

Opening Statement ISPAI

Joint Oireachtas Committee on Justice and Equality – 9 October 2019

Delivered by Ana Niculescu, Chief Executive

ISPAI is a not-for-profit organisation and the legal entity delivering the Hotline.ie Service – the national reporting mechanism where the public can anonymously, securely and confidentially report suspected illegal content online.

ISPAI Hotline.ie remit is distinct and limited to combating online material which is simultaneously harmful and illegal, namely “child pornography” also known as child sexual abuse material (CSAM). For this reason our contribution will be stemming from the expertise built by handling reports in respect of this specific Internet criminality over the last two decades.

The Hotline.ie Service (est. 1999), has been effective in having child sexual abuse material swiftly removed from the Internet because it operates within a clearly defined legislative framework and where the harm is clearly illegal. Additionally, it is a transnational crime which allows for decisive international action (when CSAM is hosted outside Ireland). There is no burden of proof in respect of consent as engaging a child in sexual activities is prohibited under all circumstances and any presumed “consent” from a child to sexual exploitative or abusive acts would be null and void.

The important thing to appreciate with CSAM is that we are talking about material showing the extreme sexual abuse of children in the majority of cases infants to 12 year olds. For example, 84% of the material classified by Hotline.ie as “child pornography” (January 2017 to June 2019) showed children estimated to be 4 to 12 (of which 7% age 3 and younger).

ISPAI Hotline.ie has been working in an environment predominantly governed under the Child Trafficking and Pornography Act 1998 (amended by the Criminal Law (Sexual Offences) Act 2017) - clear national legislation comprehensively defining what would constitute “child pornography” and corresponding offences.

The broader context commonly referred to as Industry “self-regulation” accounts of, as a non-exhaustive list:

- (1) EU Directive on combating the sexual abuse and sexual exploitation of children and child pornography (2011/92/EU) – provides for an international framework.
- (2) eCommerce Directive (2000/31/EC), also transposed into Irish law, which amongst other things, sets out the requirements, and exemptions for intermediaries liability for illegal content
- (3) the existence of national coordinated multi-stakeholder approach: Hotline.ie operations and procedures are agreed and overseen by the Department of Justice and Equality and since inception we have been working in conjunction with national law enforcement and in cooperation with Internet companies operating in/from Ireland for the removal of CSAM from the Internet
- (4) Hotline.ie Analysts are internationally (INHOPE/INTERPOL) trained in content and age assessment
- (5) The existence of a national reporting mechanism where the public can report suspected CSAM – in Ireland, Hotline.ie - and international cooperation and coordination through the existence of Hotlines like Hotline.ie in 40+ countries worldwide, coming together as INHOPE - the International Network of Internet Hotlines
- (6) EU Grant Aid funding made available to support the establishment of Hotlines in each EU Member State and INHOPE, and ensure uninterrupted service thereafter.

When “child pornography” is hosted in Ireland Hotline.ie will issue simultaneous Notice for Takedown to the Internet service/content provider and will notify the Paedophile Investigation Unit of the Garda National Protective Services Bureau (GNPSB). In most cases the notified material is removed from the Internet within 24 hours.

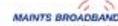
When it is hosted outside Ireland, Hotline.ie will notify the Paedophile Investigation Unit of the GNPSB and the INHOPE member Hotline in the jurisdiction, so that the specified content may be swiftly removed from the Internet.

The INHOPE figures show 64% of CSAM reported cross-jurisdictions in 2018 was internationally removed within 72 hours. As previously outlined CSAM hosted in Ireland is removed within 24 hours; however slower international removal times may be due to: CSAM hosted in countries without Hotline presence; lack of designated points of contact and streamlined NTD process with Internet companies within the hosting country; countries with inadequate or deficient legislation; the location of the CSAM is rapidly changing; etc.

I would like to note that while the “self-regulatory” model is effective in the circumstances in which Hotline.ie operates, and may be useful to look at as a reference point for other types of content but that would warrant further scoping.

For those who may not be aware, the Hotline.ie Service is currently 50% co-funded by the European Union through the Connecting Europe Facility – Safer Internet Programme (until June 2021) and 50% by Internet companies (ISPai Members) currently comprising of ISPs, hosting providers, search engines, mobile and telecomm companies.

Members:



Hotline.ie was established as one of the key recommendation of the Government’s Working Group on the Illegal and Harmful Use of the Internet (1998).

Hotline.ie provides:

- free, secure and anonymous online reporting mechanism, where the public can report suspected illegal content
- content assessment expertise ensuring reported material is subject to objective evaluation in accordance with rigorous standards by reference to Irish law
- a triaging function by assessing public reports and notifying only content that is most likely illegal under Irish law, thereby reducing the burden that would otherwise be placed on law enforcement, for example assessing complaints that may not prove to reside in the jurisdiction
- the Notice and Takedown service, recognised worldwide as a vital and efficient tool in the removal of CSAM at source, which in turn reduces its availability on the Internet, disrupts the cycle of sexual exploitation and prevents further victimisation of children.

Throughout Hotline.ie's first eight years of service (1999 to 2006), we received 10,250 reports from the public, representing an average of 1,281 reports per year.

In contrast, over the last 2,5 years (January 2017 to June 2019) Hotline.ie received 25,900 public reports, where 70.69% were received during the last 18 months of the period. If we compare the last 2,5 years with the prior 2,5 (2014 to 2016) we can see a marked increase of 102% for the period 2017-2019. It is worth noting that in most cases one report may contain from tens to hundreds of images and/or videos.

Notably, the proportion of reports classified as "child pornography" (January 2017-June 2019) has also markedly increased, namely 277% when compared to the number of reports classified as such between 2014-2016.

On a positive note, the proportion of reports where content was actually located within the Irish jurisdiction remains low, accounting for 0.72% of the total number of reports classified by Hotline.ie as "child pornography" January 2017 to June 2019. However, I would like to note that the hosting figure is only indicative of the geographical Internet location of the content at a particular moment in time and it's not an indication of the rate of offending inclusive of production and/or distribution within any country. On that note I would like to mention that over the last 2,5 years Hotline.ie has traced CSAM to 38 countries.

Given the time allocated to opening statements I would be more than happy to furnish the Committee with further statistics or information should it be required.

As a closing remark, I would like to stress that we welcome the Committee's engagement with a variety of experts and stakeholders and are grateful for the opportunity to contribute to these discussions. We are also supportive of the Government's attempts to address the spectrum of harms and that different harms may require different legislative and regulatory responses with due account of the fact that the Internet is an ever-evolving, technically challenging and complex environment. Superimposed there is a continuum between "offline" and "online" behaviours which contributes to the complexity of developing effective responses and remedies.

Thank you for your attention.