

Global Alliance Against Child Sexual Abuse Online – 2014 Reporting Form

SPAIN

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*

- Develop, improve, or support protocols and standard procedures to identify victims, and dedicate resources to the identification of victims* .
- Ensure cooperation and coordination between law enforcement authorities of different States on victim identification.
- Participate in INTERPOL's victim identification efforts, including by contributing with images to the ICSE database.
- Develop, improve, or support policy and procedures regarding the provision of services to identified victims.
- Ensure that law enforcement authorities have access to the ICSE database.

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 Guardia Civil, in 2013, has continued to contribute to the ICSE Interpol database, with images of child sexual abuse.

The following table indicates the number of new images of child sexual abuse, from investigations of Guardia Civil units, which have been incorporated into the base ICSE.

<i>YEAR</i>	<i>Investigations</i>	<i>Series</i>	<i>New images</i>
2013	2	2	43

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

- Continue contributing new images of child sexual abuse to de ICSE base.
- Increase the number of authorized operators to access the ICSE.

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*

- 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.
- Set up, where appropriate, specialised police units, prosecutors and judges.
- Support law enforcement by establishing or enhancing means of cooperation among domestic and international law enforcement agencies, and by ensuring adequate training and funding.
- 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.
- Facilitate and support close cooperation between investigators and prosecutors in cases of child sexual abuse online, both domestically and internationally.
- 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.

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

Regarding with increasing efforts by Guardia Civil Units responsible in child protection online, we had made an effort increasing expertise in the investigation of crimes committed on the Internet. The investigation of these crimes in the JPH (Judicial Police Headquarter) is distributed between central units (UCO, SECRIM and UTPJ) and peripheral level, training specialized agents in the research sections of UOPJ,s of the provinces. In this Sections, the investigations related to crimes committed against children on the Internet, are investigated by EMUMES and EDITES. These are responsible for the investigation of, in general, any crime that uses the technology to commit it. However, researches related to child pornography and specific offenses against children are carried out by EMUMES.

In 2013 it has been made new courses for training people in the investigation of this kind of crimes:

- Cybercrime Investigation Course, 57 agents were formed.
- Combating The Sexual Exploitation of Children on The Internet to EMUMES, 20 agents were formed.

Also collaborated with the General Prosecutor in the organization of a specialized course for prosecutors in cybercrime.

- Spanish Government adopted in September 2013 the Penal Code Law reform. In this reform Spain transposes the 2011/93/UE Directive. The Law reform is currently under study by the Justice Commission of the Parliament.

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

In 2014 it is planned new courses for training people in the investigation of this kind of crimes.

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

- 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.

- 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.
- Identify technological issues that make it difficult to investigate child sexual abuse online, and propose solutions.
- 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.
- Increase training, both within Global Alliance countries and jointly among Global Alliance countries, of investigators and prosecutors handling child sexual abuse online cases.
- Participate in and support existing international law enforcement efforts such as the Virtual Global Task Force.

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 2013 it has been six international law enforcement investigations against the distribution of Child Sexual Abuse Material:

- Coordinated by INTERPOL via its Regional Bureau in Buenos Aires and the INTERPOL Working Party on Information Technology Crime for Latin America, **Operations Historia** (6 August) and **Pureza II** (9 August) aimed to identify and arrest people using online forums to share and distribute child sexual abuse materials. Eight Latin American countries – Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Uruguay and Venezuela – and Spain took part in the operations.

Operation Historia (meaning ‘history’) began as an initiative of the Spanish National Police and Guardia Civil (Crime Telematics Group), which discovered more than 8,000 child abuse images shared by mainly foreign users during an investigation. Similarly, **Operation Pureza II** (meaning ‘purity’) was initiated by the Cybercrime Brigade of Chile’s Investigative Police, which detected large numbers of users distributing abuse images online, often using inconspicuous filenames in an attempt to avoid detection.

Police conducted more than 100 raids in 63 cities across the participating countries, following investigations into the sharing of images and videos depicting child sexual abuse. Some 100 people were arrested or charged with crimes relating to the distribution of child abuse images, with nearly half the arrests taking place

in Argentina.

- “Sillero”, “Tengo” and “Cirio” Operations, were carried with the collaboration of the Homeland Security Investigations (HIS) of USA, and with information from the NECMEC (National Center for Missing & Exploited Children) about users exchanging Child Sexual Abuse Material. In Spain 3 people were arrested.

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

- Further develop international operations.

COURSES TAUGHT AT THE JUDICIAL STUDIES CENTRE (CEJ) IN 2013

TITLE	KIND OF TRAINING	TAKED BY	KIND OF TRAINING ACTIVITY	HOURS
Offences against sexual freedom: current framework and future perspectives	ONGOING TRAINING	Prosecutors	Short-Time Course	10
Defence Childhood rights (UNICEF/IUNDIA, CEJ, General Prosecutors Office)	ONGOING TRAINING	Prosecutors	Long-Time Course	16
Criminal International Judicial Cooperation – Human trafficking offences	ON-LINE TRAINING	Prosecutors	Short-Time Course	10
Criminal International Judicial Cooperation – Human trafficking offences	ON-LINE TRAINING	Court Clerks	Long-Time Course	15

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*

- Develop, improve, or support age-appropriate public awareness campaigns or other measures to educate children on how to be safe online.
- 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.

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 in the previous years, within the Master Plan for Improving School Safety Coexistence, approved by the Secretary of State for Security in the Instruction 3/2007 and extended in the Instruction 9/2009, the Guardia Civil, for prevention of child abuse online, participates in the training of parents, teachers and students from schools on topics such as internet safety and cyberbullying prevention.

Furthermore, it has been provided the approach to victims of network crimes and others, taking advantage of the communication technologies. In this sense, we have created the email address (**protección-menor@guardiacivil.org**) that manages EMUME CENTRAL of the UTPJ. Also it is available the telematics platform "COLABORA" which is operated jointly with the Crime Telematics Group of the UCO, through the url: **https://www.gdt.guardiacivil.es/webgdt/pinformar.php**. Recently it has also brought into service an application for this type of communications for last generation mobile phones.

The Directorate General of Services for Family and Childhood as a body of the Ministry Health, Social Services and Equality has promoted and coordinated the 2nd National Strategic Plan for Childhood and Adolescence (NSPCA) for the period 2013-2016, has been adopted by the Council of Ministers of April 5, 2013.

This 2nd NSPCA which in turn is a comprehensive plan, has eight big goals, goal 3 of which is focussed on the "Media and Communication Technologies" and more specifically is targeted to "Promote the children's rights and protection as regards the media, information and communication technologies at large". Today, it is obvious that the "online" world is an integrated part of children lives with all the underlying opportunities and risks including in particular among these, new forms of sexual abuse

and exploitation.

Every goal of the 2nd Strategic Plan contains a number of measures that in this case are eight and some of them include several sub-measures where under the “Internet Access” epigraph appears “Promoting the prevention of child and adolescent’s sexual abuse and exploitation on activities and conducts that would constitute a criminal offence (ciberbullying, grooming ...) or any other unintended consequence”.

Another measure to be added should be the security within the network. Though it is not the direct responsibility of the Ministry of Health, Social Services and Equality, a Plan targeted to population under 18 years of age must necessarily ensure the improvement of the security levels within the network through the strengthening and dissemination of filtering systems that can be installed in their own servers, as well as to include within these goals the promotion of self-regulation codes in this industry and of the telephone report lines by the relevant Agencies and Bodies.

Thus, the role of the Ministry of Health, Social Services and Equality when gathering such measures from the different proponent Units, is coordination and collaboration rather than of implementation and shall be carried out by the body or bodies responsible for such implementation, in particular the Secretary of State for Telecommunications and the Information Society, besides the actions of other Ministries such as the Ministry of Science, Education and Sports or the Ministry of the Presidency. The Ministry of Health, Social Services and Equality Indeed is also developing a mid-term evaluation to get a better monitoring of the proposed goals.

The European Safer Internet Centres sponsored by the European Commission, are responsible for setting up in every country a Committee of Experts. The Ministry of Health, Social Services and Equality is part of the “Protection for children in their access to ICTs” Committee of Experts, that is coordinated by the non-profit organization “Protégés” (Protect children).

The aforementioned Committee is composed of representatives of the Internet and the information and communication technologies industries, by representatives of the Law Enforcement Bodies, of the State General Administration, Parents and Teachers’ Associations, Child Protection organizations, academics organizations, etc... In our country, this Committee chartered as an Advisory body, holds half-yearly meetings and keeps on growing with the incorporation of entities that are specifically working in their respective Autonomous Communities.

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

Continuing, by provincial responsible officials of the Master Plan, in the awareness of the dangers on the Internet, and the responsible use of the same, through the provision of activities in schools.

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

- Develop public awareness material in commonly-used languages that can be tailored for use in Global Alliance countries, thereby reducing costs.

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

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

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

- Facilitate the setting up of Public-Private Partnerships focused on identifying and eliminating child pornography material.
- 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.
- Set out guidelines for cooperation between the private sector and law enforcement authorities on such strategies.
- 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.
- Improve international cooperation on child pornography elimination strategies, with a view towards developing consistent approaches and information exchange between countries.

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

On the one hand, it has been increased the prevention of child abuse online through measures such as the establishment of agreements with different social networks and Internet service providers. The Guardia Civil, through the JPJ, has increased cooperation and exchange of information with administrators of social networks used by minors, establishing communication channels and direct relationship, agile and fast. To this effect, its reminds stable and smooth collaboration with different networks such as TUENTI (with whom there is a special cooperation agreement), FACEBOOK, HABOO, etc and associations related to the protection of children, such as ANAR and PROTEGELES (with both, there are specific agreement)

On the other hand, it has been strengthened the different police units responsible for the child protection on the Internet, in order to combat these crimes more effectively, avoiding as far as possible their re-victimization, being children-victims explored by qualified specialists of EMUMES, and in severe cases, where the age of the victim and the circumstances of the case makes it necessary, these explorations are carried out by psychologists, from the UTPJ. In theses cases the explorations are recorded, being provided in legal proceedings in order to try to avoid successive explorations, thus avoiding secondary victimization.

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

Enhancing cooperation and information exchange with managers of social networks used by minors and with associations related to the protection on line of children.

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

- Facilitate the setting up of Public-Private Partnerships in this field.
- Set up standardized interfaces between hotlines and ISPs/ESPs.
- 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.
- Ensure and support the trust of law enforcement authorities in hotlines (e.g. requirements on personnel, procedures or vetting of staff).
- 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.
- Develop, improve or support easier reporting mechanisms.

- Ensure follow-up by law enforcement authorities to reports on child sexual abuse online.

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

It has signed a collaboration agreement between the Guardia Civil and the hotline “Protégeles”, that will improve the collaboration between the two agencies and establishes new channels of communication of risk situations for children.

- The Spanish government has approved a **Draft Law for Victims of Crime**, with the aim of meeting victims’ needs in the most comprehensive way possible, not only from a legal point of view but a social one as well. Such a law would be not only restorative in nature, within the criminal procedure framework but morally speaking, would also reduce traumatic effects that their emotional condition might cause, independent of developments during proceedings.

This statute enables Spain to catalogue the rights of victims **into one legislative text**, thereby transposing the Directive nº 2012/29/EU and at the same time meeting the needs of the Spanish people. The text has been sent to the Parliament where it will become Law.

Where the victim is a child, the child’s best interests shall be a primary consideration and shall be assessed on an individual basis. A child sensitive approach, taking due account of the child’s age, maturity, views, needs and concerns, shall prevail. The child and the holder of parental responsibility or other legal representative, if any, shall be informed of any measures or rights specifically focused on the child (Article 1.2 Directive 2012/29/UE).

Where the **age is uncertain**, the victim shall be presumed to be a child.

In the case of juvenile victims and victims with disabilities, requiring special protection, in addition to the aforementioned measures, the following can be applied: a) Statements received during the investigative phase are recorded by **audiovisual means and can be reproduced during the trial**; b) **Statements can be taken by experts**.

The Fiscal Public Prosecution Service will request the appointment of **legal defense** from the judge or court for juvenile victims, so that they are represented during investigative and legal procedures. When there is a conflict of interest with the parents, those exercising parental power or tutors.

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