU member states to create systems which attempt to stop their citizens from accessing images of abuse. This is known as 'blocking'. ARCH believes that it is entirely the wrong approach. It allows images of abuse to remain on the internet and offers no help to an abused child, as any person with basic technical skill would be perfectly able to view images of their suffering. By letting such images stay on the internet we do nothing to end that suffering.

Blocking is ineffective and evidence from countries where it has been implemented shows no benefit whatsoever. By contrast, there is ample evidence that blocking simply does not work. To give just one example, the European Commission's 2007 Terrorism impact assessment found blocking of terrorist websites to be inefficient and impractical because of the speed with which blocked material reappeared on new sites.

It is also clear that blocking does not stop determined people from getting to the information they want. There are many ways to circumvent even the most resolutely maintained obstacle, as Clayton has shown, for example, in his work on the Chinese firewall. (See: 'Ignoring the Great Firewall of China', <http://www.cl.cam.ac.uk/~rnc1/ignoring.pdf>) Blocking simply stops users from accessing a website's 'front door'. It does nothing to prevent those who have the desire from looking at blocked material.

A blocking system is not 'better than nothing': it is worse than useless. It will actually aggravate problems by weakening European political pressure to protect children across the globe. Blocking creates a false sense of achievement, but it does not stop people in other parts of the world from accessing the images, nor does it do anything to help children who were abused outside Europe.

Solutions

ARCH believes that websites which host images of abuse should be removed entirely from the internet. Intense political effort must be made to achieve this situation.

The most obvious benefit of takedown is simple: the images are no longer on the internet. No-one, no matter how sophisticated their attempts to access the images, can look at them. It offers victims the potential for closure, and restores their privacy as far as is possible.

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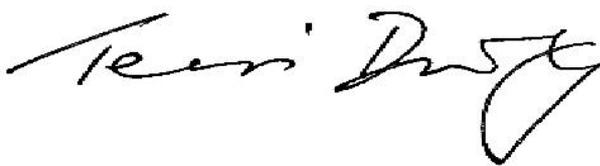
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It is not good enough to say that some countries are recalcitrant. Diplomatic and public pressure can and should be brought to bear on them. No country would wish to be internationally known as a sponsor of child abuse. The European Parliament demanded that policy priorities be provided for in trade agreements. There is no reason that an appropriate takedown regime could not similarly be a condition of trade.

Takedown is fast and practical. It is also an efficient use of resources because websites are removed as soon as they are found. Institutions with expertise in tackling online criminality employ takedown, and do not ask for blocking. For example, banks face enormous pressure from gangs which use websites to target unwary customers. Through the use of takedown, the average website only lasts 62 hours. Sites which have an unusually high level of sophistication still only manage to survive 96 hours.

It is impossible to believe that a similar success rate cannot be achieved where abusive images of children are concerned. We accept that it requires effort and determination, but it is essential. By providing a softer alternative that gives an illusion of action, it is likely that the political pressure to achieve worldwide takedown will be seriously undermined.

All efforts should be put into ensuring takedown. While the proposals for blocking may be well-intended, they are ill-informed, lack a credible evidence-base and are potentially dangerous. We urge members to reject this distraction of energy from the core purpose of eradicating child abuse images from the internet.



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Director

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