



EFFECTIVELY FIGHTING THE ONLINE DISTRIBUTION OF CHILD SEXUAL ABUSE MATERIAL SEPTEMBER 2010

EUROISPA ABSOLUTELY CONDEMNS THE DISTRIBUTION OF CHILD SEXUAL ABUSE MATERIAL

EuroISPA members absolutely condemn the misuse of Internet services to distribute child sexual abuse material and use their practical experience to closely cooperate with law enforcement authorities. Indeed, Internet Services Providers (ISPs), on receipt of an officially verified notification from the law enforcement authority of the existence of such illegal material in their network, promptly take the appropriate actions to remove the illegal material from public access and preserve evidence for law enforcement investigations.

EuroISPA calls for governments to concentrate on developing a clear legal and judicial framework that can actually results in offenders being apprehended, their abuse of the children being stopped, the children rescued from the abuse and therefore new material from that source not being created to be subsequently distributed over the Internet.

EUROISPA FULLY SUPPORTS THE EXISTENCE OF PROFESSIONALLY OPERATED HOTLINES

EuroISPA advocates for, and fully supports, the existence of professional, non-police operated hotlines. Hotlines provide an anonymous reporting service to Internet users who accidentally uncover child sexual abuse material on the Internet. This procedure provides an early warning system that considerably helps to rapidly disrupt sex offenders' activities. Hotlines will immediately notify the law enforcement authorities and the ISPs, so they may take immediately action. In this regard, EuroISPA stresses the essential role the public must play in the reporting to the police or local hotlines of suspected child sexual abuse material as ISPs can not in any way monitor the Internet¹. In 2009, the number of sites identified as potentially illegal content reported to the French hotline Point de contact.net declined by 15% (number of reports going from 1171 in 2008 to 987 in 2009). Despite this decline, the number of reports from the public of websites allegedly containing child sexual abuse material increased by 36% in 2009 compared to 2008 (number of reports going from 3359 to 4573)². This clearly indicates that users are more and more willing to report offensive content and better understand the crucial role hotlines have.

EuroISPA believes that the hotlines' network should be further developed within the European Union and promoted abroad. EuroISPA also stresses the need for regular reporting on the functioning of the entire hotlines' network in order to identify and address shortcomings in the fight against child sexual abuse material.

EUROISPA CALLS FOR INCREASED INTERNATIONAL COOPERATION IN THE FIGHT AGAINST CHILD SEXUAL ABUSE MATERIAL

EuroISPA believes that one of the main problems in fighting child sexual abuse material is that international processes for mutual legal assistance are too slow, or sometimes non-existent. Efficient international cooperation procedures also exist to fight other illegal activities. An example is provided by the banking sector

¹ In accordance with Article 15 of the electronic commerce Directive, there should be no presumption or obligation on ISPs to monitor their facilities for the potential occurrence of child sexual abuse material.

² French hotline Point de Contact annual report 2009: http://www.afa-france.com/p_bilan_2009_pointdecontact.html



where fraudulent phishing websites³ are removed after an average of 4 hours from their notification, whereas child abuse sites remain online for an average of 4 weeks⁴.

EuroISPA is therefore convinced that stringent procedure should be set up through international agreements to ensure that immediate action is taken to remove illegal content at source while making sure that evidence is preserved for police investigation. In this regard, EuroISPA welcomes and supports the recent initiatives from the European Commission to develop a joint action programme with the United States to fight child pornography on the Internet. Indeed, as the overwhelming majority of web-based child sexual abuse material is hosted in developed countries that have sophisticated Internet infrastructures, EuroISPA believes that the European Union should use its diplomatic relationships with those countries to clearly define best practices mechanisms and create a harmonised international procedure against child sexual abuse material. ISPs would quickly be alerted when law enforcement authorities (or hotlines) receive international notifications in their country, so enabling them to take immediate action to remove material at its source location and simultaneously preserve evidence for criminal investigations.

EUROISPA CONSIDERS REMOVAL OF SEXUAL ABUSE MATERIAL AT SOURCE AS THE SINGLE MOST EFFECTIVE TECHNICAL MEASURE TO COMBAT CHILD SEXUAL ABUSE MATERIAL

EuroISPA strongly believes that removal and elimination of this illegal content at source is the only approach to effectively and sustainably help in the protection of victims while strongly contributing to successful criminal prosecution. Indeed, removing child sexual abuse material at its source location means that it is no longer accessible to perpetrators and also cannot be distributed further.

This system proved to work effectively in several EU countries. The Irish hotline's annual report indicated that out of 2117 allegedly illegal websites reported in 2009, 284 were found illegal under Irish law and 267 were assessed as child sexual abuse material and forwarded to law enforcement authorities for investigation⁵. This trend is further confirmed by the Association of German Internet Industry (ECO) reached the conclusion that deleting was more efficient than blocking illegal websites. Indeed, out of 197 child pornography websites reported in the first half of 2010, 194 were offline in a week, i.e. a rate of 98%⁶.

EuroISPA considers that removal at source is the most effective technical measure in the fight against child sexual abuse material. It eliminates the distribution of such illegal content in a sustainable way while safeguarding victim protection and supporting criminal prosecution. Any other technical solution is ineffective and does not prevent sex offenders from exchanging their illegal material online.

EuroISPA strongly believes that our corporate commitment regarding child sexual abuse material on the Internet must be matched by law enforcement actions and international government engagements, and advocates for the following key actions to be considered in future legislative proposals:

- Concentrate on the removal at source of child sexual abuse material both within the EU and with third countries;
- Streamline law enforcement notification procedures at European and international level;
- Preserve evidence of illegal activities to facilitate victims' identifications and criminal prosecutions;
- Ensure that the protections granted by EU laws to intermediaries are respected.

³ Phishing is an international fraudulent process to attempt gathering personal information from recipients by sending emails which look legitimate.

⁴ Tyler Moore and Richard Clayton: "The Impact of Incentives on Notice and Take-down", 2008: <http://www.cl.cam.ac.uk/~rnc1/takedown.pdf>

⁵ Annual report 2009 detailing the activities of the Irish Hotline: <http://www.hotline.ie/report2010/index.html>

⁶ <http://www.netzpolitik.org/2010/eco-loschen-funktioniert-zu-98/>