



Hearing

*“Combating sexual abuse,
sexual exploitation of children
and child pornography”*

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Good morning ladies and gentlemen.

I wish to begin by thanking the President and the Honorable members of the Commission for Civil Rights, Justice and Internal Affairs of the European Parliament for inviting me to take part at this today very important event.

- **Preamble**

Today, ten years after the adoption of the Law n. 269 of 3 August 1998¹ that introduced into the Italian legislation some specific provisions aimed at tackling any kind of criminal abuse and sexual exploitation of minors as well as on-line child pornography, we can draw a first balance on the Italian experience and results of the fight against this hateful phenomenon.

In the last decade, internet child pornography has changed from an emerging phenomenon, mainly restricted to psychotic individuals to a serious criminal threat in which perverse drives and commercial motivations are combined.

Subjects under investigation are mainly groups of criminals from different countries. Rather than being single individuals surfing the Internet to satisfy their terrible instincts they are

¹ Provisions against the exploitation of prostitution, pornography, sexual tourism involving children, such as new forms of slavery

organized in transnational rings and are primarily involved in trafficking media files depicting raped and abused minors

They are assumed as the main cause of the increasing demand that supports the offer of illicit material. Generally, the massive availability of pedophilic material is impressive while availability of homemade material is increasing

- **Investigative results of the National Police**

It was possible to provide a firm response to those crimes that take great advantage from the exploiting of new communication technologies.



It is out of doubt that investigative and judicial positive results – 6660 pedophiles identified, 393 arrested, 179 italian-based websites shutdown and more than 10,000 sites located abroad reported to competent foreign law enforcement authorities – testify the deep commitment of the Italian National Police (Polizia di Stato) to tackle the phenomenon starting from early ‘90s.

I wish to make clear that operational outcomes did not only result from the ability of investigators, particularly those of the Postal and Communication Police (Polizia Postale e delle Comunicazioni), and from the decisive actions of judges and public prosecutors. They result from a perfect fully shared synergy within institutional bodies and civil society; they had different approaches and the common objective to safeguard minors from being sexually assaulted by adults.

- **The CNCPO (National Center for Combating Child Pornography on-line)**

The common goodwill drove the Parliament to develop an appropriate, effective and innovative legal framework.

Following the Law 269 of 3 August 1998², Law 38 of 6 February 2006 increased penalties and set up the “*National Centre*

² Provisions on combating the sexual exploitation of children and child pornography even through the use of Internet

for Combating Child Pornography on-line”, a significant operational tool that characterized the fight against on-line exploitation of minors for sexual purposes.



The National Centre is aimed at targeting both criminals and websites, together with underlying economic interests - even outside the Country- by implementing a synergy within all the network “actors” namely cybercops, internet service providers, financial institutions and payment service providers, internet users and NGOs.

- **Challenges in Combating Child Pornography**

Before describing the mission of the Centre, I wish to focus on the reason behind Parliament decision to put in place such an operational tool³.

On-line child pornography is an internet based activity which takes great advantage from technological and communication capabilities of the net.



On one hand internet sites advertise images and videos in whichever format (VHS, DVD and CD) of abused victims, on the other interactive internet services such as chat, newsgroup and mailing list, are used to widespread grooming messages and to find child pornography material. Lastly, peer to peer⁴ and FTP

³ Measures to combat sexual exploitation of children and child pornography also via Internet

⁴ Peer to Peer (P2P) computer network organized with equivalent nodes can act as both client and server to other network nodes

servers⁵ allow the download of files consisting of videos and compilations of images.



Moreover, pedophilia has grown together with the development of MMS (Multimedia Messaging Service) features on third generation mobile phones.

Illicit material can be exchanged either in the Internet or by mobile telephony but in different ways.

...child pornography on Web Sites...

Pictures and videos are made available through websites hosted on servers of the world wide web. Internet users might pay to download them on their PCs. Pedophilic websites are easily

⁵) FTP (File Transfer Protocol) service protocol of the Internet which provides key elements for file sharing between hosts

reachable by users and show image previews just like any other legal commercial site would do.



...child pornography on file sharing..

Exchange of illicit material in chat or file sharing sessions can take a little longer as pedophiles first require to become known to each other in the community, possibly using an allusive and conventional language. When they become confident they are in contact with a similar pedophile, they begin to transfer material via restricted and dedicated channels that remain invisible to other users.

That is basically how big communities of pedophiles have grown into the Internet. Those communities can also link to extensive international networks where homemade material is

traded. Pedophiles could be simple collectors of images and at the same time abusers of the minors to which they often are close to for parental or business reasons.

...child pornography on mobile phones...

Last generation mobile telephony allow file sharing while at the same time expose young users to grooming, much more than they are using internet at home. In fact cell phone make the child available even when is out of parental control.

- **Countering activity**

The no stopping monitoring of the internet and the numerous reports made by internet users and NGOs increase the chances for cyber cops of Italian Postal and Communication Police to carry out undercover investigations.

During investigation of file sharing platforms, the infiltration into internet based pedophile communities was an excellent way to identify suspects and counter the phenomenon - either nationally or internationally - notifying gathered pieces of evidence to competent foreign Law Enforcement Agencies⁶.

The use of high level technologies and tools, like CETS (*Child Exploitation Tracking System*), specifically developed by Microsoft has been essential.

⁶ There have been about 30,000 reports

...obstacles to web site investigation...

However, until the adoption of the CNPO filtering system in 2008 and despite to efforts of investigators, there has been a proliferation of pedo web sites, mostly located abroad.

In those circumstances, the only available counter measure is to inform competent foreign authorities through Interpol channels

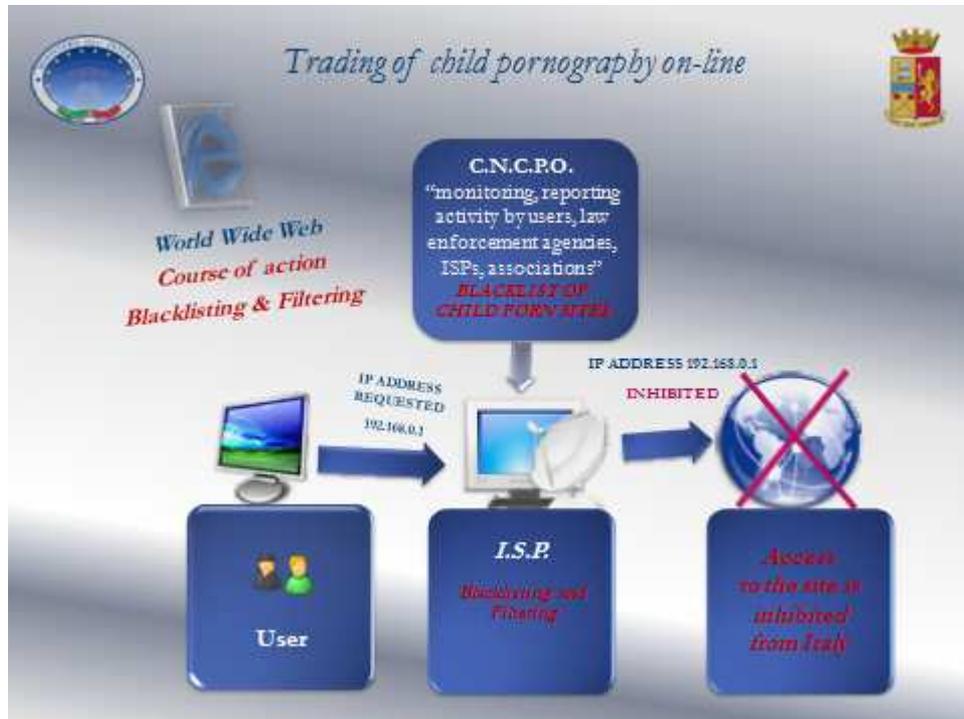
Yet, in most cases such procedure does not guarantee the web site will be shut down due to domestic laws that prevent the host State to enable the subsequent prosecution, or to technical obstacles.

Child porn websites are often concealed into hacked server designed to host completely different kind of data while system administrator are completely unaware of the hidden presence of such material. Once discovered and shut down by authorities, sometimes the same web site unexpectedly appear again somewhere else in the net. Through the use of dedicated software, the owner of the pedo web sites are able to move the content from one server to another. While remaining anonymous and elusive the operators are able to avoid investigations.

- **CNCPO's features: the black list and the transaction tracking**

The Center has been created with the purpose to face this challenge and it is based on two main goals. The first one is to

restrict the availability of those web sites to the user, regardless to their physical location.

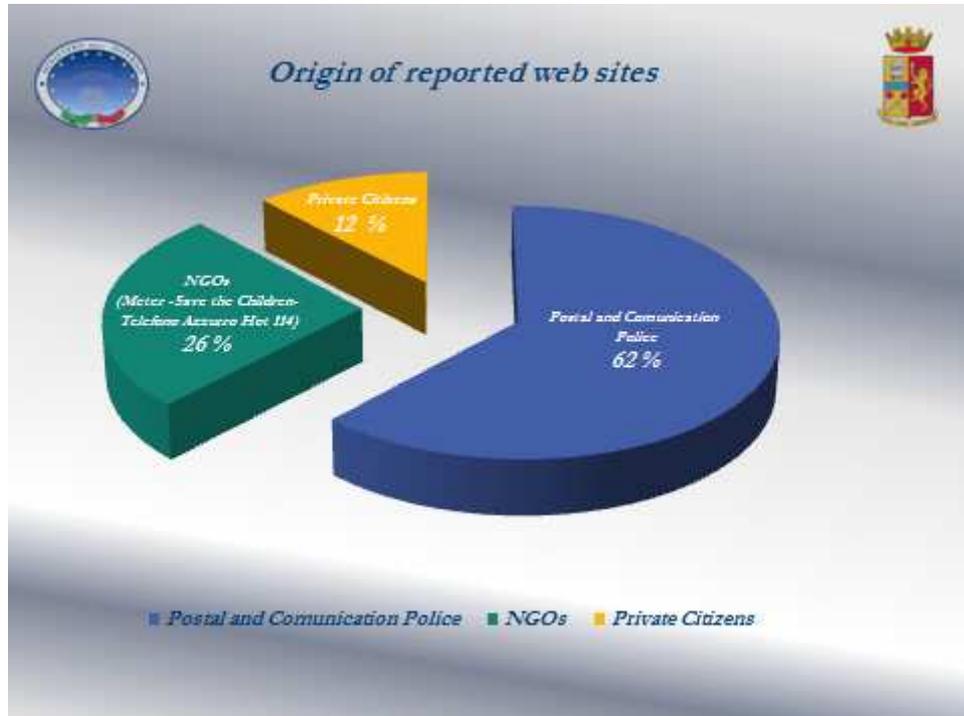


This is done through filtering techniques and the adoption of a black list. The second set of actions aims to interfere with the economic interests linked to this trade and block payments towards those who run the web sites containing the illegal material.

...child pornography web site reporting...

Concerning the first aspect, the Centre collects all reports relating to pedophile sites on the web, carried by anyone. About 62% of reports come from the monitoring activity carried out continuously

by the police, the remaining part come from citizens and non-profit organization.

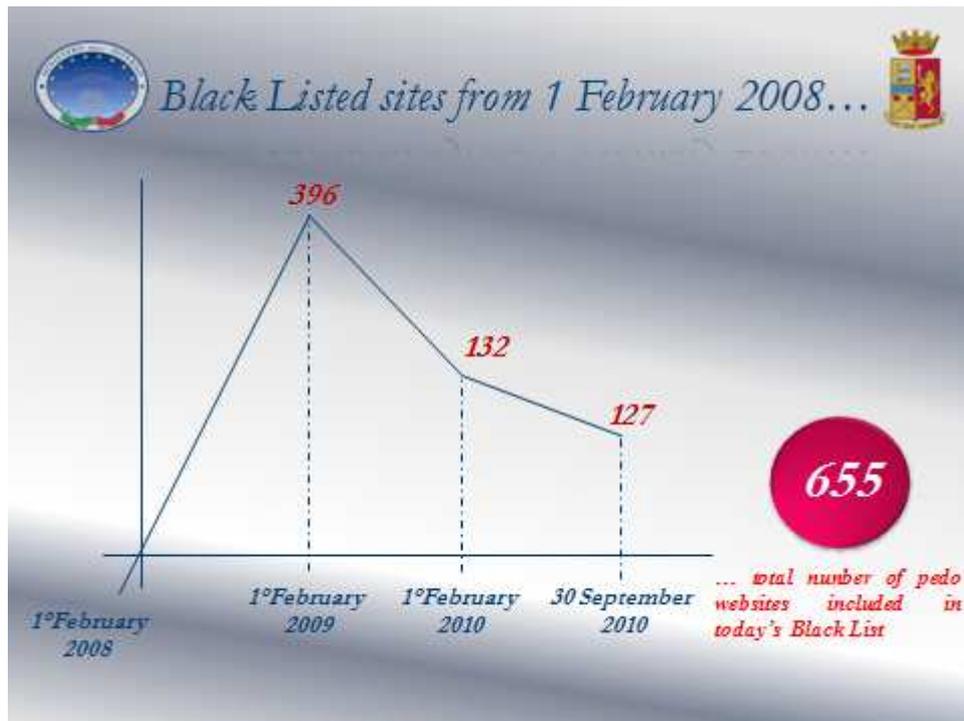


...the black list filtering...

Based on these reports a URL (Unique Resource Location) black list is updated and shared daily with Italian Service Providers, who filter the surfing of Italian users preventing them to reach to those sites. The features and functionality of the "filter" has been specified in a ad hoc ministerial decree issued on 8 January 2007 by Minister of Communications and Minister for Innovation and Reform in Public Administration⁷.

⁷ The inter-ministerial decree has been produced by the working group established at the Ministry of Communication, composed by the experts of said Ministry of the Postal and Communication Police Service as representatives of telecommunications services companies

It should be noted that there is no prior censorship in respect of sites containing child pornography. The action is aimed to prevent user from accidental access, while leaving the possibility to others to circumvent the filters and consciously take the risk of being investigated.



CNCPO has contributed so far to the detection of child porn websites hosted on servers abroad that have been “blacked out” while the number of websites located within the Italian jurisdiction is constantly decreasing. After two years the law has entered into force the results are therefore very encouraging, although stronger collaboration offered by those countries hosting these sites could dramatically affect the fight to this kind of crime.

...payments tracking...

On the economic aspect⁸, the Centre is responsible for reporting to competent departments of the Bank of Italy, any bank and financial operation that might be linked to child pornography trading. Bank of Italy then disseminates the information to banks, electronic money institutions, Italian Postal Service and financial intermediaries that provide payment services

In accordance to the Law, in fact legal cancellation of any existing contract between mentioned financial institution and the recipients of the payments of the illegal trade might take place.

Based on information provided by the Centre, the authorization to the use of credit and debit cards might be revoked to the owner who has used them to purchase child porn material. The competent offices of the Bank of Italy will forward to the Center all relevant information relating to child pornography financial transactions for further and appropriate investigative developments.

It should be noted, however, that application of these legislative measures have not yet found concrete implementation, since a reliably tracing of internet financial transaction it is almost

^{8 8} Article 19 of Law nr. 38 of 6 February 2006 which has introduced art. 15 quinquies of Law 269 of 3 August 1998

impossible at the moment. Between the seller and purchaser of child pornography there is in fact a path that leads to many "actors" of the financial system of the network such as banks, brokerage and credit card companies which unwittingly facilitate economic transactions relating to this material as they are unable to discriminate the object of the trade.

- **The financial coalition**

Therefore Italy is highly motivated in being the first partner of CEOP, in the so called “*European Financial Coalition*” whose main purpose is to encourage cooperation within all interested parties for the purpose of disclosing technical data that are necessary to identify and neutralize perpetrators involved in this filthy trade.

Through the use of this tool it would be possible to tackle on line child pornography even when located out of boundaries of the national virtual space.

Stopping the proliferation of pedophile websites through the prosecution of vendors and buyers is a world wide primary goal towards we should address our future efforts. We are putting to the solutions introduced by Law No. 6 February 2006 38, which may be more successful if they find a wide application in the international community.

- **International police cooperation**

CNCPO is also responsible for seized image analysis in the view of identifying victims and sexual abuser by comparing them with those contained into the Interpol Child Abuse Image Database located at the Secretariat General of Interpol in Lyon. I would like to emphasize that this international infrastructure was set up upon a specific Italian proposal submitted in 2001 during a meeting of the High Tech Crime Subgroup of the G8 Rome-Lyon Group.



The Centre has been created thanks to the valuable contribution of some important Italian and foreign companies (Microsoft, Telecom Italy, Italian Postal Service, Wind) and dell'AIIP (Italian

Association of Internet Providers). Is the core of the info-investigative activities, both at national and international level and as it works in cooperation with counterparts offices located in member countries. Fruitful collaborative relationships are established with and through international organizations (Interpol, Europol), emergency response networks (G8 24 / 7 Network of the High Tech Crime Subgroup and the Council of Europe network) as well as with specialized agencies such as the Virtual Global Taskforce⁹ and the European Financial Coalition.

The Centre also shares information and statistics related to child pornography with the “*Observatory for the Contrast of Pedophilia and Child Pornography* ”, established at the Presidency of the Council of Ministers in order to assist in the preparation of National Plan for Prevention of Contrast and Pedophilia and the annual report on the phenomenon.

- **Grooming**

Finally I would draw the attention on grooming through social networks. Facebook, Twitter, MySpace and others are no longer only means of communication between network users. They are rather global dimension virtual communities in which every involved individual more or less in good faith provides a self-

⁹ The Virtual Global Taskforce is currently composed by specialized agencies of Australia, Canada, UAE, Italy, New Zealand, United Kingdom, United States, and an international organization Interpol

image that does not always correspond to the real one. This expose younger users to serious risks as they are more naive and more reckless in their relationship with other network users. They also represent the greater community as in accordance to recent statistics teens have established significant presence on social network pages (3 million out of 16 million of total users).

What better place for on line grooming? The Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote, 25 October 2007) has provided a specific provision in article (art. 23) which called on states to punish severely the grooming. This rule is thus a landmark law to protect young surfers from the aggression of adults. Hopefully all countries that have signed the Convention will ratify it in their domestic legislation. In our country, the resulting draft law ratifying and "execution" of the Convention of Lanzarote has been approved by one of the branches of the Parliament on 19 January 2010 and is currently under consideration by the remaining one.

Conclusions

Let me conclude by stressing that two instruments have turned out to be essential in the fight against child pornography: site filtering to protect internet users and undercover activity carried out by

police investigators that allows simulated credit card purchase aimed at tracking payments between child pornography buyers and vendors.