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## Angelilli report on child exploitation (web blocking)

Dear ...

Bruxelles, January 24, 2011

As victims of sexual abuse and as organisations variously working in the field of childrens' rights, child protection, prevention of child abuse and care for victims of such abuse, we would like to share our thoughts regarding the Draft Directive 2010/64 (COM 2010/94) – the Angelilli Report.

We strongly believe that protecting children is also protecting their future. Encouraging a flourishing and open society will create the healthiest climate for children to grow up and to live in.

The success of an open society depends on basic democratic principles. One of these is the rule of law. Governments have to act by and through law. We believe that government regulation through extra-judicial arrangements with the private sector is in breach of basic fundamental rights principles. Furthermore, such an approach is anti-democratic because it outsources executive powers to organisations not bound by requirements of public scrutiny, transparency and due process.<sup>1</sup>

Any government action has to be suitable, necessary and proportionate. Nobody has yet shown that Internet blocking actually fulfils these legal requirements with regard to fighting the dissemination of child abuse images on the Internet.

Blocking is not suitable for preventing the redistribution of child abuse images on the Internet. On the contrary, the blocking infrastructure will serve as an early warning system for criminals (re-)distributing such content (warning them that their activities have been noticed). Additionally the blocking lists (which will, inevitably, leak) will be used as yellow pages for people looking for this kind of images.

In our opinion, Internet blocking also is not proportionate. In order to implement this measure, the basic technical characteristics of the Internet need to be altered. We are endangering freedom of communication in democratic societies in return for a policy which has no obvious benefit (the only possible benefit is an unproven impact on accidental viewing).

This letter also has been send to: ...@europarl.europa.eu.

As the mail filter of the European Parliaments IT Services has a high rate of false positives and puts a lot of legitimate external email related to this Directive into your Spam-folder, please do also have a look there.

Blocking also is not necessary. Banks manage to remove web pages that defraud their customers within 4–8 hours – worldwide. We can not understand why it takes up to 30 days to remove a page containing or disseminating child abuse images from the Internet. There seems to be a problem with the management of priorities or lack of focus regarding the prosecution of child sexual abuse material.

Even though there is a strong world-wide consensus on the illegal nature of child abuse images (142 countries are party to the "Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography" and Interpol (ICPO) has 188 member states which cooperate in the fight against child sexual abuse) there seem to be problems with international cooperation in relation to fighting this content.

These problems should be worked on rather than being hidden behind a screen that leaves these images accessible to anybody determined enough to circumvent the blocking.

Blocking clearly is being used as an excuse to not act, as Mr Underbjerg (Danish National High Tech Crime Centre) stated in a hearing in the German Parliament, Denmark stopped reporting web-pages containing or disseminating child abuse images to the USA and only blocks them: "Reporting 126 domains to US [...] for a 'take down' would have little or no effect since it has low or no priority".

For all of these reasons, it seems to us that blocking is just an excuse for not acting. Also it clearly is detrimental to other efforts to combat child sexual abuse and the dissemination of child abuse images. It sets the wrong priorities and thereby lowers the incentives for real action.

Especially because we see the issues involved with child sexual abuse from the victims' perspective, we want to make clear: We don't want anybody to have any excuse for not acting.

kind regards

Christian Bahls,  
chairman MOGiS e.V.  
*est. 2009 as "victims of sexual  
abuse against Internet blocking"*  
<http://mogis-verein.de/>

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<sup>1</sup>Also we believe that self-regulation is the wrong term in that regard. It's not the customers who regulate their relationship with the provider or with the website owner whose page they try to access, rather the government together with the provider regulate the relationship between the end user and the website owner from the outside