

PORTUGAL

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

Lines for remote access to the ICSE database for the introduction and analysis of images of sexual exploitation and abuse of children were implemented;

Efforts were also developed to centralize the images seized at national level as well as their introduction and analysis on the database;

On 4th of October 2013, the Portuguese Prosecutor General's Office launched an Action Plan on Crimes Against Children on the Internet.

This action plan objectives are to allow prosecutors to manage more efficiently with all the criminal phenomena against children, when committed with the use of the networks. That scope is required to achieve a better knowledge of this reality at the domestic level, but also to call the attention of the community – children in particular – to the theme. Besides, prosecutors (and all the judicial community, in fact), needed to be sensitised to the increasing importance of the issue, for example, by the means of specific training. Last, but not least, an effective approach to this subject was required to foster the dialogue between prosecutors and other stakeholders, as well as encourage the exchange of information, in specific cases.

The said action plan was launched during the conference on “Children and the Internet – safe use, abuse and complaint”, at the Prosecutor General's Office' premises. One of the remarks of this event was the released of the booklet "You and the Internet – (ab) use, crime and complaint”, directed to children and teenagers, with short texts and a simple language, besides of graphics by schoolchildren from Lisbon. The booklet is available on line.

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

Progress was made in implementing the measures described, however there were some constraints in terms of resources, which prevented further development.

The information of the mentioned measures enhanced the efforts to identify victims.

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

The creation of a database of national images and / or signatures of images is in perspective. However, this initiative is dependent on the approval of the competent authorities.

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*

Of the various measures that are being taken internally and that may have an impact on the identification of the victims and offenders, the more prominent concerns the development of new methods and tools that enable a greater return on the analysis of the seized images.

In this sense, investigators of the Criminal Police received training by the Interpol so that they may introduce and analyze their images directly at the database of this organization. It is still under study and maturation, the project of creating internally a database that allows, in addition to the automated feeding of the Interpol's base, to swiftly respond to examinations / expert assessments, to identify victims, abusers and other intervening parties and to identify missing children in pedophile networks;

Four practical training actions were held at the Criminal Police School on "Computer crime: the collection of evidence in a digital environment", thus generating a more comprehensive training of the investigators increasing their knowledge and professional pride besides preserving the evidences; These actions totaled 260 hours and reached 54 investigators;

In what regards the "WTE" tool, it was already announced, and training is already being given at national level to the elements of the Criminal Police inserted in groups of specialized research in this area, but also to other criminal investigators since the potential of this tool covers various criminal areas;

The measures announced in the 2013 report are already implemented, namely: the creation of a department specializing in the investigation of this type of crime in the DIAP and the development of a Handbook of Computer Crime Investigation Procedures; It is still ongoing, as noted above, training on the specific tool destined to search in a digital environment;

Within the national legislative framework (Law 109/2009 of 15 September) it has been possible to develop some undercover actions using the figure of the "undercover agent" with positive results.

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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 progression is still slow either by the professionals investigating this type of crime, either by the judiciary implicated. The focus should be more effective.

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

The creation of a database at national level is vital. It would also be important to create a group of specialized analysts involved in the analysis of the material, including images, as well as the information obtained in each step of the investigative process. We still rely on a case by case and sporadic analysis, and systematization should be fostered;

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 monitoring of the Focal Point "Twins", along with Europol is still ongoing, which was formalized in January 2014;

The Criminal Police has strengthened its investment in training, having now an internationally accredited trainer and is awaiting approval for one more trainer; In addition to the importance of training, it is well known that it is an enabling learning environment and an excellent exchange vehicle, promoting best practices within each participating country;

With regard to this operational goal, it was developed, after April 2013 (until the end of the year – with follow up during 2014), a training programme for magistrates of the Prosecution Service. A draft model agenda was developed and training sessions were organised in all the territorial circumscriptions of the country. This training programme focused on criminal offenses against children, by the means of the Internet and the information and communication technologies. Its scope was to improve the capacity of the prosecutors to effectively investigate and prosecute this type of crimes as well as the identification of concrete and practical difficulties and obstacles to investigations.

As mentioned, some sessions were developed during 2013 and some others were scheduled to 2014. By the time of writing this questionnaire, sessions have already been organised in all the Distritos Judiciais of the country (Lisboa, Porto, Coimbra and Évora). Still during 2013, sessions were held in Lisbon, in October and in Almada, during December. Early 2014, between January and March, sessions were held in Figueira da Foz, Ponte de Lima, and Beja. These sessions were attended, so far, by 270 prosecutors.

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 assessment of the progress made reveals a deficiency at the level of the centralization of the information from the various existing expert groups, it remains necessary to make it available internally to the respective sections responsible for the investigation;

We observe a relative dispersion of the origin of the elements who attend annual meetings occurring on Europol; the choice should concentrate on elements that can take full advantage of the knowledge conveyed as these are demanding meetings at technical level;

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

There should be further investment in an active participation in the Interpol experts group on this matter.

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*

The Criminal Police has invested in many initiatives to raise awareness of the dangers / risks inherent to the use of the Internet by young people, through its website and by partnerships with NGOs and with the Ministry of Education.

Permanent communication contacts are established with several entities (FCT-Foundation for Science and Technology^{*}; Microsoft; IPDJ-Directorate-General for School Administration[†]; Insafe[‡]; InHope[§]). Concerning the crimes with computer use, we developed an Internet Secure Platform <http://internetsegura.pt>, in order to establish preventive actions in a digital environment, close to the young people, in an appealing, modern and easily accessible language. This platform enhances early warning and provides reports of situations detected by the general public. This type of approach is ruled by the following principle:

“The best way to be safe is to be informed” (as divulged in the website)

The Platform also challenges young people to undertake a "quiz", which allows them to make a self-assessment of the dangers young internet users' take. This language avoids moralizing and enhances the awareness amongst young people.

A hotline was established "Alert Line" - 91 808 90 90 which allows a direct and accessible online and telephone contact, allowing the inclusion of all citizens and the clarification / personalized advice in real time;

^{*} www.fct.pt

[†] <http://www.dgrhe.min-edu.pt/main>

[‡] <http://www.saferinternet.org>

[§] <http://www.inhope.org/gns/home.aspx>

It is also to be noted a close collaboration with several civil society organizations engaged in the protection and support of children in general. Some proximity mechanisms are established with the CPCJ (Commission for Protection of Children and Young People), in particular with regard to the report of occurrences and for the monitoring of victims in need of welfare support. Brochures with preventive information and advice on how to report this type of crime are made available, aiming to prevent risk behaviors. Indications are still provided on how to preserve digital evidence and on how to report it;

As mentioned above, the Action Plan on Crimes Against Children on the Internet was launched by the Prosecutor General's Office. One of goal of this project was to release the booklet "You and the Internet – (ab)use, crime and complaint", directed to children and teenagers. This booklet included short texts written in a simple language and graphics by schoolchildren from Lisbon. Its purpose is to contribute, through information, to a safer Internet, making clear that some behaviours regarding children and young people are criminal infringements. The booklet gives guidance on those infringements and on how to present a complaint, but it also points out the existence of other answers, besides the criminal, that can secure the rights of children and young victims of the misuse of the internet.

The booklet is freely available, for reading or download in pdf format, both in Portuguese and in English, at <http://cibercrime.pgr.pt>.

Even if originally planned to 2013, awareness raising sessions are now planned to 2014, as follow up of the deliverance of the booklet, in schools and other institutions.

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

Several studies on the use of the Internet by young Portuguese were drafted and according to them it was established that around 90% of the young people have widespread access to this medium. The refinement of the studies indicated that young boys tend to use the internet mainly to play while young girls use the internet mainly for recreational purposes on social networks. It is therefore important to direct young people to the opportunities that the Internet provides.

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

There should be an investment in a thorough understanding of what young people actually do online. Parents (or those with parental responsibility) do not know or have only a very vague idea of the occupation of their children in this virtual environment. However, this detailed knowledge may lead to other types of awareness;

Young Internet users are more able and should help form other young people; The "peer" language flows, is immediate and better valued;

The above mentioned FCT intends to launch by the end of 2014 a survey specifically aimed at young people; On the initiative of the Criminal Police it was requested the inclusion of some questions that relate to the behavior in a virtual environment and in concrete regarding games. It is important to find out if young people that play online games resort to games of "conflict" or "fortune and misfortune." The consequences withdrawn from the figures may indicate future lines of investment.

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

On the internet page of the Criminal Police, preventive advices are disseminated, called "Citizen Alert", intended for Children and Young People and for the citizens in general: it alerts to the dangers inherent to the misuse of social networks, especially when contacts are established and there is exchange of pictures with strangers. This alert includes how to proceed but also how to preserve the evidences and where to go to file a complaint;

The announced launch of a brochure by the Attorney General's Office regarding the cautions to be taken online became a reality, and was diffused in the Portuguese schools;

The alert was accentuated near the young girls who tend to divulge images of their intimacy, in the course of dating; Once the relationship ends, the images are disseminated and so remain *ad eternum*; The awareness to the "non-virtual oblivion" which is much talked nowadays is very embryonic in young people who are naturally less likely to measure the future consequences of their actions. The caution to be observed in transposing real life to virtual life should be emphasized;

More generically, we have been insisting on a new online awareness of Human Rights.

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 balance is positive. We observe an awakening of consciences by young people on the risks and opportunities that the internet brings;

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

It would be interesting to wage in another type of awareness campaigns, more appealing.

The target should not only be the young internet users, but also their parents. Adding the life experience of the parents to their awareness of the dangers and the knowledge of their children's behavior, it is possible to reflect the cautions observed in the real life into the digital world.

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

The communications operators should have a more pro-active role compatible with their social responsibility and not to adopt behaviours where the logic of economic and financial survival overlaps the rest;

In what regards the retention of traffic data, European legislation has not contributed for a harmonization of procedures to help identifying the diffusers of images. At this time, European Directive 2006/24/EC of the European Parliament and of the Council (whose art. 6 provides for the retention of personal data for a period not less than 6 months and not more than 2 years), having been frustrated by the German Constitutional Court, it raises the question of the validity of the internal rules adopted by each country under that legislation. Countries have followed different paths and such does not contribute to level the forces between the various parties;

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

Thanks to the efforts of the Criminal Police, there is, but sporadically, no place to lodge material related to child pornography in the major domestic communications operators. Work was developed to raise their awareness for the bad image and serious consequences that such association entails. However, the challenge that is faced today is the dependency on foreign servers, with the inherent difficulties and delays.

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

We insist on appealing to the social responsibility of the private entities and in the adoption of a pro-active role, particularly in the defence of human rights in general, the Rights of the Child in particular and in the maturation of new notions of privacy.

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

The crime of online Sexual Abuse of Children finds numerous challenges. On the one hand the timelines of the police investigation do not match the delays inherent to the legal mechanisms for the protection of the rights of reservation of the personal data and access to the traffic of the offenders. Now, these means of evidence reveal themselves indispensable. On the other hand, due to poor interpretation or legal void, by the telecommunications operators (in particular those possessing their own network), there is an unaccountability for the preservation and identification of the IP addresses (claiming no ownership thereof). This prevents any investigation.

In Portugal, there is still a reversal of roles in taking the initiative for the criminal procedure by the Hotline. This communicates in 1st line with the Operator in order to suspend effective immediately the disclosure of the contents and only communicates with the police once disclosure is suspended, thereby causing possible harm to the investigation. It is understood the urgency of suspending the disclosure; however the first entity to take notice of the crime should be the police authority, that should decide, within a reasonable time, on the suspension or not of the contents. Only then the evidence would be assured as well as any possible ongoing investigation on that website.

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

Internationally, the relationship between entities is not sufficiently rapid, taking into account the various procedures to be adopted, particularly with regard to breaches of confidentiality. The anonymity that protects the prepaid cards used in broadband environment, involves three layers of secrecy: telecommunications, banking and the anonymity of the buyer.

The diversity of legal systems sometimes prevents the continuity of the investigative measures. The harmonization of legal frameworks should be promoted; Furthermore, it is important to create rules and models of cooperation that prevent the use of the so-called "deep-web" for criminal purposes.

It is urgent to develop an international policy of sharing and collaboration since many Web services are hosted abroad or in several places on the planet, such as Google, Facebook, Yahoo, etc.

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

It should be fostered an annual meeting of magistrates and police forces where they would partake judged cases, best practices and failures cases, demonstrating the difficulties of each one and sharing the good results. These exchanges between peers could result in new paradigms.