19. The Internet dimension of sexual violence against children

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Introduction

According to an old English saying, there is “nothing new under the sun”. The emergence of the Internet as a mass consumer product, beginning in many countries in the mid-1990s, has certainly challenged that idea.

It may strictly be true that the Internet has not created any completely original types of criminal behaviour, but it has most definitely had a dramatic impact both on the ways in which a number of old familiar crimes are carried out and on the scale of certain types of offending. Nowhere is this more apparent than in relation to sexual violence against children.

The legal framework in respect of violence against children

Article 19 of the United Nations Convention on the Rights of the Child provides that:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
Specifically in relation to sexual crimes against children Article 34 of the convention provides that:

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;
(b) The exploitative use of children in prostitution or other unlawful sexual practices;
(c) The exploitative use of children in pornographic performances and materials.

In addition Article 37 is also relevant in that it requires states parties to “ensure that no child shall be subjected to ... inhuman or degrading treatment or punishment ...”

In 2006, under the aegis of the CRC, UN special rapporteur Paulo Sérgio Pinheiro presented the General Assembly with his “Report of the independent expert for the United Nations study on violence against children” (UN, 2006). The report notes that: “The Internet and other developments of communications technologies ... appear to be associated with an increased risk of sexual exploitation of children as well as other forms of violence” (paragraph 77).

Pinheiro’s report therefore established that sexual exploitation itself is a form of violence against children, a proposition that is now more or less universally recognised. The report also describes various classes of sexual and other violence against children that have emerged in the Internet’s wake (paragraph 80).

Pinheiro’s approach was broadly endorsed and developed in what is hitherto the largest ever multinational study conducted in this area, *EU kids online: Final report* (Livingstone and Haddon, 2009). The study was funded by the European Union’s “Safer Internet” programme and looked at the contemporary reality of children and young people’s use of the Internet in 20 EU member states and
Norway.48 Livingstone and Haddon (p. 10) identified three principal sources of risk to children on the Internet, some or all of which can result in sexual violence of one kind or another. These have been categorised under the broad headings: content, contact and conduct.

**Content**

The “content” category relates to the way in which the child can become or be made the recipient of material which is either illegal, such as child abuse images49 and certain racist or xenophobic materials, or material which is in some other way harmful to minors by portraying or promoting violent, gruesome or hateful scenes or materials which can have a detrimental effect on a child’s psychological well-being or educational development.

**Contact**

The “contact” category relates to concerns about the way in which the Internet can expose children to sexually predatory behaviour on the part of others, either adults or other minors. Many of the most worrying cases have typically involved adult males who have used the Internet to “groom” a child, preparatory to committing acts of sexual violence against them. Such acts can either be perpetrated in the physical world or, alternatively or in addition, in the virtual world, by use of web cams or other technologies to encourage a child to engage remotely in illegal or harmful sexual or other acts.50 Part of the grooming process can also involve the predator exposing a child to legal or illegal pornographic or other harmful content as part of a pre-planned strategy to lower inhibitions so as to entice the child into an illegal sexual relationship.

48. In the next phase of the research, now underway, several non-EU, including non-European, countries will become part of the cohort.
49. The term “child abuse images” is used in preference to “child pornography” because the author feels it more accurately describes the nature of the content.
50. Videos or images captured or made in this way can, in turn, form part of the corpus of illegal content which circulates on the Internet, or can be used to blackmail the child into performing further illegal acts.
A recent and now notorious example of grooming came from the United Kingdom where in March 2010, a 33-year-old registered sex offender was convicted of the rape and murder of a 17-year-old girl. The murderer had used a fake photograph to present himself on Facebook as a handsome young teenager. He met his victim there and befriended her. An online romance developed and he then persuaded her to meet him in real life.

On the day of the arranged meeting, he sent the girl a text message saying that his father would pick her up in his car. Of course this was a lie. Her body was found in a field the next day. Incidents of this type are rare but they point to the catastrophic consequences that can emerge from grooming.

**Conduct**

In relation to “conduct”, Livingstone and Haddon’s study focused on children and young people themselves as perpetrators of or engaged in a range of criminal or harmful activity, either of their own volition or because they had been coerced or groomed into it by others. This can range from bullying or harassment of other children, some of which may have a pronounced sexually violent component to it, such as making another child take sexual images of themselves, which are then circulated at school or posted on a website for all to see. Alternatively, when young romance has ended, one of the partners, typically in a fit of unthinking rage, posts inappropriate pictures of their ex-partner on public or semi-public websites. In a small number of cases actions such as these have led to children and young people committing suicide or have caused considerable distress and anguish.

Outside of Europe, most notably in Japan and a number of other far eastern countries, Internet-enabled mobile phones have also been identified as mechanisms by which forms of child prostitution have become more prevalent.

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51. Sometimes translated as “compensated dating”.
Objects of policy

A core idea which underpins states’ legal obligations towards children is tied up with the notion of the child’s evolving capacity to assess risk and harm. The world’s first major study on risks and harms to children on the Internet is *Safer children in a digital world*, conducted by a specialist in clinical child psychology and child development, Tanya Byron. Byron (2008:62) settled on “three strategic objectives for child Internet safety”. She classified the online risks to children in key categories to be addressed, in the same way as Livingstone and Haddon (above). Byron set three objectives:

- *reduce the availability* of harmful and inappropriate *content*, the prevalence of harmful and inappropriate *contact* and the conduciveness of platforms to allow harmful and inappropriate *conduct*;

- *restrict access* by giving children and their parents the means to manage effectively access to harmful and inappropriate *content*, avoid incidences of harmful and inappropriate *contact* and reduce harmful and inappropriate *conduct*;

- *increase resilience* by giving children the means to deal with exposure to harmful and inappropriate *content* and *contact*, and enable parents to help their children deal with these and parent effectively with regard to incidences of harmful and inappropriate *conduct* by their children.

Byron’s analysis and prescription is very much in line with the recommendations of the Council of Europe’s consultations with experts in December 2009 on the prevention of sexual abuse of children, which in turn are linked to the comprehensive Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.
Data on crimes of sexual violence against children

The preamble to the “Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents”, adopted following the 3rd World Congress Against the Sexual Exploitation of Children and Adolescents, sets out an extensive list and range of key international legal instruments which address the challenge of crimes of sexual violence against children (ECPAT, 2009). But in reviewing progress and challenges (item A) it also identifies more than 10 headings where insufficient action is being taken in many countries in all parts of the world, thus once more underscoring the need for greater efforts on the part of the international community.

Further evidence of the need for greater international efforts comes from the 2008 edition of “Child Pornography: model legislation and global review” (ICMEC, 2008) by the US-based International Centre for Missing and Exploited Children (ICMEC). The primary purpose of this series of research reports is to gain an understanding of existing legislation relating to child abuse images and to ascertain the importance given to the issue on the national political agendas of the respondent countries.

The ICMEC studies focus on a number of key areas. They look at whether or not states have legislation specific to child abuse images; laws that provide a definition of child abuse images; laws that criminalise possession, regardless of intent to distribute; laws that address computer facilitated crimes related to child abuse images; and reporting of child abuse images by Internet service providers. It is evident from the report that there are considerable and very important variations in the legislative and wider legal approaches taken by different countries. (A 6th edition in late 2010 is expected to show some progress.)

From the ICMEC report it is clear that many countries simply still do not have the basic laws in place which would allow them to act against child abuse images domestically or would allow them to participate in international police actions against child abuse images.
Of 184 Interpol member countries, only 29 had what the ICMEC considered to be “legislation sufficient to combat child pornography offences”. A total of 93 countries had no legislation specifically addressing child pornography. Of those, 36 did not criminalise possession regardless of the intent to distribute and 24 did not have legislative provision to allow for computer-facilitated child pornography offences. In the 2006 edition of the same report, these figures were 27, 95, 41 and 27 respectively, indicating that progress is being made, but progress that is slow – painfully slow.

**Child abuse images on the Internet**

Sexual violence against children is considered shameful and is also illegal in almost every jurisdiction in the world. For these reasons it is very hard to claim to have any sort of precise knowledge about the true size of the problem, but there is enough direct and indirect evidence which makes clear that the scale is substantial. In relation to the Internet and the part it plays in the production and distribution of child abuse images, whilst similarly, precision may not be possible, it is nonetheless now beyond question that the development of the technology, in particular the emergence of the World Wide Web, has led to enormous growth in the production and distribution of child abuse images (Carr, 2004), some of which, unquestionably, were specifically made to be sold or distributed over the Internet. The obvious implication is that at some level or to some degree the growth of the Internet has also led to a growth in child abuse.52

Prior to the Internet, it was extremely difficult to get hold of child abuse images in most parts of the world. A person interested in acquiring any usually had to know another person who already had some; or else go to great trouble and take several risks. In a typical

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52. It is impossible to say what the overall or net effect of the Internet has been in this respect. Some of the abuse might have happened anyway; however it has been repeatedly established that some abuse was performed solely in order to sell or exchange images over the Internet. It is not uncommon for organised bands of paedophiles to require an applicant, as an “entrance fee” into the group, to secure and supply brand new images to add to the group's collections. This is intended to ensure the applicant is not an undercover police officer.
arrest an offender might be found with only a handful of images or, unusually, a few hundred or more. This led one distinguished expert on child protection to describe the exchange of child abuse images as being “a cottage industry” (Utting, 1997). Today it is a global industry that is worth many millions of dollars to those who engage with it for financial gain.\(^{53}\)

**A mouse click away**

The arrival of the Internet has put child abuse images but a mouse click away. Taking 1995 as “year 0” (the last year before the Internet boom erupted in many countries), Interpol at that time knew of around 4,000 child abuse images in total. The British police say that in 1990 they were aware of 7,000 unique images (Home Office, 2010). The numbers of children depicted in these images could be counted in hundreds. Data recently supplied by Interpol and other data published in the UK (CEOP, 2010:8) and Italy\(^{54}\) suggest that today the number of known images is around 1 million and the number of children abused to make them runs into the tens of thousands. There is a marked growth in images of younger children being subjected to ever more violent and depraved sexual acts.\(^{55}\) It is anybody’s guess how often the images and their duplicates are downloaded or exchanged online and off, but it is very likely to run into billions per annum.

Another indication of the change in the scale of modern offending comes from an examination of the numbers of images seized by the police when arresting suspects. Prior to the Internet, typically police officers would arrest individuals with only a handful of images in their possession, or in unusual cases maybe hundreds. In the whole of 1995 the police in Greater Manchester in the UK seized the grand total of 12\(^{56}\) whereas a few years later the same force, covering broadly

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53. See [http://www.justice.gov/opa/pr/2001/August/385ag.htm](http://www.justice.gov/opa/pr/2001/August/385ag.htm) for a statement about a site that “grossed as much as $1.4 million” in one month.
54. Telefono Arcobaleno speak of 36,000 children of whom 42% are under 7 years of age and 77% are under the age of 12. See [http://www.telefonoarcobaleno.org/pdf/tredicmoreport_ta.pdf](http://www.telefonoarcobaleno.org/pdf/tredicmoreport_ta.pdf).
55. Correspondence with the author.
56. Ibid.
the same population, arrested one man with approximately 1 million images in his possession. In June 2009 in a single action the police in Mexico arrested a man who possessed 4 million images.

The trend in convictions is another useful signifier. Taking 1995 once more as the baseline, 142 people in the UK were cautioned or proceeded against for child abuse image offences. In 2007 this figure was 1 402 (RDS, no date). Precise comparisons between 1995 and 2007 in terms of Internet usage are not very meaningful because broadband barely existed in 1995, while by 2007 it had become commonplace. In 1995 fewer than 2 million UK households had (primarily dial-up) Internet access, whereas by 2007 the number of households with Internet access was up to 15.23 million, of which 84% had broadband (National Statistics, 2007). The inference is clear. There is a strong link between Internet crimes of this kind and the growth in the number of broadband Internet connections within a country. No nation appears to be exempt.

The scale of activity addressed

In 2006 the Danish police estimated that 238 000 users had attempted to reach known illegal child abuse sites over a period of five months. In Norway the introduction of website blocking technology was estimated to stop between 10 000 and 12 000 attempts per day. In Sweden this figure reached 20 000-30 000 attempts per day. In 2009, BT estimated that 40 000 attempts per day were being made to access known child abuse websites over their broadband network. Extrapolated across the whole UK broadband network, this suggests blocking is preventing up to 58 million attempts per year (The Register, 2009). These are substantial numbers.

It is difficult to be precise about the number of websites that are generating this volume of traffic. In 2009 one of the world’s largest agencies engaged in this area of work took action against 1 316 specific

57. Broadband access is important because it facilitates rapid and cheap access to large files. Typically child abuse images and videos will be large files.
websites, and identified what it described as being 450 “distinct criminal brands” that were responsible for the bulk of the sales of child abuse images. A total of 48% of all child sex abuse reports (commercial and non-commercial) were traced to networks in North America and 44% were traced to Europe (IWF, 2009).58

The rise of file sharing

For the foreseeable future, the World Wide Web will remain a key medium for the distribution of child abuse images, but file sharing networks such as Limewire and Gnutella are rapidly growing in importance.

*Prime Time Investigates*, an in-depth documentary broadcast on Irish TV on 31 May 2010, disclosed that in the previous six months an American technology company, TLO, had traced 1.2 million people in all parts of the world who had accessed child abuse images over a single peer-to-peer network. Ireland itself is a small country, with a population of around 4.25 million and about only 2.8 million Internet users (CIA, no date). Yet in a period of 30 days the same US company detected roughly 1,000 individuals in Ireland trading or downloading child abuse images.

In a small study carried out by the National Society for the Prevention of Cruelty to Children (NSPCC), between September 2008 and March 2010 a third of the offenders (37) had used file-sharing sites to distribute pictures of child sex abuse online.

The 100 cases in the NSPCC study involved 99 men and 1 woman. Between them the individuals were found to possess 2.25 million images. Nearly 50,000 of these images were classified as being of the most violent or depraved kind. One individual alone was found to have over 440,000 images. In some instances the individuals had

58. Note these numbers relate only to websites and do not include other sources e.g. Peer2Peer networks or Usenet Newsgroups.
been collecting the images for over 10 years before the time of their arrest.\textsuperscript{59}

There is a growing body of evidence which suggests that people who deliberately download and start collecting child abuse images have a higher likelihood of going on to commit further offences against children, either online or in the real world, or both.\textsuperscript{60} In the NSPCC study, 16 of the offenders had concurrent or previous convictions for sexual assault on a child or for grooming a child for sex. A further 5 offenders were reported to have fantasised about abusing a real child in chat room conversations and 5 offenders had contacted or attempted to contact a child online. One of these had gone on to abuse the child he had made contact with. The study found that 24 offenders were in positions of trust within their communities. There were 7 teachers or school employees; 6 were doctors or nurses or hospital staff; 5 were clergy or church volunteers; 2 were police officers; 1 was a tennis coach; 1 a prison officer in a young offenders’ institution; 1 was a social worker; and another worked in a children’s residential care establishment.

**Measures to combat the growth in child abuse images**

Delays in getting child abuse images removed at source, sometimes substantial delays, seem to be unavoidable for the foreseeable future (Moore and Clayton, no date). For this reason the practice of “blocking” has started to emerge as a key child protection measure in a number of countries.\textsuperscript{61} It can be extremely effective as a temporary means of denying access to the images. Blocking ensures that the images are removed from public view for large numbers of people.

\textsuperscript{59} In an arrest made by the police in Mexico in 2009 one man was found in possession of 4 million images.


\textsuperscript{61} Blocking is now known to be in place in Italy, Denmark, Sweden, Norway, Malta, Finland, Iceland, South Korea, the US and Australia.
Protecting children from sexual violence

(but not necessarily everyone) as quickly as possible until the images can finally be removed at source.62

The use of blocking is contested by some within the civil liberties and free speech communities as being either disproportionate, ineffective or both. At the time of writing yet another heated debate is taking place around the subject as the Commission of the European Union published a draft “Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography” (EC, 2010). However it is suggested that from a child protection perspective, the arguments for the further development of blocking are clear and overwhelming. The many very strong reasons why swiftly denying access to the images is important are discussed below.

**Impact on children**

Child abuse images are a visual record of the abuse and victim humiliation. For a record of that abuse and the attendant humiliation to be captured and then published on the Internet potentially for the whole world to see, can add significantly to the psychological damage already inflicted on the child by the original abusive act.

The child in the image can never know or never be certain who might have seen or downloaded images of their abuse. Every casual glance or remark from a stranger may potentially be interpreted through the prism of the possibility, the anxious embarrassing worry that the other person knows about or has witnessed what has been done to them. This severely undermines the child’s self-confidence and self-esteem.

As Sharon Cooper, a distinguished clinician in the field has put it63

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62. Until the images are finally removed from the host servers the images are still viewable by Internet users who are on systems where blocking has not been installed, or by users who have found a way to circumvent the blocking. Thus blocking helps make the number of viewers smaller.
63. Dr Sharon Cooper, MD FAAP, University of North Carolina Chapel Hill School of Medicine, USA.
The distribution of child sex abuse images means there can be one victim and many offenders. The fact that these images are spread and downloaded by others leads to heightened symptoms of post traumatic stress disorder, depression and or anxiety, plus a diagnosis so far not commonly seen in child sex abuse cases – paranoia. (Correspondence with the author)

**Violation of the child’s right to privacy**

In any and all proceedings concerning the abuse of a child, the courts and the professional staff working with the child go to extraordinary lengths to preserve the anonymity of the victims. That is rooted in sound therapeutic principles. If nothing else, the production and distribution of the images amount to a gross violation of the child’s right to privacy.

The fact that a child knows or believes that images of their abuse continue to be spread on the Internet leads to ever greater feelings of helplessness and loss of control. Therapists and counsellors who work with child abuse victims whose images have appeared on the Internet64 agree that they must feel they are believed about the abuse suffered and must recognise that everything possible is being done quickly to prevent more people looking at these images. This can be of enormous help to abused children in regaining some sense of control over their life and will immeasurably improve their chances of starting down a path to some sort of recovery.

As clinician Bengt Söderström has put it: “If we as clinicians do not convey to the child that we are doing everything in our power to stop further distribution of the images, we send the wrong signals to the child and may strengthen destructive patterns” (correspondence with the author).65

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64. Tink Palmer, Marie Collins Foundation, UK, Julia von Weiler, Innocence in Danger e. V, Germany.
Removing the pictures from public view is not the “be all and end all” of the matter. As Söderström has further observed:

On the other hand if we convey the sense that it is absolutely necessary to stop all further distribution for the child ever to feel OK about herself or himself again we end up in another corner and may disrupt the healing process. Working with accepting the consequences of a crime committed towards the child must always be connected with a clear message and a clear stand against the injustice committed against the child. And such a stand must also always be followed by actions. Thus I believe the disruption of distribution of the images to be a key factor in the recovery process but it is not the only or necessarily the main factor.

(correspondence with the author)

**Further or repeated publication of the images re-abuses and creates new abusers**

Thus, for as long as the images remain on public view, the child is in a very real sense being “re-abused”. It is also why those who deliberately engage in viewing or downloading these images are child abusers by proxy, not so very different from those who made or put the images on the Internet to start with. A survivor of abuse that was recorded in photographs put it like this: “Those who view the images of my abuse are no different from those who made them in the first place. It feels like they are in the room, encouraging my abuse. I know, technically, there is a difference but, for me, it’s not a lot of difference”.

Child abuse images can fuel downloaders’ fantasies and spur them on to commit further illegal acts. That is the second major reason for wanting such images to be removed from public view as quickly as possible: it helps reduce the numbers of potential new online and offline child abusers.

**Removing illegal images – challenges and solutions**

Whilst it is common ground that the ideal solution is to delete and remove the images from the server where they are housed, it is well
known that this is simply not happening at the moment and it never has. But the Italian experience shows us it is possible to act against images at great speed. Under Italian law, Internet service providers, once notified by the police, have six hours to remove or block access to identified illegal material or addresses.

It has been acknowledged that persons with the right technical knowledge and determination can circumvent web blocking but if every country in the world were doing blocking there would be far fewer or no alternative addresses for people “to circumvent to”. Moreover web blocking does not impact on other technologies used to distribute child abuse images. Most obviously peer-to-peer networks need to be addressed and Usenet Newsgroups are beginning to re-emerge as repositories for child abuse images. Tackling these requires separate and additional measures. It is not a choice between tackling them or tackling the web. Both are necessary.

It is vital to reduce the possibility of images reaching their intended markets. The people behind many of the commercial child abuse websites are not typically paedophiles in the ordinary sense. They systematically arrange for children to be raped solely in order to photograph them and then sell the pictures for profit. If these gangsters are blocked from reaching a large part of their market through the web or if they are unable to collect payments for the images because banks and credit card companies have locked them out, their trade will stop or at any rate its volume will be reduced as their trade is disrupted or closed down. There will be fewer new children abused, fewer abused children will be re-abused through images still available and fewer new people will find child abuse sites, thus reducing the risks of creating new child abusers.

**Conclusion**

The Council of Europe’s plans to promote online safety even further in a wide ranging campaign on the sexual abuse of children is both timely and urgently needed. As broadband penetration continues to increase both in Europe and in parts of the developing world, the
Internet industry needs to be convinced to step up their efforts at a technical level to reduce some of the unintended and unwanted hazards to children ushered in by the Internet. In relation to child abuse images, for example, we have seen that in many countries companies have rolled out a series of technical measures shown to block access. The solutions being deployed work at scale, so the obvious question is “Why is this not happening everywhere? Why in Europe, for example, is it apparently necessary for the EU to legislate to make it compulsory?”

Educational and awareness measures are not a substitute for or an alternative to technical measures, but they are of at least equal importance. A key objective must be to develop approaches which successfully reach out to parents, older relatives, teachers and other members of the children’s workforce, helping to bridge the digital divide between them and the children for whom they are responsible. But perhaps above all, in terms of educational and awareness measures, a high premium must be placed on those approaches which help children and young people to develop the knowledge and skills to protect themselves when they go online. Very often that will mean working with and through peer group initiatives and ensuring that children and young people have a decisive influence in shaping both the materials and the methods used.

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