



Child Sexual Abuse Material and the Internet (part 2):

Challenges for the Law Enforcement Agencies

Child sexual abuse material (CSAM) distribution on the Internet is overwhelming law enforcement worldwide: once an image is uploaded, it passes from hand to hand, is distributed in thousands of copies and will never be completely removed from circulation. CSAM from the 1970s and 1980s is still being distributed and exchanged, even the published CSAM from the 1960s, also known as *pedophile press*¹, has been scanned and distributed online, not to mention all the material produced since digital cameras and smartphones became widely available. The number of unique CSAM in existence can only grow.

This is the second part of an analysis which examines the interaction between CSAM and the Internet. The first part investigated the influence that new technologies have on the CSAM phenomenon and the profiles of CSAM offenders. This part delves into the extent of the problem, the difficulties to measure it, the challenges that law enforcement encounters and the major steps taken on international, European and Belgian levels in order to combat CSAM online.

I Quantifying the scale of CSAM trade online

It is almost impossible to accurately quantify the problem of CSAM on the Internet: websites appear and are taken down by law enforcement or NGOs very quickly but may pop up the next day with a different domain name or appear simultaneously under several different URLs. A great part of CSAM is distributed not on websites but through P2P networks and hidden levels of the Internet – the Darknets², where quantification is even more difficult.

¹ Published pornography magazines depicting minors of all ages that, in the period between the 1960s and the 1970s, were available to be legally bought in pornography shops of many European countries.

² See ECPAT Belgium, «In the shadows of the Internet: child sexual abuse materials in the Darknets» (June 2015).

Most estimations agree that the size of the phenomenon is really significant and growing together with the growth of Internet access worldwide and widespread availability of mobile devices³. The scale can be illustrated with the fact that any major international law enforcement operation in the last years aimed at online CSAM distribution networks uncovered from hundreds to thousands of suspects: from the well-known case of the Wonderland Club, a CSAM exchange network taken down by an international investigation in 1998 when 104 arrests were carried out simultaneously in 13 countries⁴, to the Operation Ore – an investigation in Britain which was launched in 2002 with over 7 thousand suspects and concluded with 1,837 convictions at the end of the prosecution process⁵.

Furthermore, in recent years a new phenomenon appeared that is even more difficult to trace: the live streaming of sexual abuse of children⁶. The offender “orders” an online sexual abuse of children, which is perpetrated live by a third person. Unless it has been recorded, no evidence of the abuse is available. A case study, called Sweetie, which used an animated and realistic 3D image of a 10-year-old girl to imitate a real child in the webcam sex tourism industry, astonished the world when its results were revealed in 2013. During the 3 months of investigation, "Sweetie" was contacted by nearly 20,000 Web users, a 1,000 of whom offered money for sex acts performed in front of the camera⁷. The low prices asked for such sessions permit the offenders to pay for them any time they want to see CSAM, instead of downloading this material and saving it for later and repeated viewing. Unfortunately, the low amount of money transferred rarely raises any suspicions in the banking sector and the real-time viewing might not leave any traces on the offender's computer.

In addition, the number of existing CSAM would not correspond to the numbers of abused children, as CSAM images are often produced in series and the same children may appear in multiple CSAM sets. Also, the number of seized material during police operations is misleading as the same CSAM can be seen over and over again in possession of different offenders. Therefore, the totals do not represent unique images but contain a lot of

³ European Financial Coalition against Commercial Sexual Exploitation of Children online, “Strategic Assessment of Commercial Sexual Exploitation of Children Online”, p. 17: <http://www.europeanfinancialcoalition.eu/private10/images/news/pdf/65.pdf>

⁴ <http://www.theguardian.com/uk/2001/feb/11/tracymcveigh.martinbright>

⁵ <http://www.bbc.com/news/magazine-20237564>

⁶ See ECPAT Belgium: "Child sex tourism via webcam, a disturbing new trend", August 2014, <http://ecpat.be/wp-content/uploads/2014/09/Le-tourisme-sexuel-impliquant-des-enfants-via-webcam1.pdf>.

⁷ <http://www.theguardian.com/world/2007/oct/16/internationalcrime.thailand>

duplication. Finally, different jurisdictions and law enforcement agencies have different definitions and counting methodologies.

All these issues contribute to the lack of knowledge about the current magnitude of CSAM trade online.

II The challenges and opportunities of fight against CSAM on the Internet

Despite the enormous efforts of law enforcement, NGOs and civil society actors, only a small part of all CSAM offenders are ever apprehended. One of the main reasons for this is the global nature of the Internet. Once an investigation into CSAM-related offences starts, it is most likely to lead the investigator outside the boundaries of his own national jurisdiction: the servers hosting CSAM might be in another country, the CSAM itself might be produced in a third country by an offender who travelled from a yet another country. Therefore, coordination and collaboration between national law enforcement agencies are imperative to the success of an investigation.

However, even when the law enforcement is willing to cooperate, different legal definitions of the crime, different legal procedures, limits for the age of consent, length of procedures, and even the political and cultural contexts might forestall the success of an investigation. An excellent example is the famous case of Christopher Paul Neil, a child molester, who was identified in CSAM by INTERPOL and later arrested for abuse of young boys in Cambodia and Thailand⁸. The material was analysed in Germany, then passed on to INTERPOL which launched an international manhunt for the man. He was then identified to be a Canadian citizen residing in South Korea and have fled to Thailand after having been identified. In this case the offender was successfully apprehended but we can only imagine the efforts which were needed in all these jurisdictions.

As the offenders often hide themselves behind anonymizing software and encryption, law enforcement is rarely able to find such identifying information as IP addresses. Victim identification becomes the crucial element. Because the majority of CSAM that is circulating online is historic and *recycled*, any time a new picture or video are identified, this means

⁸ <http://www.theguardian.com/world/2007/oct/16/internationalcrime.thailand>.

ongoing or recent abuse⁹: if the child can be identified, that child then can be saved from the abusive environment. Hash¹⁰ values help separate which images were previously identified by law enforcement so that the investigator can focus on the new images first, looking for any clues in the image to help identify the victim, the location or the perpetrator. Sometimes even a single detail, like a water bottle¹¹ or a road sign¹² in the background, can point in the right direction.

III Responses at international, European and Belgian levels

The seriousness of the problem calls for immediate solutions. And we have seen some significant steps taken in this direction by many law enforcement agencies and other stakeholders. INTERPOL and Europol are playing a central role in the cooperation between law enforcement agencies in different jurisdictions, victim identification and support to international operations. The International Child Sexual Exploitation image database (ICSE DB), managed by INTERPOL, is a good example of how police expertise from all over the world can work together effectively and timely¹³. Europol's European Cybercrime Centre (EC3) is also tackling the problem of child sexual exploitation and distribution of CSAM¹⁴. The Focal Point (FP) Twins in EC3 supports European Union's local authorities in preventing and combatting child sexual exploitation. They provide assistance and expertise where needed and requested.

The European Financial Coalition against Commercial Sexual Exploitation of Children Online was created in 2012 in order to bring the main European stakeholders together. The Coalition assembles law enforcement, NGOs active in the field of child protection, financial institutions and Internet technology corporations. It is active in five different focus areas:

⁹ EUROPOL, « Virtual Global Taskforce Environmental Scan 2012 », p. 15, available at: <https://www.europol.europa.eu/content/virtual-global-taskforce-environmental-scan-2012>

¹⁰ Hash value is an alpha-numerical code generated by an algorithm; this code is often used in computer forensics to identify files with certainty.

¹¹ <http://www.kctv5.com/story/18619292/shawnee-mission-teachers-help-identify-porn-victims-prosecutors-say>

¹² <http://www.nbcphiladelphia.com/news/local/New-Efforts-to-Identify-Victims-Gain-Traction-278678451.html>

¹³ INTERPOL, Victim identification, available at: <http://www.interpol.int/en/Crime-areas/Crimes-against-children/Victim-identification>.

¹⁴ EUROPOL, Sexual exploitation of children, available at: <https://www.europol.europa.eu/ec3/child-sexual-exploitation>.

operational support, strategic analysis & reporting, private sector support & cooperation, training and awareness raising¹⁵.

In 2012 Belgium ratified the Budapest Convention on Cybercrime, which dates back to 2001. Its aims were to harmonise national legislations, increase effectiveness of investigative techniques, procedural measures and international co-operation¹⁶. Part of this Convention explicitly addresses child pornography crimes. Article 383bis, which in the Belgian Penal Code introduced the provisions on child pornography already in 1995, was later amended to be more in line with the Budapest Convention and incorporate the specifics of CSAM distribution online. Unfortunately, the Belgian criminal law still doesn't contain a legal definition of what material constitutes CSAM and this may lead to ambiguities during prosecution or when seeking international cooperation¹⁷.

Furthermore, Belgium has the so-called extra-territorial legislation (a tool which allows the Belgian courts to prosecute Belgian nationals/residents for crimes committed abroad) – a very important legal instrument in the field of child sexual exploitation offences.

Belgium has also made several commitments to fight against online child sexual abuse material:

- CSAM crimes online can be reported directly to the police¹⁸ or a civil hotline¹⁹ and a specific Anti-Trafficking Unit in the Federal Police investigates these crimes. There is also a cooperation agreement between the police and the coordinator of the civil hotline, Child Focus²⁰.
- Belgium participates in an important international project CIRCAMP (COSPOL Internet Related Child Abuse Material Project) and Belgian Federal Police is one of

¹⁵ European Financial Coalition against Commercial Sexual Exploitation of Children online, <http://www.europeanfinancialcoalition.eu/private10/images/news/pdf/65.pdf>

¹⁶ <http://www.timelex.eu/en/blog/detail/belgium-ratifies-budapest-convention-on-cybercrime>

¹⁷ ECPAT International/ECPAT Belgium (2014), «Global Monitoring status of action against commercial sexual exploitation of children. Belgium», pp.24-25.

¹⁸ <https://www.ecops.be/webforms/Default.aspx?Lang=EN>

¹⁹ <http://stopchildporno.be/en/home-en/>

²⁰ Service for Criminal Policy, Sexual offences, http://www.dsb-spc.be/web/index.php?Itemid=86&id=61&option=com_content&task=view&lang=french.

three national partners that, together with INTERPOL, are creating a new video analysis database aimed at victim identification in child sexual abuse material²¹.

- From 2012 Belgium criminalizes access to CSAM on the same level as its possession – an amendment which was made necessary by the spread of live child sexual abuse streaming on the Internet and technologies, which allow storage of files on separate servers and not on a personal computer²².

IV Conclusion

Users of child sexual abuse material unfortunately still have a head start on police in order to better conceal their crimes. Therefore, and despite the efforts made, the police and judicial authorities are not able to measure the extent of this phenomenon, nor to fight effectively against it. These services must make an investment not only in their technological resources but also human resources (such as continuous training for investigators and analysts) to address these crimes.

An open and clear partnership is also required for an effective action to combat CSAM online: between law enforcement agencies, judicial authorities, the Information and Communications Technologies (ICT) industry, Internet Service Providers (ISPs), the banking sector and the NGOs²³. A proactive approach by ISPs to identify CSAM on their infrastructure and banking sector—to identify and trace suspicious payments for indecent material—plays a particularly important role in this case. The creation of European Financial Coalition against Commercial Sexual Exploitation of Children Online shows a very welcome step in this direction, but the Internet does not have any borders and, therefore, the Coalition should expand to be global in order to reach its full potential.

²¹ INTERPOL, Victim identification, available at: <http://www.interpol.int/en/Crime-areas/Crimes-against-children/Victim-identification>.

²² ECPAT International/ECPAT Belgium (2014), p. 25.

²³ <http://www.europeanfinancialcoalition.eu/private10/images/document/1.pdf>

This analysis was written in June 2015 by Justė Neverauskaitė and reviewed by ECPAT Belgium.

ECPAT Belgium is the Belgian member of ECPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes). The mission of ECPAT Belgium is to fight against sexual exploitation of children for commercial purposes: child prostitution, child pornography, trafficking of children for sexual purposes and child sex tourism.

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