

TENTH UN CONGRESS ON CRIME PREVENTION AND TREATMENT OF OFFENDERS - VIENNA

Thursday, April 13, 2000

Report back from the International Conference on “Combating Child Pornography on the Internet”, 29 September to 1 October 1999, Hofburg, Vienna.

Conclusions of the Working Group 1 “Law enforcement and judiciary”.

Mr Luigi Soreca

Mr. President, Ladies and Gentlemen,

I am invited to present the Conclusions and Recommendations of the Working Group 1 of the Conference, which focussed on law enforcement and judiciary.

Law enforcement and government officials, magistrates and components of judiciary and representatives of Internet Service Providers
“ from around the world constituted the WG 1.

While the Group felt that it was necessary to focus on law enforcement and judicial issues, the participants also considered important to devote attention to measures in the field of prevention through partnerships with civil society, as well as to focus on recovery and re-integration of victims.

In this context, continuous references were made in the discussions to the United Nations Convention on the Rights of the Child and the Stockholm World Congress Declaration and Agenda for Action against Commercial Sexual Exploitation of Children as the basis for child protection.

A number of positive elements were underlined by the experts and representatives from governments in the Working Group.

First, there is a high degree of complementarity between legal regulation adopted by the State (hard law) and regulation adopted by the computer industry (soft law). In this context, the emergence of codes of conduct from Internet Service Providers (ISPs) against child pornography as part of self-regulation was mentioned.

Secondly, criminal law against child pornography exists in most countries, and new laws on the issue have been adopted recently where they did not exist beforehand.

Thirdly, it was pointed out that co-operation and networking among law enforcers and between law enforcers, Internet Service Providers and civil society are improving on several fronts. Law enforcers are becoming more ready to co-ordinate with the Internet industry, users and civil society to address the technical dynamics posed by the Internet

On the other hand, a series of key challenges have to be faced in order to make the fight against child pornography on the Internet more effective. These challenges are:

a) on one hand, the differences in legal systems and legal procedures to counter child pornography. Currently, there is no universal definition of child pornography. The laws dealing with child pornography in various countries vary markedly. There are outstanding

differences on the content, on the age of the child and on the elements of crime to be covered by national legislation;

b) the other challenge concerns law enforcement's action against child pornography. Our society is facing difficulties linked to inadequate human resources, lack of technological facilities and capacity, and deficiencies for the law enforcement. The crossborder nature of child pornography poses particular difficulties, especially in regard to evidence gathering and sharing.

On the basis of this analysis, the WG 1 elaborated and agreed upon an important set of detailed Recommendations for action addressed both to Governments and Internet industry.

Primo, Governments were called for the world-wide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography. States and regional and international institutions were encouraged to work towards harmonisation of legislation.

Secondo, Governments should also adopt legislative measures to enable the rapid preservation of stored traffic data, taking due account of the technical difficulties in storage capacity, billing policies and data protection issues.

Terzo, measures should be adopted to accelerate common standard and procedures of mutual legal assistance.

Quarto, training and capacity building of law enforcement officials and all other personnel involved was identified as critical and a prerequisite for improving our tools in the fight against child pornography on the Internet.

Finally, the Group made a strong call for improving co-operation between law enforcement and Internet industry, civil society and other actors, including NGOs. This aspect will be addressed later in the presentation of the Conclusions and Recommendations of the WG 2, which specifically dealt with these issues.

Mr. President, Ladies and gentlemen,

The issues we are faced with are extremely complex that will require international and global co-operation.

It is hoped that common guidelines would be established to develop solutions and to confirm our common commitment to work towards attaining such solutions rapidly.

Thank you very much.