



children's charities' coalition on internet safety
10 Great Queen Street, London, WC2B 5DG

Rt Hon Michael Gove MP
Lord Chancellor and Secretary of State for Justice
Ministry of Justice
102 Petty France
London SW1H 9AJ

18th January, 2016

Dear Secretary of State for Justice,

We are sure you are aware of the decision of the US Supreme Court in the leading case of *Amy v Paroline* (12-856, 23/04/2014) and the legislation on which it was based: 18 U.S.C. § 2259(a).

Amy had been sexually abused when she was a child. Images of her being abused were later posted on the internet. Mr Paroline was not involved in any way in the original acts of abuse but he was later convicted of possessing images of it. Amy was notified of Paroline's conviction. She brought suit against him. The US Court of Appeals (5th Circuit) held that Paroline was liable to pay damages to Amy. The Supreme Court upheld their substantive decision but referred the case back in respect of determining the quantum. Legislation (the Amy and Vicky Act) is currently making good progress in Congress to remedy some of the process oriented anomalies highlighted in the case.

The core principle which the US legislation and Paroline affirms is extremely attractive. The deterrent value of establishing something similar within English jurisprudence could be substantial. Not only would potential offenders know that if they engage with child abuse images they run the risk of prosecution or of receiving a caution, in addition they would also know that a financial order could be made against them which may put their assets at risk.

The sort of financial orders we envisage might cover an element of compensation to the victim but also make a contribution to the cost of any necessary therapy or on-going support the abused victim might need. Typically this would relieve the state of some or all of the cost of providing such therapy or support.

We have researched the provisions governing victims' rights to compensation under the English criminal injuries compensation scheme and likely remedies under the civil law. However, we hope you agree that neither of these routes are well-suited to the position of persons who have been sexually abused as children where images of that abuse have been published on the internet. Hence our belief that fresh and explicit legislative provisions are required.

Finally we think it would be important to establish that English courts could make an order in respect of any child depicted in an indecent image, irrespective of the child's current domicile or citizenship or their domicile or citizenship at the time the offences depicted in the images were committed or discovered. The statute of limitations should not apply to crimes or claims arising in cases of this type.

We would welcome the opportunity to discuss this idea with you.

Yours sincerely,

John Carr OBE
Secretary