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Bruxelles, le 5 septembre 2013

Concerne : Contribution du Ministère de l'Intérieur et à la Grande Région au « Follow up on Global Alliance against Child Sexual Abuse Online – Reporting Form »

Madame la Commissaire,

J'ai l'honneur de vous transmettre en annexe la contribution du Ministère luxembourgeois de l'Intérieur et à la Grande Région concernant le « Follow up on Global Alliance against Child Sexual Abuse Online – Reporting Form ».

Je vous prie de croire, Madame la Commissaire, à l'assurance de ma très haute considération.

Christian BRAUN
Ambassadeur Représentant Permanent

Madame Cecilia MALMSTRÖM
Membre de la Commission européenne

Copie électronique transmise à l'adresse HOME-GLOBAL-ALLIANCE@ec.europa.eu

Global Alliance against Child Sexual Abuse Online

REPORTING FORM – ANNOUNCEMENT OF ACTIONS

In accordance with the Declaration on Launching the Global Alliance and with the Guiding Principles, participants in the Global Alliance against Child Sexual Abuse online **commit to take concrete actions to implement the four shared policy targets:**

- Enhancing efforts to identify victims, and ensuring that they receive the necessary assistance, support and protection;
- Advancing efforts to investigate and prosecute cases of child sexual abuse online;
- Increasing public awareness of the risks posed by children's activities online; and
- Reducing the availability of child pornography online and the re-victimization of children.

In order to achieve these policy targets, **Participants are invited to indicate what specific actions they have implemented so far and what new actions they intend to take.**

To facilitate the functioning of a light reporting mechanism, we invite you to use this *Reporting Form (Announcement of Actions)*.

The form is based on the Guiding Principles. It contains a list of potential actions as examples. The list of potential actions is thus not meant to be exhaustive but should rather be seen as a catalogue of possible specific actions by means of which the policy targets and operational goals can be achieved by the participants of the Global Alliance.

For the sake of facilitating processing, as well as direct exchanges of information among participants in the Global Alliance, we would appreciate it if your contributions could be drafted in English.

Ministers are invited to transmit the requested information to the European Commission services by 2 April 2013.

You may send it to the following e-mail address: HOME-GLOBAL-ALLIANCE@ec.europa.eu and/or Fax: + 32 2-2967633.

- As part of the Launch Conference, three short awareness-raising videos were shown to emphasize the topics. As requested by several Ministers, please find the links and a brief explanation of the contents below:
 - *ECPAT International is a global network of organisations and individuals working together for the elimination of child prostitution, child pornography and the trafficking of children for sexual purposes. Their video sends a clear message that consumers are accomplices in child sexual abuse. <http://www.youtube.com/watch?v=I4MKLsPUcnc>*
 - *Save the Children is a leading independent organization creating lasting change in the lives of children. Their video highlights the dangers of online grooming. http://www.youtube.com/watch?feature=player_detailpage&v=s6oPm0jipUU*
 - *Missing Children Europe is the European Federation of organizations for Missing and Sexually Exploited Children. Their video gave the victim and abuser perspectives on the crime. <http://www.europeanfinancialcoalition.eu/>*

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
Potential actions	<ul style="list-style-type: none"> • <i>Develop, improve, or support protocols and standard procedures to identify victims, and dedicate resources to the identification of victims¹.</i> • <i>Ensure cooperation and coordination between law enforcement authorities of different States on victim identification.</i> • <i>Participate in INTERPOL's victim identification efforts, including by contributing with images to the ICSE database.</i> • <i>Develop, improve, or support policy and procedures regarding the provision of services to identified victims.</i> • <i>Ensure that law enforcement authorities have access to the ICSE database.</i>
Actions ALREADY UNDERTAKEN	
Description of the actions <u>already undertaken</u>	<ul style="list-style-type: none"> • Law enforcement ensures cooperation and coordination between law enforcement authorities of different countries on victim identification, for instance by participating in conferences, seminars, and training courses involving european and international experts. The personal and direct contact established during those various meetings enables the law enforcement to ensure a good cooperation with all the foreign services operating in this field. It is clear that the cooperation could only be assured in accordance with our national legislation. For example we have participated on the 13th Europol Training Course on Combatting the Sexual Exploitation of Children on the Internet, held in SELM (Germany) from the 8th to the 16th of October 2012. • Since mid-March 2013, Luxembourg participates actively in INTERPOL'S victim identification efforts, by sharing images on the ICSE database. • Three members of the youth protection police department have access to the ICSE database. • Law enforcement service systematically informs identified victims about their possibilities to receive help from the non-profit-making association ALUPSE (Association luxembourgeoise pour la prévention des sévices à enfants). This association can for example provide victims with psychological and psychosocial support and offers therapies for victims of sexual abuse.

¹ See also INTERPOL resolution AG-2011-RES-08.

	<p>The “Ombudsman for children’s rights” (Ombuds-Comité fir d’Rechter vum Kand-ORK) monitors the respect of children’s rights, including in judicial proceedings.</p>
<p>Actions that WILL BE UNDERTAKEN</p>	
<p><i>Description of the actions that <u>will be undertaken</u> and timeframe</i></p>	

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
Potential actions	<ul style="list-style-type: none"> • <i>Identify shortcomings in legislation and adopt the necessary legislative amendments, including criminalization of all forms of online child sexual abuse offences in line with international standards including, for instance, the possession of child pornography and the disqualification of offenders from working with children.</i> • <i>Set up, where appropriate, specialised police units, prosecutors and judges.</i> • <i>Support law enforcement by establishing or enhancing means of cooperation among domestic and international law enforcement agencies, and by ensuring adequate training and funding.</i> • <i>Ensure that effective investigatory tools are made available to those responsible for the investigation and prosecution of cases of child sexual abuse online, including by allowing, where appropriate, for the possibility of covert operations in the investigation of online child sexual abuse offences, under circumstances and procedural guarantees defined by national legislation.</i> • <i>Facilitate and support close cooperation between investigators and prosecutors in cases of child sexual abuse online, both domestically and internationally.</i> • <i>Improve cooperation between law enforcement authorities and private sector actors, whose infrastructure and services may be used for the trade in child sexual abuse material, to facilitate effective investigations into these crimes, including all financial aspects.</i>
Operational Goal:	Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online
Potential actions	<ul style="list-style-type: none"> • <i>Identify issues involved in international child sex abuse investigations, such as difficulties in determining which as-yet-unidentified offenders involved in online trafficking groups are the most serious, which hinder the effective and quick sharing of key investigative information among law enforcement authorities in Global Alliance countries, and propose solutions.</i> • <i>Identify legal or practical issues, such as the requirements of domestic law or in the formal mutual legal assistance process, which hinder the sharing of key investigative information in certain circumstance among law enforcement authorities in Global Alliance countries, and propose solutions.</i> • <i>Identify technological issues that make it difficult to investigate child</i>

	<p><i>sexual abuse online, and propose solutions.</i></p> <ul style="list-style-type: none"> • <i>Promote, facilitate and support international law enforcement investigations among Global Alliance countries that dismantle networks of child sex offenders online, including, where appropriate, the setting up and use of Joint Investigation Teams.</i> • <i>Increase training, both within Global Alliance countries and jointly among Global Alliance countries, of investigators and prosecutors handling child sexual abuse online cases.</i> • <i>Participate in and support existing international law enforcement efforts such as the Virtual Global Task Force.</i>
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Actions ALREADY UNDERTAKEN

<p><u>Description of the actions already undertaken</u></p>	<ul style="list-style-type: none"> • The Luxembourgish criminal police has set up a specific department specialized in cases where children are involved called ‘Youth Protection Team’. The regional police services also have some specialised and trained officers who deal with that specific matter. <p>In case of violence committed on children, and more specifically in case of sexual abuse on children, the officers from the ‘Youth Protection Team’ will assume the investigation of the case. Their role is to make sure that the child is treated in a child-friendly environment.</p> <p>All the members of this department have received specialised training on issues relating to children.</p> <p>In Luxembourg we have nominated specialised prosecutors and judges in this field.</p> <ul style="list-style-type: none"> • The cooperation between our “Youth Protection Team” and the other regional departments is excellent. This is due to the fact that we have set up clear standard operational procedures in child abuse cases. • In Luxembourg effective investigation tools, like specialized software applications are made available to investigators in charge of the investigation and prosecution of cases of child sexual abuse online. The members of our “Youth Protection Team” are supported for technical assistance by our “ICT (Information and Communication Technology)” department. <p>Unfortunately, our national legislation doesn’t allow, where appropriated, to initiate covert operations in the investigations of online sexual abuse offences.</p> <ul style="list-style-type: none"> • Due to the fact that we have specialized investigators and prosecutors dealing with cases of child sexual abuse online, a close cooperation exists between the law enforcement and the judicial authorities in Luxembourg. The existence of specialized investigators and prosecutors facilitates the cooperation with the authorities of
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	<p>our neighbour countries and even with all the other international authorities active in the prosecution of child sexual abuse offenders.</p> <ul style="list-style-type: none"> • Our current legislation stipulates that we need an international rogatory letter from the foreign authorities in order to be able to exchange information about as-yet-unidentified offenders involved in online trafficking groups. Relevant information can also be exchanged with the law enforcement authorities in Global Alliance countries through INTERPOL or EUROPOL, but only with the agreement of our judicial authorities. • In order to be able to overcome the technological issues that make it difficult to investigate child sexual abuse online, the law enforcement services have set up a close collaboration between our "ICT" department and our "Youth Protection Team". We try to equip the investigators and our "ICT" members with up to date technologies. Another important issue is to assure that our staff is well-trained and well-informed about new modus operandi discovered in this field. • Actually law enforcement services in charge of sexual abuse online cases participate in a lot of trainings proposed by EUROPOL, INTERPOL or one of our Global Alliance Countries.
<p>Actions that WILL BE UNDERTAKEN</p>	
<p><i>Description of the actions that will be undertaken and timeframe</i></p>	<ul style="list-style-type: none"> • One goal could be to adapt our national legislation in order to regulate the cooperation between law enforcement authorities and the private actors, whose infrastructure and services are used to disseminate child sexual abuse material. Actually the cooperation between law enforcement authorities and private sector actors is excellent but the cooperation is only based on a non-written gentlemen agreement. In order to increase our efficiency it would be preferable to have a clear legislation defining this cooperation. • In order to shorten the delays for exchanging relevant information about as-yet-unidentified offenders involved in online trafficking groups, it would be reasonable to adapt our actual national legislation in order to be able to be more efficient in case of emergency. • To assure a permanent monitoring of the technological issues that make it difficult to investigate child abuse online and to find possible solutions in order to overcome these difficulties.

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
Potential actions	<ul style="list-style-type: none"> • <i>Develop, improve, or support age-appropriate public awareness campaigns or other measures to educate children on how to be safe online.</i> • <i>Develop, improve, or support public awareness campaigns or other measures to educate parents, teachers, and others responsible for children regarding the problems of grooming and of online, self-exploitative conduct and methods to prevent such conduct.</i>
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
Potential actions	<ul style="list-style-type: none"> • <i>Develop public awareness material in commonly-used languages that can be tailored for use in Global Alliance countries, thereby reducing costs.</i>
Actions ALREADY UNDERTAKEN	
Description of the actions <u>already undertaken</u>	<ul style="list-style-type: none"> • Age-appropriate public awareness campaigns or other measures to educate children as well as parents, teachers and other responsible persons for children regarding the safe online use are regularly worked out by CASES (CYBERWORLD AWARENESS AND SECURITY ENHANCEMENT STRUCTURE), since 2005 (founding year of CASES). <p>CASES has been founded by our Ministry of Economy and Foreign Trade in order to reinforce the security of the systems and information networks in Luxembourg. The main goal is to sensitize the administrations, the SME (Small and Medium Enterprises), the citizens and the children with the inherent risks with the systems and networks of information.</p>
Actions that WILL BE UNDERTAKEN	
Description of the actions that <u>will be undertaken and timeframe</u>	<ul style="list-style-type: none"> • One of the initiatives could be to examine if the awareness material issued by cases can be tailored for the use in Global Alliance countries.

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.
Potential actions	<ul style="list-style-type: none"> • <i>Facilitate the setting up of Public-Private Partnerships focused on identifying and eliminating child pornography material.</i> • <i>Evaluate whether, according to domestic law, there are any impediments to the participation by the private sector to identify and eliminate known child pornography images, and adopt the necessary legislative amendments.</i> • <i>Set out guidelines for cooperation between the private sector and law enforcement authorities on such strategies.</i> • <i>Facilitate the development and the use of technologies to identify and remove known child pornography images uploaded into, downloaded from or hosted in servers under each country's jurisdiction.</i> • <i>Improve international cooperation on child pornography elimination strategies, with a view towards developing consistent approaches and information exchange between countries.</i>
Operational Goal:	Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigation
Potential actions	<ul style="list-style-type: none"> • <i>Facilitate the setting up of Public-Private Partnerships in this field.</i> • <i>Set up standardized interfaces between hotlines and ISPs/ESPs.</i> • <i>Provide model Memoranda of Understanding between law enforcement authorities and hotlines and between law enforcement authorities/hotlines and ISPs/ESPs avoiding gaps and bottlenecks, and ensuring effective investigations and preservation of evidence.</i> • <i>Ensure and support the trust of law enforcement authorities in hotlines (e.g. requirements on personnel, procedures or vetting of staff).</i> • <i>Ensure that the necessary conditions are in place for hotlines and ISPs/ESPs to play an effective role in notice and takedown procedures, including by removing legal or administrative obstacles for hotline staff to analyse child abuse images and to take appropriate action.</i> • <i>Develop, improve or support easier reporting mechanisms.</i> • <i>Ensure follow-up by law enforcement authorities to reports on child sexual abuse online.</i>

Actions ALREADY UNDERTAKEN	
<i>Description of the actions <u>already undertaken</u></i>	<ul style="list-style-type: none"> For the identification and the elimination of child pornography material a collaboration agreement exists between BEE SECURE STOPLINE and the "Police Grand-Ducale". This convention regulates the co-operation between BEE SECURE STOPLINE and the law enforcement authorities and exclusively refers to the forwarding of information regarding for instance child pornography. BEE SECURE STOPLINE acts as an intermediary and expert for receipt, analysis and transmission of reports to the relevant departments of the "Police Grand-Ducale". <p>The BEE SECURE STOPLINE project aims to provide a structure enabling illegal Internet content to be reported anonymously and to deal with these reports in collaboration with the relevant national and international authorities. Through its website, BEE SECURE STOPLINE therefore offers to the public a way of taking civil action against illegal content on the Internet.</p> <p>BEE SECURE STOPLINE is a project subsidized by the European Commission as part of the "Safer Internet plus" programme, the aim of which is to make the Internet and the use of new communication media safer for everyone.</p> <p>BEE SECURE STOPLINE is supported by the Ministry of Economy and Foreign Trade, the Ministry of Family Affairs and Integration (and the National Youth Service.</p> <p>Affiliation with the INHOPE association allows BEE SECURE STOPLINE to transfer directly to a partner hotline of a member country any reports on illegal content hosted in that country. This will guarantee that the report is treated by the relevant authorities in the country concerned.</p> <p>INHOPE, the International Association of Internet Hotlines, supports and improves the activities of Internet-related hotlines and guarantees the coordination of actions taken to deal with illegal Internet content reports.</p> <p>INHOPE currently has 33 member countries with 38 hotlines: Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania, Russia, Slovakia, Slovenia, South Africa, South Korea, Spain, Taiwan, the United Kingdom and the United States.</p> <ul style="list-style-type: none"> Actually the cooperation between law enforcement authorities and ISPs/ESPs is excellent but the cooperation is only based on a non-written gentlemen agreement.
Actions that WILL BE UNDERTAKEN	
<i>Description of the actions that <u>will be undertaken and</u></i>	<ul style="list-style-type: none"> One goal could be to adapt our national legislation, in order to be able to use technologies to remove immediately known child pornography images uploaded into, downloaded from or hosted in servers under Luxemburgish jurisdiction. It would be advantageous

<i>timeframe</i>	<p>to adapt the legislation in order to be able to develop consistent approaches and information exchanges among the Global Alliance countries.</p> <ul style="list-style-type: none">• Even if actually the cooperation between law enforcement and ISPs/ESPs is excellent it is important to highlight that this cooperation is only based on a non-written gentlemen agreement. In order to increase our efficiency, to shorten the delays and to improve or support easier reporting mechanisms it would be preferable to have a clear legislation defining this cooperation.
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