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Octopus Interface Conference

Strasbourg 1-2 April 2008
Council of Europe



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Global Perspective

2 years later





Child Pornography: Model Legislation & Global Review

Reviewed national legislation currently in place in the **186** Interpol Member Countries to gain a better understanding of existing legislation and gauge where the issue stands on the national political agenda.



Questions Asked

1. Does national legislation **exist** with specific regard to child pornography?
2. Does national legislation **define** “child pornography”?
3. Does national legislation criminalize **computer-facilitated** offenses?
4. Does national legislation criminalize **possession** of child pornography, regardless of the intent to distribute?
5. Does national legislation **require** Internet Service Providers (ISP) to report suspected child pornography to law enforcement or to some other mandated agency?



WORLD INTERNET USAGE AND POPULATION STATISTICS

World Regions	Population (2007 Est.)	Population % of World	Internet Usage, Latest Data	% Population (Penetration)	Usage % of World	Usage Growth 2000- 2007
<u>Africa</u>	941,249,130	14.2 %	44,361,940	4.7 %	3.4 %	882.7 %
<u>Asia</u>	3,733,783,474	56.5 %	510,478,743	13.7 %	38.7 %	346.6 %
<u>Europe</u>	801,821,187	12.1 %	348,125,847	43.4 %	26.4 %	231.2 %
<u>Middle East</u>	192,755,045	2.9 %	33,510,500	17.4 %	2.5 %	920.2 %
<u>North America</u>	334,659,631	5.1 %	238,015,529	71.1 %	18.0 %	120.2 %
<u>Latin America/Caribbean</u>	569,133,474	8.6 %	126,203,714	22.2 %	9.6 %	598.5 %
<u>Oceania / Australia</u>	33,569,718	0.5 %	19,175,836	57.1 %	1.5 %	151.6 %
WORLD TOTAL	6,606,971,659	100.0 %	1,319,872,109	20.0 %	100.0%	265.6 %



2006 Results

The end results are, to say the least, shocking:

- Only **5** Countries meet all of the criteria set forth above
- **22** Countries meet all but the last criteria, pertaining to ISP reporting
- **95** Countries have no legislation at all that specifically addresses child pornography

Of the remaining Countries that do have legislation specifically addressing child pornography:

- **54** Countries do not define child pornography in national legislation
- **27** Countries do not provide for computer-facilitated offenses; and
- **41** Countries do not criminalize possession of child pornography regardless of the intent to distribute



2008 Results

The end results are, to say the least, shocking:

- Only **5** Countries meet all of the criteria set forth above
- 23 Countries meet all but the last criteria, pertaining to ISP reporting **(+1, Cyprus)**
- **95** Countries have no legislation at all that specifically addresses child pornography

Of the remaining Countries that do have legislation specifically addressing child pornography:

- **55** Countries do not define child pornography in national legislation **(-1)**
- **27** Countries do not provide for computer-facilitated offenses; and
- **41** Countries do not criminalize possession of child pornography regardless of the intent to distribute



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Council of Europe Conventions



Convention on Cybercrime

(23 November 2001)

Article 9 – Offences related to child pornography

1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed *intentionally* and without right, the following conduct:
 - a. **producing** child pornography for the purpose of its distribution through a computer system
 - b. **offering** or **making available** child pornography through a computer system
 - c. **distributing** or **transmitting** child pornography through a computer system
 - d. **procuring** child pornography through a computer system for oneself or for another person
 - e. **possessing** child pornography in a computer system or on a computer-data storage medium



Convention on Cybercrime

(23 November 2001)

Article 9 – Offences related to child pornography

2. For the purpose of paragraph 1 above, the term “child pornography” shall include pornographic material that visually depicts:
 - a. minor **engaged** in sexually explicit conduct
 - b. a person **appearing** to be a minor engaged in sexually explicit conduct
 - c. **realistic** images representing a minor engaged in sexually explicit conduct



Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse

(Opened for signature 25 October 2007)

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***



Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse

Article 20 – Offences concerning child pornography

2. For the purpose of the present article, the term “child pornography” shall mean any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes.



Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse

Article 21 – Offences concerning the participation of a child in pornographic performances

1. Each Party **shall** take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised:
 - a. **recruiting** a child into participating in pornographic performances or **causing** a child to participate in such performances;
 - b. **coercing** a child into participating in pornographic performances or **profiting** from or otherwise exploiting a child for such purposes;
 - c. knowingly **attending** pornographic performances involving the participation of children.



Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse

Article 23 – Solicitation of children for sexual purposes

Each Party **shall** take the necessary legislative or other measures to criminalise the intentional **proposal**, through **information and communication technologies**, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.



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The Stumbling Blocks

1. Virtual CP

1. Possession CP



Possession

- 40% of arrested child pornography possessors were found to be molesting children
- Each CP possession case should be considered a **red flag** to the possibility of actual child molestation



Reminder

- These are **crime scene** photos
- “The production of child pornography stimulates **demand** for such materials”
- The child is **revictimized** as each image is viewed again and again
- The child lives in **perpetual fear** of being discovered



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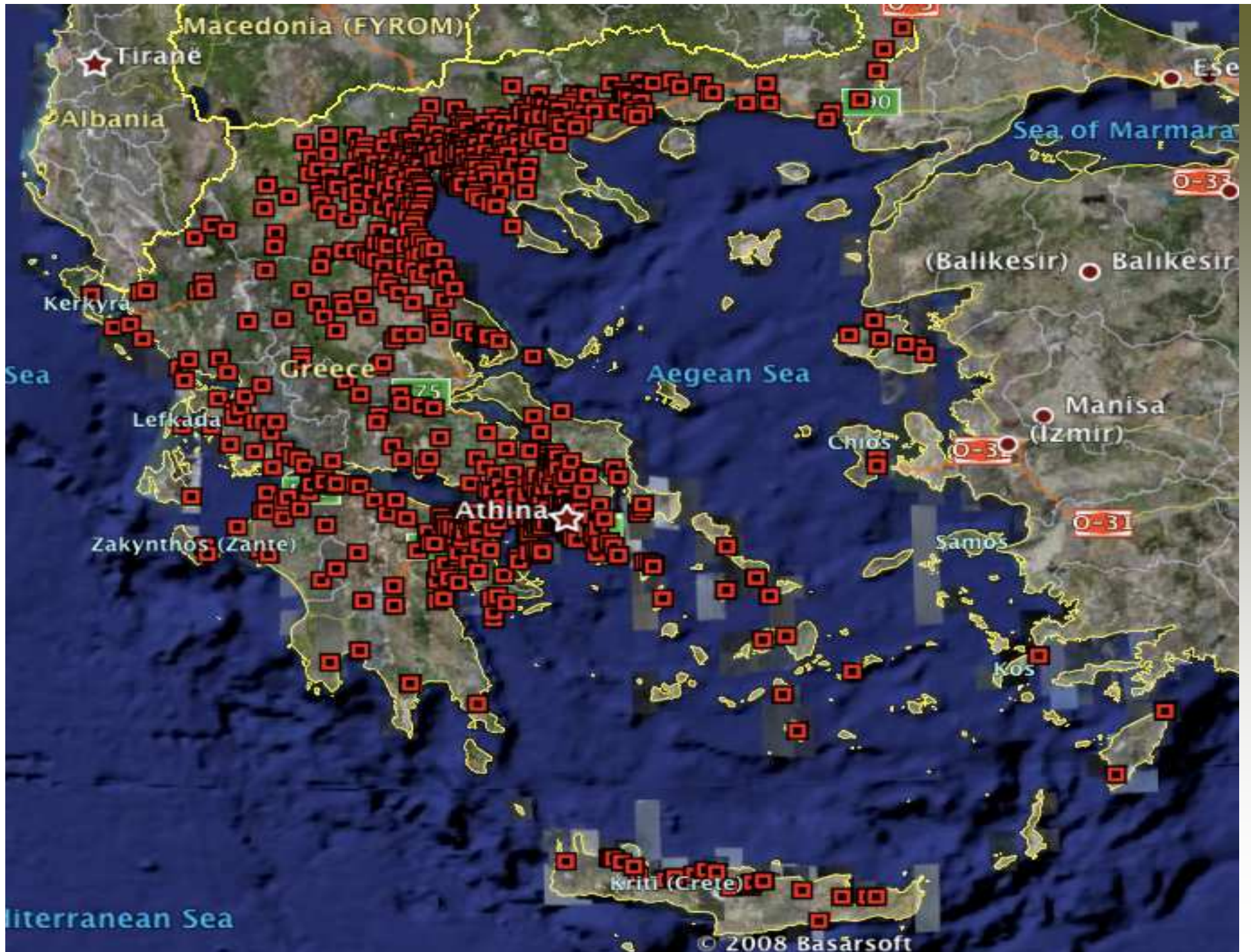
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A Perspective

In the last 36 months in Greece investigators identified 107,572 instances where Internet addresses were sources for child sexual abuse images





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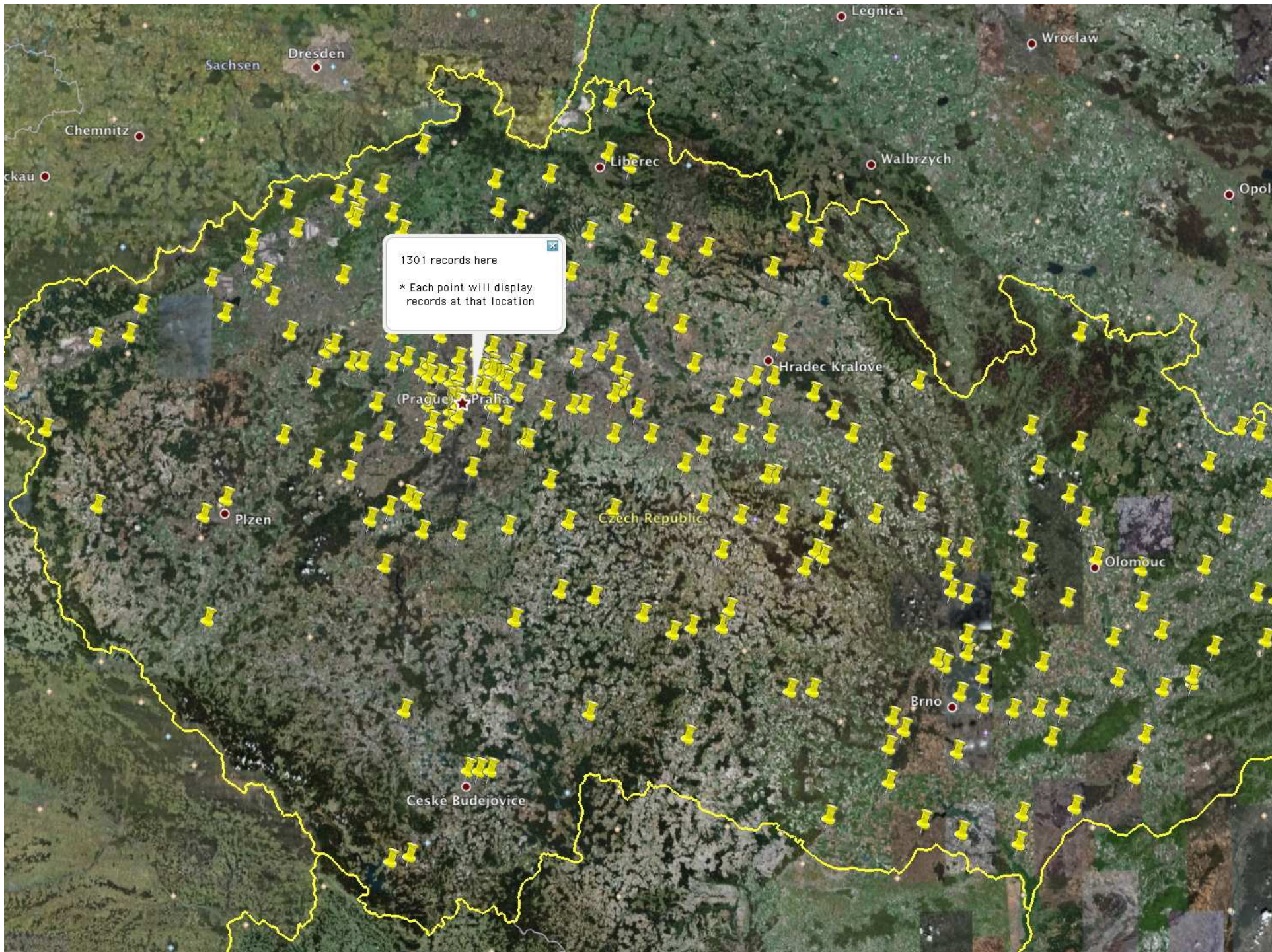
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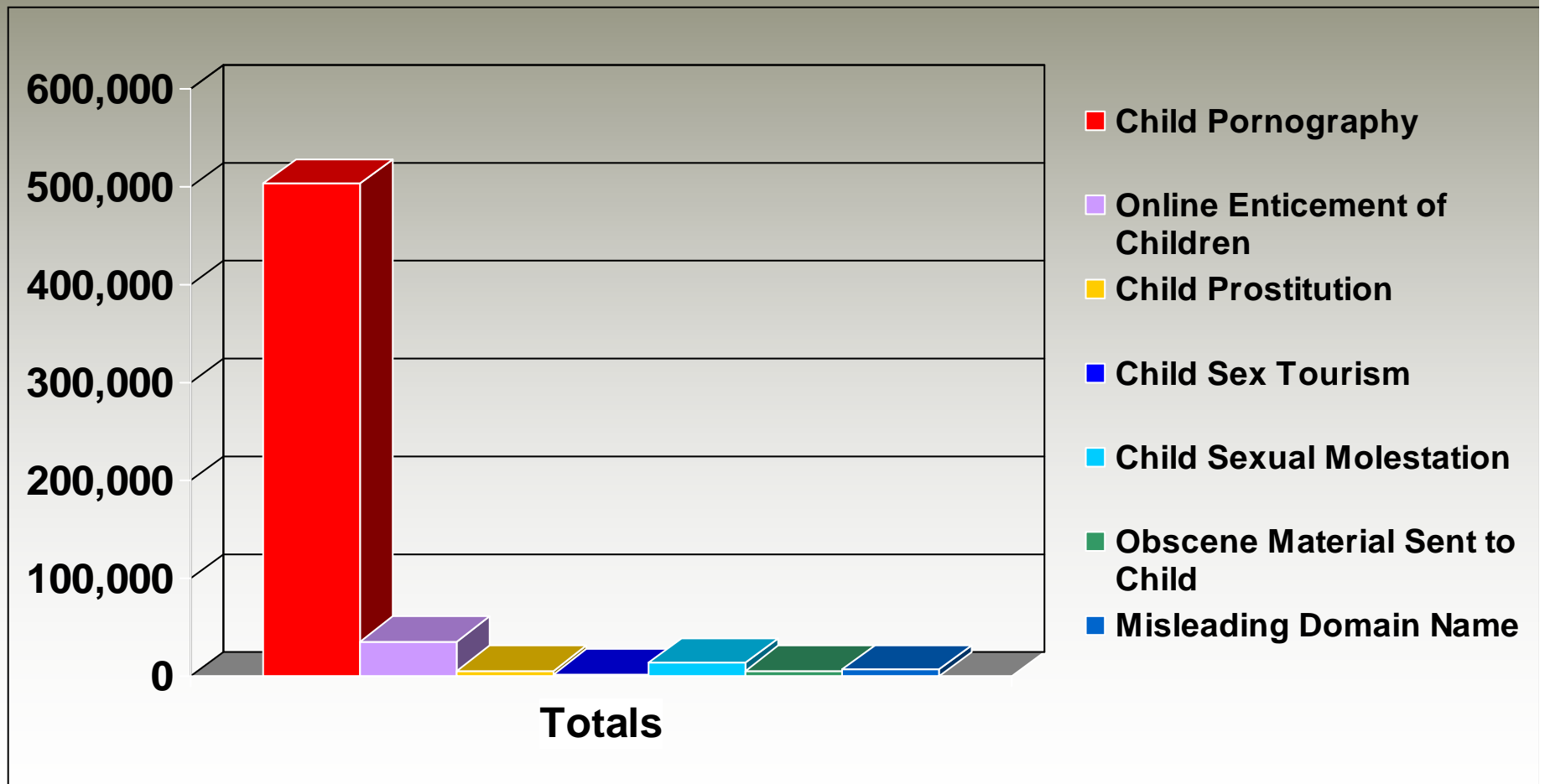
A Perspective

In the last 36 months investigators identified
37,302 instances where Internet addresses were
sources for child sexual abuse images





Total CyberTipline Reports 576,699





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Final Reminder

- Trading of CP images is more sadistic and more disgusting than ever
- Offenders are increasingly shifting to pre-pubescent children, toddlers and babies
- The revenues generated continue to increase



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Questions?

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