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THE CYBERCRIME CONVENTION COMMITTEE (T-CY)

STRENGTHENING CO-OPERATION BETWEEN LAW ENFORCEMENT AND THE PRIVATE SECTOR

EXAMPLES OF HOW THE PRIVATE SECTOR HAS BLOCKED CHILD PORNOGRAPHIC SITES

Secretariat Memorandum
prepared by
the Directorate General of Legal Affairs

Co-operation between law enforcement and the private sector is essential for the fight against cybercrime. This has proven to be effective not least in the fight against child pornography on the Internet.

This memorandum provides information on some of the initiatives that have been taken as regards reporting of child pornography on the Internet, blocking of child pornographic sites and blocking access to unsuitable content when using mobile phones. The Appendix to this memorandum contains some information about the work of the Council of Europe to protect children against sexual exploitation.

Reporting of child pornography on the Internet – Hotlines

In many countries online hotlines exist, to which reports on child pornography on the Internet can be made. The hotlines are often run by NGOs, who co-operate with the police.

In most cases, the NGO makes a first evaluation of the material before sending it to the police. This ensures that legal material is not sent to the police or that the same material is not reported several times.

In **Sweden**, a security company, NetClean Technologies, has developed a soft ware programme, in co-operation with the Swedish National Criminal Police Department and the NGO ECPAT Sweden, for easy reporting of child pornography. Any person can download a programme for free. This programme installs an icon on the computer. When a person comes across what s/he believes is illegal material on the Internet, s/he only has to click on the icon and a report is immediately sent to the hotline run by ECPAT Sweden.¹

The same company has also developed security programmes for companies and organisations. These programmes blocks access to child pornographic pictures with the help of the digital fingerprints that police authorities have given these pictures. If someone at a company tries to access a site containing such pictures, or download such a picture, the programme makes this impossible. At the same time information regarding the attempt to access child pornography is sent to the responsible person at the company. The company will then decide whether or not to report the attempt to the police.²

Blocking of child pornographic sites

During the last few years, Internet service providers (ISP) have begun work to block access to child pornographic sites, using different filtering techniques.

The blocking of child pornographic sites had a real effect. However, it should be noted that this is not the only solution that is needed to combat child pornography on the Internet. It is only one of many solution that are needed to be enforced for the fight to have true effect.

In **UK**, British Telecom (BT) began blocking child pornographic sites in June 2004. BT has developed a programme called Cleanfeed which blocks the URL of child pornographic

¹ See www.keeppmynetclean.org or www.ecpathotline.se

² See www.netcleantech.com

sites. To decide which URLs to block, BT uses a blacklist from the Internet Watch Foundation (IWF). BT now blocks approximately 35,000 attempts per day to access illegal sites.

IWF collaborates with the British Police Forces when deciding on which sites should be blacklisted. IWF provides this list to any ISP, content service provider, filtering company or mobile phone operator who so wishes to use it for blocking access to these sites. Other companies are also blocking access to child pornographic sites, including Vodafone.³

Shortly after BT started to block access to child pornographic sites, **Norway** followed with a co-operation between Telenor and the Norwegian National Crime Police, Kripos. Kripos is providing Telenor with a list of child pornographic sites and Telenor is blocking access for its clients to these sites.⁴ Between 10,000 and 12,000 attempts are blocked each day.

Following the Norwegian example, the Swedish National Criminal Police Department began to co-operate with ISPs in **Sweden**. The Swedish and Norwegian Criminal Police Departments co-operate in up-dating the list of child pornographic sites. The list is accessible to the ISPs after signing a contract with the Police.⁵ Between 20,000 and 30,000 attempts to enter child pornographic web sites are blocked every day by the Swedish ISPs.

Following Norway and Sweden, the ISP TDC in **Denmark** began blocking child pornographic sites in October 2005. As in Norway and Sweden, the ISP is collaborating with the National Criminal Police Department that provides a list with sites to block. In Denmark TDC is also collaborating with the NGO Save the Children Denmark. During its first month, TDC blocked 1,200 attempts per day.⁶

It should be noted that the Nordic systems only blocks commercial child pornographic sites.

Processes are underway to start blocking child pornographic sites in **Finland, Iceland and New Zealand** in a near future, based on the Norwegian/Swedish/Danish system. Also ISPs and police in **Japan** has shown interest for the blocking procedure.

Mobile phones

As regards mobile phones, the steps that has been taken to protect children are mostly in regard to the control of access to mobile content services that are found not to be suitable for children below a certain age.

Nokia launched in 2004 a barring solution for the safe and controlled usage of mobile content services. The solution is part of the Nokia Intelligent Content Delivery (ICD) solution. The barring solution allows for subscribers to control access to mobile content

³ See www.iwf.org.uk

⁴ See www.telenor.no

⁵ Today 13 companies have such a contract and block access to child pornographic sites. These are: Borlänge Energi, Bredbandsbolaget, Com Hem, Hi3G Access AB i Sverige, One Stadsnät AB, SUNET, Swepet Satellit AB, Tele2, Telia Sonera, Telenor, TDC Song, Vodafone and UPC.

⁶ See www.tdc.dk

services. This enables parents to prevent access for their children to certain services or sites which have undesirable content or unwanted services.⁷

In **UK**, mobile operators⁸ have jointly produced a code of practice for self regulation of mobile content that are not suitable for persons below the age of 18. For this, they have appointed an independent classification body, Independent Mobile Classification Body (IMCB). IMCB provides a classification framework regarding what forms of commercial mobile content should not be suitable for persons under the age of 18. The content providers can then classify their services themselves, making them unavailable for persons below 18. Internet sites fall outside the scope of IMCB's classification system, since the mobile operators only provide connection to the Internet. However, the mobile operators have undertaken to provide filter solutions for parents who want to protect their children against certain forms of content.⁹

Conclusions

Matters that could be considered by States include:

1. Do online hotlines exist in your country?
2. Are ISPs in your country blocking access to child pornographic sites?
3. Have the mobile phone operators in your country taken any steps towards blocking access to unsuitable content to persons below the age of 18?
4. How can your government approach the private sector to encourage self regulation such as blocking of child pornographic sites?

⁷ See www.nokia.com

⁸ O2, 3, Orange, T-Mobile, Virgin and Vodafone.

⁹ See www.imcb.org.uk

APPENDIX

Council of Europe work to protect children against sexual exploitation

History

The protection of children against all forms of abuse has been at the core of the work of the Council of Europe since it was established in 1949. This is particularly visible in the case law of the European Court of Human Rights and in the implementation of the European Social Charter.

In 1991 the first international instrument as regards the fight against sexual exploitation of children was adopted by the Committee of Ministers in Recommendation R (91) 11 concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults. Ever since then, the Council of Europe has been in the forefront of combating sexual exploitation of children. It has actively taken part in the two World Congresses against Commercial Sexual Exploitation of Children held in Stockholm (1996) and Yokohama (2001) and has organised preparatory and follow-up Conferences for these two important events.

The Council of Europe work to protect children against sexual exploitation and abuse originates from the UN Convention on the Rights of the Child, in particular Article 34, which all Council of Europe member States have ratified. The Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography is also taken into account.

Political priority

The Heads of State and Government of the Council of Europe member States have at their two last Summits (1997 in Strasbourg and 2005 in Warsaw) declared the protection of children against sexual exploitation a top priority within the Organisation.

The Action Plan from the Third Summit reads "We will take specific action to eradicate all forms of violence against children. We therefore decide to launch a three year programme of action to address social, legal, health and educational dimensions of the various forms of violence against children. We shall also elaborate measures to stop sexual exploitation of children, including legal instruments if appropriate, and involve civil society in this process [...]"

The focus of the Council of Europe work for the coming years will be stemming from the 2005 Summit Action Plan. As regards children, a Programme of Action "Building a Europe for and with Children", will run from 2006-2008. The fight against sexual exploitation of children will be part of this programme.

Legal instruments

Following the recommendation from 1991, the Council of Europe has adopted several legal instruments and recommendations to its member States regarding the protection of children from sexual exploitation.

Following up the 1997 Summit Action Plan, the 1991 Recommendation was reviewed and a new Recommendation was adopted, Rec (2001) 16 on the protection of children against

sexual exploitation. The revision of the 1991 recommendation was made in particular in regards to the technical evolution during the 1990's, especially the development and increase use, and mis-use, of the Internet.

Also in 2001, the Council of Europe adopted the Convention on Cybercrime (ETS 185), which entered into force in 2004. The Convention covers all criminal activities and includes one specific provision requiring Parties to criminalise acts regarding child pornography. The Convention also applies to Parties when use has been made of a computer system for other forms of sexual exploitation of children.

In 2005, the Council of Europe Convention on Action against Trafficking in Human Beings was adopted. The Convention includes several protection mechanisms for victims of trafficking, including specific provisions as regards children victims of trafficking.

Implementation

At the preparatory Conference before the 2nd World Congress, held in Budapest 2001, the Council of Europe was mandated to ensure the implementation in Europe of the commitments made in the Stockholm Declaration and Agenda for Action, the Budapest Commitment and Plan of Action and the coming Yokohama Global Commitment.

For this, the Committee of Ministers appointed a group of specialists on the protection of children against sexual exploitation (PC-S-ES) to oversee the implementation of these commitments, the 2001 Recommendation and the Convention on Cybercrime. The PC-S-ES began its work in 2002. It developed a questionnaire, "REACT on sexual exploitation and abuse of children", which was sent to the member States in 2004. The replies were analysed by an independent expert in the beginning of 2005. The analysis showed that member States in numerous ways fail to implement these commitments. A set of recommendations were submitted to the member States through the European Committee on Crime Problems (CDPC).

Future actions

The Council of Europe's future work to protect children against sexual exploitation and abuse will be based on the Action Plan of the Third Summit of Heads of State and Government. An ongoing challenge for the Council of Europe is to ensure the implementation of the commitments made by the member States at the World Congresses and other instruments. This includes in particular to ensure that judicial procedures are child friendly and does not traumatize the child a second time. Another challenge will be to develop standards that cover the new forms of sexual abuse of children, using new technologies such as mobile phones.