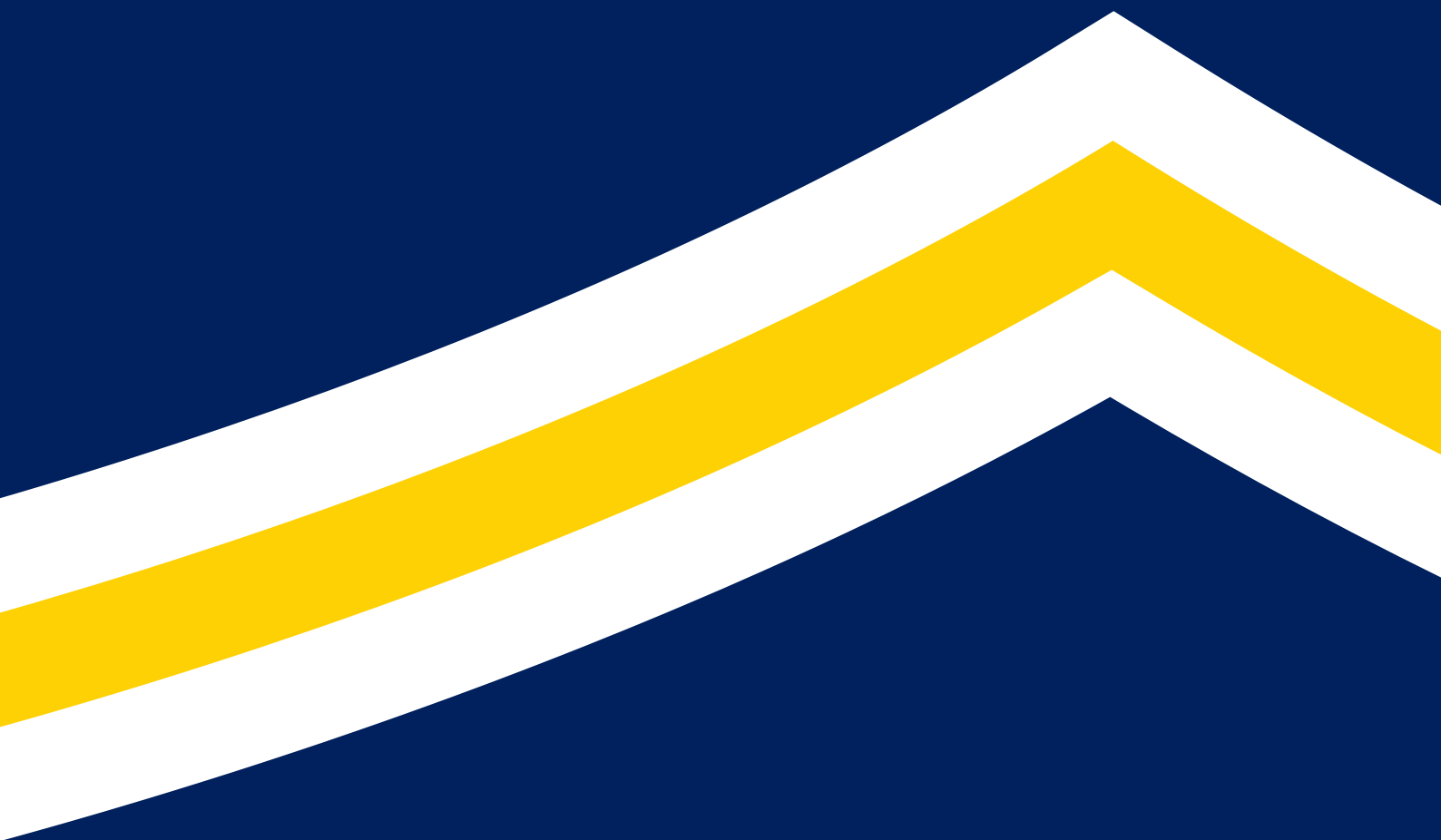


CHILD SEXUAL EXPLOITATION

FACT SHEET 2011



INTRODUCTION

‘Child sexual exploitation’ refers to the sexual abuse of a human being below the age of 18. Among other things, it includes the production of child abuse images and online dissemination as particularly serious forms of crime committed against children.

The distribution of images depicting the sexual exploitation of children is mainly facilitated by improper use of the Internet, as the apparent anonymity offered by this means of communication makes it difficult to successfully locate and identify the offenders and to save child victims from further exploitation.

It must be emphasised that the discovery of illegal material is only the beginning, of an investigation into the actual sexual exploitation (e.g. rape, sexual assault) of a child; there is a clear distinction between specific legislation on the offences related to the production, distribution/sale and possession of child sexual exploitation material and specific legislation on the sexual offences committed against children.

While there is no doubt that sexual abuse and exploitation of children is a serious problem, there is a lack of accurate and reliable statistics on the nature of the phenomenon and the numbers of children involved, mainly due to differences in national definitions of different child sexual abuse and exploitation offences.

In 2010, the European Commission adopted a proposal for a new Directive on combating sexual abuse, the sexual exploitation of children and child pornography, following up on a previous proposal tabled in 2009, with the aim of replacing the *Framework Decision 2004/68/JHA*. The new Directive, if approved, will follow the Lanzarote (Spain), October 2007¹ Council of Europe “*Convention on the Protection*

¹ Council of Europe – European Treaty Series – No 201: Of the **47** CoE Member States, **8** have not yet signed it and only Denmark, The Netherlands, San Marino, Albania, Greece and Serbia have ratified it. The Convention has entered into force (situation on 02/08/2010 – source: Council of Europe – Treaty Office <http://conventions.coe.int>).

of Children against Sexual Exploitation and Sexual Abuse" and is going to cover actions on the following different aspects:

- **Criminal law:** criminalisation of serious forms of child sexual abuse and exploitation currently not covered by EU legislation, with **Articles 3 and 4** aiming at punishing the intentional conduct of recruiting or coercing a child into prostitution or into pornographic performances or profiting from or otherwise exploiting a child for such purposes, and establishing provisions that punish all the offences related to child pornography which already fall under the Europol mandate as listed in the Council Decision establishing the Europol Police Office, applicable from 1 January 2010.
- **Developments in the IT environment:** new forms of sexual abuse and exploitation facilitated by the use of the Internet would be criminalised (e.g. grooming or viewing child abusive material (CAM) without downloading the files).
- **Criminal investigation and initiation of proceedings:** a number of provisions would be introduced to assist with investigating offences and the bringing about of charges, in the absence of reporting by the child victim.
- **Offences committed abroad:** rules on jurisdiction would be amended to ensure that child sexual abusers or exploiters from the EU face prosecution, including if they commit their crimes in a non-EU country.
- **Protection of victims:** new provisions would ensure that abused children have easy access to legal remedies and do not suffer as a result of participating in criminal proceedings.
- **Prevention of offences:** special programmes should be accessible for offenders to prevent them from committing new offences. National mechanisms to block access to websites with child pornography, which are most often located outside the EU, should be put in place under the supervision of judicial services or the police.

CHILD SEXUAL EXPLOITATION & THE INTERNET

The Internet as a mass medium is extensively used in connection with sexual material; it is used for the sale and purchase of adult pornographic material and

sexual devices, for advertising contacts for explicit sexual purposes, and to distribute child sexual exploitation content, providing a platform for online grooming of innocent children with the abusive material reaching the Internet, constituting a permanent re-victimisation of the depicted child.

The first international common commitment to tackle the distribution of child sexual exploitation material on the Internet was expressed at the International Conference on “Combating Child Pornography on the Internet”, held in Vienna in 1999, where it was stated that, *“Child Pornography on the Internet is a growing problem, and as more of the world comes online, it will continue to grow in the future since it does not know or respect borders”*.

Several European and worldwide operations have resulted in the identification of thousands of suspects in relation to offences committed against children, with numbers apparently growing over the years, confirming the development of the issue. A great leap forward is now needed in order to fight the producers and the people who profit from this serious crime.

Fighting child sexual exploitation, including the proliferation of child sexual exploitation material on the Internet, is a constant challenge for law enforcement, due to technological innovations which provide easier and faster access to the material to the offenders, while apparently allowing greater anonymity. It is argued that this development has created a wider market and demand for such illegal material which has inevitably led to an increase in child sexual exploitation.

It is clear, though, that an effective partnership approach is required between law enforcement agencies, judicial authorities, the ICT industry, Internet Service Providers (ISPs), the banking sector and non-governmental organizations. The contribution provided by officially recognised hotlines, which receive Internet-related child sexual exploitation information, should also be acknowledged.

In most Member States, the need to establish close co-operation between law enforcement and ISPs has been identified, both for crime prevention and

investigation. ISPs can assist by providing data that can be used in the identification and prosecution of offenders and also by adopting procedures and codes of conduct that can limit the exploitation of the Internet by child sex offenders. Several Member States have built up specialised units for combating child sexual exploitation on the Internet, as dealing with this topic requires specialised knowledge and expertise.

TRENDS

The following trends, consolidating 2010 ones, are in evidence at this present time:

- The involvement of worldwide criminal networks in offering pay-per-view websites is apparently decreasing, as a result of major international law enforcement efforts, even though commercial distribution of child abuse material on the Internet is still ongoing;
- Criminals are now focusing on hidden channels where private access is granted only to 'selected' surfers. The selection is performed by the channel's owner or managers based on the amount and kind/quality of images that can be shared and even based on respect and trust;
- Child sex offenders and their networks make more and more use of sophisticated software in order to try to protect their anonymity, to make use of online storage and to use advanced encryption techniques to counteract digital forensic examination by police;
- Child sex offenders are travelling to specific countries where children are offered by their families or others acting as facilitators in order to be sexually exploited and to produce illegal material that is distributed through the Internet;
- Sometimes, illegal material is self-produced by teenagers or children who underestimate the risks of distributing their images or movie files;
- In some other cases, children are persuaded or coerced into producing the material by child sex predators through online grooming;
- Online grooming and the solicitation of sexual messages through mobile phones and multimedia devices ('sexting') are dangerous realities which need constant attention from a responsible society.

CORE ISSUES

In order to tackle these specific forms of crime in the most effective way, serious consideration should be given to:

- Enhancing awareness and providing appropriate tools, equipment and human resources to carry out investigations;
- Reducing any duplication of efforts in activities by consulting international police cooperation agencies and spreading knowledge and proposals;
- Developing closer operational co-ordination of ongoing investigations at national, European and worldwide levels;
- Enhancing close co-operation with Internet Service Providers and the Internet private sector;
- Enhancing close co-operation with non-governmental organisations.

EUROPOL CORE ACTIVITIES

Europol, in close co-operation with the Member States, aims to:

- Identify perpetrators and establish cross-links within the participating Member States;
- Identify cross-border *modus operandi* and shed light on the methods of communication of criminal networks, with a view to dismantling those networks;
- Identify the victims, with a view to stopping potentially ongoing exploitation and to make it possible to initiate care measures by the competent authorities;
- Co-operate on an operational level via the Europol Liaison Officers (ELO) network, as well as providing strategic and operational analytical support;
- Conduct expert meetings (both operational and strategic) with the aim of exchanging information on ongoing investigations and enhancing mutual co-operation between law enforcement bodies and other competent authorities, by updating the Member States experts about relevant cases, *modus operandi*, etc.;

- Participate and contribute to several initiatives, e.g. awareness meetings, projects on the implementation of new legislative instruments and training sessions organised by international organisations;
- Support international projects:

The **CIRCAMP** - COSPOL Internet Related Child Abuse Material Project - was launched in 2004 by the European Police Chiefs Task Force under the Comprehensive Operational Strategic Planning for the Police (COSPOL) mandate to fight the use of the Internet for the distribution of child abusive material². The project was successful in implementing the Child Sexual Abuse Anti Distribution Filter and disseminating it widely. At the same time, the project members identified new challenges that required a more operational approach and this has led to a new proposal, which is entirely needs-driven. The operational activities will be effective if carried out at a national level and there is a requirement for a European or, even, an international approach, including the involvement of Europol and Interpol. The intelligence generated by the above investigations is to be contributed to Europol for analysis and dissemination of the relevant intelligence packages to the involved countries. Such activity requires stronger support to be provided by AWF Twins to CIRCAMP in order to coordinate the collective actions undertaken by the participating countries and to identify international cross-links.

Europol has supported CIRCAMP since its launch in 2004.

The **European Financial Coalition** aims to disrupt the commercial gain behind child sexual abuse images. The major financial, Internet and technology corporations have joined forces with international police agencies, the EU Commission and specialist child protection NGOs to track, disrupt and confiscate commercial gains made by those who profit from the distribution of indecent images.

Europol fully supported the European Financial Coalition phase one from its launch in March 2009, participating in and providing expertise to the Steering Group, the Law Enforcement Cooperation Working Group and the Legal Working Group.

Europol is now leading the project's phase two and is currently awaiting the launch of a funding application procedure by the EU Commission: if successful, the funds will then be administered by Missing Children Europe (MCE) which will establish a fully functioning EFC secretariat in Brussels, Belgium.

² This issue, by nature, is cross-border and requires joint effort and actions of national law enforcement agencies. From 2008 till 2010, the CIRCAMP network was funded under the DG INFSO SIP programme.

Europol and MCE will then deliver a wide policing response supported by the Italian National Police, VISA Europe, MasterCard, Microsoft, PayPal and founding members of the coalition, joined by the International Center for Missing and Exploited Children (ICMEC) and the International Association of Internet Hotlines (INHOPE).

Europol joined the **Virtual Global Taskforce** (VGT) in April 2011. The VGT is not a legal entity, but rather a “strategic alliance” between law enforcement agencies to combat the sexual exploitation of children on the Internet.

It was created by LEAs of the United Kingdom, Italy, Canada, Australia and the United States, along with Interpol, all of which Europol may share information with, and in the meantime New Zealand and Abu Dhabi Police have also joined. The VGT shares information and intelligence to run joint international law enforcement operations. By joining the VGT, Europol has made a commitment to co-operate with other VGT countries across international borders to tackle online child sexual exploitation crimes on a global scale.

The core activity of Europol is to support the Member States in their actions to prevent and combat serious and organised crime, with the Analytical Work File (AWF) being one of the means of providing support to the Member States. AWF Twins was opened in 2001 to support the participating Member States in preventing and combating the activities of criminal networks involved in the production, sale or distribution of child sexual abuse material, and the associated forms of crime within Europol’s mandate. This activity, due to its great success, will continue.

The AWF is currently supporting several investigations, but due to their ongoing status, no details can be disclosed. However, regarding a previous operation, Operation “**Venice Carnival**”, information was released via a press conference held at Europol in early January. This operation concerned malware that caused internet surfers to be redirected to child abuse images websites while surfing legitimate web pages. In 2009, the Italian Postal and Communications Police, supported by Europol, had uncovered a criminal group who installed malicious software on the unprotected web servers of businesses. This malicious software was being used by a criminal group to hijack web servers and automatically redirect innocent Internet users to illicit websites that were hosting child abuse material. The Italian Police

provided intelligence on the infected websites identified and this was disseminated by Europol to all EU law enforcement agencies, plus countries and agencies with which Europol co-operates. Further investigations, conducted at national and international level, showed that the legitimate owners of the affected web servers were unaware of the problem and were not actively involved in the criminal activity. Studies confirmed that their servers became infected due to a lack of Internet security. The criminal group responsible for the malware, apparently originating from Eastern Europe, had associates throughout the world, and it is thought that they produced their own child abuse material which was then commercially distributed through secure and anonymous websites.

The Italian Postal and Communications Police, working with Europol, developed strategies to follow the money trail and discover the customers and end users of the illegal material. As a result of this operation, more than 1000 web servers worldwide have been 'cleaned' in conjunction with the servers' owners, therefore greatly reducing the opportunity for EU citizens to discover such illegal resources on the web. A complex investigation is still ongoing to identify the producers and connected criminals within the framework of a multi stakeholder approach to these cases which also involves Eurojust.

Further developments will be disclosed later in 2011.

A press conference on Operation '**Rescue**' was held in The Hague in March 2011. This case focused on an online forum of paedophiles with a specific preference for male children or young boys. With the leading support of Europol, **670 suspects have been identified** across the world, **184 arrests made** and **230 children safeguarded**. The number of victims safeguarded is the highest ever achieved in this type of investigation.

These spectacular operational results were the work of effective police cooperation across many countries. Instrumental to the success was the unique role played by Europol in identifying the members of the child sex abuse network and facilitating operational action by police authorities in multiple jurisdictions. In particular, it was

the work of Europol analysts in cracking the security features of a key computer server at the centre of the network which uncovered the identity and activity of the suspected child sex offenders. Europol subsequently issued over 4000 intelligence reports to police authorities in more than 30 countries in Europe and further afield, which led to the arrests of suspects and the safeguarding of children. Countries involved were: Australia, Belgium, Canada, Greece, Iceland, Italy, the Netherlands, New Zealand, Poland, Romania, Spain, United Kingdom and the United States. Some other countries, although not listed, still have investigations ongoing in which suspects have been identified.

The website has now been taken down. It attempted to operate as a 'discussion-only' forum where people could share their sexual interest in young boys without committing any specific offences, thus operating 'below the radar' of police attention. Having made contact on the site, some members would move to more private channels, such as email, to exchange and share illegal images and films of children being abused. In January 2010, a copy of the seized site's server was received by Europol, and the Australian and UK police. Working with Zaanstreek–Waterland Police in the Netherlands, Europol rebuilt the forum offline and forensically interrogated the server to produce intelligence analysis which was disseminated globally to law enforcement authorities. So far, Europol has distributed 4202 operational intelligence reports to 25 EU Member States and 8 other countries. Having identified at least 670 suspected offenders, international law enforcement authorities continue to work with forces which are actively pursuing the intelligence arising from Operation Rescue.

To date, the work of AWF Twins has led to the identification of around **1600 suspects** belonging to different criminal networks involved in offences related to the distribution of child sexual exploitation material on the Internet, and support has been given to **23 international operations**, as at the end of 2009.

TRAVELLING SEX OFFENDERS-PROJECT HAVEN

In addition to the work conducted by the Analytical Work File "Twins" (AWF01-004), other aspects connected to the sexual exploitation of children, are also being addressed. With Project **HAVEN** "Halting Europeans Abusing Victims in Every Nation" that was launched in November 2010, Europol aims to detect and disrupt travelling sex offenders originating from the EU that exploit children both inside and outside Europe.

In March 2011, the first Project HAVEN Joint Action day was organized. This European operation was planned and executed by Europol in joint cooperation with national police, customs and border authorities at the main airports in Germany, the Netherlands and Sweden.

The authorities targeted persons primarily arriving from destinations known for 'child sex tourism' - countries and cities to which European paedophiles travel to engage in child sexual exploitation. The authorities checked and profiled returning passengers and conducted interviews while several EU Member States assisted with information exchange, and prepared and carried out checks on passengers in transit from selected flights to other EU countries.

The results are yet to be evaluated and further actions planned in line with the objectives of the project, which is ultimately to establish a permanent and proactive notification system on European travelling sex offenders.

TRAINING COURSE

The annual Europol training course, "**Combating the Sexual Exploitation of Children on the Internet**", for law enforcement officers and the judiciary has the aim of developing and increasing their knowledge and expertise with a view to combating and dismantling child sex offender networks, together with the aim of saving the children involved. This hands-on training also aims to build fundamental skills on investigating child exploitation on the Internet and to bring law enforcement investigation standards together, as well as to disseminate the latest investigation techniques and methods and to promote the sharing of mutual experience.

Opening the course up to members of the judiciary, such as prosecutors and judges, contributes to a better understanding of the crime area, the investigation methods used and the possible constraints that investigators are confronted with. As at October 2010, after the 11th training course took place, around 490 law enforcement officers and 45 members of the judiciary from the EU and countries from all over the world had attended.

EUROPOL REPORTS

Scan Notices, for law enforcement use only, are produced on an ad-hoc basis, with the purpose of raising awareness and to inform Europol's partners that are engaged in combating and preventing the sexual exploitation of children about issues that may have an impact on law enforcement agencies operating within the EU and elsewhere. Among other things, these intelligence notices allow external authors to provide contributions that are included in the report in order to share knowledge and best practice within the law enforcement community.

RELEVANT LEGISLATION

EU legislation

- Decision N° 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a Multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks (OJ L 33 of 6.2.1999)
- Council Decision N° **2000/375/JHA** of 29 May 2000 to combat child pornography on the Internet (OJ L 138 of 9.6.2000)
- Council Framework Decision **2004/68/JHA** of 22 December 2003 on combating the sexual exploitation of children and child pornography, OJ L 13 of 20.1.2004; currently the only EU legislation in force on the subject of sexual exploitation of children.
- Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA. This is the proposed new legislation which is being discussed both in the Council of Ministers and in the European Parliament. See in particular Article 3, Article 14 on "investigation and prosecution" and Article 21 on "Blocking access to websites containing child pornography" which is the object of major controversy in the European Parliament.

Council of Europe Conventions

- 2001 Budapest Convention on Cybercrime (CETS N° 185) (see Article 9, paragraph 2 (a) on child pornography). Entered into force in 2004. In force in the following EU countries: Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Netherlands, Portugal, Romania, Slovakia, Slovenia and Spain. It is also in effect in the Ukraine and in the US.
- 2007 Lanzarote Convention on the protection of children against sexual exploitation and sexual abuse (CETS N° 201) (see Article 20 regarding child pornography and Article 23 on grooming). Entered into force on 1.7.2010. In force in the following EU countries: Denmark, Greece and the Netherlands.

UN Conventions

- 1989 UN Convention on the Rights of the Child, entered into force on 2 September 1990 (see Article 34c) on the exploitative use of children in pornographic performances and materials). Ratified by all EU Member States. Not ratified by the US.
- 2000 Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography (see Article 2 c) defining child pornography). Not ratified by the following EU Member States: the Czech Republic, Finland, Ireland, Luxembourg and Malta.

Related legislation

- The EU legislation on trafficking also includes trafficking in relation to sexual exploitation. The currently applicable legislation is contained in Framework Decision 2002/629/JHA which is now the object of a proposal for a directive on preventing and combating trafficking in human beings and protecting victims repealing Framework Decision 2002/629/JHA (see Article 2 (3) and (5) with regard to child trafficking for sexual exploitation).
- The International Labour Organisation Convention N° 182 concerning the Prohibition and immediate Action for the elimination of the Worst Forms of Child Labour also refers to child prostitution and child pornography (Article 3 b).

A comprehensive study on EU member countries' legislation and substantial and procedural law related issues is currently being developed by Europol and will be released in the near future.