Can We Ever Prevent Access to Indecent Images of Children?

Professor Andy Phippen | 15 September 2015

Two years ago, U.K. Prime Minister David Cameron delivered a landmark address that outlined his Government's perspective on child online safety and what the U.K. Government would do to help address the issues.

Prime Minister Cameron pointed to two "major challenges" when it comes to protecting children online: one criminal and one cultural. The criminal challenge, he said, is the online accessibility and proliferation of images of child sexual exploitation and abuse. The cultural one, he added, is the fact that children around the world are viewing online "at a very early age" pornography and other damaging material, and that the nature of that content is so extreme it is distorting their views of sex and relationships.

While the narrow scope of child online safety, as defined by the Prime Minister, is something of a concern, my focus is more specific. The two-year anniversary of his speech is an appropriate time to reflect on the messages delivered and progress. In doing so, I explore a more worrying cultural context around attitudes toward the downloading and consumption of child sexual abuse images as something that is just too difficult to talk about and therefore needs to be "stamped out."

In July 2013, the PM called on the technology industry to step up and curb access to child sexual abuse images, and threatened regulatory action if the industry did not comply: "So I have a very clear message for Google, Bing, Yahoo! and the rest: you have a duty to act on this, and it is a moral duty. I simply don't accept the argument that some of these companies have used to say that these searches should be allowed because of freedom of speech."

"Speech" in relation to the online availability of child sexual abuse images centered on restrictions around searching for and retrieving illegal content. Specifically, technologies were proposed to help ensure searches for illegal content would not yield illegal results. While the debate on such "filtering" rages on (See, for example, the Open Rights Group's Blocked project: https://www.blocked.org.uk/), it is clear that filtering is not a "solution." Rather, it is one tool that can be somewhat successful in preventing access to certain types of content.

Alongside filtering, the PM also called on search engines to post "splash screens" to warn people they are trying to access illegal content, and for those screens to provide pointers to support services, particularly the charity StopItNow. (http://www.stopitnow.org.uk).

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Finally, there was talk of "blacklisting" certain search terms – those so unambiguously related to the search for, and retrieval of, child sexual abuse images, that a search engine should not allow these words to be used in a search.

However, it's important not only to understand *what* was done, but to try to better understand industry's actual role in impacting the underlying problem.

We are once again looking to technology to address social issues and assume they will be successful. While filtering and splash screens can provide some help in the fight against child exploitation, they are but two tools among a much broader need for solutions. And, while blacklisting terms may have had impact on those particular terms, the unfortunate truth is that offenders will just evolve to new terms.

Regardless of the numerous technical issues around approaches to "stamp out" access to child sexual abuse images, we should also reflect on the preventative ideology. To address a difficult and unacceptable social problem—in this case, the availability and distribution of indecent images of children, the focus is on prevention. Simply put, if one cannot access such materials, the problem will go away. A recent study by the U.K.-based Internet Watch Foundation (IWF), however, shows that access to, and hosting of, this material is not being stamped out.

This research showed 17.5 percent of the 3,803 sexually explicit, "self generated" photos and videos analyzed by IWF (who now have the powers, for the first time, to proactively search for such content without risk of prosecution) depicted young people believed to be under the age of 15, while 7.5 percent were assessed as including children 10 and younger. Even more startling was the severity of the content: just under half of the images of children 15 and under saw the subjects engaged in highly graphic sexual displays.

While this is certainly both alarming and concerning, it highlights that while political rhetoric is demanding such content be removed from the Internet, it is still out there and the forms of production are becoming more diverse and complex.

A recent incident where a 14 year old boy sent a self-generated photograph of himself to a classmate who then distributed the image to other peers has led to both the sender and recipient having the incident recorded by police as production and distribution of indecent images of a minor. This case highlights that the laws intended to protect minors are now struggling to keep up with modern cultural practice. Put simply, when these laws were put in place it was not envisaged that the sender of the image might be the person who took the image and was also the subject of the image.

As a society, we need to stop thinking (and believing) we can prevent things from happening online. We can seek to disrupt, interfere with and make things difficult. But, with so many avenues to access content, we can never guarantee prevention. Perhaps it's time to face up to an unpalatable, but long-known fact, that there is no "typical" consumer of indecent images of children and, some who become criminalized offenders start out intending no such role.

Consider the following scenario:

A teenager is browsing adult pornography (while we might not like it, this isn't unusual behaviour for teens), and inadvertently clicks on a link, landing on a site serving what he presumes to be indecent images of children. This is probably the first time the young person has become aware of the ready accessibility of such material because it's unlikely he's ever received any education about the availability of such content. Related public messages are clear: it's wrong; it's illegal and consumers will be—quite rightly—prosecuted for possession and/or distribution. So, is it likely the young person will report the images? Is it probable he'll wish to speak to someone about what he saw, and that he was either disgusted or aroused? And, if he did wish to speak to someone, who might he turn to? To obtain support, he first has to admit to two shameful acts: that he was accessing pornography, and that he stumbled across illegal content.

Recent news coverage (for example, http://www.independent.co.uk/news/world/in-germany-they-treat-paedophiles-as-victims-not-offenders-10387468.html) of the Dunkelfield project in Germany (https://www.dont-offend.org)has demonstrated that with intervention and counselling potential child sex offenders can be rehabilitated and "reformed". However, there seems to be scant comparable in the UK and US. In the UK we have the excellent Lucy Faithful Foundation, but this is a small organization with little public funding. In particular, there is little appetite to look beyond the "don't do it, you will be prosecuted" ideology for those who access indecent images of children.

We need to talk about accessing and downloading indecent images of children. We need to raise public awareness and educate all audiences about what to do should they encounter this heinous imagery online. Technological approaches alone are not the answer. If the young person in the above scenario had received some level of education about accidental access; the feelings that might result, and anonymous reporting and counselling, perhaps he would be better placed to address his issues before moving to a path of deliberate consumption and criminalization.

From my own experience, however, education programs that even start to explore the issue of Internet behaviors are still a long way from this level of awareness and support. While the new inspection framework in the U.K. places greater emphasis on spiritual, moral, social, and cultural development, there is little specific reference to particular issues of difficult online content, developing resilience, and appropriate coping measures. Indeed, there is still no statutory requirement for relationship and sex education in U.K. schools beyond information on the biological reproductive act.

In the same way that drugs awareness education has taken an "it's illegal therefore don't do it approach", which has been prevalent in schools for many years, and shows little sign of reducing the consumption of drugs by younger generations, educational perspectives that say "they shouldn't be on those sites because they are illegal" do little to address the social issues that arise through accidental access or consumption.

The U.S. perspective isn't radically different. Young people are told to eat right and to get at least 60 minutes of physical activity a day. But, how many know what to do, or who to turn to, when something or someone makes them uncomfortable online? How many possess the critical thinking and analytical abilities to evaluate different types of online content? How many can distinguish between online friends and others online who would seek to do them harm?

If you require further information on anything covered in this briefing please contact Professor Andy Phippen (andy.phippen@plymouth.ac.uk), David Smellie (david.smellie@farrer.co.uk; 020 3375 7114) or your usual contact at the firm on 020 3375 7000. Further information can also be found on the Child Protection Unit page on our website.

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To answer those and other questions, we have to start talking.

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