



Childnet
International

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Review of the Internet Watch Foundation

Submission from
Childnet International
to the Review Team

Introduction and summary

1.1 Childnet International is a non-profit organisation registered in the UK as a charity and operating around the world to promote the interests of children in international communications. Our work focuses on five areas:

(bullet) promoting awareness about the safe use of the internet by children

(bullet) seeking to widen access to the internet to children who would most benefit from it

(bullet) promoting quality content on the internet for children

(bullet) strategic protection initiatives to ensure children can use the internet safely

(bullet) research and policy formulation

1.2 A year ago Childnet secured funding from the EC Daphne Programme to run a forum for internet child pornography hotlines throughout Europe and beyond. This INHOPE (Internet Hotline Providers in Europe) Forum has given us a unique opportunity to work with the IWF and similar initiatives throughout Europe. We have also been involved with IWF in the INCORE (Internet Content Rating in Europe) partnership, and as founder members of the International Working Group on Content Rating. Childnets Director, Nigel Williams, is a member of the IWF Policy Board and previously the IWF Policy Board.

1.3 Thus, Childnet has had the opportunity to observe closely and be involved with the work of the Internet Watch Foundation since its inception in 1996. We commend the industry in the UK for the initiative they have taken in creating and funding the IWF, and admire and respect the commitment of the staff of the IWF for working in an extremely unpleasant and challenging field – illegal and harmful content and especially child pornography.

1.4 However, we are glad that the opportunity is being taken to review the work of the IWF as there are a number of important areas where we believe it could be more effective and make a much greater impact. Many of these are not within the direct control of the IWF staff, and will require broader support or initiative from the internet industry, the police and the government.

1.5 In summary, Childnet would make the following recommendations (numbers refer to the relevant section of this submission):

(bullet) All Internet Service Providers should belong to a trade association that has a code of practice requiring members to remove material on notification from IWF (2.4).

(bullet) IWF should assess the entire content of newsgroups on a regular basis and provide information to ISPs to enable them to restrict access to whole newsgroups where an agreed proportion of material is illegal (3.2).

• Any UK ISP providing or hosting a chat room aimed at children should ensure that it is moderated by a suitably vetted and trained adult (4.1).

• IWF should develop a policy for dealing with Internet Relay Chat which will encourage internet users to report attempts to inappropriately exploit children in chat rooms, and provide timely intelligence to the police (4.2).

• IWFs terms of reference should maintain an absolute priority on protecting children. Specifically they should not be extended to include civil matters. IWF should only take responsibility for any other illegal content or activity if there is a specific additional budget sufficient for the extra staff resources required (5.1).

• IWFs policy board should be strengthened by adding representatives from other child welfare agencies and ISPs like Which Online. It should always have a strong independent chair (6.1).

- IWF should review initiatives taken by other hotlines and learn from them (7.1). It should also investigate the use of the Perkeo child pornography filtering software (7.3).
- IWF should continue to take a lead role in developing an internationally acceptable rating system for content which may be harmful to children. Additional funding may be necessary for this work (8.2).
- IWF should work with others to much more effectively promote its role and a safety message to parents and teachers in the UK (9.3).
- The Police should adopt a more formal feedback system to IWF on the reports that it receives from them (10.1).
- IWF should consider making all reports about material with an origin outside the UK available to the Hotline in the originating country at the same time as NCIS (10.2).
- A National Computer Crime Squad should be established to coordinate efforts in the UK to combat child pornography on the internet and other computer crime (10.3).

2. **The Structure of IWF**

2.1 Childnet believes there is a fundamental weakness in the arrangements that lead to the establishment of the IWF. The recent Department of Trade and Industry publication describes the IWF in these terms: The Internet Watch Foundation has been established and service providers have signed an industry code of conduct. Compliance with this code of practice (essentially the removal of material from their UK servers following IWF notification) would likely be taken in court as evidence of the ISP having made reasonable efforts to comply with the law.

2.2 This seems to be a misunderstanding of the actual position. There are two groups to which UK internet service providers can belong. The Internet Service Providers Association (ISPA) is a trade association in the conventional mode that does have a code of practice. The ISPA code is currently being amended to include a provision requiring members to remove material on notification from the IWF (the revised code is not yet approved by the membership).

2.3 The London Internet Exchange (LINX) is a grouping of the larger ISPs with transatlantic bandwidth originally established to organise a clearing house for UK internet traffic and manage a number of technical issues. It took on some of the features of a trade association just prior to the IWFs establishment, apparently because a number of ISPs were unwilling to join the new Government backed ISPA. LINX jointly with ISPA signed the agreement which led to the establishment of the IWF. But LINX does not have a code of practice rather a series of best practice statements with no consequences if members do not follow them. Moreover a number of ISPs are not members of ISPA or LINX.

2.4 Childnet believes that the IWF can only be truly effective if the industry in the UK is formally committed to acting on the IWFs advice through a comprehensive code of practice with consequences if that advice is unreasonably ignored. While IWF currently has the industrys financial backing it does not have the kind of direct clear relationship with ISPs which the DTI document envisages. While many industries have more than one trade association, if there is to be a self-regulatory body for that industry, all the associations should have a common arrangement with that body reflected in respective codes of practice.

There are different ways that the current circumstances could be improved:

- LINX could formulate a code of practice with provisions in it relating to the relationship with IWF and procedures for dealing with IWF reports.
- An agreed procedure for dealing with IWF reports could be negotiated between LINX, ISPA, IWF, Government and Police and become part of a revised Safetynet Agreement. This would then be incumbent

upon LINX and ISPA members to follow. (It might become an appendix to the ISPA code, and a requirement upon LINX members rather than just best practice).

- LINX and ISPA could merge or at least LINX would focus on its original technical role, and members who are not already part of ISPA would join.

2.6 Whatever action is taken at the level of the associations, efforts do need to be made to bring all UK ISPs within the ambit of IWF. Other countries use licensing systems for ISPs linked to Government approved codes of practice. Much has been achieved in the UK without going down this formal route, which may raise concerns in some peoples minds about potential censorship. But if a more formal voluntary arrangement between the industry and ISPs cannot be agreed Childnet would recommend Government intervention to ensure that no UK ISP can avoid responsibility for having on its servers manifestly illegal child pornography that the IWF has identified.

3. **IWF Procedures for Notifying the Removal of Child Pornography**

3.1 IWF staff currently concentrate on responding to reports of potential child pornography from internet users in the UK and to a lesser extent abroad. The vast majority of these reports relate to Usenet Newsgroups. The Safetynet agreement referred to IWF providing reports on potentially illegal individual items in such newsgroups. This can lead to the absurd situation where IWF staff carefully assess reports of a Usenet news article which contains child pornography and recommend to ISPs its removal, when items elsewhere in that group contain similar or worse material. Such other illegal items may not be reviewed by IWF staff because they have not been the subject of a complaint. IWF staff, to their credit, have recognised this and do try and look elsewhere in the same groups when reviewing material. However, as the level of reports increases, under current arrangements IWFs priority has to be responding to these reports.

3.2 The current IWF approach might be likened to trying to bail out a bath with a cup while the tap is still turned on. Often reports are only made shortly before articles disappear from Newsgroups because they are time expired. In Childnets view a more effective method would be to assess on a regular basis the entire content of newsgroups and identify those where an agreed proportion of material would meet the criterion IWF use to assess illegality. IWF should then advise ISPs of that information. Childnets preference would be that all UK ISPs agree together to accept such reports and then ensure those groups are not available to their customers. We recognise however that such an approach would mean that on occasion some material that is not illegal may not be carried by UK ISPs. (One has to question however whether the cause of free speech would be greatly harmed if the occasional message to a group for example called alt.sex.pre-teens.explicit was unavailable as a consequence of thousands of messages of illegal child pornography being blocked)

3.3 An initiative called Newswatch in Germany is developing an approach on a voluntary basis that involves giving whole newsgroups an average rating based on the proportion of articles falling into different categories. The following ratings are given to material: 0= not illegal material, 1= harmful, 2= illegal. ISPs are informed of the ratings and are given the choice to decide whether they will block that group or not.

3.4 Childnet believes that the police would back an initiative based on action against whole newsgroups rather than individual articles. Such an approach would not, however, greatly reduce the work of IWF. There would still be the need to assess individual reports in case they were in newsgroups that had not been rated. IWF would also have to have a comprehensive and regular programme of monitoring newsgroups to ensure that their character had not changed. Such changes could include less or no posting of child pornography to a particular group or an existing or new group becoming a place where child pornography is posted.

3.5 The argument has been made by ISPs that the reason the Safetynet agreement focussed on articles rather than whole newsgroups was to avoid the migration of child pornography to innocent newsgroups with titles that might actually attract children eg alt.rec.disney. Childnet believes that such migration or displacement will happen in any area of effective enforcement. For example, in normal policing operations to combat the sale of illegal drugs, the police are constantly playing a cat and mouse game with drug pushers as they shift from area to area. Careful monitoring of newsgroups by IWF, combined with widespread awareness of its role, will ensure that users quickly report any problem of child pornography appearing in unlikely groups.

Such reports can be dealt with on an article by article basis until a group is overrun with such material and attracts an illegal rating. Moreover international co-operation could make this system even more effective by sharing the monitoring workload.

4. The challenge of Internet Relay Chat

4.1 Childnet has been urging the IWF policy board to address the issue of IRC for over a year. In many ways it poses even more of a direct danger to children in their use of the Internet than child pornography in news groups. In chat adults can pose as children can engage in inappropriate sexual banter online, and ultimately can seek to arrange offline meetings with children they contact online which in cases elsewhere in the world has led to sexual abuse of children. An indication of the potential danger of IRC is given by two statistics from the USA:

- The New York State Police in a special operation in the autumn of 1997 arrested 100 adult men for offences of seeking to exploit children in chat rooms. These men were all resident in the state of New York.
- Since March 1998 the US cybertipline has received over 500 reports from parents and carers about individual incidents where they believed an adult was trying to exploit a child through online enticement. This represented over 16% of all reports during the period.

Dealing with IRC is not easy. Working with the ISP associations, the police and child welfare organisations Childnet International would propose:

- All UK ISPs (and Online Providers) should voluntarily agree that any chat room they provide aimed at children under 18 should be moderated by a trained and approved adult operating to an agreed set of standards. Child welfare organisations like NCH Action for Children, the NSPCC and Childline might help with established the standards and training moderators.
- All UK ISPs should change their terms of service agreements to ensure that all chat rooms hosted on their servers and aimed at children are moderated in the same way as above.
- IWF should formulate a policy and approach for dealing with chat that will encourage users to report any concerns. This might be a joint initiative with other agencies like Childline and NSPCC that already have reporting lines for potential child abuse for children, parents and others. There will need to be good links with the police to enable any necessary action to be taken quickly if an adult participant in a chat room is attempting to meet a child offline. No one knows how many reports might be made, but any new initiative should be accompanied by widespread publicity.

5. Should IWF have broader terms of reference and take on other issues?

5.1 Childnet is very concerned about suggestions that IWF might take on a broader range of issues because this could weaken the effectiveness of its existing activities which focus on protecting children. In particular, we do not believe that IWF should become involved in matters of civil law eg disputes about copyright or liability on the internet. There may be some issues involving the criminal law eg illegal sale of medicines over the net where IWF might have a role. However, Childnet believes that such activities should only be taken on by IWF if they are linked to specific funding which will enable additional staff resources to be allocated to the task. Nothing should weaken the absolute priority of protecting children and dealing with child pornography.

6. Is IWFs structure sufficiently representative?

6.1 The IWF structure of parallel boards with the funders sitting on the management board and then outside organisations sitting on a policy board with some ISP representatives is unusual. There are checks and balances with both boards having the potential to veto the other. However, it seems increasingly likely that issues will arise where the consensual approach to date will break down. Some thought needs to be given as to how this might be resolved, and whether there is any fallback position where an independent

arbitrator (is this a role for the DTI?) might help resolve differences. Childnet would recommend:

- the addition of further child welfare organisations to the policy board. The two most appropriate are the NSPCC and Childline.
- the addition of an ISP with a strong consumer protection/ethical dimension to the policy board eg Which Online. This would help bridge the gap between ISP and consumer interests.
- the need for a strong independent chair of the Policy Board . This has been very important to date and should continue. Someone like Baroness Dean of Thornton le Fylde the outgoing Chair of ICSTIS would bring the appropriate kind of experience and independence.

7. **What can IWF learn from elsewhere?**

7.1 IWF have been very active and enthusiastic member of the Internet Hotline Providers in Europe (INHOPE) Forum for which Childnet International acts as the secretariat. This has already led to a number of positive developments and exchanges of information between hotlines. Some of the possible developments elsewhere which IWF may wish to review and learn from are:

the online database approach for reports with direct access for law enforcement agencies used by the NCMEC Cybertipline in the USA;

the approach to IRC used in the USA and also the way that Redd Barna in Norway uses reports from the public about chat;

the German Newswatch approach to rating newsgroups;

7.2 But IWF has also much to share with other hotlines. The unique tri-partite agreement which led to IWFs establishment between government, law enforcement and ISPs; the secure funding regime from industry; the arrangement with ISPs to remove material; and the commitment to developing an international rating scheme for content that is harmful but not illegal are all very strong features of IWF. While some would not transfer easily from the UK cultural and industry context, they are of great interest to other hotlines who to a greater or lesser extent are considering implementing some of these approaches.

7.3 One further initiative from outside the UK which needs to be examined is the development of the Perkeo software to identify child pornography images. This software developed by a German police officer, but commercially available, quickly searches through the image files held on any computer hard drive and compares it with a large database of images that have been assessed to be illegal child pornography.

7.4 Such software might be of use to IWF in a number of ways. IWF could for example use it to search on a regular basis its own unfiltered news feed to identify child pornography images. Any images that were identified by the software could then be reviewed by the human eye to establish whether they met UK legal requirements. Another approach, which could only be applied if confidence had been built up in using the system, is to recommend that ISPs attach such software to a proxy news server and send out the news feed after it had been filtered through this server. There are a number of significant issues associated with both these approaches (not least the security of such a databank of images) but nonetheless Childnet International believes that the possible use of Perkeo should be investigated.

8. **What about IWFs role in developing an internationally acceptable self-rating scheme?**

8.1 Childnet was involved with IWF as a founder member of the International Working Group on Content Rating (IWGCR). Nigel Williams the Director of Childnet International sits not only on the IWF Policy Board but also the RSAC Board in the USA. Thus we are heavily invested in the concept of developing an internationally acceptable self-rating scheme. While we are thus very close to the issues involved, we would nonetheless wish to highlight the invaluable leadership role which IWF has played in bringing the IWGCR together and then being a founder signatory to the Memorandum of Understanding of the successor body the Internet Content Rating Alliance.

8.2 Childnets concern would be that this work is medium term and very time consuming. The IWF has

already devoted considerable resource to the consultation process in the UK to establish what UK views are about issues that should be covered in such a rating scheme. Even with the hoped for support from the European Commission and possibly the World Bank and Bertelsmann Foundation, the ICRA process will inevitably consume much energy and resource especially from David Kerr, the Chief Executive of IWF. The Review Team need to recognise the consequences of this and consider whether IWF might need additional resources to complete all the demands on its time adequately.

9. **Are Internet Users sufficiently Aware of IWF?**

9.1 No! IWF is a small organisation which has been operating for barely two years. The main way that people currently become aware of IWF is through links from other web sites and the NCH Action for Children leaflet. There are also occasional mentions in the press and on radio and television. IWF does not seem to have a publicity strategy of its own. The Policy Board has recently considered a proposal for a parental information project to encourage ISPs to promote a safety message and information about IWF on their home pages and in trial account software.

9.2 This proposal is most welcome and some excellent ideas have been put forward. Childnet would suggest however that a more comprehensive strategy towards informing both child internet users and their gatekeepers (i.e. the adults parents, carers, teachers and librarians who supervise childrens access to the internet) about internet safety is needed in the UK. One possible model is the America Links Up campaign by the internet industry and child welfare organisations in the USA. This included a web site, television adverts, a safety video, agreed safety tips, and a host of local events to get across a safety message.

9.3 IWF on its own would not have the resource or expertise to develop such an initiative in the UK, but along with the PR departments of leading ISPs, the involvement of child welfare agencies, education groups like the British Education Communications and Technology Agency (BECTA) IWF could play a pivotal role in such an initiative. Broadly based funding would be necessary and government does have a role in contributing to such campaigns (The US Departments of Justice and Education were involved in the America Links Up campaign). It may be that some funding might arise through the EC Action Plan for Safe Use of the Internet for awareness actions.

10. **The Police Use of IWF Reports**

10.1 Childnet believes that IWF should receive feedback on every report that it makes to the UK police i.e. reports where the origin of the material appears to be a UK host server. This feedback may be limited to a statement that a report is actively being investigated. A further report should be made six months later. For material originating from abroad, NCIS already have good procedures in place for dealing with IWF reports, but the difficulty is that the Interpol system can be very cumbersome and little information finds its way back on what has happened.

10.2 It may be that there is a place for parallel notification by IWF of reports going abroad i.e. IWF would, at the same time, notify NCIS for onward transmission through police networks, and notify the hotline in the originating country if such an organisation exists. This may speed up getting the information into the hands of those who can do something about it. There are currently some discussions within the INHOPE Forum about establishing some shared database of reports but there are a number of difficult issues to examine in relation to this proposal (some of which overlap with issues that arise with the possible role for Perkeo software mentioned above). Some hotlines feel that any database of illegal images should be the polices responsibility alone, others feel that a shared database could improve the possibility of removing material or of providing intelligence to the police. Furthermore there is the question of differences in legal definitions of child pornography. Discussions will continue on this issue within the INHOPE Forum and especially as part of the European Commissions Action Plan for Safe Use of the Internet.

10.3 Childnet would recommend that the polices use of IWF information and indeed the whole fight to bring paedophiles to justice would be greatly enhanced if there were a single National Computer Crime Squad. We are conscious that this has also been recommended by an Association of Chief Police Officers Working Party and would urge the Government to implement this without delay.

11. Conclusion

11.1 IWF has much to be proud of in its first two years of operation. However, there are fundamental changes that need to be made to reduce the amount of child pornography available to internet users within the UK, and to provide better protection to children in the UK as they use the net. The recommendations listed above will require considerable commitment not just from IWF but also from the UK internet industry (both ISPs and industry associations), government and law enforcement.

Nigel Williams
Director
Childnet International
October 1998

Appendix

Background to Childnet International

Childnet International is a non-profit organisation based in the UK but working around the world. The main activities of Childnet are:

- promoting awareness about the safe use of the internet by children eg Childnet was involved in preparing the curriculum for the US America Links Up internet awareness campaign see [HYPERLINK http://www.americalinksup.org/](http://www.americalinksup.org/) www.americalinksup.org/
- seeking to widen access to the internet to children who would most benefit from it eg Childnet administers the Cable and Wireless Childnet International Awards which highlight innovative use of the internet by and for children with limited resources [HYPERLINK http://www.childnet-int.org/awards](http://www.childnet-int.org/awards) [HYPERLINK http://www.childnet-int.org/awards](http://www.childnet-int.org/awards) [www .childnet-int.org/awards](http://www.childnet-int.org/awards)
- promoting quality content on the internet for children eg Childnet has devised a web site directory of interactive and participative projects on the internet [HYPERLINK http://www.launchsite.org/](http://www.launchsite.org/) www.launchsite.org/ available in four languages
- strategic protection initiatives to ensure children can use the internet safely eg Childnet set up the Internet Hotline Providers in Europe (INHOPE) Forum with EC support to encourage cooperation between initiatives like the IWF throughout Europe- see [HYPERLINK http://www.childnet-int.org/hotlines](http://www.childnet-int.org/hotlines) www.childnet-int.org/hotlines. Childnet was a member with the IWF of the International Working Group on Content Rating, the predecessor to the Internet Content Rating Alliance.
- research and policy formulation to work with governments, the industry and international organisations to promote policies that take account of children's need in the development of internet usage and electronic commerce eg Childnet has set out its view of the role of the main players in the briefing Global Information Networks the Agenda for Children see [HYPERLINK http://www.childnet-int.org/agenda](http://www.childnet-int.org/agenda) www.childnet-int.org/agenda

Childnet is registered in the UK as a charity (No 1053193). Childnet's work is funded by concerned individuals, foundations and grant making trusts, companies, governments and international institutions.

FOOTNOTES

1 For further details about Childnet International and references to our web site see Appendix

2 Net Benefit: the electronic commerce agenda for the UK, Department of Trade and Industry, October 1998

3 Elsewhere in the proposed amended ISPA code it suggests consumers should pay a non-returnable fee of 15 to cover the cost of any complaint about an ISP not complying with the code. Childnet deplores this proposal. The industry should cover the costs of any consumer wishing to complain about non-compliance, especially in the area of the relationship with the IWF.

4 The name of the Agreement between the Government, LINX and ISPA leading to the IWFs establishment

5 We would note in passing that the IWF, in general, currently only provides a service to ISPA and LINX members (commercial and community ISPs, and the academic network) we believe that the Review Team should assess the position with regard to other non-commercial provision eg government networks, and what use they might make of IWF services. Another issue is servers in the UK which are not ISPs but which host news services (like Deja News in the USA) or web sites.

6 News servers only hold a certain number of news articles for any one group. For very active newsgroups articles may only be present for a few days for less active groups articles might remain for up to a fortnight.

7 Newswatch is an initiative of the eco forum. See HYPERLINK <http://www.childnet-int.org/hotlines> www.childnet-int.org/hotlines for details.

8 This initiative is similar in purpose to the IWF. It is run by the National Center for Missing and Exploited Children, an organisation which receives its funding 50% from the Federal Government and 50% through private donations. Details at HYPERLINK <http://www.missingkids.com/cybertip> www.missingkids.com/cybertip

9 See HYPERLINK <http://www.perkeo.net> www.perkeo.net

10 Recreational Software Advisory Council, see HYPERLINK <http://www.rsac.org/> www.rsac.org/

11 Childnet will be playing a continuing role in the ICRA reference group and consultation process but is not a signatory of the memorandum of understanding.

12 See HYPERLINK <http://www.americalinksup.org> www.americalinksup.org. Childnet International was the only non US based organisation involved in this campaign.

13 See HYPERLINK <http://www.becta.org.uk> www.becta.org.uk (formerly the National Council for Educational Technology)