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Council of Europe measures for the protection of children against online sexual exploitation and abuse

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Approach



1. How can countries criminalise child abuse related to information and communication technologies?



2. What should be the responsibility or liability of service providers for child abuse materials that are made available through their systems?

▪How far ISP have the obligation to prevent crimes or support investigations?

▪How far the failure of the ISP to act in accordance with its obligations leads to consequences and what these consequences are?



Provisions addressing criminalization of sexual exploitation of children on Internet

Convention on Cybercrime, Budapest, 23.11.2001

Article 9 – Offences related to child pornography

Procedural law + International cooperation provisions

Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007)

- ▶ Article 23 – Solicitation of children for sexual purposes
- ▶ Article 18 a) – Sexual abuse
- ▶ Article 20 a) f) – Offences concerning child pornography

- ✓ preventive and protective measures;
- ✓ assistance to child victims and their families;
- ✓ intervention programmes or measures for child sex offenders;
- ✓ criminal offences, including several entirely new offences, such as child grooming;
- ✓ child-friendly procedures for investigation and prosecution;
- ✓ recording and storing of data on convicted sex offenders;
- ✓ international co-operation;
- ✓ a monitoring mechanism.



what offences should be addressed by the different countries:

Convention on Cybercrime					Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse		
Producing child porn for the purpose of its distribution through a computer system	Offering or making available child porn through a computer system	Distributing or transmitting child porn through a computer system	Procuring child porn through a computer system for oneself or for another person	Possessing child porn in a computer system or on a computer-data storage medium	Knowingly obtaining access, through information and communication technologies, to child porn	Intentional proposal, through information and communication technologies, of an adult to meet a child for the purpose of engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities	Intentional proposal, through information and communication technologies, of an adult to meet a child for the purpose of producing child porn



definition of “child pornography” within the framework provided by CC and CPC:

Legal provisions determine that "child pornography" comprises pornographic material that visually depicts:

Convention on Cybercrime			Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
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	Any depiction of a child's sexual organs for primarily sexual purposes



The Convention on Cybercrime

Elaborated by the Council of Europe with the participation of Canada, Japan, South Africa and the USA

Costa Rica, the Dominican Republic, Mexico, Philippines, and soon Chile have been invited to accede

Total number of signatures not followed by ratifications:	21
Total number of ratifications/accessions:	25

Project on cybercrime (phase 2) www.coe.int/cybercrime

Output 7

Exploitation of children and trafficking in human beings: Enhanced knowledge of standards against the sexual exploitation and abuse of children and trafficking in human beings on the internet

Legislative amendments adopted or underway in many other countries and accession to the Convention under consideration

The remaining 12 EU Member States should ratify the Convention within 12 months

Major global trend towards better cybercrime legislation



Convention provides a global standard

CONCLUSIONS

Establish a comprehensive legislation at global level to contribute effectively to the common goal of protecting children against sexual exploitation and sexual abuse and of providing assistance to victims

Implement the international legal framework

Council of Europe conventions – global tools for harmonization of relevant criminal law provisions

Coordinated efforts among countries, organizations and stakeholders

Approaches to the obligations of service providers for materials on their systems vary between countries and solutions are currently discussed in different countries;

Some experience is available, but this is work in progress.

*THANK YOU FOR YOUR
ATTENTION*

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