
International collection and analysis of data on sexual exploitation of children

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Research background (1)

- > *EC co-funded research projects (1)*
 - > *1998 (96/STOP/003): IRCP*
 - > *systematic gathering & administration of data on*
 - > *(missing minors)*
 - > *minor victims of THB or sexual exploitation of children*
 - > *perpetrators of sexual offences against minors*
 - > *2001 (2000/STOP/116): IRCP*
 - > *feasibility of further elaboration and implementation international recommendations 96/STOP/003*
 - > *2002 (2001/GRP/024): IRCP*
 - > *blueprint for an EU criminal records database (including an European disqualification register)*

Research background (2)

- > EC co-funded research projects (2)
 - > 2002-2003 (2002/STOP/108): CF/IRCP
 - > 1st component: actual extent phenomenon (missing and) sexually exploited children
 - > new project proposal (to be introduced): IRCP
 - > elaboration methodological roadmap for the collection, administration and dissemination of reliable statistics (and legal information) on sexual exploitation children, (missing minors) and trafficking in human beings
- > all projects with participation of
 - > national LE and NGO experts
 - > international LE actors (Interpol, Europol, Eurojust)
 - > international organisations (EC, Council EU, CoE)

1996/STOP/003 (1998)

- > need for establishment of
 - > (international database missing minors)
 - > international monitoring centre for sexual exploitation of and trade in children
 - > international database child pornographic materials
 - > international legal database
 - > European criminal records database
 - > international database sex-offenders
 - > international DNA-database

2000/STOP/116 (2001)

- › *final recommendations (+ implementation strategies)*
 - › *(international database on missing persons)*
 - › *reliable statistics and legal information*
 - › *EU monitoring centre on sexual exploitation of children and trafficking in human beings*
 - › *EU/international database on child pornographic images*
 - › *EU network of national DNA databases*
 - › *suspected and convicted sex-offenders*
 - › *EU database on pending investigations*
 - › *EU reference database on suspected and convicted sex offenders*
 - › *EU criminal records (and disqualifications) database*

International database missing persons (1)

- › *scope database: extension to missing persons*
- › *database located at Interpol*
 - › *large area of distribution*
 - › *links with other databases*
- › *preferred option: Convention within CoE framework*
 - › *principles of data protection legislation*
 - › *which data under which sets of conditions*
 - › *advantage: accession by non-Member States*
 - › *difficulties*
 - › *requirement of sufficient political support*
 - › *different scope Interpol – CoE*

International database missing persons (2)

- › *stepping-stones: CoE Recommendation, Joint Position EU MS or inter-institutional request of EU Commission*
- › *national central authorities*
 - › *administration of data on missing persons and exchange with international database*
 - › *full picture of the problem*
 - › *access for NGO's via this national body*
 - › *protocol*
 - › *comparable data registration*
 - › *newelements*
 - › *european federation*
 - › *"Eurochild" resolution, calling for national centres to search for missing children and combat sexual exploitation of children*

Reliable statistics and legal information (1)

- › *EU monitoring centre on sexual exploitation of children and trafficking in human beings*
 - › *national focal points*
 - › *gather all relevant information from governmental and private organisations*
 - › *uniform data collection*
 - › *"eurochild" resolution: EU body to be set up after 3 years?*
 - › *cooperation with wide range of institutions active in the field of sexual exploitation of children and THB*
 - › *unrestricted access*
 - › *for governmental organisations/institutions, LE services, private organisations, scientific institutions, ...*

2002/STOP/108 (2002-2003)

- > extent phenomenon (missing &) sexually exploited children
 - > state of the art in EU MS and CR
 - > all national available figures on (missing and) sexually exploited children
 - > uniform research/data collection definitions (infra)
 - > insight in way national data collection is organised (infra)
 - > shortcomings and weaknesses applied working methods
 - > in order to
 - > ameliorate organisation data collection
 - > long-term objective
 - > establishment EU monitoring center on missing and sexually exploited children
 - > ensure centralization and administration of fundamental reliable and comprehensive data

Uniform research/data collection definitions (1)

- > child: every human being below the age of 18 (UN CRC)
- > sexual exploitation generic concept (separate from THB)
 - > basis: EU FD sexual exploitation children & child pornography
 - > no distinction 'commercial' exploitation vs 'abuse'
- > subcategories (1)
 - > sexual assault: engaging in sexual activities with a child
 - > below the age of consent
 - > above the age of consent, where either
 - > use made of coercion, force or threats
 - > money/other forms of remuneration/consideration given as payment in exchange for child engaging in sex
 - > abuse is made of a recognised position of trust, authority or influence over the child
 - > use of parental/other family authority: incest

Uniform research/data collection definitions (2)

- > subcategories (2)
 - > child prostitution
 - > coercing or recruiting a child into prostitution, profiting from or otherwise exploiting a child for such purposes
 - > child pornography (1)
 - > production, distribution, dissemination, transmission, supplying, making available, acquisition and possession of child pornography, i.e. pornographic material that visually depicts or represents either
 - > a real child involved or engaged in sexually explicit conduct, including lascivious exhibition genitals/pubic area of a child
 - > a real person appearing to be a child involved or engaged in the aforementioned conduct
 - > realistic images of a non-existent child involved or engaged in the aforementioned conduct

Uniform research/data collection definitions (3)

- > subcategories (3)
 - > child pornography (2)
 - > however: exclusion from criminal liability allowed where
 - > real person appearing to be a child was in fact 18 years of age or older at the time of depiction
 - > in the case of production and possession, images of children having reached the age of sexual consent are produced and possessed with their consent and solely for their own private use
 - > child pornography consisting of realistic images of a non-existing child produced and possessed by the producer solely for his or her private use, as far as no pornographic material involving a child or a real person appearing to be a child has been used for the purpose of its production, and provided there is no risk for the dissemination of the material
 - > child pornography on Internet (CoE Cybercrime Convention)

Uniform research/data collection definitions (4)

- > subcategories (4)
 - > sex tourism
 - > = same conduct as under 'sexual assault'
 - > with a child in another country than the country of origin of the perpetrator
 - > trafficking in children
 - > based on: EU FD trafficking in human beings
 - > recruitment, transportation, transfer, harbouring, subsequent reception of a child, including exchange or transfer of control over that child
 - > for the purpose of exploitation of the prostitution of others or other forms of sexual exploitation, including in pornography

National organisation data collection

- > system of registration on different levels (police/judiciary/health/prevention/NGO's ...)
- > centralized or decentralized
- > exchange/sharing data between different actors (LE/NGO)
- > since when is data collection organized, period of time
- > electronic data collection or not?
- > anonymous/personal data?
- > in terms of victims : age groups/gender
- > in terms of offenders: gender/convicted or suspect
- > in terms of cases: pending/settled cases
- > differences for various forms of sexual exploitation
- > how to avoid double counting?

New project proposal (to be introduced)

- > *expectation that previous project can serve as first basis for insight in (chaos of) data collection only*
- > *profound methodological preliminary study required for EU/international monitoring function*
 - > *elaboration methodological roadmap*
 - > *for the collection, administration and dissemination of reliable statistics (and legal information)*
 - > *on sexual exploitation children, (missing minors) and trafficking in human beings*
 - > *irrespective of question which organisation/international body should be entrusted with monitoring task*
 - > *= tough political decision*

EU/international database child pornography

- > *Europol database of URL's*
- > *Europol database of nicknames/aliases*
- > *pool of investigators monitoring Internet child porn at Europol*
- > *child porn image database*
 - > *various expert meetings Europol-Interpol-G8 ...*
 - > *competition*
- > *3 sorts of international databases for 3 types of functionalities*
 - > *reference database*
 - > *checksum database*
 - > *analysis/intelligence database*

Reference database

- > duplication of efforts to be avoided (EU, Interpol, G8)
- > necessity to also allow participation NON-EU countries
- > Interpol: sudden action
- > international database: Interpol
- > questions
 - > how to ensure that database is fed?
 - > obligation for EU MS to get their act together (establishment national units & obligation to feed to Europol, which could share images with Interpol on basis bilateral agreement & other way around)
- > real-time access for checking pictures?

Checksum & Analysis/intelligence database

- > checksum database
 - > allowing for states to directly check in checksum database whether materials seized contain materials registered in checksum database as child porn
 - > direct access
 - > EU/Europol?
- > analysis/intelligence database
 - > Europol = only logical location
 - > awf's
 - > necessity to also have the actual images
 - > to be retrieved from international database for non-EU MS on basis Europol-Interpol bilateral agreement
 - > necessity to have the case information

Summary (1)

- > *EU « cocoon »*
 - > *obligation to establish national specialized units in MS*
 - > *obligation to filter & send images & case information to Europol (in view also of exchange images with Interpol)*
 - > *direct access to Europol checksum database*
 - > *possibility to participate in/ask for analysis work at Europol*
 - > *common definition and sanctioning*
 - > *result: proposal for two-part database at Europol*
 - > *1st part: checksums*
 - > *2nd part: actual images and extensive case information (victims, perpetrators, scenery, ...)*
 - > *revision Europol convention and/or additional 3rd pillar legal instrument necessary*

Summary (2)

- > *international image database at interpol*
 - > *Europol acting as a focal point on behalf of EU MS as regards input in & retrieval from international Interpol image database*
 - > *as far as exchange of actual iamges is concerned*
 - > *basis: bilateral inter-institutional agreement*
- > *limited mandate NGO's*
 - > *communication URL addresses child porn sites*
 - > *no storage and/or transmission child porn material*

EU network of national DNA databases

- > *preferred structure*
 - > *European network of national DNA databases via Interpol*
- > *creation of a single national DNA database*
 - > *in every EU (candidate) Member State*
- > *exchange of DNA profiles*
 - > *via Interpol channels*
- > *international exchange of DNA profiles*
 - > *in conformity with principles data/privacy protection rules*
- > *scope*
 - > *limitation to serious and specifically defined offences*

Suspected and convicted sex offenders

- > *triple proposal (partly overlapping)*
 - > *database on pending investigations*
 - > *database at Europol containing information on both suspected and convicted offenders of sexual offences against children*
 - > *EU criminal records (and disqualification) database*

Database on pending investigations

- > *establishment at Europol*
 - > *Vienna Action Plan 3 December 1998*
 - > *mandate to store information on suspects*
 - > *high level of data protection*
- > *support ongoing criminal investigations and warning Member States of the activities of suspects*
- > *cooperation with Eurojust*
- > *extension of Europol's mandate required*
- > *harmonisation and limitation of concerned offences*
 - > *threshold regarding the envisaged offences*
- > *links with other databases*
 - > *child porn database*
 - > *DNA database*

EU DB on suspected/convicted sex-offenders

- > *European reference database*
 - > *of persons suspected of having committed, being prosecuted for or having been convicted for sexual offences against children*
- > *aim*
 - > *optimising law enforcement cooperation and coordination of pending investigations and prosecutions concerning sexual offences against children*
- > *IRCP-Europol draft Council decision*
 - > *hereafter*

IRCP-Europol draft Council decision

- > *entirely based on encoded information*
- > *checksums of convicted and suspected offenders*
 - > *safeguarding privacy rights and data protection rules*
 - > *no needless obstruction offender's re-socialisation/integration*
- > *responsibilities of Europol*
 - > *conversion and storage numerical codes*
 - > *hit: notification ENUs and Eurojust*
 - > *+ possibility to check persons of TECS in reference database*
 - > *future extension to other EU core crimes?*
 - > *possible first shared Europol/Eurojust database*
- > *responsibilities for Europol's National Units (ENUs)*
 - > *centralisation, conversion and transmission of information*
 - > *informing competent authorities*

EU criminal records (& disqualification) DB

- > *2001/GRP/024 (2002)*
 - > *legal, politico-institutional & practical feasibility study*
- > *structure*
 - > *comprehensive approach*
 - > *contents*
 - > *organisation*
 - > *access*
 - > *use*
 - > *required legal instruments*

Comprehensive approach

- > addressing 2 goals EU 'Mutual Recognition Plan'
 - > (individualisation of) sanctions
 - > disqualifications related to criminal acts
 - > not: pending prosecutions
 - > IRCP project 2001/GRP/025 (2002)
 - > 'Finding the best place for prosecution'
- > not limited to specific type of offence
 - > not only: sexual offences against children
 - > general scope
 - > money laundering, public procurement, ...
 - > ordinary offences

Contents

- > final judicial decisions
 - > exceptions
 - > judgements in absentia
 - > ordonnances pénales
 - > ordnungswidrigkeiten
- > related to criminal acts
- > ruled by national and foreign authorities
 - > Article 22 1959 CoE MLA Convention
 - > decisions of CoE countries on EU nationals
 - > decisions of EU MS on third country nationals
- > regarding offences
- > committed by natural or legal persons

Organisation

- > *approach*
- > *search methods*
- > *data protection*
- > *translation*

Approach

- > *3 options in EU 'Mutual Recognition Plan'*
 - > *bilateral exchange of information*
 - > *network of national registers*
 - > *centralized criminal records database*
- > *preferred option (combined approach)*
 - > *improving bilateral exchange by EU initiative*
 - > *structural*
 - > *frequency higher than annually (monthly?)*
 - > *case-based*
 - > *EU model form?*
 - > *detailed information to remain decentralized*
 - > *central index system: labelling-technique*
 - > *use of existing IT facilities (Europol, SIS, EJM, Eurojust)*

Search methods

- > names
- > categories
 - > *labelling-technique*
- > additional fields?
 - > court type
 - > date of decision
 - > gender
 - > age offender
 - > ...

Data protection

- > Joint Supervisory Data Protection Body
 - > as for SIS, Europol, CIS
 - > Council decision 16 October 2000
 - > integration secretariat into existing common secretariat SIS-Europol-CIS JSDPB's
- > notification of possible disclosure
 - > use for LE purposes
 - > no notification
 - > only right to correction, deletion, ...
 - > use for employment purposes (on request job applicant
 - > notification a priori: in vacancy announcement
- > rehabilitation - erasure of entries
 - > EU standards to be agreed

Translation

- > *automatic translation of*
 - > *names*
 - > *categories/labels*
 - > *additional fields*
- > *Interpol*
 - > *English-French-Spanish-Arabic*
 - > *no translation software*
 - > *English processing language*
- > *Europol software (2002)*
 - > *to be supplemented with more categories of crimes*

Access (1)

- > *authorities concerned with criminal investigations*
 - > *MS*
 - > *EU-bodies (Europol, Eurojust, Olaf)*
 - > *third bodies (Interpol)*
 - > *third states (various scenario's)*
 - > *no access*
 - > *providing of contacts*
 - > *providing of information*
 - > *through MS*
 - > *direct request to ECR*
 - > *privileged partners*
 - > *Article 28-36 TEU convention as criterion?*

Access (2)

- > *employers in vulnerable professions*
 - > *who?*
 - > *vulnerable professions*
 - > *public professions (police, judiciary, government, ...)*
 - > *educational professions*
 - > *medical professions*
 - > *financial professions*
 - > *transportation offences*
 - > *trustworthy telecommunication professions*
 - > *how?*
 - > *EU-certificate of good conduct*
 - > *what?*
 - > *disclosure related to profession*

Use

- > *individualisation of the penalty*
- > *facilitation work EU LE bodies*
- > *'active alert' system*
 - > *as possible add-on (patch) to the ECR*
 - > *equivalent value as formal request for*
 - > *execution sentence*
 - > *supervision conditionally convicted/released*
 - > *system comparable to*
 - > *SIS Article 95 notice*
 - > *Interpol red notice*

Required legal instruments

- > *EU level*
 - > *improvement bilateral information exchange*
 - > *more frequent structural exchange*
 - > *EU model form to be used on case-by-case basis*
 - > *instruments: decision*
 - > *establishment European Criminal Records Database*
 - > *instrument: decision*
 - > *introduction principle of international recidivism*
 - > *framework decision*
 - > *introduction EU certificate of good behaviour*
 - > *framework decision*
- > *CoE lost interest?*

Questions and discussion
