

**Global Alliance Against Child Sexual Abuse Online – 2014 Reporting Form**

POLAND

**Policy Target No. 1**

Enhancing efforts to identify victims and ensuring that they receive the necessary assistance, support and protection.

**Operational Goal:** Increase the number of identified victims in the International Child Sexual Exploitation images database (ICSE database) managed by INTERPOL by at least 10% yearly.

***A) Please report on implementation of any measures announced in your country's 2013 report***

In 2013 Polish Police continued its efforts to identify children who are victims of sexual abuse and are depicted on the seized images (photos and movies). We also continued training process focused on the combating of sexual abuse of children and child abuse images which inter alia focus on the topics of victim identification. Moreover, as part of conducted investigations Polish Police focused on victims' identification topic as a one of key element for successful and effective results of inquiries as well as for the purpose of victims' protection.

The Polish Police continued its cooperation with NGOs specialized in, very often, complex assistance and help for minor victims of sexual abuse and exploitation. Cooperation in this field often is connected to media campaigns with a purpose to increase public awareness and in providing for law enforcement agencies useful information that can help in identification of victims and allow starting Police intelligence actions and investigations. An example of such cooperation is contained below in point B concerning the on-going progress of this operational goal.

To sum-up it must be underlined that Polish Police has continued its efforts to fulfil the goals and achieve actions which were described in Poland's 2013 report.

***B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance***

In cooperation with Interpol Polish Police continues process of identification of Polish victims of sexual abuse based on evidence materials (child abuse images) successively receiving from ICSE database.

Furthermore as a realization of EU Security Policy Cycle for years 2014-2017 Poland actively participates in actions regarding to EU crime priority "Cybercrime – Sub-

priority Online Child Sexual Exploitation” which one of the strategic goals is an “increase and improve the capacity and capability to combat online child sexual exploitation within the EU, with focus on victim identification, expertise in investigation and forensic techniques”. Between operational aims dedicated to achieve the a/m strategic goal is development of victim identification which consists inter alia identification of at least one expert in all Member States to focus on Victim Identification strictly and only.

On 17 June 2014 Police Chief Commander as a representative of Polish Police signed a special agreement with “Nobody’s Children” Foundation (NGO specializing in preventing child abuse and providing full/complex assistance to its victims) regarding to phenomenon/crime of sexual abuse of children in tourism and travelling child sex offenders (TCSO). Based on that agreement inter alia the special website has been created and launched. This website is dedicated to report suspected situations that have been observed by people and which can lead to sexual exploitation of children in hotels, motels, touristic places, etc. generally speaking – in tourism. These reports, which can be sent to the website also anonymously, will be checked and verified by Police officers specializing in combating child sexual abuse and as a result the proper actions will be taken if necessary.

***C) Please indicate specific actions that your country will undertake as a follow-up***

Poland wants to cooperate with Interpol in the field of victims’ identification more actively. Therefore Polish Police wants to train several Police officers (up to 20) from regional units for combating human trafficking in using of ICSE database and to assure connection of all Regional Police Headquarters where the a/m officers work to the database. At the moment we are in the process of analysis of our technical, financial and human resource possibilities as well as possibility of organization of training(s) with Interpol trainers specializing in proper and effectively use of ICSE database.

As a follow-up the cooperation with dedicated NGOs will be also continued in this area (i.e. the special website for reports on suspicions of sexual abuse of children in tourism, as mentioned above in point B of this operational goal).

## **Policy Target No. 2**

Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders.

**Operational Goal:** Establish the necessary framework for the criminalization of child sexual abuse online and the effective prosecution of offenders, with the objective of enhancing efforts to investigate and prosecute offenders.

### ***A) Please report on implementation of any measures announced in your country's 2013 report***

In 2013 several amendments in the penal law and other acts of domestic law were proposed to the Polish Parliament in order to: (1) improve and strengthen the position of child victims of crime and (2) implement the provisions of the Directive of European Parliament and Council 2011/92/UE on combating the sexual abuse, sexual exploitation of children and child pornography as well as Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (so-called „Lanzarote Convention”).

1. The amendments to the Criminal Code and the Code of Criminal Procedure, which were voted by the Polish Parliament on 13 of June 2013 and entered into force on 27 January 2014, strengthened the position of the victims of crimes against sexual freedom. Not only all such crimes will be prosecuted ex officio (until that change some of them were prosecuted at the request of the victim), but new regulations for the interrogation of the victims of these crimes were adopted in order to minimize negative experiences of the victims. Reporting the crime victim, should only indicate the essential facts and evidence. His/her hearing will take place in the court (with only the judge, prosecutor and defense attorney attending) and will be video recorded.

Hearing of the minor (both a victim and a witness) will be performed in specially equipped “friendly” hearing-rooms by a judge assisted by a psychologist (as the only persons present in the hearing room, all the other participants stay in/take part in the hearing from a “technical room”). Such a hearing will be carried out once, and only if the testimony of the minor may be significant to the case.

2. The proposed changes included raising the age of protection of minors from sexual exploitation and penalization of new criminal offenses (in particular a participation in pornographic performances involving minors was penalized).

There were also proposed some changes concerning assurance of special and appropriate investigative tools for the Police (as a leading Law Enforcement

Agency) which allow the use of operational control (secret/covert surveillance) in the prosecution of all sexual offenses against minors or offences involving pornographic content with the possible participation of minors.

The scope of the proposed amendment included also the provisions of the Act on the education system – extending the requirement for a clean criminal record to guardians and managers of summer camps for children and youth (previously such a requirement was limited only to teachers in schools).

The proposed amendments were adopted by the Polish Parliament on 4 April 2014 and entered into force on 26 May 2014, thus Polish law is now in full compliance with the requirements of the Directive 2011/93/EU and the Lanzarote Convention.

***B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance***

The changes in domestic legislation (described in section A), proposed in 2013 and enacted in 2014, have led to the harmonization of Polish law with the requirements of the Directive 2011/93/EU and the Lanzarote Convention. Therefore, the ratification of the Lanzarote Convention is now possible (as well as a ratification of the Council of Europe Convention on cybercrime).

***C) Please indicate specific actions that your country will undertake as a follow-up***

After the entry into force of the above-mentioned legislative changes trainings for judges and prosecutors will be organised on carrying out legal proceedings with a child (hearing in friendly interview rooms). The cooperation with NGO will be continued to organise such a trainings and to increase the number of friendly interview rooms. Also the ratification of the Lanzarote Convention and the Convention on Cybercrime can be expected in late 2014.

**Operational Goal:** Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online.

***A) Please report on implementation of any measures announced in your country's 2013 report***

The training process in the field of combating sexual abuse of children and child pornography including child sexual abuse online aimed on positive identification of offenders has been continued according to the schedule. Polish Police in 2013 – up to June 2014 conducted series of different trainings in cooperation with various actors and these trainings included:

- series of trainings conducted in cooperation with Research and Academic Computer Network (NASK) for Police officers, prosecutors and judges (4 trainings for approx.120 people each, for 5 different regions of Poland in 2012 – March 2013 ) in the field of combating pedophilia including child sexual abuse

online;

- training for 50 judges (district, regional and one Supreme Court judge) in the area of combating child sexual exploitation in September 2013;
- based on the funds from the ISEC Programme (Polish Police together with Bulgarian counterparts) training over 150 Bulgarian Police officers in combating sexual abuse of children (including online) and child abuse images in wide range meaning of this crime phenomenon. This project covered period 2013 – June 2014;
- training organized in June 2014 with University of New Haven (USA) and US NGO “Global Sentry Group” on combating child sexual exploitation using different intelligence and forensic tools (such as DNA database). The training was organized for Polish Police officers specializing in combating this crime area.

Up to now Polish Police actively participates in international operations and investigations aimed on combating child sexual abuse online. Due to intelligence/operational character of these cases we are not able to provide you with full details. However it must be stated that most of the international operations that so far Poland has participated in during the period 2013 – June 2014 have been coordinated by Europol (speaking of EU level) or have been conducted in cooperation with relevant authorities from EU and non-EU states (i.e. Australia, New Zealand, USA).

***B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance***

Comparing to previous years Polish Police not only actively participated in international operations/joint efforts that were prepared by relevant foreign authorities but also initiated several operations directed especially against distribution of child abuse images in p2p networks in Internet. Based on monitoring of specific p2p networks with use of special forensic tools Police were able to identify large number of offenders involved in dissemination of indecent images of children (movies and photos) from various number of countries all around the world. Therefore, in the period 2013 – February 2014, special packages containing all gathered information and evidence have been spread out to respective countries with request to positive identification and proper prosecution of identified subjects.

In analysing period Polish Police increases its activity in combating use of hidden services in Internet such as TOR network which are more and more use for the purpose of child abuse and child abuse materials. Due to the fact that hidden services in Internet assures very high level of anonymity for their users (including child offenders), the international cooperation was and is crucial for investigation and prosecution

of perpetrators. Therefore Police cooperated very closely with relevant foreign actors in this area: Europol, EU Member States (i.e. Denmark, Germany, UK), USA (such as FBI or ICE), Australia, New Zealand.

Moreover one of the strategic goals of EU crime priority “Cybercrime – Sub-priority Online Child Sexual Exploitation” (as a realization of EU Security Policy Cycle for years 2014-2017) is “to increase and improve international operational cooperation amongst judicial authorities and law enforcement against online and related offline child sexual exploitation”. Between operational actions to be taken to achieve this goal there are joint operations on Internet environments which mean operation(s) targeting the use of Internet environments in the distribution of child sexual abuse material online. Poland decided to participate in the coming operation(s) actively so we may expect increase of Police international cooperation in this field in nearest future.

***C) Please indicate specific actions that your country will undertake as a follow-up***

Polish Police will continue enhancement and development of international Police cooperation in the field of combating child sexual abuse online which is crucial to adequate and effective investigation and prosecution: this means permanent participation in operations and cases conducted or started on the international level. This activity will cover inter alia new actions/operations directed against dissemination of child abuse materials in Internet and sexual abuse of children online - p2p networks, instant messengers, social networks, TOR network and other hidden services, etc.

### **Policy Target No. 3**

Enhancing efforts to increase public awareness of the risks posed by children's activities online, including grooming and self-production of images that results in the production of new child pornography that may be distributed online.

**Operational Goal:** Develop, improve, or support appropriate public awareness campaigns or other measures which educate parents, children, and others responsible for children regarding the risks that children's online conduct poses and the steps they can take to minimize those risks.

#### ***A) Please report on implementation of any measures announced in your country's 2013 report***

In order to increase public awareness NGOs receive support from the government for their activities in the field of child protection on the Internet.

In 2013, several projects, which aim at increasing of knowledge and skills in the use of the Internet, received substantial financial support from the Ministry of Administration and Digitization. This was based on a contest for a projects with aim of development of information society in Poland. Above-mentioned projects covered a wide range of issues connected with security of minors on the internet and inappropriate and harmful content and aim for educate parents and children.

Particularly four above mentioned projects, that received a financial support from the Ministry, focused on issues related to the safety of children online:

1. Interactive Advertising Bureau Poland - project "Internet and the safety of children and young people". That involved information campaign conducted on the internet for children and their parents in order to increase awareness on the dangers that may occur during performing online activities. Also printed leaflets and posters on child safety were prepared and distributed among selected schools in Poland.
2. Foundation Panoptykon - "Digital layette for adults". One of the aim of this project was to increase awareness of parents on the risks associated with the use of the Internet and digital technologies, and to create a practical tips on how to protect their rights online. This was achieved through publication of series of texts and guidance for parents.
3. The Nobody's Children Foundation – "Digital literacy training". On basis of this project education materials were prepared with aim to increase the digital literacy of adolescents needed to remain safe online. This also involved preparing valuable materials for teachers that can be utilized during classes.
4. Polish Scouting and Guiding Association – project entitled "Digital society". One of the aim of this project was to increase a protection of children and young

people from harmful content that can be found on the Internet. This was achieved through creation of a website that present information concerning the risks and safety precautions that should be taken when performing the most popular activities on the network. Also training in the use of online tools was conducted.

***B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance***

Lack of specific indicators for implementation of an operational goal of the Global Alliance makes it hard to be accurate and to exactly assess progress in the area. What is more pace of technological changes and rise of a new challenges in a digital environment determine that a constant work is needed in order to raise public awareness and abilities (as development of e-skills in this context is important) on using internet safely.

***C) Please indicate specific actions that your country will undertake as a follow-up***

In 2014 we are willing to engage in a further activities concerning user's education, both on the possibilities and risks posed by the digital world. In this context we are planning to work in cooperation with NGOs and industry.

**Operational Goal:** Share best practices among Global Alliance countries for effective strategies to inform the public about the risks posed by online, self-exploitative conduct in order to reduce the production of new child pornography.

***A) Please report on implementation of any measures announced in your country's 2013 report***

Concerning sharing of best practise among Global Alliance countries Polish Police actively participated in several trainings, seminars and workshops with Alliance partners and these events covered the a/m field. The trainings were dedicated to different actors such as LEAs (Police, prosecutors) justice system's representatives (judges), teachers, school superintendents/curators. One of the main topics raised during these meetings was the phenomenon of sexual abuse online (and other criminal actions connected with this crime such as sexual extortions or child grooming) and response of Police and public community to this crime activity.

Example: trainings for over 150 Bulgarian Police officers and probation officers in the frame of the Bulgarian – Polish project “Enhancing the administrative capacity of police officers for prevention of sexual crimes against children” under EU Programme “Prevention and fight against crime”. The project main objectives were as following: change in legal practice in applying law in view of the best interest of the children – victims or witnesses of sexual abuse; enhancing administrative capacity of Police officers engaged in prevention and fight against sexual crimes by specialized training 140 of them as trainees and 28 as trainers; using new European methods of work with children – victims/witnesses of sexual crime by adopting model of interrogation of the child extending the network of professionals for child-friendly interviewing; improving cooperation and coordination between enforcement agencies; exchange



of good European practices with other Members States; elaboration of 300 pcs manuals on methods of work with children – victims of sexual crime through adoption of best European practices and work methodology; further development of the National Police Programme aiming to educate children at school on their protection against sexual abuse and trafficking with the purpose of sexual exploitation. The project included 4 international training seminars and 2 study visits in each partner state (except Poland also Ireland and Lithuania were invited to the project). Polish Police involvement in this project covered inter alia: sharing the experience in introducing Bulgarian police officers with the European best practices and Polish methods of work with children - victims of sexual crimes. Sharing the practice in interrogating children as victims, or witnesses, by protecting their rights and interests during the process of detecting and investigation of the crime - including the process of questioning these children, using especially equipped interrogation premises /blue rooms/ as well as guarantee of effective justice and qualitative trial proceedings. Taking part in the project as lecturers in the field of sexual crimes against children for the purpose of training Bulgarian police officers in prevention and investigation of sexual crimes involving children as victims.

***B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance***

As a realization of EU Security Policy Cycle for years 2014-2017 Poland actively participates in actions regarding to EU crime priority “Cybercrime – Sub-priority Online Child Sexual Exploitation” which the strategic goal no. 6 is an “to raise awareness and share best practise on combating online child sexual exploitation by pooling tools, research and techniques amongst industry, academia, law enforcement, prosecutors and judges”. This goal is, at least, partially the same with policy target no.3, so his appropriate realization will also make progress in pursuing the operational goal.

***C) Please indicate specific actions that your country will undertake as a follow-up***

Polish Police is going to continue cooperation with other Global Alliance counterparts in this field and it will concern further trainings, workshops, common projects aimed of best practise sharing including realization of initiative on EU level such as a/m EU crime priority “Online Child Sexual Exploitation”.

Moreover, regarding to other relevant actors in this area Police is going to share best practices as well as continue the training process for governmental and self-governmental institutions, NGOs and private sector. For instance, one of such activities where the best practices are and will be shared is “Consultative Committee” which supports the realization of EC’s project “Safer Internet” in Poland but also is used as a forum for exchange of ideas and knowledge between a/m organizations and bodies (LEAs, governmental institutions, NGOs, private sector’s companies, etc.)

#### **Policy Target No. 4**

Reducing as much as possible the availability of child pornography online and reducing as much as possible the re-victimization of children whose sexual abuse is depicted.

**Operational Goal:** Encourage participation by the private sector in identifying and removing known child pornography material located in the relevant State, including increasing as much as possible the volume of system data examined for child pornography images.

***A) Please report on implementation of any measures announced in your country's 2013 report***

Police has continued (in the analyzing timeframe) participation in meetings of "Consultative Committee" which is a support for realization of EC's project "Safer Internet" in Poland but also a forum of contact and exchange ideas as well as knowledge between different, various actors engaged in combating and preventing sexual abuse of children and child abuse images – LEAs, governmental institutions, NGOs, private sector's companies.

***B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance***

Every information/signal about existence of child abuse images, after its verification is forwarded to right Polish private entity that servers or other Internet services belong to, with request of immediate removal of these materials and providing LEAs with all data allowing on identification of person who uploaded such materials as well providing these materials for the purpose of further examination or for the purpose of on-going inquiry, if necessary.

***C) Please indicate specific actions that your country will undertake as a follow-up***

Police will continue cooperation with private sector for the purpose of identification and removal of child abuse images from relevant servers, websites, domains, etc. that belongs to companies located in Poland.

**Operational Goal:** Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigation.

***A) Please report on implementation of any measures announced in your country's 2013 report***

In a period 2013 – up to now Polish Police has continued cooperation with hotline „Dyżurnet.pl” based on existing MoU as well cooperation with ISPs in the field of notice and takedown of child abuse images and identification both victims and perpetrators.

***B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance***

As it was explained in previous report the “notice and takedown” procedure is conducted in Poland in close cooperation with the Dyżurnet.pl team and the system hasn’t been changed so far because it is found valuable and effective. So the main duty of the Dyżurnet.pl hotline is to analyze the reports submitted by Internet users. Upon receiving a notification of potentially illegal content, the hotline members run a primary technical analysis in order to locate the server and then they take any steps necessary to remove the content from the Internet resources. If the materials prove to be illegal and they are hosted in Poland, the hotline reports this fact to the Polish Police. If the materials prove to be illegal and they are hosted in other country associated with INHOPE, Dyżurnet.pl reports this fact to the hotline in the respective country. In case of materials located in countries beyond the reach of INHOPE association, the hotline reports this fact to the Polish Police

***C) Please indicate specific actions that will be undertaken as a follow-up***

Just like in the report for the year 2013: in year 2014 it will be continuation of cooperation with hotline „Dyżurnet.pl” based on existing MoU as well as continuation of cooperation with ISPs in the field of notice and takedown child abuse images and identification both victims and perpetrators.