

## MODEL LEGISLATION UPDATE: SINCE THE BEGINNING

The International Centre for Missing & Exploited Children\* (ICMEC) continues to update its research on existing child pornography legislation around the world to gain a better understanding of such legislation and to gauge where the issue stands on national political agendas. In particular, we are looking to see if national legislation:

- (1) exists with specific regard to child pornography;
- (2) provides a definition of child pornography;
- (3) criminalizes computer facilitated offenses;
- (4) criminalizes possession of child pornography, regardless of the intent to distribute; and
- (5) requires Internet Service Providers (ISPs) to report suspected child pornography to law enforcement or to some other mandated agency.

We began our research in 2004 by reviewing the existing legislation in the then 184 Interpol member countries, and released the first edition of our report, *Child Pornography: Model Legislation & Global Review*, in April 2006. As new countries joined Interpol, we included their legislative information in subsequent editions of the report: two countries were added in the 2<sup>nd</sup> edition and one country in the 5<sup>th</sup> edition.

In the summer of 2009, ICMEC conducted a thorough update of our research on existing child pornography legislation, expanding our review beyond the 187 Interpol member countries to include all 196 nations of the world. Our work included independent research as well as direct contact with Embassies in Washington, D.C. to ensure the accuracy of the next (6<sup>th</sup>) edition of our report.

Since our initial findings in 2006, there has been an increase in the quantity and quality of child pornography legislation around the world. When we began our research, we found that of the then 184 Interpol member countries reviewed:

- only **27** countries had legislation deemed sufficient to combat child pornography offenses (**5** countries – Australia, Belgium, France, South Africa, United States – met all of the criteria set forth above and **22** countries met all but the last criteria pertaining to ISP reporting);
- **95** countries had no legislation at all that specifically addressed child pornography.

Of the remaining countries that did have legislation specifically addressing child pornography:

- **54** countries did not define child pornography in national legislation;
- **27** countries did not provide for computer-facilitated offenses; and
- **41** countries did not criminalize possession of child pornography, regardless of the intent to distribute.

Our current results indicate a trend in the right direction, but continue to demonstrate a need for additional global attention to this issue:

- **42** countries now have legislation deemed sufficient to combat child pornography offenses (**8** countries – Australia, Belgium, Colombia, France, Italy, Philippines, South Africa, United States – meet all of the criteria set forth above and **34** countries meet all but the last criteria pertaining to ISP reporting);

- 90 countries have no legislation at all that specifically addresses child pornography.

Of the remaining countries that do have legislation specifically addressing child pornography:

- 51 countries do not define child pornography in national legislation;
- 19 countries do not provide for computer-facilitated offenses; and
- 36 countries do not criminalize possession of child pornography, regardless of the intent to distribute.

As mentioned above, we have seen movement in numerous countries since the 2006 study was released:

- 17 countries have enacted legislation specifically criminalizing – for the first time ever – child pornography offenses: Botswana, Cambodia, Democratic Republic of Congo, Egypt, India, Indonesia, Jamaica, Kenya, Kosovo, Laos, Moldova, Monaco, Montenegro, Nicaragua, San Marino, Seychelles, and Vanuatu;
- 21 countries have passed legislation defining the crime of child pornography: Argentina, Barbados, Botswana, Brazil, Cambodia, Cyprus, Democratic Republic of Congo, Dominican Republic, Indonesia, Jamaica, Latvia, Moldova, Monaco, Myanmar, Nicaragua, Papua New Guinea, Paraguay, Philippines, San Marino, Uruguay, and Vanuatu;
- 23 countries have enacted legislation criminalizing computer-facilitated offenses: Argentina, Barbados, Botswana, Cambodia, Costa Rica, Democratic Republic of Congo, Dominican Republic, Egypt, India, Indonesia, Jamaica, Kenya, Laos, Moldova, Monaco, Montenegro, Myanmar, Nicaragua, Paraguay, Philippines, Poland, San Marino, and Seychelles;
- 22 countries have enacted legislation criminalizing the simple possession of child pornography: Botswana, Brazil, Cambodia, Chile, Colombia, Costa Rica, Czech Republic, Dominican Republic, Egypt, India, Indonesia, Jamaica, Kosovo, Latvia, Mexico, Moldova, Monaco, Nicaragua, Philippines, Portugal, Seychelles, and Slovenia;
- 2 countries – Italy and the Philippines – have enacted legislation mandating ISPs to report suspected child pornography to law enforcement.

Our focus in 2010 and beyond will be working to criminalize simple possession in the following priority countries: Argentina, Belarus, Belize, Jamaica, Kazakhstan, Russia, South Korea, Thailand, Turkey, and Ukraine. In addition we will focus on outreach and education to encourage individual countries to enact stricter child pornography legislation. This will be accomplished through contact with individuals in various governments, as well as regional leaders and non-governmental organizations that can champion and promote effective anti-child pornography legislation.

ICMEC has also been working closely with the Child Online Protection initiative of the International Telecommunication Union to draft global *Guidelines for Policy Makers on Child Online Protection*. The *Guidelines*, which were released in October 2009, highlight ICMEC's model legislation report and offer recommendations to policy makers on how to best formulate a national strategy focused on online child safety.

**\*About the *International Centre for Missing & Exploited Children (ICMEC)***

ICMEC is the leading global service agency working to protect the world's children from exploitation and abduction. With a growing presence in North America, Asia, Latin America, and Europe, ICMEC:

- Advocates for model legislation to protect children;
- Promotes the creation of national centers based on a public-private partnership model;

- Leads a global financial coalition to eradicate commercial child pornography.