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# Online Abuse: Literature Review and Policy Context

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# ACRONYMS

ACLU - American Civil Liberties Union

CEOP - Child Exploitation and Online Protection Centre

CHIS - Childrens Charities' Coalition on Internet Safety

COPINE - Combatting Paedophile Information Networks in Europe

CRDS - Centre de Recherche en Défense sociale (Belgium)

CRIOC - Centre de Recherche et d'Information des Organisations de Consommation (Belgium)

EFC - European Financial Coalition

HCR-20 - Historical, Clinical, Risk

HTCU - London Metropolitan Police High Tech Crime Unit

HTU - Human Trafficking Unit

ICAC - Internet Crime Against Children Task Force (USA)

ICANN - The International Corporation for Assigned Names and Numbers

INTECO – National Institute of Communications Technology

IWF - Internet Watch Foundation

INHOPE - International Association of Internet Hotlines

TUK - ThinkuKnow (CEOP intervention)

MAPPA - Multi Agency Public Protection Arrangements

MARC - Multi-Agency Risk Conference structure

NCMEC - National Centre for Missing and Exploited Children

NSPCC – National Society for Prevention of Cruelty to Children (UK)

OLR - Order of Lifelong Restriction

PCL-R - Psychopathy Checklist - Revised

RMA - Risk Management Authority

RM 2000 - Risk Matrix 2000 (RM2000)

SAP - Sentencing Advisory Panel

SCS - Specialized Correctional Services

SIP EC's - Safer Internet Action Plan

SORAG - Sex Offender Risk Appraisal Guide

UKCCIS - UK Council for Child Internet Safety

VGT - Virtual Global Taskforce

VRAG - Violence Risk Appraisal Guide

# 1. Introduction

The principal aim of this review is to examine the context of online abuse by providing an overview of the relevant policy, legislation and safety practice within the European Union, focusing on case studies within the UK, Norway, Belgium and Italy to outline different attempts to educate children and young people about Internet safety issues<sup>1</sup>. An illustrative brief comparison to legislation and policy outside the EU is also provided, particularly for the USA, Australia and New Zealand where progress has been made in this area.

The purpose of the review is to provide background to a scoping exercise on the current knowledge of online grooming and EU online child safety practice. This review will then inform parallel work collecting data from stakeholders on current knowledge, practice and policy on internet grooming for the sexual abuse of children. This is the first stage of an EC Safer Internet Plus Programme project to undertake the first comprehensive study of online grooming, involving the UK, Norway, Belgium and Italy.

The breadth and scope of a European wide study entailed some decisions about selection of literature for review. The first decision was to focus on the European Union as opposed to the broader European continent. However, due to the awareness of the lack of geographical boundaries that online behaviour encompasses, there was an acknowledged need to reference other research in progress, for example in Russia, that sheds more light on young people's online safety within the EU. The timescale for the review covers a period over the last five to six years – the period in which most of the research on young people and internet use has taken place.

The EC website has been used to identify recent research findings, as published in English. The EU Kids Online project in particular has provided a robust and comprehensive review of research across the EU member states. This study was therefore key in helping to identify relevant findings for a summary overview of the growth and nature of internet use. This has been supplemented by detailed contributions from the partnership team within this project i.e. the United Kingdom, Norway, Belgium and Italy where further research was identified, critically reviewed and where necessary translated into English particularly as required for the case studies on legislation and safety initiatives and practices. Without project partner teams within each of the other EU countries, it has not been possible to include any other research studies that may exist within those countries that are not published or translated into English, or that have not already been included and made available through the EC website, therefore trusting their validity.

The desk review drawing together all the relevant research has also been supplemented by attendance at conferences and events that have provided further examples of ongoing research, sometimes as yet unpublished, but keeping constantly updated with this dynamic fast moving research area. Information is also

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<sup>1</sup> The case studies were selected on the basis of country participation in this study and the availability of information

drawn from the Family Online Safety Institute Grid (which was launched in July 2010). Firstly, a brief overview of the nature and extent internet use is provided.

## 1.1 Internet Use

Internet use has grown considerably in the last decade. Information technology now forms a core part of the formal education system in many countries, ensuring that each new generation of Internet users is more adept than the last. Recent comparative work (EUKids Online) on internet use across 27 European countries reveals that there have been substantial changes between 2005 and 2008. In 2005 70% of 6-17 year olds in the European Union (EU) used the Internet. By 2008, this rose to 75% on average. The most striking rise has been among younger children – by 2008, 60% of 6-10 year olds were online. There has also been a substantial difference between 2005 and 2008 concerning location of use. In 2005 use of the Internet at school was as common as home use. 'By 2008, 6-17 year olds in all EC countries were much more likely to use the Internet at home (65%) than school (57%), and 34% are now going online using their own computer' (Livingstone & Haddon, 2009:6).

There are cross-national differences however in internet access ranging from under half of children online in Italy (45%) half in Greece and Cyprus (both 50%) rising to 94% online in Finland. (Livingston and Haddon, 2009). The most recent survey of internet use was conducted in Summer 2010 and sampled 1000 9–16 year olds in each of twenty-three European Union States (Livingstone, 2010). Data from this study reflects the increased 'online prevalence trend' with 85% overall using the Internet at home and just under half of all those children having internet access in their bedrooms. This privatised use is growing rapidly, however, the principal variation in this use is accounted for by socioeconomic status (SES) and age more than gender. For example, whereas 39% of 9-10 year olds have internet access in their own bedrooms this increases to 67% for all 15-16 year olds. In addition, 53% of those who have more private access are from the High SES households as opposed to 38% from Low SES households (Livingstone, 2010).

Most young people manage to navigate the information highway safely but unfortunately some encounter exposure to harmful materials and abuse. This is of particular concern as users are getting younger and the Internet is embedded in their daily life with 86 minutes being the average amount of time online per day. The EU Kids Online research investigated online risks to children. Giving out personal information was found to be the most common risk (approximately half of online teenagers), whereas seeing pornography was the second most common risk. In contrast meeting an online contact offline was uncommon. The report states:

*'Meeting an online contact offline appears the least common though arguably the most dangerous risk. There is a fair degree of consistency in the findings across Europe: around 9% (1 in 11) of online teenagers go to such meetings, rising to 1 in 5 in Poland, Sweden and the Czech Republic' (Livingstone and Haddon, 2009:16)*

Alternative devices are increasingly being used to go online. Mobile phone use is widespread among children and young people and an increasing number access the Internet via a mobile phone. The Livingstone and Haddon (2010) survey revealed that 21% of 9-16 year olds now have mobile access. Young people also make extensive use of the Internet using interactive services such as games, Social Networking Sites (SNSs) and instant messages, which have become increasingly available as mobile phone applications. However, there are substantial age differences across the types of activity with webcams being very popular among the teens and the posting of photos, videos or music as compared with the 9-12 year olds. There is little discernible gender difference in the types of activities with the exception of games where 62% of boys in the 13-16 year old group play games with other people online as compared to 31% of girls in the same age group.

Research, carried out by IPSOS Mori on behalf of Ofcom (communications regulator) in the UK, comprised 797 face-to-face interviews with children aged 7-16 and their parent or carer (Ofcom, 2009). It showed just over 10% of children use their mobile phone to go online. When online they most frequently say they are downloading or playing music (80%), visiting social networks (45%) or instant messaging (38 %). For parents, 19% say their child uses a games console to go online (Ipsos Mori, 2009) The connectivity now offered on mobile phones in particular increases the risk to children online who can be more easily isolated while online, as potential victims for online grooming.

The risks extend outside the European Union to the broader European continent to include Russia<sup>2</sup>. Recent research in large urban centres in Russia on children and teenagers' attitudes and perceptions of the Internet reveals that it is the primary information source ahead of television, books and printed mass media for both 14-15 year olds and 16-17 year olds. Approximately 65% of 16-17 year olds say that parents allow them free use of the Internet and do so without imposing any time-limit. This was less common with the younger 14-15 year olds (58%). In terms of perceived risks and dangers it is clear that the 16-17 year olds are currently more aware of pornography (80%) than the 14-15 yr olds (45%) although as many of the older group described electronic viruses as an equal risk to pornography.

The data on risk-taking behaviour revealed that more than half from each age group gave out personal data readily. The difference between the two age groups in terms of the type of personal data provided was that a larger proportion of 16-17 year olds (23%) appeared to be providing both personal photos and photos of relatives as compared with 11% of 14-15 year olds. (Foundation for Internet Development Research, 2009). This mirrors the recent EU Kids Online 2010 survey cited above.

It is therefore evident that internet use by young children has grown exponentially in the last five years with the fastest rise across Europe in the 6-10 year old group, and this is a key factor to be considered in internet

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<sup>2</sup> The European Commission has been working with Russia to develop a child abuse hotline (with INHOPE) and to raise awareness about Internet abuse.

safety. There are different kinds of risk including cyber-bullying and stalking, but the emphasis for this review is online sexual offender.

## **1.2 Sex offenders and Online Groomers**

There is increasing evidence that the Internet is used by some adults to access children and young people for the purposes of sexual abuse. According to Davidson and Martellozzo (2008), Internet sex offender behaviour includes the construction of sites to be used for the exchange of information, experiences, and indecent images of children; the organization of criminal activities that seek to use children for prostitution purposes and that produce indecent images of children at a professional level, and the organization of criminal activities that promote sexual tourism.

The definition of an online groomer is someone who has initiated online contact with a child with the intention of establishing a sexual relationship involving cyber-sex or sex with physical contact. Child grooming is a process that commences with sex offenders choosing a target area that is likely to attract children. In the physical world, this could be venues visited by children such as schools, shopping malls or playgrounds. A process of grooming commences when offenders take a particular interest in the child and make them feel special with the intention of forming a bond as a precursor to abuse. The Internet has greatly facilitated this process in the virtual world in terms of geographic location, speed of contact and range of number of contacts.

Groomers will often offer incentives such as money, gifts, concert tickets, modelling contracts, day trips, phones and games as part of the grooming process or to encourage young people to produce and send images of themselves (Bryce, 2009). Internet sexual offenders are defined as falling into two principal categories, which are not mutually exclusive: those who use the Internet to target and 'groom' children for the purposes of sexual abuse (Finkelhor et al,2000); and those who produce and/or download indecent illegal images of children from the Internet and distribute them (Quayle & Taylor, 2002; Davidson & Martellozzo, 2005; O'Brien & Webster, 2007).

Recent advances in computer technology have been aiding sex offenders, stalkers, child pornographers, child traffickers, and others with the intent of exploiting children. While such offences occurred prior to the Internet, the advent of the new technology two decades ago has allowed for easier and faster distribution of pornographic materials and communication across national and international boundaries (Kierkegaard, 2008).

The dynamics of this opportunism is the subject of ongoing discussion. In his research with a sample of 300 child pornography offenders, Hernandez comments that it is through the exploration of sexual themes and seeking out adult pornography on the Internet that their previous deviant sexual interests are re-awakened (Hernandez, 2009).

The Internet also provides the opportunity to join a virtual community where people with similar interests can communicate and find useful information. 'Myspace' and other similar social networking sites encompass thriving 'communities' where young people engage in countless hours of photo-sharing. In addition to Myspace, other social networking and blogging sites such as Friendster.com, Facebook.com and MyYearbook.com allow users to post pictures, videos and blogs and send emails and instant messaging. Myspace and Facebook differ in security aspects, in that Myspace is open to anyone, and has loose age restrictions, while Facebook users are encouraged and often required to register using their real name (Kierkegaard, 2008). The anonymity, availability of extremely sensitive personal information and ease of contacting people, make social networking sites a useful tool for online child sex offenders in general, but specifically for online groomers.

Usage by young people develops, whereby if they want to get to know each other better, then they may move into more private places such as MSN. This then intensifies the communication, and if the relationship is developed further, then the private arena of web cameras may be utilised. While many of these sites have age restrictions, it is possible for offenders to misrepresent their age. Also, in order to hide their IP addresses and locations, they can piggyback on Wi-Fi connections or use proxy servers. Decentralized peer-to-peer networks prevent material from being tracked to a specific server, and encryption lets them keep online chats private from those policing the Web.

Therefore, technologies around social networking sites allow relatively easy access to children by online groomers, with children having frequent and open access to such sites at younger ages. Once in contact with a child, online groomers can use various incentives to encourage the child's participation, towards the goal of sexual contact.

### **The relationship between online and offline offences**

"The 'Butner Redux' Study" (Bourke and Hernandez, 2009) of child pornography offenders revealed that many who had no known history of contact sexual offences subsequently admitted to such crimes after participating in treatment. Whilst this is also true for some other crimes, the critical issue is what impact such information about self-reported crimes has in the realm of risk assessment and intervention. A number of other studies have reported a co-occurrence of contact sexual offences among child pornography offenders entering the criminal justice system or in clinical settings (Wolak, Finkelhor and Mitchell, 2005; Seto, Cantor and Blanchard, 2006; Hernandez, 2000). A particular subanalysis conducted in the Butner Redux Study was to look at the age of onset for online and offline (contact) sexual crimes on a subset of 42 of the total 155 investigated. The rationale here was to shed light onto the developmental pathway of child pornography offences. Although caution is needed in generalising the findings given the small sample size, the majority reported that they committed acts of hands-on abuse **prior** to seeking child pornography via the Internet.

However research comparing risk factors among contact sex offenders and child pornography offenders, indicate lower rates of risk variables for contact sexual offending than already identified sex offenders. Elliott, Beech, Mandeville-Norden, and Hayes (2008) examined the psychological risk of re-offending in 505 child

pornography offenders and 526 contact sex offenders. It was found that whilst there were many similarities on some psychological risk variables such as impulsivity, contact sex offenders had lower victim empathy and higher offence-supportive attitudes and beliefs.

### 1.3 Implications for Child Safety and Risk Taking Behaviour

In terms of child pornography and placing of indecent images on the Internet, the scale of the problem is considerable. The National Society for the Prevention of Cruelty to Children (NSPCC) in the UK estimated in 2005 approximately 20,000 indecent images of children are placed on the Internet each week (NSPCC, 2005). The Internet Watch Foundation (IWF) is the IT industry watchdog in the UK. It is a member of INHOPE – the International Association of Internet Hotlines, founded under the EC Safer Internet Action plan. The IWF reported nearly double the number of websites containing indecent images of children over two years: from 3,438 in 2004 to 6,000 in 2006. The IWF claimed that over 90% of the websites are hosted outside the UK (most are hosted in the US with Russia the next most common source<sup>3</sup>), and are therefore extremely difficult to police and control nationally, with no international agreement on regulation of the Internet in respect of online grooming and indecent child images. Whilst the IWF 2008 Annual Report reported a 10% reduction in websites hosting indecent child images, the report found ‘a continuing trend in the severity and commercialisation of the images’:

- 58% of child sexual abuse domains traced contain graphic images involving penetration or torture (47% of domains in 2007)
- 69% of the children appear to be 10 years old or younger; 24% 6 or under, and 4% 2 or under (80% appeared to be 10 or under in 2007)
- 74% of child sexual abuse domains traced are commercial operations, selling images (80% commercial in 2007)
- It is still rare to trace child sexual abuse content to hosts in the UK (under 1%)  
(IWF, 29/04/2009 <http://www.iwf.org.uk/media/news.archive-2009.258.htm> (26/10/09))

There is no doubt that such abuse has a damaging and negative impact upon child victims. It has been claimed that in many instances children are abused and the abuse recorded by members of their own family or people known to them (Klaine, Davis and Hicks, 2001). Many indecent images which depict the sexual abuse of children, involve dual victimisation, in the abuse involved in the creation of the image and again in the distribution of the image. It could be argued that a child is re-victimised each time their image is accessed, and images on the Internet can form a permanent record of abuse. This can have an additional long-term damaging effect on the victim.

Turning to risky behaviours online, a national random sample of young Internet users in the United States (ages 10-17) found 13% had experienced an unwanted sexual solicitation on the Internet (Mitchell et al., 2008). Many of these incidents were confined to the Internet and relatively mild in nature. However, the

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<sup>3</sup> A breakdown of countries where websites containing child abuse images appear to have been hosted during the period 1996–2006 is provided by the IWF: US 51%; Russia 20%; Japan 5%; Spain 7% and the UK 1.6% (IWF, 2006).

potential for online sexual solicitation and harassment has raised obvious concerns among parents, teachers, and mental health professionals, who want to know what risks children are taking when using the Internet.

Recent research led by Livingstone (2009) funded by the European Commission Safer Internet Programme (EC SIP) has ranked young people's online risk taking behaviour in terms of prevalence and seriousness. The work draws upon findings from 400 research studies exploring young people's Internet behaviour across Europe.

The ranking of risk incidence is as follows (Livingstone (2009)):

1. Providing personal information to strangers (50%)
2. Seeing adult pornography online (40%)
3. Seeing violent or hateful content (30%)
4. Meeting an online contact (10%)

Research studies in the UK suggest that the majority of young people aged 9-19 years access the Internet at least once a day. It provides the opportunity to interact with friends on social networking sites such as Myspace and Bebo and enables young people to access information in a way that previous generations would not have thought possible. The medium also allows users to post detailed personal information, which may be accessed by any site visitor and provides a platform for peer communication previously unknown (Davidson and Martellozzo, 2008; Davidson et al, 2009).

Ofcom's recent research exploring young people's online behaviour found that the younger age range (16-19) were much less aware of potential risks in accessing and entering personal information to websites than those older (20-24):

*'Young adults are less likely to make any kind of judgment about a website before entering personal details, less likely to have any concerns about entering personal details online. Just over a fifth do not make checks before using new websites. Within the young adult population, it is the attitudes and behaviours of the youngest adults- those aged 16-19 - which are the most striking. These adults are the most likely to share information and download content from the Internet, at the same time as being less likely to make any checks or judgments, and more likely to believe that the Internet is regulated'* (Ofcom, 2009:2).

This suggests that younger teenagers are more likely to engage in risk taking behaviour online and appear less likely to act on advice regarding Internet safety.

In 2008 school sample surveys revealed quite a high degree of awareness of the existence of risks and dangers on the Internet, although this was not always matched by accurate understanding (Davies et al,

2008). Primary-age respondents communicated anxiety about encountering unexpected dangers such as computer viruses or frightening material.

*'The older learners were mostly able to talk quite knowledgeably about how to protect their own safety and identity online, but were less convincing as to whether they manage to act in such sensible ways when online'* (Davies et al, 2008:6).

In terms of contact sexual abuse, not only restricted to internet contact, the UK children's charity Childline report that of the 13,237 children counselled for sexual abuse in 2007/2008 alone, 8457 were girls (64%) and 4780 were boys (36% percent) (NSPCC Press Release, Feb 2009).

Girls appear to be at higher risk than boys because they use social aspects of the Internet more (notably instant messaging and social networking sites), and are somewhat more willing to share some types of personal information and to interact with strangers. Girls are far more likely to have had a 'threatening' experience online. However, boys are twice as likely to do nothing about a 'threatening' experience. (Davidson, Lorenz, Martellozo & Grove-Hills, 2009). In terms of the risk from harm it was noted that 15% of all children in the recent European survey had seen or received sexual messages online. Importantly, when considering the growing use by younger children, there was a marked difference in the age groups about how upsetting this is<sup>4</sup>. Here 41% of 11-12 year olds as compared with 18% of 15-16 year olds were upset to receive sexual messages online. (Livingstone, 2010).

Media coverage of risks appears to vary across European countries. The EU Kids Online study differentiated between content, contact and conduct risks.

*'Content risks (mainly pornography) account for over half of all risks covered in the press, being especially high in Greece, Spain, Portugal and Ireland, in some countries, the reporting of conduct risks (mainly bullying) is noticeably high – in Norway, Italy and Austria; only in Denmark (followed by Slovenia) do contact risks attract substantial press coverage (though they still comprise a minority of risk stories covered.'* (Livingstone and Haddon, 2009:10)

This may be reflected in different approaches and initiatives to Internet safety. If this is the case then understanding the process of contact abuse from convicted internet groomers is critical for greater awareness about contact risk.

Thus distribution of indecent images on the Internet is on a very large scale with some indication that more severe images are becoming more common and on more commercial sites. It is unclear what interventions

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<sup>4</sup> Subjective harm was described in the survey as follows: "By bothered, we mean, made you feel uncomfortable, upset, or feel that you shouldn't have seen it"

are possible for this. In terms of online grooming it can be seen that teenagers are frequent and incautious users of the Internet and social networking sites, and can continue risky behaviour even after undertaking internet safety courses. Whilst girls seem to be at greater risk than boys, boys are less likely to seek help if experiencing a threatening communication online.

## 2. Policy & Legislation on Internet Grooming

### 2.1 International Boundaries

#### The definition of a 'child'

Internet sex offenders have few constraints online because of the lack of direct governance by one international body, which could curb illegal content and activity on the Internet (Kierkegaard 2008). Because cyberspace has no national boundary, each country has to apply its own legislation within its national border, creating disparity in legal approaches. Most countries already have laws protecting children, but what is needed is a more centralised attempt to legislate against Internet abuse. In order for this to be enacted, agreement about definitions needs to be in place. At present definitions of 'child' are not synchronised across national boundaries, let alone what constitutes internet abuse. Whilst the law in most countries provides a distinction between the regulation of adult material and that depicting children in recognition of the vulnerability of minors, the task of defining a 'child' is complex.

The UN Convention on the Rights of the Child defines a child as a person under the age of 18<sup>5</sup> but given wide variation in the age of consent to sexual relations across Europe there is clearly legal disparity about when childhood ends. Even for these purposes there is no consensus in international law. The Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography (2000) does not explicitly define the ages of childhood, but as a protocol to the UNCRC itself it is assumed to mean under the age of 18. This is consistent with the *EU Framework Decision* which states that a child is someone under the age of 18 and the Council of Europe Convention on Cybercrime (2001) which states that a child is someone under the age of 18. However it does argue that a State has the right to lower this to maximum age of 16.

*'The age of 18 is an agreed international definition of the age of majority and so there is logic in using this already-agreed age. The difficulty this brings is where this is higher than the age of consent and so it appears to create something of a paradox' (Gillespie, 2009:3)*

#### Legislative institutions

Prior to outlining the current EU legal framework related to online grooming a brief explanatory note on the role of the various European legislative bodies is provided. The Council of the European Union (not to be confused with the Council of Europe) is the main decision making body of the EU and part of the legislative branch alongside the European Parliament. The European Commission however, being the executive body of the European Union is responsible for proposing legislation, and upholding the Treaties. In terms of the EU's treatment of internet safety for children as a high priority, its legislation recognises the positive nature of the Internet and encourages Member States to self-regulate to protect children online. Its legislation binds Member States to combat child pornography and to establish specialist law enforcement units and work with

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<sup>5</sup> Article 1

industry to solve the problems of access to pornographic content. This legislation sits alongside any laws which have been passed at a national level within the Member States.

### **Current EU legal framework of Online Grooming**

The general policy objective of the European Union in the field of the sexual abuse and sexual exploitation of children is provided under Article 29 of the Treaty on the European Union. National legislation covers some of the problems but it is not vigorous enough. On a global scale, the main international standard is the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 2000. But not all Member States adhere to this.

The enactment of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse<sup>6</sup> strives to provide centralised legislation. This arguably constitutes the highest 'international' standard at the European level. The aim of the convention is to prevent sexual abuse of children and to protect the rights of the child victims. This new convention signed by the European Ministers of Justice in 2007 is the first instrument to establish the various forms of sexual abuse of children as criminal offences.

Article 23 of this Council of Europe Convention introduces the new offence of grooming or solicitation of children for sexual purposes, which has never before been addressed in international instruments in the field. It states that all the elements of the offence must be committed intentionally. In addition, the purpose of the proposal to meet the child for committing any of the specified offences needs to be established before criminal responsibility is incurred. It defines sexual solicitations as requests to engage in sexual activities or sexual talk or give personal sexual information.

*'Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.'*  
(CETS 201,2007:21)

Although sexual grooming is outlawed by this convention grooming is not addressed in legislation in many member states and, as previously discussed, the age of sexual consent varies widely across Europe. There is considerable range. For example, in Greece a child is one below the age of 8, while in other countries it is 18 Kierkegaard (2008). There are therefore distinct cultural problems associated with harmonizing the law, due to established norms for the legal age for sexual consent which varies from country to country. For example in Spain, the legal age of consent is 13, while in Cyprus it is 17.

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<sup>6</sup> CETS No. 201

To re-emphasise this complexity and staying with Greece the age of consent is 15, the term 'minor' refers to one aged between 8 and 18 years and as mentioned a 'child' is below the age of 8.

Since the ratification of the EU's Lisbon Treaty in November 2009, legislators have enjoyed greater power to write laws on criminal enforcement and sanctions, which has fed into policymaking to combat child pornography on the Internet in particular and is now turning its attention to specific legislation focused on grooming. In addition, Council Framework Decision 2004/68/JHA, introduced a minimum of approximation of Member States' legislation to criminalise the most serious forms of child sexual abuse and exploitation, to extend domestic jurisdiction, and to provide for a minimum of assistance to victims. One particular shortcoming however, identified as critical for the issue of internet grooming, is that the Framework Decision 'does not address new forms of abuse and exploitation using information technology'<sup>7</sup>. Whilst the Framework was a welcome move, it was not legally enforceable and member states could simply choose to 'opt out'.

Following consultation of experts in the field two preferred policy options were developed to both repeal and incorporate Framework Decision 2004/68/JHA. This included six new proposed legal elements ranging from substantive criminal law in general to the prevention of offences and aspects of risk management of offenders. One particular element related to the IT environment is critical for the issue of internet grooming:

- 'New forms of sexual abuse and exploitation facilitated by the use of IT would be criminalised. This includes knowingly obtaining access to child pornography, to cover cases where viewing child pornography from websites without downloading or storing the images does not amount to "possession of" or "procuring" child pornography. Also the new offence of "grooming" is incorporated closely following the wording agreed in the COE Convention.'<sup>8</sup>

Following a period of consultation FD 2004/86/JHA was repealed and in March 2010 resulted in a new proposal for an EU Directive<sup>9</sup> to combat sexual abuse, sexual exploitation of children and child pornography. The key legal element of this new proposal, as it relates to substantive criminal law in general, has a direct bearing on internet grooming:

*'Serious forms of child sexual abuse and exploitation currently not covered by EU legislation would be criminalised. This includes, for instance, **the organisation of travel arrangements with the purpose of committing sexual abuse**, something particularly relevant, but not exclusively, in the context of child sex tourism'. (COM(2010)94 final:6)*

The legal basis for enactment of this new Directive is provided by Article 288 of the Treaty of the Function of the European Union. European member states will be bound by a timetable to make changes to their

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<sup>7</sup> Council Framework Decision on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA

<sup>8</sup> COM(2009) 135 final 2009/0049 (CNS)

<sup>9</sup> COM(2010)94 final

national laws. Therefore, in the past decade the European Union has made progress on coming up with ways to protect children from harm on the Internet.

### **European Union level partnership**

The European Commission announced in March 2009 that it would provide funding of up to 427,000 Euro for the activities of a new European Financial Coalition (EFC) against child abuse content on the Internet. The coalition – led by the UK's Child Exploitation and Online Protection (CEOP) Centre is a public-private informal group including police authorities, financial operators, internet service providers, NGOs and other partners. MasterCard, Microsoft, PayPal, VISA Europe and the NGO Missing Children Europe are among the founding members of the new coalition along with the International Centre for Missing and Exploited Children. On the law enforcement side of the EFC, founding members also include Europol and the Italian National Postal and Communication Police.

## **2.2 National Legislation and Online Grooming**

National legislation in most European countries related to online child exploitation is focussed predominantly on the possession and distribution of pornography between adults and sex tourism, with little reference to specific grooming legislation. There are exceptions to this i.e. the United Kingdom and Norway. Their legislation will be detailed in Section 2.2.2. and Section 2.2.3 as case studies in grooming legislation. The most recent addition comes from Sweden, where legislation was introduced in June 2009. Here any adult contacting a child under 15 with a view to grooming them for sex can face up to a year in jail.

### **2.2.1 European Union Overview**

Other Member States either have no way to legislate against grooming or use existing laws related to child abuse and pornography in various and often creative ways in order to prosecute the act of grooming.

There are arguably possible exceptions, as set out below, where the wording within their Penal Code could be interpreted as making reference to the process of grooming, and where approaches to children are mentioned as distinct from exchange of pornography between adults.

1. *Germany* – Article 180. German law contains several sexual offence crimes including child sexual abuse. The sexual abuse statute includes a provision that prohibits grooming making it illegal to exert influence on a child by showing him/her pornographic illustrations or images, or by playing pornographic audio recordings or other sexual speech. The German government adheres to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and has committed to prosecute any such offences that entail the new technologies affording the opportunity to contact young victims. In a landmark court case December 2009, the County Court in Konstanz (Constance) sentenced a 53-year old man to one year and nine months' imprisonment for wrongful removal of a child. He contacted and groomed a fourteen year old girl in a chat room and later arranged to meet her in the real world.

In May 2009, the Federal Court of Justice (Bundesgerichtshof, or BGH) delivered a judgment relating directly to child abuse online that sexual offenders could be punished for child abuse even if they contacted their victims solely via the Internet. An immediate "close proximity" was not a prerequisite for child abuse, stated the BGH. For further explanation it was added that there is no question that by law "children have to be protected fully against such perceptions to protect their undisturbed overall development". This applies even if offender and victims are not in immediate proximity to each other, but act on the Internet. (FOSI, 2010)

2. *Czech Republic* - Provision (2) in Article 205 of the Criminal Code states:  
'A person who (a) offers or makes open to a person under eighteen (18) years of age pornographic written works, sound or picture recordings or pictures'
3. *Netherlands* – Article 240a of the Penal Code makes it a criminal offence to deliver, distribute or show to a minor, who is manifestly under the age of 16, a pictorial representation or a data carrier containing a pictorial representation of an act which is seen to be damaging to persons under the age of 16. The legislation closest to 'grooming' is cyberstalking under Article 285b of the Penal Code and this crime is only prosecuted upon request.
4. *Belgium* – there is presently no law dealing specifically with online grooming. Consequently, prosecutors must fall back on laws regarding offences against public morality, incitement to debauchery, public indecency, and rape. However at a national level Belgium's Federal Police is combating cyber-crime through the Computer Crime Unit (FCCU) and the Regional Computer Crime Unit (RCCU)
5. *Bulgaria* – although not specifically grooming there have been recent advances in legislation to protect children from internet crime. This however only relates to schools, and is very difficult to police. For example provision is made that when children are using school IT systems they are not to give out home addresses without parents' permission.
6. *Italy* – there is at present no law dealing specifically with online grooming. Consequently prosecutors must utilise laws regarding paedophilia and distribution of indecent images. The national legislation about sexual abuse in Italy was modified by the Law 66/1996 on 'sexual violence' and Law 269/1998 on 'Exploitation of child prostitution, child pornography and child sex tourism as new forms of slavery'. In particular, law 269/1998 establishes as an offence the exploitation of any person below the age of 18 for production and trading of child pornographic material. It sets punishments for the possession, distribution and publicity of child pornography and information, very importantly for grooming, about allurements of minors. However in 2006 the Justice Commission of the Italian Parliament approved a bill entitled 'Provisions on the fight against sexual exploitation of children and on child pornography

on the Internet'. This increased police powers to arrest those responsible for significant amounts of child pornography online.

7. *France* - Article 227-24, of the Penal Code makes it a criminal offence to transport, distribute or manufacture any message that is pornographic and especially when seen by a minor. Again, as in other EC countries, this appears to focus primarily on the issue of pornographic images but mention is made of these images being 'seen by a minor' which again can be interpreted for use in cases of grooming.
8. *Spain* - Spain's Penal Code appears to cover the majority of offences which could be committed through use of the Internet. Even where no specific law exists, offenders can be charged with a range of offences which acknowledge that electronic means are used. Article 186 of the Penal Code states that the distribution, sale or exhibition of pornographic material to minors by any direct means, including electronic mail so that the victim is faced directly with the material are punishable..
9. *Ireland* - Legislation exists which can be used to prosecute the offence of meeting a child for purposes of sexual exploitation. Section 6, Criminal Law (Sexual Offences) (Amendment) Act 2007 states clearly:  
*' Any person who meets or travels to meet a child, with whom they have communicated on at least two previous occasions, for purposes of sexual exploitation of the child is liable to be punished by a sentence of up to 14 years' imprisonment' ((S) 5 & (S) 6)*

The latter example is not specified as 'grooming' or presuming that the contact has been online but the issue of meeting or travelling to meet is key.

## **2.2.2 Case study - the United Kingdom**

The concept of 'grooming' is recognized in the United Kingdom (UK) legislation. The UK was one of the first European Union (EU) member states to initiate strong legislation that makes it illegal to contact and groom children with the intent of committing a sexual offence. This new offence category was created in the Sexual Offences Act 2003 in England and Wales (this section of the Act also applies to Northern Ireland): section 15 makes '*meeting a child following sexual grooming*' an offence, this applies to the Internet, other technologies such as mobile phones and to the 'real world'. '*Grooming*' involves a process of socialisation during which an offender seeks to interact with a child (a young person under 16) in Scotland, England and Wales), possibly sharing their hobbies and interests in an attempt to gain trust in order to prepare them for sexual abuse. The process may also involve an attempt to normalize sexual relations between adults and children.

The concept of 'grooming' is also recognized in Scottish legislation. The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 includes '*meeting a child following certain preliminary contact*' (s1); the English equivalent of '*grooming*' with the same definition. Where a person arranges to meet

a child who is under 16 having communicated with them on at least one previous occasion (in person, via the Internet or via other technologies), with the intention of performing sexual activity on the child. This is included as grooming.

Several countries are beginning to follow the UK lead legislating against 'grooming' behaviour. For example, sexual grooming has recently been added to the Crimes Amendment Act 2005 in New Zealand (<http://www.legislation.govt.nz>). In the United States it is an offence to electronically transmit information about a child aged 16 or under, for the purpose of committing a sexual offence (US Code Title 18, Part 1, Chapter 117, AS 2425). The Australian Criminal Code (s218A) makes similar restrictions, as does the Canadian Criminal Code (s172.1). The legislation in the UK differs in that the sexual grooming offence applies both to cyberspace and to the 'real world'; whereas legislation in other countries addresses only electronic grooming via the Internet and mobile phones. In reality it would be extremely difficult to police and evidence grooming behaviour in the 'real world'. It is therefore unsurprising that few cases have been brought to court on this basis under the Sexual Offences Act 2003 or under the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005. The legislation in England and Wales (the Sexual Offences Act 2003 (England and Wales), s.45-46)<sup>10</sup> and Scotland (the Protection of Children and Prevention of Sexual Offences (Scotland) act 2005, s.16) attempts to curb the production, distribution and possession of indecent images of children on the Internet. The age of the child is raised from 16 to under 18 in both acts with certain provisions.<sup>11</sup> The purpose of the legislation is to protect children from abuse in the creation of such images.

In the United States the law is similar (Child Online Protection Act, 2000 (COPA)), and indecent images of children do not have to be overtly sexual; the possession of suggestive images of children may be prosecuted under the legislation. It is also deemed an offence under COPA to simply access images without saving them on a computer. There has been considerable debate in the United States regarding the introduction of COPA, with the act having been returned to the Supreme Court several times on the basis of representations made by the American Civil Liberties Union (ACLU) regarding its restrictiveness. The ACLU have argued consistently and effectively that the act infringes upon civil liberties and that it is possible to accidentally encounter such images online. The ACLU also objected to the inclusion of the possession of suggestive images, although presumably offence circumstances would need to be taken into account. The ACLU has undoubtedly formed a powerful lobby in the United States.

This is similar to Germany, in terms of constitutional issues where there is a clash between freedom of information and the desire to block content characterised in Germany by a recent and controversial Access Impediment Law of February 2010 (FOSI, 2010).

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<sup>10</sup> The Sexual Offences Act 2003 does not create any new offences in this category but raises the age from 16 to under 18 by making amendments to the Criminal Justice Act 1991 and the Protection of Children Act 1978.

<sup>11</sup> The provisions allow a defence to the charge if : the picture is of a 16 or 17 year old; the 16/17 year old 'consents'; the picture/s of 16/17 year olds are not distributed; the perpetrator and the 16/17 year old are in long term relationship/married/co-habiting. S. 8H 2005

No such objections have been voiced in the UK in such an organised manner. It could be argued that groups such as the Internet Watch Foundation (IWF) and key individuals such as John Carr, Secretary of the Children's Charities' Coalition on Internet Safety (CHIS), have campaigned more successfully in the UK for the rights of child victims of Internet abuse. At an international level CHIS works principally through the European NGO Alliance for Child Safety Online

### **2.2.3 Case study - Norway**

The grooming section in the Norwegian legislation was inspired by the UK legislation. (The relevant sections in the General Civil Penal Code ("straffeloven") concerned with sexual offenders in Norway are provided in Appendix B). Section 201a is the new grooming section in Norwegian criminal law. This section was included in The General Civil Penal Code in April 2007. The grooming section is different from other sections concerning sexual activity in that it does not concern a completed offence, but the intention of committing an act. However, the perpetrator must actually appear for a meeting (sometimes a police trap) for it to be considered an offence, the intention to meet is not sufficient largely because it is difficult to prove beyond doubt. Therefore, the legal phrase is: "...has arrived at the meeting place or a place where the meeting place can be observed". This is identified as the potential scene of the crime, the meeting place where the offence is intended to take place, and where the offender has arrived, or where the offender can observe the potential crime scene from where he is located.

The crime description is such that it is neutral in terms of reference to technology and the way in which the child and adult came into contact and agreed to meet is considered unimportant. The important criterion is that there is an agreement to meet in person. Such 'agreement' is to be understood in a wide sense. There is no requirement that there is an explicit agreement to meet. It is sufficient that the offender has a reasonable expectation to meet the child at a specific location within a specific time frame. It is also irrelevant to identify who initiated the meeting.

Where an adult communicates with a child and agrees to meet with the intention of committing a sexual offence, the adult can be sentenced for the crime of grooming. It is in the intention, the goal and the purpose of the specified appointment that constitutes the crime. Before the grooming section was introduced in Norwegian criminal law in 2007, such preparation for the criminal act of committing a sexual offence to a child less than 16 years of age, did not in itself make the offender liable to imprisonment. An appointment is defined as the place and time where the adult and child have agreed to meet. It may be at the adult's location, the child's location or another location to which both have to travel. However, the contact made with the child is not in itself a crime. There may be good reasons for adults and children to have contact using media such as the Internet. Adult and child may share the same interest in sports or games, and exchange experience and play games on the net.

The grooming section was introduced to the legislation in Norway in an attempt to protect children at an earlier stage of exploitation. Therefore it can be seen that legislation concerning grooming is very varied over

Europe and the rest of the world, particularly with reference to use of technologies. The UK has taken a lead in this area in tandem with the USA and followed by Australia and New Zealand. Legislation in Europe differs substantially, but with Norway closely following UK legal policies.

However when sex offenders or specifically internet groomers are convicted there is also the issue of their treatment, which is not discussed in this review, but also their management on release and assessment of the risk of re-offending. Strategies in the United Kingdom and Belgium are discussed in Appendix A.

# 3. Internet Safety and young people: approaches and initiatives

## 3.1 International attempts to protect children

It should be imperative, as Calder (2004) rightly argues, to encourage appropriate and safe use of the Internet by assisting children and young people to feel comfortable and supported in navigating the information highway. In fact it has been pointed out that the most important issue surrounding child abuse and the Internet is child protection, not computer technology (Jones, 2003 in Gallagher et al 2006) because technology alone is always fallible and offers no guarantees of child protection. However, if the use of technology is combined with education and awareness amongst children, parents and teachers, and effective inter-agency partnership working, it would be easier to maximise the few available resources and move closer to making cyberspace a safe place for young and vulnerable Internet users.

Awareness-raising is a central focus of the EC's Safer Internet Action Plan and this is implemented across Europe through the InSafe<sup>12</sup> network of national awareness-raising nodes. Thus a Safer Internet Day is organised by InSafe each year to promote safer use of online technology and mobile phones.

The UK InSafe is represented by a consortium of the awareness node CEOP (Child Exploitation and Online Protection Centre), the hotline IWF (Internet Watch Foundation) and the helpline Childline. An overview of the various initiatives of European Member States will be provided in Section 3.2. There are now Awareness Centres belonging to the InSafe Network in 27 European countries.<sup>13</sup> On a broader international scale centres can also be found in Argentina, Australia and the USA.

Another international initiative is that of the International Association of Internet Hotlines (INHOPE) also founded under the EC's Safer Internet Action Plan in 1999. The principal goal of INHOPE is to represent and support a global network of Internet Hotlines in their attempts to respond to reports of illegal content. Their educational efforts with policy makers and stakeholders aim to provide a way towards better co-operation internationally.

The G8<sup>14</sup> countries have agreed a strategy to protect children from sexual abuse on the Internet. Key aims include: the development of an international database of offenders and victims to aid victim identification; offender monitoring and the targeting of those profiting from the sale of indecent images of children. Work has also been done with Internet service providers and organizations such the Association For Payment Clearing Services in the UK, and other credit card companies in different countries, in attempting to trace

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<sup>12</sup> [www.saferinternet.org/](http://www.saferinternet.org/)

<sup>13</sup> details of these awareness nodes can be found at <http://www.saferinternet.org/web/guest/centre-european-map>

<sup>14</sup> Canada, France, Germany, Italy, Japan, Russia, UK and US.

individuals using credit cards to access illegal sites containing indecent images of children. An attempt to put mechanisms into place to prevent online payment for illegal sites hosted outside the UK has also been made.

It would however appear that there is much work to be done in educating Internet service providers. Research undertaken by the IWF (2005) suggests that 72% (of a sample of 1000 IT senior professionals) were unaware of the implications of amendments to the Sexual Offences Act 2003 upon their industry and only 56% had heard of the IWF. Internet service providers have however taken some action to address child safety online: British Telecom's Operation CleanSweep resulted in the closure of all of its chat rooms, following concerns over sex offender's use of the service to target children. Other providers such as MSN and Yahoo<sup>15</sup> have taken some action to protect children in chat rooms. A Scottish company (Net ID) has launched the world's first virtual ID card which aims to protect children and young people online. The card aims to remove the anonymity of the Internet thus preventing paedophiles posing as children in chat rooms to gain their trust. (Lunchtime Scotland Today, 2/8/06).

Many police forces both in the EU and the United States are working to trace Internet sex offenders and their victims. In the UK, national and local High Technology Crime Units currently investigate the grooming of children on the Internet and indecent online images of children. Successful prosecutions have been brought under the acts in Scotland, England and Wales, both for 'grooming' online and for the possession of indecent Internet images on the Internet following Operation Ore. This operation was launched following information provided to the UK police by the FBI in the United States, regarding peer-to-peer technology in sharing indecent images of children. The National Crime Squad (which targets serious and violent crime) has made 2,200 convictions since 2002 under Operation Ore.

Organisations like the Virtual Global Taskforce (VGT) and the Internet Watch Foundation (IWF) are making some headway in attempting to protect children online. VGT is an organization that comprises several international law enforcement agencies from Australia, Canada, the United States, the United Kingdom and Interpol. Through the provision of advice and support to children VGT aims to protect children online and has set up a bogus website to attract online groomers. The Internet Watch Foundation (IWF) is one of the main government watchdogs in this area. Although based in the UK the IWF is a part of the EUs Safer Internet Plus Programme, and is part of the International Association of Internet Hotlines (INHOPE) network. As Robbins and Darlington (2003) have pointed out, this programme has four main aims:

- to fight illegal Internet content
- to tackle harmful Internet content
- to promote a safer Internet environment
- to raise awareness about Internet dangers.

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<sup>15</sup> Yahoo were forced into action in 2005 by a New York State Attorney General's Office investigation which found that users were creating chat rooms explicitly for the purpose of grooming children for abuse. Yahoo then agreed to put into place procedures to ensure that the creation of such chat rooms would not continue.

Whilst the first three of these objectives have until now been largely the province of institutions and organisations, the fourth has immediate implications for the everyday use of the Internet by the members of the public and, most significantly, children themselves. This has led to initiatives to teach online safety.

### **Global internet governance**

One other very important aspect relevant to internet safety is that of internet governance, and its application globally.

The International Corporation for Assigned Names and Numbers (ICANN) is currently the most powerful force in global Internet governance. ICANN regularly makes policies fundamental to protecting children online now or in the future, to stop the flow of child pornography, to provide barriers for sex offenders and sex traffickers, and to control under-age access to harmful materials. Preston (2008) argues that we currently have a tremendous opportunity to influence policies affecting the development of the Internet. Individuals and organizations that support the protection of children and families must come to the table for discussions. ICANN can do more to encourage effective participation by a much broader cross section of non-commercial Internet users. The ICANN ambition is to fulfil the promise of seeking and supporting broad, informed participation of all Internet stakeholders by reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy and legislation development and decision-making.

One recent proposal is based on a zoning scheme for the Internet. There are over sixty-five thousand available ports on the Internet with only a small fraction being used for general Internet traffic. Currently all standard Web content uses the same port for transmission – port 80. Whether it is sport scores, financial information, news, children's programming, or pornography, the information packets are transmitted over port 80 (Preston, 2009).

The Internet Community Ports Concept sets out the basis for an Internet governance structure relying on existing national authorities whereby specific ports or pathways can be selected and users given power about which ones are allowed into his or her home.

## **3.2 Protecting Children and Teaching Safety Online**

Measures to protect children include school-based programmes aiming to educate children, parents and teachers about the dangers posed by sex offenders in cyberspace. Such programmes are now routinely delivered to secondary school children in the UK and other countries such as the USA, New Zealand and Canada (Davidson & Martellozzo, 2008).

In the USA, the ICAC (Internet Crime Against Children) Task Force has created a program to help both children and parents to understand the importance of the Internet but also the danger that may be encountered whilst using it. The programme has been developed by NetSmartz Workshop. NetSmartz is

an interactive, educational safety resource from the National Centre for Missing and Exploited Children (NCMEC) and Boys & Girls Clubs of America (BGCA) that uses age appropriate, 3-D activities to teach children and teens how to be safer when using the Internet. NetSmartz has been implemented in more than 3,000 BGCA Clubs nationally, serving more than 3.3 million young people.

The programme provides parents, children and teachers with an overview of online risks. It argues that in addition to the useful educational information available on the Internet, a great deal of Internet content is not appropriate for children. This content can include nudity or other sexually explicit material; hate or racist websites; promotional material about tobacco, alcohol, or drugs; graphic violence; information about satanic or cult groups; or even recipes for making bombs and explosives at home (Davidson & Gottschalk, 2010).

According to ICAC (2000) more than 30 million children in the USA alone use the Internet. A report on the Nation's Youth (2004) suggests that 1 in 4 children on the Internet had an unwanted exposure to sexually explicit pictures that were inappropriate for children to view. Approximately 1 in 5 received a sexual solicitation or approach; 1 in 17 was threatened or harassed; 1 in 33 received an aggressive sexual solicitation (from someone who asked to meet them somewhere; called them on the telephone; sent them regular mail, money, or gifts).

### 3.2.1 European Union Overview

The national InSafe awareness nodes and the INHOPE global network represent the principal initiatives to protect children from abuse and to report illegal content. Each centre comprises between one and four organisations who work together to raise internet safety awareness at a national level. Centres typically work with a broad range of partners such as schools, libraries, youth groups and industry to promote good e-safety practices. Networking at a European level allows centres to share information, showcase successful initiatives and draw on lessons learned.

Table 3.2.1 represents a summary of the types of initiatives in place. Whilst these initiatives share the same focus and aims and are similar in each country there is some variation between these countries in terms of specific initiatives and their emphasis<sup>16</sup>. For example, the majority of Safer Internet Centres across Europe now have **hotlines and/or helplines**. They are active in **collaborating with stakeholder networks**, in **providing teaching and training material for teachers and parents** and in establishing **youth panels**. Further nation-specific examples include:

*Netherlands*- The Youth Council – DigiRaad - is an extremely influential panel of young people aged between 10 and 18 years old that advises the Dutch government on ways of making the internet safer for young people. The DigiRaad also has regular discussions with businesses and interest groups on the importance of anonymity and privacy.

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<sup>16</sup> This summary is based on information at the time of writing and more will inevitably be in the planning stages

**Table 3.2.1: Internet Safety Initiatives in Europe**

INITIATIVES	A	BE	BG	CZ	CY	DE	FI	FR	de	GR	HU	IS	IE	IT	LV	LT	LU	NL	NO	PL	PT	RO	SK	SI	ES	SE	UK	
Hotlines/Helplines	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓				✓	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Youth Panels	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓		✓		✓	✓	✓	✓	✓
Special websites	✓			✓				✓	✓															✓				
Training/material for teachers	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓			✓	✓	✓			
Training/material for parents	✓			✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓			
Safety leaflets for children	✓					✓	✓	✓	✓		✓	✓	✓	✓	✓	✓			✓			✓	✓	✓	✓			
Collaboration with stakeholder networks	✓	✓	✓		✓	✓	✓	✓	✓			✓		✓	✓	✓	✓	✓		✓		✓		✓		✓		✓
Surveys of internet use in schools			✓	✓	✓	✓						✓		✓	✓			✓	✓	✓					✓			✓
Newsletters and subscriptions online					✓	✓			✓	✓		✓	✓															
Television and media campaigns									✓			✓	✓						✓		✓	✓						

*Austria, France and Germany* - have developed **targeted websites** related to safe practices offering cartoons and games, teenager advice, and information for parents.

*Spain* – Spain was the earliest European country to fully appreciate and embrace the need for a hotline to combat online child abuse. Their largest telecommunications operator, Telefonica, has one of the most progressive Corporate Social Responsibility strategies in place (FOSI, 2010). And the National Institute of Communication Technologies (INTECO) has recommended safe use of ICT to be in the national curriculum (INTECO, 2009). In addition, Spain appears to be very active in developing websites that warn against dangerous and even life-threatening behaviours and life styles to which children are particularly vulnerable.

*Protegeles* (Protect them), which was established in 2002 and part funded by the EC has developed various online safety initiatives. Since its launch in 2002 the Protegeles Hotline has received in excess of 61,000 reports of illegal Internet content, much of it involving child abuse. One initiative, Navegacion Segura (Safe Navigation) contains games with quizzes to include cyber-bullying and very specifically grooming. The quiz section on grooming provides a very specific graphic of an individual holding a card in front of their face which represents a young teenage boy which is then removed to reveal a much older drooling man. This is a strong mnemonic for any young person about online deception.

*Greece, Iceland, Slovakia, Romania and Poland* - have been very active in terms of extensive **television and media campaigns**. In Greece the Hellenic Broadcasting Corporation, a partner of the Centre, has translated and broadcasted in Greek and 12 other languages a special radio presentation on a weekly basis known as the 'safer internet minute'. In Iceland the awareness initiative 'Community, Family and Technology' (SAFT) has run extensive newspaper, TV and radio campaigns focussing on internet safety targeted at children and parents. Slovakia prepared TV shows to coordinate with Safer Internet Days, one example being Cookie.sk of which there were 9 episodes of 15 minutes each and this repeated five times on national TV and remains on their Centre website. In 2009 the Centre also developed four animated stories that addressed safety topics to include grooming. These stories were broadcast on national TV. The Romanian safety campaigns have been run on music channels targeting children and teenagers – and Romantica and Acasa TV channels which target young women in particular in terms of messages about internet safety.

In *Poland* the media campaigns are run by the Nobody's Children Foundation. 'The Internet is a window to the world - the entire world' (2007) dealt with the problem of children's exposure to dangerous content. Specifically, Poland was already addressing the grooming issue as early as 2005 with their media campaign 'You never know who's at the other side'.

*Switzerland* – not included in the summary table, has made some very good provision for its citizens in terms of educating them about Internet safety issues. At a government level, the Swiss Agency for Crime Prevention has two excellent websites which aim to educate all parts of the community about issues ranging from the use of chat rooms (much information appears to be focused on this particular topic) to the safe use of social networking sites. In addition, the Agency has run a campaign against child pornography on the Internet and information on this can also be found on its websites. For a country of its size, Switzerland has a large number of websites which provide either reporting facilities or information relating to Internet safety. Swiss Crime Prevention has taken a proactive role to raise awareness about the Internet and educate parents and teachers about chat rooms.

A variety of initiatives therefore have been developed through the Safer Internet Centres which are focussed on the principal issues of safety from risks such as viewing pornography, cyberbullying and more recently and specifically, the concern over contact with strangers through behaviour on social networking sites and chat rooms.

### **3.2.2 Case study - United Kingdom**

This section will outline two large scale interventions undertaken in schools to aid internet safety – the Safer Surfing Programme (Metropolitan Police) and the ThinkUknow programme (Child Exploitation and Online Protection Centre CEOP). It will also outline the policy initiative undertaken by the Council for Child Internet Safety (UKCCIS) with recommendations for child-based organisations nationally.

#### *Safer Surfing Programme:*

A similar programme to that of ICAC was designed in the UK in 2002. The Metropolitan Police Safer Surfing Program was delivered by Safer Schools officers, in response to demand from local parents.

This Metropolitan Police Program differed from other educational Internet programs in that it was interactive and delivered directly to children in schools. It is unique in this respect. It was designed in 2002 for use with 12 and 14-year-old children as this age group has been identified as active, independent users of the Internet (Davidson and Martellozzo, 2008). The program aimed to encourage safe use of Internet chat rooms and interactive games amongst school children, to outline the potential dangers of talking online to virtual friends via an interactive session, to educate children about strategies for safe use of the Internet via an interactive session using a mnemonic (S - secrets don't keep them; A - attachments don't open them; F - false don't believe them; E - exit don't stay there; R - remember public chat rooms no personal details), to educate children about the dangers of opening attachments coming from unreliable sources as they may be containing illegal and damaging material; and to educate parents about safety issues and strategies via educational information and presentations.

The program was interactive and delivered by two Safer Schools Officers to small groups of children in classrooms. The session would begin with a short introduction where children are encouraged to discuss

their use of the Internet. This was followed by a chat room exercise, which involved a live link to a Safer Schools Officer in an adjacent room. Children believed they were talking online (via a laptop computer controlled by the Safer Schools Officer) to a 13-year-old child (Nadia). Children were asked to provide questions to put to the fictitious child and were asked if they would like to meet her. The children were later introduced to the police officer who played the role of the child.

When evaluated, those children who had participated in the programme did appear much more knowledgeable about safety (80% mentioned safety) than children who had not yet participated (34% mentioned safety). The post-programme group also appeared much more knowledgeable about the dangers of private chat rooms. 65% of them mentioned the benefits of staying in public chat areas. Only those in the post-program group the important point about using a false personal identity online in order to protect themselves (Davidson and Martellozzo, 2008). Consequently, children having received the program were much more knowledgeable about Internet dangers, and the majority of the children had clearly learnt the key program messages and were able to discuss safety strategies.

Teachers welcomed the involvement of safer schools police officers on this topic suggesting that presentations on sensitive issues such as sexual abuse delivered by the police had greater impact upon the children than those given by teachers. The safer schools police officers were largely very positive about their role in educating children about sexual abuse but saw it as rather limited to short classroom-based sessions. Police officers particularly liked the interactive nature of the safer surfing program and thought this element had a real impact upon the children (Davidson and Martellozzo, 2008).

*The Child Exploitation and Online Protection Centre & The ThinkUKnow (TUK) programme.*

The Child Exploitation and Online Protection Centre (CEOP), is a recently launched organisation (April 2006), funded by Government and the communications industry, which includes representatives from the police and other criminal justice agencies. CEOP draws upon expertise from Internet service providers (such as AOL and Microsoft) and children's charities such as the NSPCC, in attempting to confront online abuse (<http://www.ceop.gov.uk>). This new centre aims to raise awareness amongst children and parents about the potential dangers of the Internet and to create a database of known offenders. Police officers visit chat rooms posing as children in order to detect grooming behaviour. False websites are set up to attract sex offenders seeking to groom children. These policing tactics are not new. The National High Technology Crime Unit Scotland and the London Metropolitan Police High Tech Crime Unit (HTCU), for example, have placed undercover officers in teen and other chat rooms likely to attract children since the introduction of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 and the Sexual Offences Act 2003 (as have other HTCU's). These officers have learnt to interact as children do online through the use of text language in order to prompt and encourage conversation with child abusers seeking to groom a child. Several recent convictions have been secured on this basis and an increasing number of online groomers are being arrested under the legislation. CEOP have implemented an internet 'report button.'<sup>17</sup> This is for all

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<sup>17</sup> <http://www.ceop.gov.uk/saferbydesign/reportabuse.asp>

organisations that have an online presence where children and young people congregate, as a ' Report Abuse' mechanism. The benefits are described as:

- By implementing the 'report abuse' button, children and young people on your site will be empowered to report suspicious individuals or behaviour directly to law enforcement quickly and easily.
- The reports come directly to the CEOP intelligence centre and the team there analyse, assess and take appropriate action according to the perceived risk and threat to an individual child.
- It also enables CEOP to feedback on reports to users, helping you make your environment safer for children and young people.
- Information and analysis of these reports can then shape the future development of services reducing the potential threat and harm to children.

Initial findings are that the report abuse button greatly increased identification of dangers online. The report abuse mechanism went live in August 2006 and in its first week reports to CEOP increased by 113%. Prior to its implementation less than 22% of reports came from under 18's. This figure immediately increased to over 50% and has remained in that region ever since.

CEOP's ThinkUKnow Programme is now delivered to children throughout the UK. The programme seeks to impart Internet safety advice to children and young people aged 5-16. The programme includes a presentation delivered in schools (usually) and a website with different sections for different age groups, parents, teachers and trainers. Trainers are encouraged to report the number of children trained via a website link (they must go on to the website to do this). Safety advice is also provided on the website.

The recent evaluation of CEOP's ThinkuKnow (TUK) internet safety programme undertook a questionnaire survey of 1718<sup>18</sup> children across the UK aged 11-16 years old and focus groups with 84 children. All children and young people had undergone the ThinkUKnow programme in school and were asked about behaviour prior to the intervention and its impact. Many reported having engaged in high-risk behaviour online (defined by the degree to which they share information with and interact with strangers). More than one in five reported sharing their full name, where they go to school and photos of themselves. It was also clear that interacting with strangers (i.e. adding them as ISM or Facebook friends and exchanging messages) is becoming an accepted behaviour not perceived as 'risk-taking'. The survey found that 48% appeared willing to have some sort of interaction in the future with 'strangers' – receiving messages, or adding them to their social networking friends group – irrespective of whether they've received online safety advice or not. Thus while it can be seen that initiatives such as ThinkUKnow are good at gaining direct access to children and young people and alerting them to internet dangers, whether such initiatives have long term impacts, and how the messages can be reinforced at home and in the media, needs to be taken into account.

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<sup>18</sup> After data cleaning from an initial 1808

*Council for Child Internet Safety (UKCCIS):*

Other policy initiatives concerning internet safety have been undertaken by the new UK Council for Child Internet Safety (UKCCIS) established in March 2009, to unite over 100 organisations from the public and private sector working with Government to deliver recommendations from Dr Tanya Byron's report 'Safer Children in a Digital World'. The report reviewed evidence on risks to children's safety and exposure to inappropriate and potentially harmful material on the Internet and in video games. It also assessed existing measures for protecting children and helping parents understand the risks of access. Its recommendations included the call for the Council to take the lead in a strategy aiming at better regulation of voluntary codes of practice in industry and better information and education with Government departments, law enforcement, schools and children's services playing a key role. (Byron, 2008). Reporting directly to the Prime Minister, the Council will help to improve the regulation and education around internet use, tackling problems around online bullying, safer search features, and violent video games. This coalition of experts and organisations will ensure that parents and young people have a voice in the development of a Child Internet Safety Strategy.

The strategy will:

- establish a comprehensive public information and awareness and child internet safety campaign across Government and industry including a 'one-stop shop' on child internet safety;
- provide specific measures to support vulnerable children and young people, such as taking down illegal internet sites that promote harmful behaviour;
- promote responsible advertising to children online; and
- establish voluntary codes of practice for user-generated content sites, making such sites commit to take down inappropriate content within a given time.

The Department for Education<sup>19</sup> (Previously the Department for Children, Schools and Families, DCSF) in the UK leads work across government to ensure that all children and young people stay healthy and safe, to ensure that they receive an education at the highest possible standards of achievement, and that they live a safe and healthy childhood. The Department is considering whether to issue guidance that sexual abuse and Internet safety should be covered in the national curriculum.

Therefore it can be seen that the UK has expended a good deal of effort and resources to tackle internet safety. Early evaluations of interventions show these do have positive impact, but that continued underlining of the messages are needed for teenagers to actually change their behaviour online. Internet safety concerns all organisations working with children and is also the responsibility of internet providers. Policy at governmental level is needed to underline safety messages. This goes wider than issues of internet grooming for sexual abuse, or distribution of indecent images, but also includes tackling problems around online bullying, safer search features, and violent video games.

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<sup>19</sup> <http://www.education.gov.uk/>

### 3.2.3 Case study – Belgium

A study of internet use among young people in Belgium conducted in 2008 by the *Centre de Recherche et d'Information des Organisations de Consommation* (CRIOC; Belgian Centre for Consumer Group Information and Research), it emerged that 88% of the sample ( $N = 2336$ ) surfed the web regularly. The general average was 9.5 times a week, that is, more than once a day. All the age groups surveyed engaged in internet surfing and it was already customary practice for 72% of respondents 10 years of age. The pre-adolescents surveyed (11-12 years old) declared requiring no help to connect to and use the Internet. Their favourite online activities were (a) viewing cartoons or music videos, (b) playing games, and (c) communicating via msn or email. Young adolescents (13-14 years old), too, required no help using the Internet and their favourite activities included (a) creating and managing a personal blog to showcase themselves, (2) communicating, and (3) downloading music, games and videos. As for adolescents over 15 years old, they reported for the most part possessing their own personal computer and using the Internet to (a) communicate with others, (b) comment on specific topics in discussion forums and (c) to download music, games and videos. As we can see, though the points of interest vary across age groups, “communicating” is nevertheless a constant. When asked what activity they most engaged in, “chatting” came out on top (82% of respondents). Surprisingly, 74% of the children still in elementary school already chatted online on a daily basis.

There is concern in terms of the very real risks inherent in internet use for chatting activity. On average, 40% of the sample declared chatting only with people they knew, which leaves 60% regularly in contact with people they don't know, some of whom are potentially dangerous strangers. Regarding parental control, only 35% reported using the Internet according to the rules laid down by their parents. The CRIOC concluded that existing laws were inadequate as internet use was not risk-free. There were shortcomings at various levels, with regard to commercial manipulations (e.g., advertising, spam), the exchange of pirated data, the respect of privacy, the dissemination of offensive information and images, and the protection of children. Concerning offline meetings and sexuality, in particular, interactivity has really opened the door to all sorts of experiences, at times positive for some, but just as easily disastrous for others. Nowadays, when adolescents want to contact a person for a romantic/sexual relationship, the computer is a means of choice. Nearly half of the female adolescents active on the web describe themselves as having already fallen in love with a person met online. This also includes sexual experience. Indeed, one out of four boys and one out of five girls reported having already engaged in cybersex. One-third of the boys and one-eighth of the girls declared having had offline sexual relations with a person met online. Moreover, 75% of the girls and 80% of the boys admitted to flirting and talking about sex online.

Clearly, virtual reality can facilitate a number of types of behaviour and contribute to lowering inhibitions. Indeed, it is not uncommon for girls to pass themselves off as older than they actually are and for introverted young people to dare to open up much more from behind the safety of the keyboard. The use of a fake identity is not a rarity either in order to feel less exposed. The problem is that, as chat rooms are open to

everyone, these “facilitating factors” open the door to excess and abuse and allow ill-intentioned individuals to gain easy access to victims.

Consequently, parents need to be the first warning and defence system against the dangers related to surfing on the web. Chat rooms and other forums at times have a code of conduct, filters and moderating systems to regulate offensive content. The code of conduct is a sort of charter that all internet users who frequent a chat room or forum are expected to be familiar with and respect. Otherwise, users can be reprimanded and even excluded temporarily or definitively. The code of conduct generally prohibits discriminatory, racist, hurtful, commercial statements as well as those of a pornographic nature. Filters and moderators ensure compliance with the code of conduct. Text filters automatically block or delete all messages containing obscene terms previously entered in the database. As for the moderator, this is a person who supervises online activities and decides whether or not to censor content deemed inappropriate. However, it should be noted that moderation is not subject to any specific law or regulation. Furthermore, anyone can set up a chat room and supervision is not a legal obligation. Should the moderator or the filters prove ineffective, there are contact points where internet users can report abuses they observe when visiting chat rooms. Generally, moderators will verify e-mail addresses. Following a report, they can act accordingly against users caught at fault.

More generally and officially, anyone can turn to Child Focus ([stopchildporno.be](http://stopchildporno.be)), a civilian contact point in Belgium for reporting images of child sexual abuse online with complete anonymity. Upon receipt, Child Focus follows procedures by forwarding the report to the Human Trafficking Unit and the Federal Computer Crime Unit (FCCU) of the federal police who, in turn, keeps Child Focus informed on the follow-up. What's more, Child Focus manages a prevention site ([clicksafe.be](http://clicksafe.be)) tailored to young kids, adolescents, parents, teachers and all other persons looking for tips on how to use new technologies more safely. It is also possible for victims to report offences committed online, through the “eCops” website created by the federal police. A hotline (110) is available as well for reporting any information regarding wrongful sexual behaviours or prostitution.

### **3.2.4 Case study - Norway**

Throughout Norway the Minister of Justice opened *children's houses* ("barnehus") in 2008 and 2009 ([www.regjeringen.no](http://www.regjeringen.no)) to target children who have been exposed to violence or sexual assault. They also include children who have witnessed threats and violence. The environment in each house is adapted to the children but is also adapted for police work, childcare work as well as court work, such as interviewing a child for a criminal court case. Children up to 16 years of age can talk about what they have experienced, and the conversation is recorded on video. Staffing typically includes six professionals (for example in the "barnehus" in Bergen). The personnel have backgrounds in child psychology, qualitative research, school education and police training.

Norway was the first country to establish a commissioner, or 'ombud', with statutory rights to protect children and their rights in 1981. The Ombudsman for Children in Norway works to improve national and international legislation affecting children's welfare. The duties of the Ombudsman are to promote children's interests to public and private authorities and to investigate the developments of conditions under which children grow up ([www.barneombudet.no/english/](http://www.barneombudet.no/english/)).

The new internet grooming section 201a in Norwegian criminal law was initiated and acclaimed by the Ombudsman, who argued that the section gives a strong signal that children's rights for protection are critical and that the new section might have a preventive effect on those who plan sexual assaults against children. A third initiative was launched by the Ombudsman to establish an *emergency telephone* number for children and for adults who have observed children at risk or in need of help. In addition, the Child Consent Initiative, is concerned with the protection of personal information about children that is published on the Internet. Some parents will publish sensitive information about their children and pictures from vacations and other occasions without considering the potential dangers involved. The principle of *child consent* means parents will have to ask their children and get their permission before publishing material involving them. The principle of child consent is a planned initiative to be included when Norway revises its Child Law ("barnelov").

A fifth initiative stems from Save the Children Norway, which has developed and published chatting rules. There are four important *chatting rules* in their pamphlet (Redd Barna, 2007):

1. Be anonymous. Never give away your name, address or telephone number,
2. Leave if you do not like the chat. You are in charge!
3. Never meet someone from the chat alone. Bring always an adult the first time.
4. If you are to meet someone from the chat, choose a public place with many people.

The Red Police Button was introduced in September 2008. The red button is located on web pages for children where grooming may occur. The red button can be pressed by children and others who experience abuse behaviour on that web site. When the button is pressed, an automatic message is sent to the national criminal police (Kripos) in Norway (Døvik, 2008). Kripos is open day and night.

Microsoft in Norway has taken the lead to install this system, which is to be found on all web sites used by children. By pressing the red button marked 'police', abuse can easily be reported directly to the police (Døvik, 2008). When the red button is pressed, the police tip page 'tips.kripos.no' automatically opens on the screen. Three alternatives emerge on the screen: Sexual exploitation of children ('Seksuell utnytting av barn'), Human trafficking ('Menneskehandel'), and Racial expressions on the Internet ('Rasistiske ytringer på internett').

With regard to measuring prevalence of Internet use amongst young people, the large and well-respected **Safe Use-survey** has been conducted every other or third year in Norway since 2003. Children and youngsters between the age of 9 and 18 take part and provide the opportunity to map out the use of digital technology amongst children as well as follow the development in their attitudes, use and interests.

In addition to the Safe Use survey the Norwegian Safe-Use project also has two active youth panels both a Children's Panel and a Youth Panel ensuring that a greater understanding of their thoughts and attitudes are included. Finally, the E-safety Family Kit has been distributed to 120,000 homes in Norway via the schools and targets 8 and 9 year olds. This is particularly important in relation to the concerns of younger children who are now regularly using the Internet.

Thus it can be seen that Norway has a number of initiatives at policy and practice level for intervening in internet safety for children and young people.

### **3.2.5 Case Study - Italy**

Whilst there is no legislation to deal with internet grooming in Italy, the issue of internet safety and protecting children against sexual abuse in general has attracted efforts at increasing awareness and policy interest. The Italian Unit involves participation of members in meetings and conferences about the Internet, internet safety and the online security of young people. An internet site is being developed to include child care policies, psychology and criminology information and internet safety and make these available to the general public. Other initiatives and organisations are identified below.

The EASY awareness node in Italy, as an example of the InSafe network, is run by Adisconsum and Save the Children Italia. It is now part of a combined node for hotline and awareness raising activities in Italy, aimed at guaranteeing a relevant increase of Internet safety for minors – both on the side of supporting the fight against illegal/harmful content and online crime and promoting a more responsible, positive and large use of the Web and the new ICTs by minors – thus involving all relevant stakeholders and strengthening synergies with both national and EU policy initiatives. There are three main activities within this project.

Firstly, a wide awareness campaign carried out at different levels: an extensive media communication plan; participation in a number of identified events and fairs focusing on new technology (NT); the successful implementation of high visibility and impact events, such as the Internet Safety Weeks which offer a number of awareness raising activities around Italy, meetings in schools with minors and parents, training sessions for teachers, school managers and educators, project presentations for local media and authorities, events for the general public on the main squares where people can debate and deal with the Internet in a safe and constructive way.

Secondly, the creation of a new Advisory Board acting as a national reference point and a discussion forum with regard to the issues relating to a safer use of NT by children and young people. Thirdly, high quality and well targeted awareness tools and strategies, by actively involving the target groups in order to really meet their continuously evolving needs and expectations. The combined node of easy4.it and stop-it.it has the endorsement of the principal parents and teachers associations as well as Internet and mobile providers such as WIND and AIIP (Association of Italian Internet Providers), the Ministry of Education, Ministry of Communication and the Polizia Postale (LEA). There is also the EASY Youth Panel which consists of young people aged 14-17 years old who participate and influence decisions about their online and real life. In 2009

the Centre launched the survey 'Web 2.0 Services and Protection of the Rights of Children and Adolescents'. This was entirely conducted by the youth panel and provided a set of recommendations to social network providers on how to protect young people's privacy on line.

There are in addition other organisations involved in protecting children from sexual abuse. Telefono Arcobaleno (Rainbow telephone) is an independent organization started in 1996, which works against the abuse and the sexual exploitation of children. It has projects in over 100 countries, to act in defense of the rights of children without discrimination by nationality, origin, race or culture. It is the principal international organization working against online pedophilia and against every form of reduction in slavery of children. Through its team of computer experts, it undertakes daily, systematic and expert monitoring of the web against pedophile activity. This is undertaken by a daily scanning of the Internet, aimed to identifying and tracing of illegitimate websites to the competent authorities. The activity of monitoring the net daily feeds an online bank, constantly updated, of paedophile activities online. The data and the information provided provides an important mapping and offers concrete data on the activity of paedophiles on the Internet and the activity around distributing indecent images. The International observatory against online pedophilia and the sexual exploitation of children of Telefono Arcobaleno periodically compiles the "Relationship on the state of Pedophilia on line" for political and institutional parties. Telefono Arcobaleno<sup>20</sup> provides the opportunity to signal online in real time the presence of the indecent images of children on the web. This is a hotline which has a useful role linking citizens to professional bodies.

A further organisation, the Meter association<sup>21</sup> performs an activity of online monitoring, 24/24. It is developed in collaboration with the Postal and Communications Police and with the National Center of Combatting Paedophilia and the online distribution of indecent images of children ('pedopornography') (CNCPO) and with various foreign Polices. This collaboration allows common action in combating online distribution of indecent child images not only to uncover such practices, but also with a preventive and educational intent. Meter also effects a constant monitoring of the media (Internet, television, telephone, etc.), to guarantee correct use and to contribute to inhibit harmful practices in order to protect children. Media campaigns have also featured within Italy, where one of the Italian Centre's media campaigns resulted in the publication of a parents guide to responsible mobile use. The campaign was conducted in collaboration with Vodafone Italia which distributed 800,000 copies through national newspapers and magazines.

Finally "La Caramella Buona"<sup>22</sup> (The Good Candy) is the only association working against paedophiles which takes a civic role in trials against pedophiles. This acts in any case of sexual abuse of children, and is not specifically aimed at online grooming for sexual abuse contact. Therefore it can be seen that preventative actions do exist in Italy for internet safety, but these do not highlight issues of internet grooming in particular.

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<sup>20</sup> <http://www.telefonoarcobaleno.org/it/index.php>

<sup>21</sup> <http://www.associazionemeter.org/>

<sup>22</sup> <http://www.caramellabuona.org/>

## 4. Conclusion

This review has highlighted the UK, and selected European and international initiatives to protect children online. In particular the work of the national InSafe awareness nodes and the INHOPE global network to report internet crime, with INHOPE currently having 33 member Hotlines from 29 countries (with Russia recently added). Recent research (Davidson et al, 2009 & Livingstone, 2009) has played a key role in raising awareness about children's use of the Internet and online risks as have organizations such as the Virtual Global Taskforce. However, early research suggested that the routine education of children about Internet sexual abuse in the context of formal education is an important aspect in raising awareness about Internet safety amongst young people, parents and teachers (Davidson & Martellozzo, 2005, 2008). Internet safety is becoming an integral element of formal education in many countries and organizations such as the European Commission have funded programmes to set up safety nodes throughout Europe, the nodes act as a focal point for the dissemination of Internet safety information via schools across Europe.

The Commission has also funded a research programme to inform practice. It is clear that much good work has been undertaken on behalf of children in this area, however the issue is really much wider than teaching online safety, teachers participating in research conducted by Davidson and Martellozzo (2005) suggested that it seems pointless to warn children about the dangers they may encounter in cyberspace unless this information is imparted in the context of wider education about sexual abuse and about appropriate sexual behaviour. Schools should play an active role in educating children about sexual abuse and safety strategies in the context of the national curriculum (as is the case in some American states and this is planned in the UK). In order to do this effectively training and guidance should be provided for teachers and such work should routinely involve parents and carers; several issues are key:

1. Despite the unquestionable advantages of the Internet the increased use of this means of communication by younger and younger children, especially at home or in isolation with mobile phone technology, has left many vulnerable to abuse by sexual offenders. The greatest risk to children is that of meeting an online contact offline. Findings across Europe reveal an average of 1 in 11 online teenagers putting themselves at risk of meeting online groomers.
2. The legislative context is complex as a result of the lack of international consensus in relation to internet crime. In terms of abuse of children not only is there lack of concordance in relation to the definition of a 'child' in different countries for the purposes of legislating but arguably only two countries, i.e. the United Kingdom and Norway, specifically criminalise internet grooming. However some examples of the legislation in Europe provide wording which can usefully be interpreted as the process of grooming and applied to online offenders. For example any reference to approaches to a child online involving indecent images or text.

3. Recent developments in the European Union are now paving the way for each member state to criminalise grooming as represented by the 2010 EC Directive on combating sexual abuse, sexual exploitation of children and child pornography.

*'Member States shall take the necessary measures to ensure the following intentional conduct is punishable:*

*The proposal, by means of information and communication technology by an adult to meet a child who has not reached the age of sexual consent under national law, for the purpose of committing any of the offences referred to in Articles 3(3) and Article 5 (6) where this proposal has been followed by material acts leading to such a meeting shall be punishable by a maximum term of imprisonment of at least two years.'*

*(Brussels, 29.3.2010 COM(201094 final):16)*

4. A further challenge in terms of effective internet safety education is that of engaging effectively with teenagers who do not believe that providing personal information to strangers or 'virtual friends' on SNS is anything other than acceptable behaviour. As adults we simply do not know enough about online teenage behaviour and norms to be able to create effective, meaningful educational programmes. There is also a need to increase preventative work and protect children at an earlier stage through educational initiatives.
5. The challenge of working with offenders is rarely discussed in the same context as preventative work with children, but effective educational awareness should be based upon good research exploring offender online behaviour, use of new technology and victim targeting practices. There is a need to be prepared to work with offenders in order to understand their behaviour in order to better protect children in the virtual world. This research provides a unique opportunity to describe the behaviour of both offenders who groom and young people who are 'groomed.'
6. The risk assessment, sentencing and treatment of Internet sex offenders also presents new challenges and practice should be based upon good empirical evidence. The difficulty is that research is in its infancy and there is a danger in proceeding on the basis of current policing, assessment and treatment practice with sex offenders which may or may not be relevant in work with Internet abusers. There is always a difficult balance to be struck between the measured and reasonable use of sanctions and community protection.
7. In describing the attempts made by law enforcement agencies to reduce the problem of online abuse, recent research (Taylor, 2010; Martellozzo, 2010) has shown that despite moves on the part of agencies, governments, the IT industry and organizations such as the Virtual Global Taskforce to control online abuse, many offenders continue to utilize the Internet to perpetrate abuse. It is suggested that governments could do a great deal more to make both the continuing

trade in indecent images of children and the online grooming of children a high enough, properly resourced political priority. The hidden nature of the offending and lack of public awareness makes this possible. Internet abuse presents new challenges to law enforcement agencies accustomed to working within specific geographical boundaries. The Internet transcends such boundaries and facilitates the formation of global offending networks, consequently international efforts are required to both understand and address this form of offending behaviour.

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## 6. Appendices

### APPENDIX A

Procedures for assessing the risk of sexual offenders re-offending utilise tools that discriminate between the different levels or severity of indecent images of children held. It does not consider grooming behaviour per se. The use of these tools is critical to the ongoing debate about sex offender profiles and the need to predict the likelihood of either re-offence or a possible escalation from non-contact to contact abuse.

A degree of sophistication in risk assessment and management is evident in the UK and Belgium.

#### *The United Kingdom*

Risk assessment techniques employed by the police and other agencies in the UK currently focus on an actuarial risk assessment tool, Risk Matrix 2000 (Thornton et al, 2003) and the advice of the Sentencing Advisory Panel (2000) on classifying categories of Internet offender convicted for possession of indecent images of children. The Sentencing Advisory Panel (SAP) system does not however extend to offenders grooming children and those using extreme pornography depicting the abuse of adults. The system has been criticized by police practitioners for being too limited and not accurately assessing risk with Internet sex offenders (Davidson, 2007). In Davidson's research, one police officer interviewed described a recent case where a sex offender was assessed as low risk using RM2000 even though his offences involved the filming of abuse he had perpetrated, with the indecent images subsequently posted on the Internet. Clearly there is much work to be done in adapting RM2000 to make it more reliable, but it is also clear that practitioners are simply using the scale as a baseline indicator (op cit).

The SAP advice is based upon a system developed by Taylor, Holland and Quayle (2001) on behalf of the COPINE<sup>23</sup> project. The typology developed by Taylor and colleagues lists 10 categories of offence that increase in seriousness from level 1- 9 (highest). Level 1 offences include images often freely available on the Internet depicting children in their underwear or swimsuits, whilst levels 9 and 10 include grossly obscene and sadistic images of children. It is recognized that offenders may possess images that cross several categories, but that overt sexual intent and content are key issues which the police and practitioners working with Internet offenders should address in assessing risk. Other factors which may impact upon risk assessment are identified as:

1. The size of a collection of images and the manner in which it is organized. This is taken to be indicative of the extent to which an offender is using such material offline.

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<sup>23</sup> The Combating Paedophile Information Networks in Europe Project founded in 1997 at University College Cork, Ireland

2. New and private material is taken to be indicative of access to sex offender communities and possibly producers.
3. The child's age, since it is argued that the younger the child the greater the imbalance of power between perpetrator and victim and more damaging the effects.

In terms of judging seriousness and risk when sentencing, the Court of Appeal has accepted the advice of the Sentencing Advisory Panel (SAP, 2002) in sentencing Internet sex offenders using indecent images of children, following *R v Oliver, Hartley and Baldwin*<sup>24</sup>.

The possession of indecent images of children offence can be tried either way under the Sexual Offences Act 2003 in England and Wales and carries a maximum penalty of 5 years custody for possession and up to 10 years custody for production and distribution. Aggravating circumstances include: distribution; evidence of a systematic collection; use of drugs or alcohol; collection stored so that others may view it accidentally; intimidation or coercion; and financial gain. Mitigating factors include a small number of images held for personal use and images viewed but not stored<sup>25</sup>.

As discussed these levels of seriousness are based loosely on Taylor and colleagues' (2001) typology. Although this provides a valuable structure in which to locate different categories of Internet sex offenders use of indecent child images, there is no empirical evidence to suggest that the most serious level 4 and 5 Internet offenders constitute the greatest risk to children in terms of contact offending. Indeed police practitioners have suggested that the system clouds the risk issue. An offender may for example possess images at level 1 but have regular access to children within his family circle, whilst an offender may possess images at level 3 but have no such contact and restrict his behaviour to the Internet (Davidson, 2007).

Risk assessment and management of sex offenders occurs at several levels, there is clearly a need for criminal justice organizations to attempt to control and manage this group of offenders via Multi-Agency Public Protection Arrangements (MAPPA)<sup>26</sup> but police, social work and probation practitioners have the difficult task of attempting to make assessment at an individual and treatment group level. Whilst organisations such as the National Probation Service in the UK provide general guidance on risk<sup>27</sup> management, no formal specific advice or techniques appear to have been developed regarding Internet sex offenders.<sup>28</sup>

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<sup>24</sup> R V. Oliver, Hartley and Baldwin (2003) 2 Cr App R28: (2003) Crim LR 127. Here the two determining factors of seriousness were taken to be the nature of the material and the degree of the offender's engagement with the material. In considering the custody threshold the fact that the material upon which the convictions were based constituted a small part of the collection and that the potential for others to access and view the collection was great. The defendants all received a custodial sentence.

<sup>25</sup> The sentencing guidelines may be viewed at <http://www.sentencing-guidelines.gov.uk/docs/advice-sexual-offences.pdf> (SAP, 2004, p99).

<sup>26</sup> Established by the Management of Offenders (Scotland) Act 2005 in Scotland and by the Criminal Justice & Court Services Act 2000 and re-enacted and strengthened by the Criminal Justice Act 2003 in England & Wales.

<sup>27</sup> The Home Office 'Risk Management Framework' identifies 4 rather obvious steps for practitioners: 1. identify risks; 2. Assess risks; 3. Address risk responses; 4. Risk review and report. (Home Office, 2004, p10).

<sup>28</sup> Although it is clear that key developments are taking place in this area in Scotland, England and Wales and that further guidance and training will be offered to practitioners.

Research conducted by Quayle and Taylor (2002) with social workers and probation officers suggested that practitioners did not understand '*the function of the Internet for adults with a sexual interest in children*' (2002) and did not routinely screen sex offenders for Internet use. This is an issue of concern raised by a representative from the High Technology Crime Unit of the Metropolitan Police<sup>29</sup>. Quayle and Taylor (2002) comment in this work that there are currently no specific assessment tools to aid practitioners in managing Internet sex offenders. This has been confirmed by representatives from the Family Protection, Scotland and the National Probation Service in England and Wales, 2006. Practitioners in Quayle and Taylor's study were relying upon the standard assessment interview to make judgments about risk. Such an approach may be useful in raising awareness amongst practitioners about key areas upon which to focus during supervision sessions with Internet sex offenders. However if practitioners have no confidence in the assessment tools that are imposed upon them, they will probably not be used accurately or effectively in managing and assessing risk. This view is supported by research undertaken with practitioners by the Scottish Executive in 2002 into the use of risk assessment tools in Scotland. It found that practitioners reported that standard risk assessment tools such as Risk Matrix 2000 were too complex and too academic for effective use in practice. If such tools are to be effective and integrated into practice, and to be perceived as useful by practitioners, then more attention is needed into the incorporation of professional and clinical judgment and experience with different groups of offenders in the developmental phase of any risk assessment work.<sup>30</sup>

The National Probation Service Sex Offender Strategy (2004) makes reference to provision in the Criminal Justice Act 2003 regarding Internet offending. It is clear from the document that risk assessment is considered key at various stages of the criminal justice process, but risk assessment tools for use with Internet sex offenders are currently under development and advice offered to probation practitioners acknowledges the difficulty of applying Risk Matrix 2000 to work with this group of offenders. Practitioners have been advised to omit the aggravating factor of '*non-contact*' offence and to continue to apply dynamic risk factors to assess risk on an individual basis (Probation Circular, 85/2005).

In England and Wales violent and sex offenders are divided into three distinct categories under MAPPA arrangements: *Category One* includes all registered sex offenders; *Category Two* includes violent and other sex offenders on licence to the National Probation Service and *Category Three* includes offenders with previous convictions whose behaviour suggests that they pose a continuing risk. Offenders are also categorised by seriousness at levels 1-3 (level 1 offenders - low to medium risk; level 2 offenders - high risk and level 3 offenders pose the highest risk). Under MAPPA arrangements in England and Wales level 1 offenders are overseen by one agency, usually the police or the probation service, whilst level 2 offenders are subject to multi-agency oversight (the Multi-Agency Risk Conference structure (MARC)) and level 3 offenders (known as the critical few) may be subject to intensive measures beyond the MARC structure, such as monitoring on a daily basis by a private care firm or police surveillance.

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<sup>29</sup> This unit is responsible for policing online child sexual abuse, including the possession, production and distribution of indecent images of children and online grooming.

<sup>30</sup> The work of the Risk Management Authority (RMA) in inviting practitioner comment and input into the development of risk assessment techniques is an example of good practice in this area.

In Scotland, risk assessment of dangerous offenders is a key issue that is monitored by a central body (the Risk Management Authority) and is becoming an integral element of practice. This is an unusual approach and other countries may follow the Scottish lead. Legislation now affords the police the power to routinely enter the homes and check the computers of any sex offender on the register for the purposes of risk assessment (Police, Public Order and Criminal Justice (Scotland) Bill, 2006).

A statutory obligation is now placed upon criminal justice agencies working with violent and sexual offenders in Scotland subject to an Order of Lifelong Restriction (OLR)<sup>31</sup> to prepare and act upon a risk management plan. The plan should include an assessment of risk and describe how the perceived risk will be monitored and how the offender will be managed by all relevant agencies. The OLR formed part of the recommendations by the MacLean Committee on serious violent and sexual offenders (2000), and has been made available to the High Court since June 2006, for offenders appearing on indictment for an offence without a mandatory life sentence of imprisonment. The statutory provisions for the OLR are set out in section 210F of the Criminal Procedure (Scotland) Act 1995 (as inserted by Section 1 of the Criminal Justice (Scotland) Act 2003).

## **Belgium**

In Belgium Psychosocial Services play an important role in the area of risk recidivism assessment especially through the advisory function they fulfil for the benefit of the Ministry of Justice, sentencing judges and sentencing courts. Moreover, as they are mandated to prepare an offender's post-detention management, these services play an indispensable interface role between the "world of confinement" and the community. Presently, sanctioned sex offenders (convicted or interned) represent 20% to 25% of the prison population in Belgium.

Correctional authorities decided back in 2005 that all psychologists who formed part of a specialized correctional services (SCS) team had to be trained in the administration of violent and sexual recidivism risk assessment instruments. The *Centre de Recherche en Défense sociale* (CRDS) is responsible for training French-speaking SCS teams in this regard. Presently, these instruments include the Hare Psychopathy Checklist - Revised (PCL-R), the Violence Risk Appraisal Guide (VRAG) actuarial scales, the Sex Offender Risk Appraisal Guide (SORAG) violent and sexual recidivism scale, and the Historical, Clinical, Risk - 20 (HCR-20) dynamic risk scales. In collaboration with the central psychosocial services department of the Ministry of Justice, work is taking place on the longitudinal validation of these violence prediction instruments. This is considered good practice and needs to be repeated in other countries.

### *Support centres*

In Belgium, health and social services fall under the jurisdiction of communities and regions, whereas criminal justice falls under the jurisdiction of the federal government. Agreements of cooperation have been in place since 1999 between the federal government and the regions concerning the management and treatment of

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<sup>31</sup> It is the responsibility of the 'lead' agency to prepare the plan.

sex offenders. Under these agreements, three support centres were created for the three main regions of Belgium. These centres provide support to the specialized in-prison assessment teams (in-prison psychosocial services) and the walk-in sex offender management teams (healthcare teams). This support is wide-ranging and consists in providing access to documentation, organizing training sessions, conferences, and colloquia, conducting case studies, collecting data for profiling the population, and formulating supported opinions in connection with offender management. Further description of the walk-in sex offender management teams is given below.

*Selected features of the walk-in sex offender management system in the Walloon region*

The following data were collected by the Forensic Psychopathology Unit of the Tournai Support Centre, in the Walloon region of Southern Belgium and published in its latest activity reports. The Walloon region counts 11 specialized mental health teams for sex offender management. Most of these operate under the framework of court-ordered treatment conditions established by the criminal justice system (e.g., parole, probation, prison leave or release, request for expert opinion). These 11 specialized teams comprise psychologists (53%), physician-psychiatrists (19%), social workers (15%), criminologists (6%), and other professionals such as vocational therapists and sexologists (7%). These teams follow a specific certified training curriculum for the assessment and management of sex offenders. They supervise, on average, more than a thousand sex offenders in the Walloon Region. Their mission includes formulating evidence-based opinions before taking charge of a sex offender. However, there are as yet no differentiated programmes for online sex offenders.

In the Walloon region, nearly 85% of sex offenders are managed on an individual basis and about 15% in group treatment. Management intensity is rather limited, reaching an average of 10 hours of treatment a year. The average duration of treatment is 27 months. Expertise in the three main theoretical psychological models, namely, psychodynamic, systemic and cognitive-behavioural, are represented within the teams. However, the psychodynamic model dominates, as it is used with about 40% of the patient clientele. The cognitive-behavioural model is the least represented (<10%). The degree of application of these approaches varies by team. At the present time these approaches are poorly documented, if at all, by the teams themselves. For example there is hardly any documentation published specifying the treatment programs, their objectives, the treatment stages, or methods for evaluating therapeutic effectiveness. It is clear that greater standardisation of treatment is required.

## APPENDIX B

### United Kingdom legislation

Meeting a child following sexual grooming etc.

(1) A person aged 18 or over (A) commits an offence if—

(a) having met or communicated with another person (B) on at least two earlier occasions, he—

(i) intentionally meets B, or

(ii) travels with the intention of meeting B in any part of the world,

(b) at the time, he intends to do anything to or in respect of B, during or after the meeting and in any part of the world, which if done will involve the commission by A of a relevant offence,

(c) B is under 16, and

(d) A does not reasonably believe that B is 16 or over.

(2) In subsection (1)—

(a) the reference to A having met or communicated with B is a reference to A having met B in any part of the world or having communicated with B by any means from, to or in any part of the world;

(b) “relevant offence” means—

(i) an offence under this Part,

(ii) an offence within any of paragraphs 61 to 92 of Schedule 3, or

(iii) anything done outside England and Wales and Northern Ireland which is not an offence within sub-paragraph (i) or (ii) but would be an offence within sub-paragraph (i) if done in England and Wales.

(3) In this section as it applies to Northern Ireland—

(a) subsection (1) has effect with the substitution of “17” for “16” in both places;

(b) subsection (2)(b)(iii) has effect with the substitution of “sub-paragraph (ii) if done in Northern Ireland” for “sub-paragraph (i) if done in England and Wales”.

(4) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.

## APPENDIX C

### Norway legislation

Section 195 - Any person who engages in sexual activity with a child who is under 14 years of age shall be liable to imprisonment for a term not exceeding 10 years. If the said activity was sexual intercourse the penalty shall be imprisonment for not less than 2 years.

Imprisonment for a term not exceeding 21 years may be imposed if

- a) The act is committed by two or more persons jointly,
- b) The act is committed in a particularly painful or offensive manner,
- c) The act is committed against a child under 10 years of age and there have been repeated assaults,
- d) The offender has previously been convicted and sentenced pursuant to this provision or section 192, or
- e) As a result of the act the aggrieved person dies or sustains serious injury to body or health. Sexually transmitted diseases and generally infectious diseases, cf. section 1-3, No. 3, cf. No. 1, of the Act relating to control of communicable diseases, shall always be deemed to be considerable injury to body or health pursuant to this section.

Criminal liability shall not be excluded by any mistake made as regards age.

A penalty pursuant to this provision may be remitted or imposed below the minimum prescribed in the second sentence of the first paragraph if those who have engaged in the sexual activity, are about equal as regards age and development.

Section 196 - Any person who engages in sexual activity with a child who is under 16 years of age shall be liable to imprisonment for a term not exceeding 5 years.

Imprisonment for a term not exceeding 15 years may be imposed if

- a) The act is committed by two or more persons jointly,
- b) The act is committed in a particularly painful or offensive manner,
- c) The offender has previously been convicted and sentenced pursuant to this provision or section 192 or 195, or
- d) As a result of the act the aggrieved person dies or sustains considerable injury to body or health. Sexually transmitted diseases and generally infectious diseases, cf. section 1-3, No. 3, cf. No. 1, of the Act relating to control of communicable diseases, shall always be deemed to be considerable injury to body or health pursuant to this section.

Criminal liability shall not be excluded by any mistake made as regards age, unless there is no element of negligence in this respect.

A penalty pursuant to this provision may be remitted if those, who have engaged in the sexual activity, are about equal as regards age and development.

Section 200 - [...] Any person who commits a sexual act with a child less than 16 years of age shall be liable to imprisonment for a term not exceeding three years. Any person who misleads a child under 16 years of age to behave in a sexually offensive or otherwise indecent manner as referred to in section 201 shall be liable to imprisonment for a term not exceeding three years.

In cases referred to in the second paragraph the offender may be sentenced to imprisonment for a term not exceeding six years if the act has been committed under especially aggravating circumstances. In deciding whether especially aggravating circumstances subsist, particular importance shall be attached to how long the relationship has endured, whether the act is a misuse of a blood relationship, care relationship, position, or relationship of dependence or close trust, and whether the act has been committed in a particularly painful or offensive manner.

Section 196 third and fourth paragraphs, shall apply correspondingly.

Section 201 - Any person who by word or deed behaves in a sexually offensive or otherwise indecent manner

a) [...]

b) [...]

c) In the presence of or towards children under 16 years of age, shall be liable to fines or to imprisonment for a term not exceeding one year.

Section 201a - With fines or imprisonment of not more than 1 year is any person liable, who has agreed a meeting with a child who is under 16 years of age, and who with intention of committing an act as mentioned in sections 195, 196 or 200 second section has arrived at the meeting place or a place where the meeting place can be observed.

Criminal liability shall not be excluded by any mistake made as regards age, unless there is no element of negligence in this respect.

Criminal liability according to this section can be excluded if those who meet are about of the same age and maturity.