



Response to IWF Consultation Document on Newsgroups

*Introduction*

The Internet Watch Foundation was established in 1996 following the publication of "The Safety Net Agreement", a tri-partite statement of aims signed by the UK's Internet Service Providers (ISPs), the Metropolitan Police, and the DTI on behalf of the Government.

A major objective of the Safety Net Agreement was to set out the operating principles for a UK HotLine aimed at removing any illegal material found on the Internet.

Anyone finding what they believe to be illegal material is encouraged to report it to the IWF who will inspect it and, if they agree that it is likely to be found to be illegal by a UK court, take steps to have it removed from all UK-based servers. The IWF simultaneously informs the Police. If the material is found to originate overseas or to reside on an overseas server, the IWF arranges for it to be reported to the relevant overseas police force.

A particular priority has always been given to child pornography and this is principally found within Newsgroups.

*Variation in practice*

Some UK ISPs do not provide access to any Newsgroups. Some provide only a partial "feed" based on their own commercial assessment of what their customers want. Others might provide either a full or a partial feed but will specifically block access to all the Newsgroups known to contain child pornography on a regular basis.

Other ISPs offer a full feed and in so doing are providing access to Newsgroups known to contain child pornography on a regular basis. ISPs in this category will only remove specific postings containing illegal material as and when these are drawn to their attention. Such material might therefore be available on their servers for 24 hours or more, depending on how long it takes for someone to find it, examine it, report it to the IWF, for the IWF to examine and issue a notice requiring it to be removed and for the ISP then to act on the notice.

Such divergent practice greatly weakens the credibility of the IWF and reflects badly on the Internet industry in general.

Thus we are pleased that the IWF has recently decided to undertake a consultation exercise on how, in future, to handle Newsgroups that regularly contain child pornography. Hopefully at the end of this process a new position will be agreed which every member of IWF can accept and act upon without there being any significant differences or contradictions.



### *Numerical background*

We note that there are over 30,000 Newsgroups currently in existence and that, of these, according to the IWF's own definition only about 28 "regularly contain child pornography".

Seventy seven per cent (77%) of all illegal material reported to the IWF came from these 28 or so Newsgroups. We note also that not everything within these Newsgroups is illegal material: the average seems to be 10-15%, rising to 45% in some of the worst groups. Thus a decision to block these groups is also seemingly a decision, effectively, to block some legal communications.

### *We support blocking*

We think it is important to attack and harrÿ paedophiles and child pornographers whenever and wherever they seek to ply their trade. Thus our view, unreservedly, is that the IWF should support a total block on all Newsgroups that are known to contain child pornography on a regular basis and that all members of the IWF should be required to implement this decision.

The UK's ISPs should be doing everything they can to make it as hard as possible for child pornographers to find or distribute their illegal material. We acknowledge that, because of the nature of the Internet, barring Newsgroups will not stop all UK residents from either obtaining or distributing child pornography over the Internet. It is very likely, however, to reduce the numbers. We must not let the best be the enemy of the good.

The fact that the Internet is an international medium is no reason why, it seems to us, each country should not stake out its own position, set its own standards in these culturally and legally-defined areas, and then attempt wherever possible to rally others to its stand. The alternative, of waiting for worldwide agreement, is simply a recipe for inaction.

### *Risk of displacement*

We acknowledge that if a blocking policy is implemented there is a risk of displacement into other Newsgroups. However this happens anyway. If 77% of reported illegal material comes from the 28 then, obviously, the remaining 23% came from the 29,978 other Newsgroups which exist.

The spread of Newsgroups affected by this policy will therefore need to be kept under review. New ones might need to be added, or indeed previously banned ones might qualify to be re-admitted. These are judgement calls that the IWF, working closely with the Police, is well-placed to make.

In relation to the potential denial of free speech to those who use the 28 identified Newsgroups for legal purposes: if the fact of closing down a Newsgroup was actually the same as preventing someone from airing their legal views, then there may be a real free speech issue to consider.

### *Reject sophistry*

The so-called "free speech" argument is in this context entirely disingenuous. It should be rejected as mere sophistry.

Any responsible Internet user who was concerned to isolate or reduce the traffic in illegal child pornography would surely shun and have no contact with Newsgroups where illegal material is regularly to be found?

We would suggest that if users of Newsgroups where child pornography is regularly found, and which generally have explicit titles like "Having sex with very young children", truly want to continue

posting legal material to those Newsgroups, and really do feel they cannot say their legal speech anywhere else in cyberspace, then they ought to take it up with the other users of that Newsgroup and get them to stop posting illegal material there.

Alternatively maybe they could start another group but make it clear that they only want legal material to be posted there? Surely it is the actions of the illegal users that are causing the problems, not those of us who are trying to reduce the traffic in illegal and highly damaging child pornography?

10<sup>th</sup> January, 2001.

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