

CHILD PORNOGRAPHY

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EXECUTIVE SUMMARY

Legal background and definitions

Child pornography is a major abuse of a child's legal rights. Many countries have enacted specific legislation that explicitly outlaws child pornography, but a large number have not, seemingly relying instead on existing or wider laws relating to pornography or general laws relating to the corruption of minors.

In some countries all forms of pornography are illegal, but in those where pornography is legal, the age of consent to participate in it does not always coincide with the age of majority. In many countries it has been linked to the lower age of consent to sex.

Damage to children

The damage which sex abuse can do to a child is extremely grave. If, in addition, the abuse has been captured via a pornographic image, the original abuse is both compounded and magnified. Modern technology allows images to be digitised and stored on computers very easily. In effect such images then become ineradicable records of abuse.

Customary forms of child pornography

Pockets of customary practice involving children in pornographic activity can still be found. The link between child prostitution, child sex tourism and child pornography is also very strong and several of the countries where these practices are prevalent are becoming major sources of new child pornography.

Traditional forms and the impact of the Internet

Historically child pornography tended to be found mainly in paper-based photographic forms, magazines, on videos and in drawings. In many countries these forms still predominate. However, the arrival of the Internet, linked with other technological advances, has introduced an enormous step change both in the volume and the nature of available child pornography. The Internet not only acts as a mechanism for making, displaying, trading and distributing child pornography, it also acts as a vehicle for child pornographers to make contact with and ensnare new victims

Commercial and non-commercial

Historically the exchange of child pornography on the Internet has been predominantly non-commercial in character but there seems to be a growing number of Internet-based enterprises that are selling child pornography alongside other forms of pornography. In any event once an image has been digitised and is in the public domain these days it will inevitably find its way on to the Internet where it could be picked up and used both in a commercial and a non-commercial setting. The distinction between commercial and non-commercial child pornography thus ceases to have any real significance in this context.

New classes of users

The Internet is drawing in and creating new classes of users of child pornography as well as allowing the development of extremely well organized, often highly technologically literate rings of child sex abusers who also produce and distribute child pornography.

The use of encryption

The emergence of commonly available strong encryption technologies has proved to be a great asset to the determined criminal who uses computers and wishes to avoid detection or hide the evidence of his crimes.

Operation Cathedral

Operation Cathedral was the largest international police operation ever mounted on any issue. The British police and Interpol uncovered a child pornography ring, called *The Wonderland Club*, with 180 known members spread across 49 different identifiable countries. Between them the members possessed over 750,000 child pornographic images and over 1,800 hours of digitised video. Images of over 1,200 different children were discovered by investigators. However over two-thirds of the national police forces did not become involved in the co-ordinated global police action that was aimed at arresting the members and closing down the club.

Law enforcement initiatives

In a number of countries, major law enforcement initiatives have been developed and new operational units have been established to combat the growing trade in child pornography on the Internet and the emergence of other online crimes against children. However, it is also clear that a great deal more needs to be done to facilitate greater co-operation within the international law enforcement community and to help ensure that many national law enforcement agencies are properly equipped to rise to the modern challenge.

Community-based initiatives

Community-based initiatives to combat online child pornography have been developing rapidly since Stockholm. Hotlines are now established in 12 countries, with a small number of others currently in the pipeline. Hotlines receive reports of any child pornography found on the Internet. Many more hotlines are still needed, perhaps one in every country or at least one per region or major language group. Any new supra-national hotlines would, of course, need to be carefully tied to internationally agreed systems for passing on the necessary information to the appropriate authorities in each jurisdiction. Alongside Hotlines, we have also seen the development of industry-based codes of practice which indicate how Internet Service Providers will respond to reports of child pornography being found on their servers. Welcome though these codes undoubtedly are, they ought not to deter the industry from taking more proactive steps to reduce the ease with which child pornography can be located through the services they provide.

In a number of countries public awareness campaigns, particularly those designed to alert children and their parents to a wide range of potential online dangers, are being developed by government, industry and community organizations, sometimes working together, sometimes alone. These need to be broadened and promoted in every country where the Internet is establishing a presence.

Recommendations

- A determined effort must be made to harmonise national and international laws and definitions of child pornography.
- In those states where pornography is legal, the age at which a person may lawfully agree to participate should equate to the age of majority, and not be determined by a lower age of consent to sexual activity.
- It is vital to develop expertise and resources within national law enforcement agencies to ensure they have the right personnel and technology to allow them not only to act against child pornographers in their own countries, but also to participate in international actions against them.
- A determined effort is needed to standardise law enforcement procedures and protocols relating to child pornography, to establish common databases and closer working relationships between law enforcement agencies on both a multilateral and a bilateral basis.
- It is vital that members of the judiciary gain a good understanding of the new technologies and the crimes they are facilitating and that sentencing policy reflects civilized society's abhorrence of child pornography offences.

6 Child pornography

- Particular attention needs to be given to assisting those states where child prostitution and child sex tourism are already prevalent as they are becoming major sources of much of the new child pornographic material coming on to the global market.
- As child sex abusers make more use of encryption technologies to hide the evidence of their activities, so law enforcement agencies need to find more and better proactive methods of apprehending them.
- The high-tech industries need to step up their efforts to assist the legitimate needs of law enforcement to prevent criminal abuse of the new technologies.
- Software developers have a particular responsibility to develop technologies which can locate child pornographic images on the Internet more swiftly, and allow for their rapid identification and removal.
- More needs to be done to tackle the abuse of anonymity on the Internet.
- More HotLines are needed to assist with the reporting and removal of child pornography.
- Codes of Practice have an important part to play in setting out the minimum standards the Internet industry will follow. However, it is important to stress that these minimum standards should not also become maximum standards.
- Industry and government need to ensure that there is adequate provision of stronger, clearer and effective online and offline advice and support both for parents, other carers and children on how to stay safe online and in particular how to avoid becoming ensnared by a child abuser or child pornographer online. Community-based organizations have an important role to play both in formulating and delivering these messages to the different audiences.
- At a political level, it is essential to confront and confound any argument which seeks to link the protection of children with attacks on free speech

PREFACE

In a report to the first World Congress on Commercial Sexual Exploitation of Children, the shortage of hard information on the subject of child pornography was noted¹. It was also noted that this lack of data was particularly acute in relation to Africa and Latin America². This situation has not fundamentally changed in the intervening five years.

Because of the very widespread abhorrence of child pornography and, in the great majority of countries, because of the criminal nature of every element in the cycle of its production, distribution, exchange and possession, there remains comparatively little reliable published data about many key aspects of this vile trade. Such hard information as does exist about the scale and nature of the problem generally has come to light only following police action and subsequent prosecutions. I have brought together as much of this published hard data as I could locate but inevitably it will show a bias towards those countries, generally the industrialised countries, where police action has been more widely publicised and where researchers have been able to gain access to information from police, court or other data sources.

Does this mean that the production and use of child pornography is an issue only of concern within the industrialised countries? Absolutely not and in the body of the text I do quote some limited examples from non-industrialised countries. However, in the absence of reliable data for many parts of the world, one must tread with care.

Would one imagine the situation to be significantly different in those countries where there is little or no published data? Probably not in several respects, but again in the absence of sound, detailed data one ought to hesitate before offering a diagnosis, a prognosis or a remedy.

Since the first Congress there have been two very striking global developments: the astonishing emergence of the Internet as a vehicle for international communications and the continued spread of cheap computers and related technologies. These are replacing the traditional forms of child pornography and, taken together, they are having a major unifying effect on, and dramatically expanding the availability of and market for, child pornography. Above all, they are allowing new kinds of opportunities for child sex abusers in the "Internet rich" industrialised world to entrap and ensnare children from any and all parts of the world. Child sex tourism is a well known phenomenon, and now we are starting to see a new class of child sex offender: one who makes contact with a child over the Internet and is then willing to travel perhaps huge distances, crossing states, continents and countries, for the purposes of meeting and sexually abusing a child.

Many countries are taking more or less radical measures to attempt to control various kinds of criminal activity on the Internet, including the production and exchange of child pornography, but the rate of development is very uneven. Doubtless many nations also have other pressing problems to confront. However, there can be little doubt that the Internet is rapidly becoming a highly pervasive technology. It presents the entire international community with a major new global challenge in the ongoing fight against child pornography.

Part 1: Legal background

Legal rights

Child pornography represents a major breach of a child's legal rights. Article 34 of the UN Convention on the Rights of the Child (CRC) provides:

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:

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

Article 19 also provides:

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.

Provisions of a similar nature also exist under the Agenda for Action adopted at the First World Congress against the Commercial Sexual Exploitation of Children, adopted in Stockholm in 1996 where States are required to:

develop or strengthen and implement national law to establish the criminal responsibility of service providers, customers and intermediaries in child prostitution, child trafficking, child pornography, including possession of child pornography, and other unlawful sexual activity;

The International Labour Organization adopted Convention 182 in June, 1999, entitled the Worst Forms of Child Labour in which it was declared against:

all forms of slavery or practices similar to slavery, such as the sale and trafficking in children.....the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances

The final draft of the Convention on Cyber Crime published by the Council of Europe in June 2001 also requires, in Article 9, all States Parties to act against child pornography.

Definitions of child pornography

The New Oxford Dictionary defines pornography as follows:

material containing the explicit description or display of sexual organs or activity, intended to stimulate erotic rather than aesthetic or emotional feelings. ORIGIN mid 19th century: from Greek pornographos 'writing about prostitutes', from porne 'prostitute' + graphein 'write'.

To some degree or another the ideas expressed in this formulation are common to all definitions currently in use both at national and international level.

In the Optional Protocol to CRC, on the sale of children, child prostitution and child pornography, adopted and opened for signature, ratification and accession on 25 May 2000, child pornography is defined as being:

any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Definitions used by three international agencies

The Interpol Specialist Group on Crimes Against Children currently uses the following definition:

Child pornography is created as a consequence of the sexual exploitation or abuse of a child. It can be defined as any means of depicting or promoting the sexual exploitation of a child, including written or audio material, which focuses on the child's sexual behaviour or genitals.

ECPAT's definition closely mirrors Interpol's:

Visual pornography: The visual depiction of a child engaged in explicit sexual activity, real or simulated, or the level exhibition of genitals intended for the sexual gratification of the user, and involves the production, distribution and/or use of such material.

Audio pornography: The use of any audio devices using a child's voice, real or simulated, intended for the sexual gratification of the user, and involves the production, distribution and/or use of such material.

The Council of Europe's Draft Convention on Cyber Crime states:

"child pornography" shall include pornographic material that visually depicts a minor engaged in sexually explicit conduct; a person appearing to be a minor engaged in sexually explicit conduct; realistic images representing a minor engaged in sexually explicit conduct.

Common ground

Several international instruments expressly call for states to enact specific legislation on child pornography.³ However, a number of countries have still not responded, seemingly relying, instead, on wider laws dealing with pornography in general or laws that outlaw the corruption of minors⁴. The worry about this approach is that it indicates a lack of awareness of the specific issue of child pornography or that it is given a low priority. That said, where specific laws on or definitions of child pornography do exist the common ground is clear.

The definitions used by the three international bodies given above are also broadly typical of the formulations to be found within national jurisdictions. Each definition speaks of visual images, or depictions or representations of sexual activity involving the "child" or "minor", defined in Article 1 of CRC as:

every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier⁵

Each definition anticipates that child pornography might be found on or in several different types of media. Historically, the major forms of child pornography have been linked with photography and later videos, but comic books, drawings and other depictions have also featured. The Internet has recently become the dominant global form and there every type of pictorial representation is possible.

Each definition emphasises the sexual nature of the representation and, as such, seeks to distinguish child pornography from, say, wholly innocent images of young children, perhaps in a family setting or on the beach, where children may be in a state of total or partial undress or engaged in other activities which, in context, are appropriate to the wider lawful activity shown in the depiction.

Where child pornography is concerned, the emphasis given in the definitions to its sexual nature allows us to distinguish it from simple depictions of nudism, or from classical iconography or other artistic forms where the overall context might link the imagery of naked or scantily clad children, often shown as angels or saints, to religious beliefs or forms of worship. So far from being sexual in nature, the nudity or partial nudity of children can be used by an artist to underline notions of purity and innocence, or prelapsarian grace.

However it is plain that no single set of words could ever adequately describe or anticipate every possible set of circumstances. Local culture, customs and traditions would be a highly relevant

consideration, or an individual's professional interests. What some cultures or traditions might view as being pornographic might be commonplace and considered to be completely normal in others.

Differences between the definitions

As we have noted, all the definitions of child pornography seek to cover the same common or core ground, i.e. visual images of real children engaged in sexual acts, or representations of their genitals for primarily sexual purposes. However, as evidenced by the definitions used by the three international agencies given above, they are by no means co-terminus and when one looks at national jurisdictions yet more differences can emerge. While some definitions seek to cover every type of visual representation and/or audio material, others exclude paintings and drawings, and some exclude texts⁶. Cartoons or "morphed" images are excluded by some jurisdictions because a real child has not been subjected to any sexual abuse, whereas others make no such distinction.⁷ Even within Federal states different definitions of child pornography can be found in various jurisdictions.

In general, the crucial distinction between what constitutes illegal child pornography and legal depictions of sexual conduct is the absence of consent. A legal minor cannot consent, even if he or she appears to say "yes". It is this alone, the absence of true consent, that creates the essential element of illegality. Every part of the supply chain, from the original producer of the material, through the distributor, publisher and owner or possessor of child pornography is, therefore, touched by this inescapable legal and moral fact.

However in some countries there seems to be an operational assumption among policemen that if a person is old enough to engage lawfully in sexual acts then any depiction of that act cannot be child pornography and, therefore, solely on these grounds, there can be no basis for a prosecution or grounds for intervention.

The age of majority and the age at which a person is legally permitted to engage in sexual acts are rarely the same. Interpol's web site⁸ provides an overview of many nations' laws in this regard. A brief perusal will quickly reveal that the age of consent for sexual activity can vary from as low as 12, through 14, 15 to the more common 16, but some states stipulate 17 or 18. Other states have no stipulation at all leaving this to be determined on an individual basis, for example by stating that a child becomes an adult once they have reached puberty.

However, a number of countries are beginning explicitly to enact laws that, while leaving the age of consent for sexual acts at a lower level, nonetheless raise the age of consent for participating in pornography to the same level as the age of legal majority⁹.

This is a useful distinction which should allow the authorities to intervene to protect young people who, while having passed the legal barriers to consensual sex, might nonetheless still lack the mature judgement to decide whether or not to allow themselves to be photographed or filmed in such situations. Given the ease with which images can now be digitised, a younger person may not realise that, in fact, they are being asked to agree to the creation of an image that might be rapidly distributed across the world via the Internet, thereby becoming a permanent record. In other words a legal minor is being asked, in effect, to give irrevocable consent to something that might harm them for the rest of their adult lives. That is too great a burden to put on the shoulders of a minor. The people engaged in the production and distribution of pornography typically are adults and in these circumstances they are very likely, in any event, to be involved in an essentially abusive relationship with the younger person concerned. This is another reason why the law ought to err in favour of protecting the minor.

The absence of a commonly accepted definition of what exactly is encompassed by the notion of child pornography is a matter for concern. It is hard to say with certainty how much of an obstacle it is to co-operation between the different national and international agencies with an actual or

potential interest. However Operation Cathedral¹⁰ suggests it could be a substantial impediment, though clearly in that case other factors also played a key part.

Towards a new working definition of child pornography

A new working definition of what constitutes child pornography, to be used in common by international and national institutions, is desirable if only to introduce greater certainty into this area of work and to strengthen the possibilities of greater international co-operation.

The definition offered in the Optional Protocol to CRC, on the sale of children, child prostitution and child pornography, would seem to offer the greatest prospect of obtaining widespread acceptance. However, it is not obvious, from the words used, that that definition would cover all artificially created images e.g. pseudo-child pornography, where no actual child had necessarily been involved¹¹. To the extent that that is the case, it is a weakness that ought to be remedied.

Part 2: The harmful effects of child pornography

A crime and a picture of a crime scene

Generally speaking, child pornography is both a crime in and of itself, and it is also a picture of a crime scene. It may provide evidence of further crimes against a child or children.

Child pornography can consist of a child or children engaged in sexual behaviour alone or with one or more adults, or it could involve two or more children performing sexual acts, with or without adults being involved or being visible. Such imagery can range from sexualised photographs of a single child or children, or sexualised images of their genitals, through to the most abject pictures of brutal anal or vaginal rape, bondage, oral sex, bestiality or other forms of degradation, sometimes involving very young children or babies.

Child pornography amplifies and broadcasts the original act of abuse that it depicts. In so doing, it can substantially aggravate the original offence.

Child pornography is at once both a form of child abuse and also a representation of it. The consequences of that abuse are now very well known and understood.

The harmful consequences of sexual abuse for a child are more fully set out in the paper by Jane Warburton¹². In some studies, about 50% of the children who had been sexually abused experienced depression, post-traumatic stress disorder, disturbed behaviour, or a combination of these¹³ and those who were removed from home during an investigation may have faced higher rates of such problems. Among this same cohort, 59% admitted to having suicidal thoughts and 66% showed signs of other emotional and behavioural problems. Sexually abused young people may also subsequently show types of sexualised behaviour which can put them further at risk.

In a study of 40 sexually abused or abusive children, four became pregnant and seven were thought to have become involved in prostitution. In one study as many as 50% of children who abused other children had themselves been sexually abused¹⁴. Two other studies also showed a strong link between child prostitution and the production of child pornography.¹⁵

It is comparatively rare for the authorities to be able to identify and locate a child who has appeared in a child pornographic image, although the US Postal Inspection Service has recently been achieving a very substantial success rate in its operations.¹⁶

In the Wonderland case¹⁷, of the 1263 different children whose pictures were found, only 16 have been identified. One of those was of a boy in Portugal who had been reported as missing some time earlier and is now presumed dead, one was from Chile, one from Argentina and the bulk of the remainder were from the UK and the USA.

However, even where it has been possible to identify a victim, the chances of being able to help the child to recover from the trauma of the initial involvement in the abuse can be seriously compromised if the child learns or comes to believe that images of them engaged in the abusive behaviour might have been scanned, or converted into a digital format in some other way, for storage on a computer or for transmission between computers e.g. over the Internet. This, in effect, makes the image part of a permanent public record. It could, even randomly, suddenly appear on the screen of their next-door neighbour or classmates. It may become part of the stock that is offered repeatedly for sale by online pornography sites or other types of real world businesses dealing in child pornography.

The police attach a very high priority to attempting to identify and rescue children who appear in child pornography both so they can obtain the fullest evidence against the abusers and so the children can be given the best possible support and care to aid their recovery.

In attempting to identify child victims of pornography different police forces are experimenting with different approaches, but it is clear that they are all fraught with difficulty. Some are circulating pictures of the children to social work agencies or schools in the hope that someone might

recognise a particular child. Using the media is not generally thought to be an appropriate method as this might cause the child further distress or damage if someone else sees it and links them to it, but some countries have done so e.g. Germany.

Computerised centralised databases, with digital pattern recognition technology, are also being established to help both with identifying victims and monitoring the amount of new material that is coming on to the market. Given the international nature of this market, it makes sense for national law enforcement agencies to pool much of their work in this field. Particular care will need to be taken in relation to the security and use of images stored in this way.

The link between child sex abuse and child pornography

There is a very strong link between the possession of child pornography and abuse. A person in possession of child pornography is very likely either to be an active abuser already, or to be on a path that will lead him to abuse later.

Utting¹⁸ cites two studies from the USA. In the first, carried out by the Chicago police in 1984, it is claimed that in almost all arrests for the possession of child pornography they discovered photographs of the abusers having sex with children. The photographs had been taken by the abusers themselves.

In the second, carried out by US Customs, it seems that “at least 80%” of those who buy (child) pornography are active abusers, and a “proportion of the rest will not have yet been caught.”

In a third study, carried out by the US Postal Inspection Service¹⁹, since 1997 “of the 828 individuals arrested....for using the mail to sexually exploit children, actual child molesters were identified in 36% of those cases.”

Thus, while acknowledging that different studies show different levels of probability, and Utting’s studies are essentially “pre-Internet”, together they establish beyond doubt what one’s common sense also suggests: whenever the authorities uncover someone in possession of child pornography, they are also identifying someone who is potentially a real and active danger to children. Immediate and urgent consideration will need to be given to appropriate forms of action to protect any children with whom the person might already be in contact, e.g. within his own family, or with whom he might be about to come into contact. This can provide the police with a huge dilemma. On the one hand, they may need to amass further evidence to strengthen or develop a case, and that naturally means they cannot tip off or warn the person who is being investigated, but on the other they owe a duty to children to protect them from abuse. In practice, police forces will generally resolve this by increasing the surveillance on the suspect and step-in if they believe he is likely to be in a position where further or new offences could occur.

How sex offenders use child pornography

Utting²⁰ suggests that exposure to pornography desensitises children and it can inflict other psychological harm. Child abusers show both adult pornography and child pornography to children as a means of “lowering their inhibitions”. They will show pictures in which the children have been forced to smile so that it can be claimed, especially to younger children, that they are “having fun”.

With older children pornography, both child pornography and adult pornography, is used to excite them and to show them that what is being done is ‘alright’.

Utting also suggests that child pornography can be used to “entrap children further”. The belief on the child’s part that their involvement in the original sexual act might mean that they too have committed an offence can be used as blackmail to force the child to commit further sexual or other offences. This might be especially true if the child is shown abusing other children. Alternatively, the child might be afraid that if the person possessing the image were to show it to their parents or friends that it would cause huge embarrassment or upset.

Rachel O'Connell, formerly of the COPINE project at the University of Cork, now with the Cyberspace Research Unit at the University of Central Lancashire, has examined extensively the behaviour of child sex abusers in the online environment and she confirms in her most recent study that the organised exchange of child pornography can "legitimise and normalise" an adult sexual interest in children.²¹

One of the men involved in the Wonderland case, David Hines, between being convicted and being sentenced, agreed to appear on national TV in the UK. He made it plain that he felt no remorse for anything he had done. More particularly he said exactly what the COPINE project had uncovered in their many private discussions in prisons and elsewhere with convicted child sex abusers and child pornographers:

The Internet is great. It's a whole world that sucks you in. Within 24 hours of first going on I'd found the child porn...I found people I could talk to. People who felt like me...I had friends. I never had so many friends. Friends from all over the world.

In the same case, following arrests made by the police in Germany, a convicted man said, also on TV, that he had never previously realised that he had any interest in child pornography, and he would never have gone looking for it in the real world, but when he found some accidentally on the Internet, he discovered he was drawn to it by a compulsion he was then unable to resist.

Are some children are losing the protection of the law?

Because of differences in legal definitions between countries and the perceptions of local police forces, it is increasingly thought that, operationally, the only types of cases where it is likely that there will be no potential legal obstacles to co-operation between national law enforcement agencies are those where the young people involved in the pornographic depictions are very obviously below the age of the lowest common denominator. In practice, this means that police co-operation across states can currently probably only be guaranteed where the victims are pre-pubescent, or where there are no bodily or other circumstantial signs that the child has reached any level of sexual maturity.

It is strongly suspected that this is also happening within many national jurisdictions i.e. in the absence of any evidence to the contrary in the picture itself, the authorities will tend to ignore or give a low priority to investigating child pornographic images where the age of the young people involved is indeterminate.

In practice, what this means is that any children depicted in a pornographic image who have pubic hair and have well developed sexual organs and, in the case of girls, mature breasts, will be treated as if they were adults.

One understands the difficulties the authorities must face in making decisions about how to deploy their scarce resources but it would be a very sad day if, essentially, a whole swathe of children were being denied the benefit of laws designed to protect them simply because of the practical difficulties of forming a view about a child's likely age from a picture.

Anecdotally, another lacuna may also well be opening up. In certain police forces it is believed that, such is the volume of child pornography which is now circulating, the police will, essentially, ignore or de-prioritise its investigation unless they also have other evidence to link the suspected offender with contemporary, on-going active sex abuse of children. Again, one understands the motivation of those concerned, but the better answer must surely be to devote more resources to tackling the problem of child pornography, not give up on it.

The volume of child pornography and its commercial dimension

In 1995 Inspector Terry Jones of the Greater Manchester Obscene Publications Squad in the UK was involved in seizing a total of 12 child pornographic images and all of them were either in the form of photographs or videos. In 1999 he seized 41,000 child pornographic images and all except for 3 were on computers, with almost all of the images concerned originating on the Internet. Police forces active in this area in many different parts of the world tell a similar story.

There can be no certainty about the volume of child pornography in existence. By its very nature, it is an illegal item. Consequently no one will declare how much they have or how much they are making. Moreover, because of its durability, there is little doubt that a great deal of child pornography currently in circulation can be 20 or 30 years old and, therefore, it is hard to distil modern trends.

Historically the production of child pornography was overwhelmingly seen as being a 'cottage industry', mostly produced by amateurs as a by-product of abuse. However there is now some evidence that organised criminal groups may be starting to involve themselves in child pornography²².

There have been frequent suggestions that the arrival of the Internet is not only opening a new and hugely expanding market for child pornography. It is also creating ever greater demands for new material of ever greater levels of depravity and corruption. The Wonderland case, and numerous other recent, large scale police actions, seem to provide strong evidence to support this belief. Utting says:

The child pornography industry is international and highly commercial. In America it is said to be one of the largest 'cottage industries' with a market worth some US\$2-3 billion per year. It is claimed that producers have filmed one million children in the US alone²³.

On 13th April, 2000, a Federal Grand Jury in Texas, USA, returned an 87-count indictment against 5 individuals and a corporation, Landslide Inc., in what Inspector Ray Smith of US Postal Inspection Service believes is the largest single commercial child pornography operation ever uncovered. All the accused were found guilty in August, 2001. The two US principals were sentenced respectively to 14 years and to life imprisonment.

L. was a US\$9 million dollar business that worked through the Internet. In its last month of trading alone it had grossed US\$1.4 millions. The Cyber TipLine linked to the National Centre for Missing and Exploited Children had passed on over 250 complaints about the company that it had received from all over the world. The owners of the business, T. and J. R. of Tarrant County, Texas, established a system for collecting monthly subscriptions to hardcore pornography sites, including child pornography sites. They were working jointly with a Russian and four Indonesians, all operating out of their own countries. At the time of writing none of the Indonesians or the Russian had been arrested.

In May 1996, in another investigation led by the US Postal Service in Operation Special Delivery, T. F. was arrested and his business was closed following the discovery that he had been using Mexican boys, some as young as 7 years old, in child pornography video tapes. His company was making as much as \$0.5 million per year.

In Operation Special Delivery over 130 searches were conducted in 36 states of the USA. Large quantities of child pornography were found as a result of these searches and more than 95 individuals were prosecuted. Among the individuals prosecuted were members of the clergy, youth leaders, teachers, police officers, an attorney, and a doctor.

Utting further documents²⁴ a widely reported action by the French police in May, 1997, where, following an 18-month investigation of a mail order video company, 2500 officers searched 800 homes, detaining 345 people of whom 235 were charged. Among the people charged were 31 teachers, 2 holiday centre directors, 2 priests and 6 doctors, one of whom was a paediatrician.

In 1993 Groner published a study in which estimates made by the German police suggested that, within Germany, 130,000 children are forced by parents or other close acquaintances to participate in child pornography and that there are about 100 private dealers within the country.²⁵ Kelly also cites a 1988 study by David Finklehor et al in which, in a study of child sex abuse in day care settings, in 14% of all cases it was suspected that child pornography had been produced.

Customary forms of child pornography

With the onslaught of digital images and electronic transmission traditional and customary forms of child pornography are disappearing but, as the US Customs and Postal Inspection Service continues to report, much of the child pornography it seizes still contains or is linked to home-made videos and many pornographers continue to rely heavily on the postal services to exchange video tapes and computer disks. Particularly in those parts of the world where the Internet is still not widely available, the traditional means of producing and distributing child pornography will remain dominant for some time to come.

There are also pockets of customary practice that can involve children in illegal pornographic activity. For example the pre-pubescent daughters of migrant prostitute women in Goa are expected to perform erotic dances in bars.²⁶ Similar practices occur in other parts of the Indian sub-continent²⁷. Elsewhere, for example in Thailand, it is understood that when the authorities find children involved in prostitution or other parts of the sex industries, they will tend to ignore or overlook any child pornographic images they might find and focus instead on what they perceive to be the substantive or more serious offences.

The long-established market in child erotica continues to flourish in many countries, pushing the boundaries of what is pornographic and what is not, testing laws and public acceptance. Toys, games, catalogues, erotic fiction and cartoon magazines aimed at satisfying the desire of some people for sexual pleasure involving children continue to be available in countries across the world, and to perpetuate the belief that children are legitimate sexual commodities.

Part of a tradition that stretches back centuries, the consumption of sexualized children for adult pleasure developed quickly in the early 1970s to become a thriving commercial enterprise, in the process becoming increasingly hardcore and pornographic. Most of the children depicted were Caucasian, many from the US, but some of the children were from India, Mexico and Africa.

The growth in child sex tourism in the 1980s and 1990s increasingly saw images of children from Asia and Eastern Europe being added to the stock, as exploiters filmed their crimes and shared the evidence. This essentially amateur capturing and exchange of images continues to be a significant source of child pornography alongside materials specifically produced for commercial profit.

The link between child prostitution, child sex tourism and child pornography is strong. Several of the countries where these practices are prevalent are becoming major sources of new child pornography. As the Protection Project has noted,²⁸ the traffic in children for sexual purposes is substantial among certain communities. They have published estimates suggesting that up to 200,000 Nepali girls under the age of 14 are working as sex slaves in India, 10,000 children between the ages of 6 and 14 are trapped in brothels in Sri Lanka, 600,000 Thai children have been sold into prostitution²⁹ and some 15,000 Cambodian girls were sold into sexual slavery between 1991-97. In recent years, Russia has suddenly emerged as a major new source of child pornography, second only to the USA, and it is thought that much of the material emanating from there originated in these and other developing countries.

Therefore there seems little doubt that as the Internet broadens its reach, in the absence of any countervailing measures, we can expect to see traditional or customary forms of child pornography being displaced or at any rate supplemented by patterns similar to those which have already emerged elsewhere. The constant demand for new material that the Internet is generating means that child pornography produced anywhere in the world will quickly find an international audience.

Part 3: The effects of new technologies

Making and storing images and sounds

Video cameras, video-cassette recorders, computers, different sorts of communications devices, scanners, digital cameras and similar technologies are becoming very much cheaper and much more widely available. They have hugely facilitated both the production and distribution, and the storage, of child pornographic images and made their large-scale distribution possible.

Morphing and pseudo pornography

In some countries, the definition of child pornography has been based on the notion that, historically, it usually involved harm being done to an actual child. This is, of course, a good reason for outlawing child pornography, but now that computer technology makes image manipulation, the creation of pseudo pornography, or “morphing”, extremely easy, it ought not to be the only factor weighed in the balance.

How would anyone be expected to know the difference between two pictures, one based on real events the other the product of computer manipulation, where both depicted broadly similar acts and where both looked as genuine as the other? Any notion of difference rooted in the artificiality of one as opposed to the realness of the other would be wholly abstract in nature and not at all apparent to the viewer.

If it came to court, having to make fine forensic distinctions between real and artificial images of child pornography risks making a mockery of the law. If to the rest of the world something looks like child pornography, it should be treated as if it were child pornography. Moreover, how does one prove a negative? Often it may be hard to prove that a particular image is not, in fact, a real person suffering real abuse. Similarly, it might be very hard for the prosecution to show that it was.

Civilised society has declared that the depiction of children as sexual objects is unacceptable. It has done this not just because of the harm it generally does to the children who are its immediate victims. It is also because viewing child pornography can desensitise adults and lead them towards further harmful or abusive behaviour, and therefore also puts other children at risk. As we have seen,³⁰ it can also be instrumental in nature, desensitising or sexualising children in inappropriate ways. Child pornography is often used by sexual predators quite deliberately to lure children into abusive relationships. In that context, therefore, whether or not the image is real or artificial is of no significance.

The impact of the Internet

The Internet is no longer the adults-only, academic medium it was until comparatively recently. It is now a consumer product aiming to be in every home, and used by every family. It cannot reasonably hope or expect to continue operating as if the world were governed by the same standards and expectations of the Senior Common Room. We live in a world where children are forever present. They cannot be written out of the picture and wished away. A survey published in the USA in April, 2001 revealed that 50% of Americans were concerned about the potential of the Internet to lead to the exploitation of children. The next highest level of concern was 10% for credit card theft and 10% for “organized terrorism”.³¹

In every other area of life it is understood and accepted that children need to be given the time and space to develop into healthy and independent adults. There are certain types of situations, certain sorts of materials they ought to be shielded from and certain types of relationships which they ought to be discouraged from having. The Internet can claim no special exemption from these norms.

Public opinion is growing increasingly restive about what the Internet is doing to society in general and to our children in particular. Questions about the violation of children touch deep, atavistic instincts. They cannot always be guaranteed to find expression in rational ways.

The worry must, therefore, be that unless the Internet industry, Governments and the civil society can find a convincing way of assuaging these strong concerns which are beginning to surface, public opinion will sooner or later force politicians to consider forms of intervention which could rob us of much that is truly marvelous, dynamic and revolutionary about the Internet.

The only pity will be that we will all be able to say that such an outcome was not inevitable. It was simply the product of a failure of collective foresight and a failure to political will.

The fight to protect children from coming to harm on the Internet is in truth but another aspect of the fight to preserve all that is most valuable about it.

No new technology has ever taken off and grown in the same way and at the same rate as the Internet. For the cost of a local telephone call today it has the power to send and receive messages more or less instantaneously anywhere around the world, to receive and broadcast sound and vision, to store essentially infinite amounts of information and, when linked to cheap and readily available technology such as cameras and scanners, it can turn any home or office into a fully equipped multimedia publishing operation.

The Internet has moved, in less than eight years, from being an obscure network used primarily within the academic community to becoming a mass consumer product which is having a profound impact in terms of restructuring many areas of social, cultural and economic life in the industrialised countries. This transition started in the early to mid-90s with the development of the world wide web and email. It has been gaining momentum ever since. Today, the Internet extends to a little less than 7% of the world's population, but almost 90% of all users are in the major industrialised countries.³² However, its forward march is relentless.

Because of the way the Internet is being integrated into educational systems, and because of the ready way in which they can adapt to new technologies, children are among the fastest growing groups of Internet users worldwide.

Precisely because the Internet is becoming so widely used by children it is feared it is acting like a magnet to child sex abusers who are stalking children, seeking to entice them either into supplying them with new child pornography, or into real world meetings where they can sexually abuse them, or both.

Anecdotally, it is frequently suggested that sales of traditional sex-related magazines and videos generally are in decline as more and more of its traditional consumers shift their attention to the Internet. Sales of Penthouse magazine have fallen from over 3.5 millions in the 1980s, to around 850,000 today. Playboy has continued to decline in 2000, down 12% on the previous year with losses rising from US\$5.3 millions to US\$46.6 millions. Hard core pornography journals are thought to have suffered similar declines.

Police forces across the world have also noted that child pornography has moved on to the Internet in a major way. Previously child pornography was often quite hard to find, requiring the person to take a number of risks in order to obtain it, e.g. by going to certain sex shops or video stores in particular parts of town, where one might be seen by people who knew you, or you risked being seen by the police. Alternatively, and equally risky in terms of the possibility of discovery or exposure, there would be mail order companies that might keep your name and address or bank details in their files. But the arrival of the Internet can make much of this unnecessary for those who can access it, and with the removal of these old barriers or inhibitors, the early signs are that more people are being tempted to become involved.

Child pornography can be and has been traded, using almost every technology available on the Internet. However, there are three principal access points: the web, newsgroups and chat rooms.

World Wide Web

The web is a source of child pornography on the Internet but it is not the major source. In a study carried out by the University of Cork, Ireland, between June and November 1997 sexualised images of under age girls on the web were coming principally from Japan, with 73% of all sites found originating there. The next highest source was the USA with 14%, followed by the UK at 3%. A greater number of sites offered sexualised images of boys but no comparable percentages were provided.³³ With recent changes in the Japanese law, these numbers have fallen dramatically.

Newsgroups and Communities

Newsgroups are still the principal source of publicly available child pornography on the Internet. Newsgroups are similar to electronic bulletin board where people with shared interests can exchange information and files which they “post” to a specific group whose name generally indicates the nature of the subject-matter.

An analysis of the reports submitted to the UK’s Internet Watch Foundation (IWF) suggested that the great bulk of child pornography is to be found in only 28 Newsgroups, with nearly half originating in just three of them. Analysed by country of origin, the numbers came out as follows³⁴

Country	Percentage
United States	62.7
Russian Federation	10.3
Cyprus	3.9
Canada	3.6
Korea (South)	2.6
United Kingdom	2.5
Belgium	1.6
Taiwan	1.5
Other	11.3

More recently, services analogous to Newsgroups, sometimes referred to as “online communities”, have been established by a variety of Internet companies and Internet Service Providers, and sadly many of these look set also to become major repositories for illegal material unless appropriate action is taken.

Chat Rooms

Chat rooms are where child sex abusers go looking for children or they go looking to trade, swap or otherwise acquire child pornography. On one day in December, 1997, researchers from the COPINE project³⁵ sampled 55 channels on two different IRC networks. They each had titles like “babysex”, or “preteensex” or “toddler spanking” and between them had 518 participants.

Child sex abusers have coined a term for their search for children in chat rooms. They call it “chicken hawking”. The child sex abuser will enter a chat room where he believes he may find a child. He will not necessarily take part in the ongoing conversation but will instead simply observe

the way the conversation is going until he spots someone whom he believes to be a child, maybe an especially vulnerable child. Here the sex abuser is playing the role of a “hawk”, circling and watching for his prey, the “chicken”.

Typically the abuser will seek to befriend the child, perhaps by pretending initially to be a child themselves, a child who shares their interests and concerns. The next stage will be to persuade the child to go off into a private chat room where just the two of them will converse. Eventually, they will exchange email addresses and maybe then mobile telephone numbers for text messaging or direct telephone calls. The child sex abuser will seek to draw the child into his web and may encourage the child to take pornographic photographs of himself or herself, either alone or with friends. Ultimately, a meeting in the real world might be arranged when the adult might look forward to abusing the child further.

A note on peer-to-peer networking over the Internet

Technologies such as Napster and Gnutella have recently been popularised as a means of enabling people to exchange music files across the Internet. They allow anyone with an Internet connection to become both a server and client thus allowing people across the world to connect directly to each other’s machines without having to use a third party’s services. There is some suggestion that child pornographers are already using these technologies to communicate directly with each other in ways which further reduce the possibility of detection.

Part 4: Law enforcement operations

No uniform system for recording offences

There is no internationally agreed basis for recording crimes where the Internet played a significant part. Indeed many individual countries do not even record whether a computer was involved in the commission of a crime. Even in the USA, where they have the longest and most extensive experience in this field, the three Federal agencies with a major interest each run their own independent, separate and different reporting systems.

The three key Federal agencies involved are the FBI, US Customs and the US Postal Inspection Service.

FBI's Innocent Images Campaign

The FBI began a specific initiative to monitor and pursue online offences against children in 1995. Called the *Innocent Images* campaign, it received special funding from Congress. As the name implies the campaign has a particular focus on child pornography, although it also involves itself in online sexual solicitation cases.

The FBI have recently published aggregate figures for all classes of online offences against children, and it also publishes data on the number of investigations with which it is engaged. It is not possible to differentiate between child pornography offences and other types of online offences against children but it is thought that the majority are concerned with child pornography. However, a substantial number are also so-called "traveller cases" where a child has gone missing following a contact which has been made with a stranger online. Such contacts can also involve the exchange of pornographic images and most of these traveller cases will have started in chat rooms. In 2000, of the 1541 investigations started, 300 were traveller cases.

Year	Investigations Started	Convictions Obtained
1995	96	13
1996	113	73
1997	301	104
1998	698	112
1999	1498	224
2000	1541	214
Totals	4246	740

US Postal Inspection Service³⁶

Postal Inspectors have been involved extensively in child sexual exploitation and child pornography investigations since 1977. Since the enactment of the Federal Child Protection Act of 1984, Postal Inspectors have conducted investigations resulting in the arrests of more than 3,300 child molesters and pornographers.

Over the last several years, UPIS has found there has been an increase in the number of unlawful computer transmissions and ads for child pornography on the Internet that occur hand-in-hand with child pornography trafficking of videotapes and computer disks through the mail. During fiscal year 1997, 33 percent of child exploitation cases investigated by Postal Inspectors also involved computers. During fiscal year 1998, 42 percent of child exploitation cases involved

computers, in addition to postal violations. Most recently, in fiscal year 2000, 77 percent of the child exploitation cases investigated by US Postal Inspectors involved computers. Whether or not there is a specific Internet angle is not separately recorded but, increasingly, the Internet is a regular feature of these kinds of crimes.

During fiscal year 1997, the Postal Inspection Service began compiling statistical information on the number of child pornography suspects that were also child molesters. Additionally, they began to collect data on the number of child victims identified and rescued from further sexual abuse as a result of investigations conducted by Postal Inspectors. Since 1997, 299 child molesters were identified and stopped, and 370 children that were victimized by these offenders were rescued. Of the 828 individuals arrested by Postal Inspectors since 1997 for using the mail to sexually exploit children, actual child molesters were identified in 36 percent of cases. Had it not been for the proactive investigative techniques used to identify these offenders, the child victims may have never been identified and the offenders could still be at large victimizing more children.

US Customs Child Pornography Enforcement Programme

The following data was supplied to the author on request

Year	Arrests	Indictments	Convictions
1992	57	48	69
1993	37	35	43
1994	36	32	35
1995	48	34	35
1996	136	134	94
1997	173	158	178
1998	211	205	223
1999	204	203	213
2000	320	299	324
Totals	1222	1148	1214

Since August 1997 the principal organizing base within US Customs for action against child pornographers is the *Customs CyberSmuggling Centre (C3)*. C3 works very closely with the National Centre for Missing and Exploited Children. Since 1 January, 2000, C3 has reviewed over 10,000 tips about child pornography online, and it is now running at approximately 1,100 new tips each month, or roughly 300 per week. During the year 2000, these tips prompted more than 225 investigations.

Action by other US law enforcement agencies

The figures given above indicate a steadily rising trend both in the number of investigations being mounted, and the number of convictions being obtained. We can see that, since the mid-90s, over 2000 convictions have been obtained, but we must recall that these figures come solely from Federal law enforcement agencies. In the USA there are over 16,000 local, city or state law enforcement agencies and no attempt has been made to extract data from them to add to the above. However Professor David Finklehor of the University of New Hampshire is about to embark on a study which will draw all these data together across all agencies and thereby attempt to establish the true extent of crimes against children where the Internet played an essential part.

Conclusions from US data

The FBI have indicated that they think online offences against children in the USA are increasing at the rate of 10% per annum and these figures certainly seem to substantiate a rising trend. What is true for the USA is very likely also to be true in many other parts of the world. As the level of Internet usage continues to climb elsewhere and reaches similar proportions to those which exist in America then, other things being equal, and in the absence of countervailing measures, we also can expect similar levels of offending against children to occur elsewhere.

Perhaps the most striking feature of police action against child pornographers in the USA is the extent to which law enforcement uses so-called “sting” operations i.e. where policemen essentially go undercover and set traps for the offenders to fall into. In some countries, because of local laws on entrapment, these sorts of actions can be anywhere between impossible and very difficult to mount. However, as online offenders make greater use of encryption and other smart technologies to hide their crimes and their trails, police forces around the world are going to have find new and proactive ways of countering their actions.

Action in other countries

No other country produces such comprehensive data on these types of offences as the USA, although Kelly³⁷ did track down data showing the number of “known or reported cases of child pornography” for 1997 and 1998 for Germany (3370 cases), Ireland (4), Switzerland (449) and Hungary (13). Kelly also established that in a three-year span, 1996-98, within the UK, there were a total of 723 prosecutions for either producing or distributing child pornography, or possessing it, with an average conviction rate of 73.5%

Operation Cathedral and the Wonderland Club

Operation Cathedral started in California, USA, in April 1996. It quickly developed into the largest operation in the history of international policing. It is worth looking at the operation in some detail because there are many very important lessons to be learnt from it.

A 10 year-old girl went to stay for the weekend at her friend’s house. During the weekend her friend’s father, R.R., took the girl into the room where he kept his computer. He had a camera attached to his computer. R. then sexually abused the child live on camera and took instructions over the Net about what to do next to the girl from the other members of something called *The Orchid Club* who had tuned in and were watching. These images were recorded on to R.’s computer and he later traded them in an Internet chat room.

Some weeks later, R. was arrested on suspicion of molesting another child. The police questioned him about his recent contacts with children and, as a result, were able to contact the first child’s mother to alert her to the fact that her daughter had stayed in the house of someone who was now a suspected child molester. The mother spoke to her daughter about her stay at her friend’s house and sensed that something was wrong. Initially the child denied that anything untoward had happened. She did not want to get her friend’s father into trouble, but eventually the child’s mother was able to persuade her daughter to reveal what had happened. When the mother relayed this to the local police, they went back to R.’s home and seized his computer.

R. was sentenced to 100 years for his crime, and twelve other men in other parts of the USA also received custodial sentences for their part in *The Orchid Club*.

However, R.’s computer provided a link to three men in the UK, one of whom was I. B., a computer consultant who lived in Sussex. The Sussex Police visited his house, seized his computer and started to unravel evidence of the existence of another and more extensive club which had 180 members in all parts of the world. This was *The Wonderland Club*. It was highly organized, with a Chairman, a Secretary, a Management Committee, a procedure for vetting new members, and five

different levels of security calculated to keep unwanted eyes away from their activities. The club made extensive use of complex passwords and encryption technology. Some of the computers later seized by police in this case had encrypted material on them which was never seen by them or produced in court because it was impossible to break the code. In one case a man committed suicide rather than face trial without knowing that, in the end, he could not have been prosecuted because the police never saw a single image on his PC.

The police were able to identify photographs or videos of 1263 different children, only a handful of whom have since been located. Police seized over 750,000 child pornographic images and over 1,800 hours of digitised videos of child sex abuse. One individual had over 180,000 individual pictures on his machine. The men who were caught were, in the main, well educated, employed and in a wide range of professions, but with a preponderance of men who worked a lot with computers or the Internet.

To gain entry to the Club, a candidate member would need to produce 10,000 child pornographic images, and, within the club, one gained status by finding new children to abuse, providing fresh pictures as evidence.

In the UK ten members of the club were identified and arrested, and nine were charged. One of them, G. S., was a high status character. As with R. in the *Orchid Club*, Salt would abuse children live online, taking instructions from other members.

S. invited some of the UK members to come to his home in the north of England to meet the children whom he called “the stars” of his movies. S. was arrested and tried separately. He received a 12-year sentence. Of the other eight arrested one committed suicide. Indeed, worldwide, of the 107 arrested altogether, it is thought that a total of eight killed themselves rather than face trial.

It was agreed through Interpol that the National Crime Squad (NCS) of England and Wales (NCS) police should co-ordinate the worldwide police action that would be necessary to arrest the members of *Wonderland* and close down the club.

An initial conference was called by Interpol. From information in the possession of the NCS, Interpol had links or leads to suspects in 49 identifiable countries. However, only 15 out of the 49 countries’ police forces were invited to the initial conference. A list of the countries concerned is provided as Appendix F.

It was agreed that all the police forces would co-ordinate their swoops on the suspects’ addresses because they did not want to give any of them the opportunity to warn fellow club members who could then destroy or hide evidence. A time was fixed: 04.00. GMT on 2nd September, 1998. Just before the operation was due to begin two countries, Holland and Canada, pulled out, leaving only 13 in at the end. These were:

Australia, Austria, Belgium, England & Wales, Finland, France, Germany, Italy, Norway, Portugal, Scotland, Sweden, USA.

The Dutch police acted later and arrested the suspects identified in their country. This brought the total number of participating countries to 14. Canada did not act against its identified suspects, either at the time or since.

Altogether 105 search warrants were executed. Of the 107 originally arrested, 50 have been convicted worldwide, 22 are still awaiting trial. With the eight suicides that still leaves 27 unaccounted for.

Worldwide, the judicial results have been patchy. Sentencing in the cases has varied hugely and there is some evidence to suggest that the judiciary may not fully comprehend the seriousness of some of the issues before them. In a separate child pornography case in April, 2001, two Scottish judges said they thought people accused of possessing child pornography might sometimes be engaged in a “victimless crime”.

Conclusions from Wonderland

Operation Cathedral not only shows what can be done, but also how much more needs to be done. What happened to suspects after they were arrested ought perhaps to be the subject of a separate discussion which, *inter alia*, would consider each nation's laws and policies on prosecuting and sentencing, and the awareness of judges of the seriousness of some of the issues.

What is a lot harder to explain is why Interpol felt it could only involve 15 out of a possible 49 countries in the initial planning conference.

The most likely explanations are as follows:

- Some countries lack a clear enough legal framework
- The law enforcement agencies in some countries lack the technical capacity, protocols and trained personnel
- The law enforcement agencies and/or the governments in some countries are known to think this work is unimportant
- The law enforcement agencies in some countries are not considered to be sufficiently security conscious or sufficiently reliable to be trusted with sensitive information of this nature
- Temporary prevailing local conditions rendered participation impossible

Interpol's given reason was that the forces not invited to participate lacked the technical capability to take part.

Under CRC and other legal instruments states parties voluntarily agreed to equip themselves to act against child pornography. Plainly this obligation is only being observed patchily. This does no credit to the notion of international law or to the international institutions that seek to further the rule of law and protect children from criminal abuse.

Specialist Police Units

The trend among states and police forces is to establish specialist police units, along the lines already noted in the USA. The Italians have established a large computer crime operation. In the UK, the Government has established a new National Computer Crime Unit which will have an initial staff of 80, about half of whom will be based centrally and the remainder will be spread among local forces to help raise awareness and improve the expertise levels.

What is less clear is exactly how much of these new resources will be devoted to tackling offences against children, as opposed to all the other forms of computer and Internet crime that Governments have in their sights. In some countries e.g. New Zealand, child pornography on the Internet is handled by those sections of the police who are concerned with censoring or monitoring films and other types of publications.

Given the highly international nature of the child pornography business it is normal for Customs officials to be prominently involved in such specialist units, or for there to be close joint working between agencies.

Part 5: Other responses to child pornography

Community responses - Hotlines

“Hotlines” or “TipLines” are becoming increasingly common in countries with high levels of Internet usage. Hotlines and TipLines are mechanisms which allow people who have found what they think is illegal material on the Internet to report it, have it investigated and, generally-speaking, if the investigators agree that the material is likely to be found to be illegal by a court, they will get it removed from any servers located within their country. Usually, the police will also be notified and they may try to track down the publisher. If the material originates outside their area or country, the police will pass it on either directly or through Interpol.

The precise status of the Hotlines and TipLines, and their methods of working depend a great deal on where the original impetus for the Hotline came from. In some countries e.g. the UK and USA, the Hotlines work very closely with the Police. In the UK it is strictly an offence to possess child pornography, but if an Internet Service Provider is notified of the existence of such material on his servers and gets it removed promptly, then the police have said they will not prosecute. Thus the UK’s Hotline, the Internet Watch Foundation (IWF), performs a very important service for the Internet industry and they wholly fund its work.

Hotlines and TipLines across the world have formed an association called INHOPE: Internet Hotlines for Europe. It is funded by the EU but is open to Hotlines from any part of the globe. There are 15 members drawn from 12 countries, with more known to be forming in the coming period.

INHOPE’s current members are drawn from Australia, Austria, Denmark, France, Germany, Ireland, Netherlands, Norway, Spain, Sweden, the UK and the USA. The addresses for reporting to these hotlines are given in Appendix A.

Each of the hotlines intends to produce annual reports on the number of child pornography cases they have dealt with, but so far only three have been able to supply the author with figures. These are given below:

UK

Since the IWF was founded in late 1996:

Total Reports	22216
Total Reports actioned	5900
Total Reports Previously actioned	3306
Total Items Actioned	31846

Overwhelmingly, the material being reported and removed was child pornography and the sole criterion for an action to remove an item is “Would a UK court be likely to find this material to be illegal?”

USA

CyberTipline Weekly Activity Report #175, (July 16, 2001 - July 22, 2001):

	Weekly	Project to Date***
Type of Incident*		
Child Pornography	467	38,601
Child Prostitution	10	806
Child Sex Tourism	---	441
Child Sexual Molestation (not in the family)	11	1,931
Online Enticement of Children for Sexual Acts	24	4,128
Total # of Reports	512	45,907

*As selected by reporting person/caller when completing this form.

***Since March 9, 1998

Australia

Action in Relation to Prohibited and Potential Prohibited Content, Jan-Dec, 2000:

Classification of Content	Take-down Notice	Refer to Filters	Total
Adult themes	4	Na	4
Implied/simulated sexual activity	8	Na	8
Real depiction of actual sexual activity	16	54	70
Depiction of bestiality	2	3	5
Detailed instruction in crime	0	3	3
Exploitative/offensive depiction of a child	54	90	144
Frequent/prolonged/detailed violence cruelty	0	7	7
Offensive/abhorrent fantasies	19	45	64
Offensive/abhorrent sexual activity	2	3	5
Paedophile activity	24	24	48
Sexual violence	0	1	1
Total	129	230	359

Awareness raising and campaigning

There is a widespread feeling in many countries that elements of the Internet industry, perhaps in a mad dash for growth, have given insufficient attention to important issues of child safety on the Internet, and to educating the public as to the realities of the Internet. The Internet is presented as

smart and modern and its dark side is hushed up for fear that it will put people off joining or using it.

To counter this, community-based initiatives, especially emanating from the children's welfare organizations, have sprung up both to undertake that educational and awareness-raising role and to press the industry to do more. In particular they have developed codes of advice for parents and teachers which are designed to help children stay safe, and especially they teach them that "stranger danger" is an issue in the virtual world every bit as much as it is in the real world. An example of such a code, published by the children's organization NCH is *The NetSmart Rules*, is provided in Appendix B.³⁸

Guides to good sources of advice on how children might learn how to enjoy the Internet and use it safely have also been developed. An example is provided as Appendix C.

Another role which community organizations have taken on relates to pressing for legislative change or supporting those who are asking for changes in line with children's interests.

Within the UK, for example, this resulted in the formation of a new coalition called CHIS: Children's Charities Coalition for Internet Safety, consisting of all of the UK's major domestic professional children's welfare organizations: NCH, National Society for the Prevention of Cruelty to Children, Barnardos, ChildLine, The Children's Society, The National Children's Bureau, and The National Council for Voluntary Child Care Organizations, which has developed its own set of demands which is campaigning for both in relation to the industry, Government and other parts of the computer industry. These are provided as Appendix D.

Other community responses

Private individuals and various voluntary associations have sometimes taken it upon themselves to engage in ethical hacking or other sorts of investigations of Internet sites thought to contain child pornography. The sentiments behind such initiatives are generally extremely noble, and they were highly understandable in a time when few police personnel existed who understood enough about the Internet to make an intelligent intervention. However there are dangers, not only to the individuals concerned but also to the possibility of a prosecution finally being successfully brought against the perpetrators. Sadly it is also the case that a significant number of people who are arrested for the possession or exchange of child pornography claim that they were only doing it to collect evidence against others which they intended to hand on to the appropriate authorities at a later date. HotLines which receive frequent reports from the same individuals have to warn them that they might be breaking the law themselves.

Then there are responses such as ASACP (Adult Sites Against Child Pornography) an association of adult pornography sites on the Internet that encourage their members and others to report suspect sites. They claim to have submitted reports leading to the removal of 4,142 sites since they were formed in 1996, and to be receiving reports at the rate of 35-50 per day.

Internet industry responses

The basic position of many ISPs is very simple: they only allow people who have reached the age of legal majority to join their services. Thus, if any legal minors are using their services, it should only be because an adult has joined and then given them a sub-account. They might expect the "responsible adult" to be the child's parent, teacher or legal guardian, but few ISPs actually specify this or ask for the relationship to be declared, much less verified. Anything that happens to any user of such a sub-account e.g. a child, is therefore said to be the prime responsibility of the main account holder.

Of course, everyone would accept that all parents ought to take a great interest in what their children do in all areas of their lives, and in particular in relation to the Internet. In an ideal world,

parents would not allow their children to go online unless and until they were completely satisfied that their child knew about the hazards of the Internet and how to avoid or deal with them. But we do not live in an ideal world. Some parents may simply not have the knowledge of the hazards, or the ability to communicate the right messages to their children. Moreover the fact is that many children are far more Internet-literate and computer-literate than their parents, and the pressure to have an Internet connection is so great, for educational and other reasons, that parents feel obliged to provide an Internet connection come-what-may.

These realities are well known to the industry. Yet the author knows of no company which tests parents on their knowledge of Internet safety before agreeing to let them have accounts which they can then hand on to their children.

Educational and awareness programmes have been developed by some ISPs and other parts of the industry, often with financial and other support from Governments. Perhaps the largest public campaign ever mounted was the “America Links Up” initiative launched by former Vice President Gore.

Most responsible ISPs provide advice and guidance online, but comparatively few provide it offline. This is a shame as many parents might feel a lot more comfortable reading safety advice on old-fashioned paper. However, some ISPs provide nothing or very little advice or guidance, online or offline.

A number of ISPs provide “parental control” software which allows parents to control access to some or all parts of the Internet, and even to control the amount of time a child might spend online. This software can either be proprietary, or based on one of the many commercial products now available.³⁹ None of this software is perfect and it would be wrong if parents thought of it as being a substitute for sound advice and appropriate supervision. In a similar vein we have seen new initiatives in the field of rating and filtering. The Internet Content Rating Association has recently launched its new global system, which replaces the old RSACi system and broadens its cultural base. However its major problem remains that relatively few sites have bothered to rate with it: less than 200,000, although this may change dramatically when it embarks on a major advertising campaign towards the end of 2001 and into 2002.

More recently we have also seen the development of so-called “walled gardens”. These tend to be commercial services which provide access only to a part of the Internet and which limit the interactivity to participants whose identities are properly established i.e. where the temptation to abuse the cloak of apparent anonymity has been removed.

ISPs themselves, generally through their national trade associations, have also developed their own Codes of Practice⁴⁰. These will stipulate basic standards, generally only reinforcing national laws, but rarely will they go beyond that to establish detailed common approaches or policies.

Governmental and inter-governmental approaches

The primary international vehicle which is aiming to tackle these issues is the G8 machinery which has established a senior experts’ group to tackle transnational organized crime, including Internet-based computer crime (the so-called Lyon Group). Dealing with child pornography on the Internet is one of their top priorities, but it is thought that the volume of it is such, there is a very strong likelihood that the pursuit of collectors and distributors of child pornography will become of secondary importance or only relevant if it leads or points directly towards current active sexual abuse.

Within the G8 machinery the Lyon Group have been trying to coordinate common protocols and procedures for, for example, retrieving and storing evidence, responding to requests for information and all the other important minutiae of a criminal investigation. The essential idea is that if agreements can be hammered out within and between G8 members it will be possible to extend the circle of inclusion to the law enforcement agencies of other countries.

One of the acknowledged difficulties in this area is that, due to the uneven rate of take up of the Internet between different member states, everyone does not recognise or accept that tackling these kinds of crimes has the same priority. As this changes, so a greater sense of urgency will creep in, but, by then, the overall situation may make it that much harder to resolve.

Several countries have been prompted by the emergence of child pornography on the Internet to re-examine their existing laws. Finland, Japan, Italy, Canada, UK, and the USA fall into this category, and other regimes have sought to control Internet access within their countries and have used a desire to keep such material at bay as part of their justification for doing so.

The European Union is providing very substantial funds for research into Internet policy questions and for the development of new resources to address the new issues it is raising. One particular project which ought to be specifically mentioned in this context is called ONCE (Online Children's Education) which will involve working with Internet-smart children to develop online training materials on Internet safety which will appeal to other children. This involves collaboration between projects in the UK, Eire, Belgium and Greece.

The EU's investment in these areas takes place against a background of activity across a broad range of headings and described in general terms in the Action Plan for the Safe Use of the Internet. Currently the EU is funding the following projects under three headings:

- Hotlines: 6 projects, involving 13 partners in 11 countries
- Filtering and rating: 5 projects, involving 23 partners in 9 countries
- Awareness: 9 projects, involving 49 partners in 15 countries

One of the above projects, called .Safe, is thought to be the largest multinational project which the EU has ever supported, involving participants in the 15 Member States and partners in 8 other countries.

Within the USA Congress now seems to be permanently considering one or other new Internet initiative, but regrettably it seems as if almost every single piece of legislation which emerges will be challenged by the American Civil Liberties Union or one of their associated cyber liberties or civil rights organizations. They seem to see such legislation as being actual or potential assaults on free speech. There is or ought to be no conflict whatsoever between a proper regard for free speech and a desire to rid the Internet and the real world of child pornography.

Part 6: Conclusions

Progress since Stockholm

Stockholm prompted a wave of major actions against child pornography across the world at national, regional and international levels.

The global conference in Vienna in 1999 gave a particular impetus to the fight against online child pornography⁴¹. UNESCO also convened a major conference in Paris. At an international level since Stockholm we have seen the emergence of the G8 cyber crime machinery. Europol has become operational in these areas, and the International Labour Organization, Council of Europe and European Union have promulgated further legal instruments that consolidate and develop the Stockholm processes.

The period since the Stockholm Congress has coincided with a major increase in the availability of child pornography but this is in very large measure due to the contemporaneous emergence of the Internet as the dominant global channel for its acquisition and distribution. The development of the Internet as a mass medium was in its very early days when the Stockholm Congress took place.

Yokohama is a major opportunity

Operation Cathedral and the break up of *The Wonderland Club* were both a tribute to what can be achieved when nations work together, and a salutary reminder of how much more needs to be done. Yokohama, therefore, gives the world community a much needed opportunity to assess where we are now, but perhaps more importantly it also provides a global platform from which civilized society can rededicate itself to ending the cancer of child pornography and the sexual abuse of children on which it is based.

Recommendations

- A determined effort must be made to harmonise national and international laws and definitions of child pornography.
- In those states where pornography is legal, the age at which a person may lawfully agree to participate should equate to the age of majority, and not be determined by a lower age of consent to sexual activity.
- It is vital to develop expertise and resources within national law enforcement agencies to ensure they have the right personnel and technology to allow them not only to act against child pornographers in their own countries, but also to participate in international actions against them.
- A determined effort is needed to standardise law enforcement procedures and protocols relating to child pornography, to establish common databases and closer working relationships between law enforcement agencies on both a multilateral and a bilateral basis.
- It is vital that members of the judiciary gain a good understanding of the new technologies and the crimes they are facilitating and that sentencing policy reflects civilized society's abhorrence of child pornography offences.
 - Particular attention needs to be given to assisting those states where child prostitution and child sex tourism are already prevalent as they are becoming major sources of much of the new child pornographic material coming on to the global market.
 - As child sex abusers make more use of encryption technologies to hide the evidence of their activities, so law enforcement agencies need to find more and better proactive methods of apprehending them.

- The high-tech industries need to step up their efforts to assist the legitimate needs of law enforcement to prevent criminal abuse of the new technologies.
- Software developers have a particular responsibility to develop technologies which can locate child pornographic images on the Internet more swiftly, and allow for their rapid identification and removal.
- More needs to be done to tackle the abuse of anonymity on the Internet.
- More HotLines are needed to assist with the reporting and removal of child pornography.
- Codes of Practice have an important part to play in setting out the minimum standards the Internet industry will follow. However, it is important to stress that these minimum standards should not also become maximum standards.
- Industry and government need to ensure that there is adequate provision of stronger, clearer and effective online and offline advice and support both for parents, other carers and children on how to stay safe online and in particular how to avoid becoming ensnared by a child abuser or child pornographer online. Community-based organizations have an important role to play both in formulating and delivering these messages to the different audiences.
- At a political level, it is essential to confront and confound any argument which seeks to link the protection of children with attacks on free speech

Appendix A: Hotlines⁴²

Internet HotLine Providers in Europe Association Members' Directory

Established HotLines with addresses for making reports:

Country	Organization	Web Address
Australia	ABA	www.aba.gov.au
Austria	Stopleveline	www.stopleveline.at
Denmark	Red Barnet	www.redbarnet.dk
France	AFA	www.afapc.org
France	AFA	www.pointdecontact.org
Germany	Electronic Commerce Forum	www.eco.de
Germany	FSM	www.fsm.de
Germany	Jugendschutz	www.jugendschutz.de
Ireland	ISPAI	www.hotline.ie
Netherlands	Meldpunt	www.meldpunt.org
Norway	Save the Children	www.reddbarna.no
Spain	ACPI	www.asociacion-acpi.org
Sweden	Radda Barnen	www.rb.se/hotline
UK	IWF	www.iwf.org.uk
USA	Cybertipline (NCMEC)	www.ncmec.org

When you make a report the hotline will generally need the following information from you:

A brief description of what you have seen on the Internet that you considered to be illegal

Details of the location where you found it: for the World Wide Web this will consist of the <http://> location. For Newsgroups it will consist of

- the name of the newsgroup
- the title of the article
- the sender of the article
- the date of the article
- the name of your Internet Service Provider

If you want to know what has happened to your report, you will also have to tell us how to contact you.

Appendix B: The NCH NetSmart Rules To Help Parents Teach Their Children

Never tell anyone you meet on the Internet your home address, your telephone number or your school's name, unless your parent or carer specifically gives you permission.

Never send anyone your picture, credit card or bank details, or anything else, without first checking with your parent or carer.

Never give your password to anyone, even a best friend.

Never arrange to meet anyone in person without first agreeing it with your parent or carer, and get them to come along to the first meeting, which should always be in a public place and you should always tell someone else where you are going and why.

Never hang around in a Chat Room or in a conference if someone says or writes something which makes you feel uncomfortable or worried, and remember, it is not your fault, so always report anything like that to your parent or carer.

Never respond to nasty, suggestive or rude emails or postings in Usenet Groups.

Never open attachments to emails that come from people or sources you do not already know and trust. Delete the attachments immediately. They could contain viruses or other programmes which could completely destroy all the information and software on your computer.

Always tell your parent or carer if you see bad language or distasteful pictures while you are online.

Always be yourself and do not pretend to be anyone or anything you are not.

Always remember that if a site is described as being for adults only, or as being only for people of a certain age, you should respect that and stay out if you do not meet their criteria.

Always remember, if someone makes you an offer that seems too good to be true, it probably is.

If you ever find any material or activity on the Internet you believe is illegal, always report it. In the UK this should be to the IWF.

Appendix C

Some Very Useful Websites

Kids' sites

<http://www.kidsdomain.co.uk>

<http://www.bbc.co.uk/cbbc>

<http://www.beritsbest.com>

<http://www.ala.org>

Educational

<http://www.freecampus.co.uk>

<http://safety.ngfl.gov.uk>

<http://www.bbc.co.uk/education/home>

<http://www.yahooligans.com>

<http://www.becta.org.uk>

<http://www.24hourmuseum.org.uk>

<http://www.worldwildlife.org/fun>

Internet safety generally

<http://www.nch.org.uk>

<http://www.getnetwise.org>

<http://www.bbc.co.uk/webwise/basics>

<http://www.disney.co.uk/DisneyOnline/Safesurfing/index.html>

Information for Parents

<http://www.nch.org.uk>

<http://www.pin.org.uk>

<http://www.netparents.org>

Consumer advice and information

<http://www.net-consumers.org>

<http://www.tradingstandards.gov.uk>

<http://www.which.net>

<http://www.ofc.gov.uk>

Search engines

http://www.searchenginewatch.com/links/Major_Search_Engines

Search engines specially for children

http://www.searchenginewatch.com/links/Kids_Search_Engines

<http://www.yahooligans.com>

<http://sunsite.berkeley.edu/kidsclick>

Chat

<http://www.chatdanger.com>

Reporting bad stuff

<http://www.iwf.org.uk>

Filtering and blocking and parental control software

<http://www.getnetwise.org>

For information about a free service which is built-in to your web browser

<http://www.icra.org>

Appendix D: Objectives of Campaign for Internet Safety For Children

Government

- A new and wholly independent body is required which draws together representatives of children's organizations, consumer groups and other categories of Internet users, together with representatives of all parts of the Internet industry, Members of Parliament and the Government, to lead an informed public debate on public policy towards the Internet.
- Ensure that clear, mandatory and comprehensive guidelines are issued governing the safe use of the Internet within schools.
- Bring forward measures to Parliament to clarify and update existing laws to take account of the new possibilities created by the Internet e.g. in relation to luring children and in relation to the use of entrapment.

Government and ISPs

- Internet Service Providers (ISPs) should be required to ensure that any staff employed to moderate children's chat or other child-oriented Internet services have been appropriately trained and police-checked⁴³.

ISPs

- Internet Service Providers (ISPs) that allow children onto their networks at all should have safety messages prominently displayed on their home page with a quick link that takes you straight to them on most if not all other pages.
- ISPs that allow children on to their networks at all should prominently advertise the availability of child-friendly search engines.
- Every ISP should bar all access to telephone lines which have blocked Caller Line Identification.
- ISPs should develop chat-free services

ISPs and Other Chat Providers

- ISPs that allow children on to their networks at all and give access to Internet Chat Rooms or other chat channels should also provide and promote the availability of moderated chat aimed specially at children. Chat safety messages should be prominently displayed close to chat areas and mechanisms should exist which would allow suspicious behaviour towards children to be reported and dealt with rapidly.
- Current ISP procedures should be reviewed to include wherever possible the recording and storing of chat room conversations, as is already the practice with premium rate telephone services, linked to the given identities of the participants.

ISPs and Other Internet Based Services

- Minimum standards should be established governing sign up procedures for new Internet accounts and greater efforts should be made to verify both the age and the true identity of account holders.
- Newsgroups containing child pornography on a regular basis should be blocked and Chat Rooms which appeal to or encourage paedophile behaviour should be barred.
- Activities across the site as a whole should be kept under constant review so as to eliminate or reduce any and all hazards to children. In particular links which allow easy exits from children's areas to adult areas, or which provide an interface between them, should be closely scrutinised to determine whether they create an unacceptably high risk that children might be encouraged or enticed to move from one area to the other, or that sexual predators could locate children more easily.

Retailers and hardware manufacturers

- Any computers sold into the domestic market should have child safety software
- pre-installed and set by default to a high level of security.
- All computers sold into the domestic market should be accompanied by a document written in accessible language which explains the basics of online safety for children.

Software houses

- More research and development is needed to provide better, more robust and easier to use labelling, filtering and blocking software and other programmes which will allow parents and others with responsibility for children to provide a safe Internet environment which accords with their own values.

Internet publishers

- All material published on the Internet should, as a minimum, be rated using the Internet Content Rating Association⁴⁴ system but we would also encourage publishers to utilise other systems.

Appendix E: Combating child pornography on the Internet

Vienna Commitment against Child Pornography on the Internet
Conclusions and recommendations of the international conference
"Combating Child Pornography on the Internet",
29 September to 1 October 1999, Hofburg, Vienna

For full text see www.stop-childpornog.at

Major overarching conclusions

The major, overarching conclusions addressed the following issues

- Zero tolerance against child pornography on the Internet
- The need for a global partnership among all actors and stake holders
- Worldwide criminalisation of child pornography
- Strengthening law enforcement at national level and improving international cooperation among law enforcement agencies
- Closer cooperation and partnership between governments and the Internet industry
- The critical role of Hotlines or Tiplines
- Training and capacity building
- Raising awareness and empowerment of users

Appendix F: The 49 countries with identified members of the Wonderland Club

Countries who participated in Operation Cathedral:

Australia	Italy
Austria	Norway
Belgium	Portugal
England & Wales	Scotland
Finland	Sweden
France	USA
Germany	The Netherlands acted later

Canada was invited to participate with the above but declined to do so.

Countries identified as having members of Wonderland but who were not involved in Operation Cathedral:

Argentina	Israel
Brazil	Japan
Canada	Korea
Chile	Macau
Croatia	Malaysia
Cyprus	Malta
Czech Republic	Peru
Denmark	Philippines
Dominican Republic	Poland
Eire	Russia
Egypt	Singapore
Greece	Slovenia
New Zealand	South Africa
Oman	Spain
Pakistan	Switzerland
Honduras	Turkey
India	Ukraine
Indonesia	

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- 1 Margaret Healy, *Child pornography: an international perspective*, Executive Summary, Page 1
- 2 *ibid*
- 3 E.g. CRC, Agenda for Action of the first World Congress against Commercial Sexual Exploitation of Children, and Council of Europe Draft Convention on Cyber Crime
- 4 The Protection Project, John Hopkins University, www.sais-jhu.edu/protection project report on the Commercial Sexual Exploitation of Women and Children.
- 5 The Council of Europe's draft convention states that, for the purposes of child pornography: *the term "minor" shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years.*
- 6 For example texts which describe or discuss child pornographic themes are not illegal in the UK and there is a presumption that any drawing or painting having some artistic merit will also be exempt.
- 7 See below, page 15 for further discussion of this point
- 8 [www.interpol.int/Public/ Children/ SexualAbuse/Default.asp](http://www.interpol.int/Public/Children/SexualAbuse/Default.asp)
- 9 The age of consent to participate in child pornography is higher than the age of consent for sexual activity in Denmark, Greece, Italy, Luxembourg, Spain and Sweden and it is being considered in the UK. In all cases the age of consent for pornography is 18, the same as the age of majority.
- 10 See below, page 22
- 11 See below, p15 for a discussion of pseudo-pornography and “morphing”.
- 12 Jane Warburton, *Prevention, Protection and Recovery of Children from Commercial Sexual Exploitation*, 2nd World Congress against the Commercial Sexual Exploitation of Children, Yokohama, 2001
- 13 *Child Sexual Abuse, Informing Practice From Research*, Jones and Ramchandani, UK Department of Health, 1999
- 14 *ibid*
- 15 Incardi, 1985 and Silbert and Pines, 1989, cited in *Rhetoric and Realities*, Liz Kelly, University of North London, 1999.
- 16 See below page 20.
- 17 See below page 22.
- 18 Sir William Utting, para 9.18, “People Like Us”, *The Report of The Review Of The Safeguards For Children Living Away From Home*, UK Department of Health, 1997.
- 19 Provided to the author by Inspector Ray Smith.
- 20 Utting, *op. cit.* para 9.18
- 21 O'Connell, “Untangling the complexities of combating paedophile activities in cyberspace”, University of Central Lancashire, Cyberspace Research Unit, 2000.
- 22 See the Annual Threat Assessment by the Director of the UK's National Criminal Intelligence Service, published August, 2001, especially para 3.144 onwards.
- 23 Utting, para. 9.20, *op.cit.*, No sources are given for these figures so their provenance is uncertain. However a report made by the Permanent Sub-Committee on Investigations, US Senate, 99th Congress, 2nd Session (1986) also noted “The US market for child pornography is widely thought to be the most lucrative in the world.”
- 24 Utting, *op. cit.*, para 9.20
- 25 Kelly, *op. cit.*
- 26 “The needs of children in Goa: Towards building an adequate response”, Panjim: INSAF, 1995
- 27 Report from ECPAT India

28 The Protection Project, John Hopkins University, www.sais-jhu.edu/protectionproject
29 Some NGOs put the figure at 800,000.
30 Utting, *op.cit.*
31 Pew Internet and American Life Survey, April, 2001
32 www.nua.ie
33 COPINE study, University of Cork, *op.cit.*
34 The author is Board member of the IWF. This analysis was completed as his request on 23/7/2001.
35 Copine Project, University of Cork, *op.cit.*
36 Data provided to the author by Inspector Ray Smith
37 Rhetoric and Realities, Dr Liz Kelly, University of North London, 1999.
38 See www.nch.org.uk/internet
39 For a comprehensive list see www.getnetwise.org
40 An example may be found at www.ispa.org.uk/html/code_of_practice.htm
41 For an outline of the main conclusions see Appendix E
42 See www.inhope.org/english/about/members.htm
43 This demand may require a change in the law.
44 See www.icra.org