



Physical Anthropology Section - 2013

I12 Child Pornography: International Cooperation and Legislation in France

Sebastien Prat, MD*, Pauline Saint-Martin, MD, and; Carol Jonas, PhD, Hospital Trousseau, CHRU de Tours, Tours, FRANCE

After attending this presentation, attendees will learn about entrapment in France and the different levels of cooperation that permit authorities to catch child pornography suspects worldwide.

This presentation will impact the forensic science community by explaining about the lack of information in this area. This presentation will also demonstrate how getting international cooperation is not a simple endeavor.

Introduction: Child pornography is a form of sexual exploitation of children. The use of telecommunication facilities, particularly the internet, has allowed child pornography to be distributed more widely. The internet is used by pedophiles for four reasons: trafficking child pornography, locating a minor for an assault, initiating communication with a minor, and communicating with other pedophiles. Today, access to pedophilic material no longer requires direct contact between supplier and consumer, but can be obtained anonymously. It is common for pedophiles, and those using child pornography, to be part of virtual groups. They can speak freely about their fantasies and their fears, thus maintaining a good image of themselves while obtaining child pornography material. The existence of these virtual groups has become a major issue, as they are not restricted by territorial boundaries.

Legislation of the Entrapment: Legislation has been passed in a number of countries to tackle the issue. Various police operations have targeted groups of child pornographers. In "Operation Icarus" by Europol in 2011, 269 suspects were identified and 112 arrested in 22 European countries. Since 2007, Article 706-47-3 of the French Penal Procedure Code legislates the actions of "cyber patrol;" however, they are limited in being able to act on this type of evidence. A case illustrates this: the *Cour de Cassation* (Supreme Court) has ruled twice on the facts of downloading child pornography images via an American police website (on February 7, 2007, and June 4, 2008). The *Cour de Cassation* came to explain that, to create a site on the internet, including those created by foreign police, was a violation of the offense. Any evidence gathered through this site is inadmissible, even if there were pre-existing violations. However, the limit also fixed by the *Cour de Cassation* is that if there were pre-existing suspicions, in this case, the challenge would not be cause for cancellation of the procedure, since it would be seen as a provocation to the evidence of the offense (which is accepted), not as a provocation to the offense (which is prohibited).

When states permit it, the police try to use fake sites in order to catch child pornographers. Trawlers and the groomers are among the different profiles of consumers of child pornography. Trawlers are individuals who are looking for sexual material without fixating on pedophilia. Groomers are individuals who seek to attract a minor, using tricks such as falsification of age or adaptation of the speech according to the speaker. The groomers usually have a pretty good understanding of how discussion forums, secure methods of downloads, and exchange of images work. Neither profile is always aware of the illegality. It does not seem difficult to intercept the trawler, who has a low potential to offend, and who does not take special precautions when using the internet. It is more difficult to intercept the groomers, whose computer skills are often high, for which there is a real interest in physical contact, and who would, therefore, have great potential for such offenses.

Conclusion: Most child pornography images are obtained via the internet, which only requires access to a site or to a chat room. Peer-to-peer networks have facilitated the exchange of child pornography, which can explain the development of the phenomenon. The technology gives the offender the opportunity to become a compulsive collector. The internet has encouraged the phenomenon of grooming, which consists of attracting someone and seducing victims. It is important to be able to locate people who use illegal pornography. One way of doing this is to track internet discussions. The principle of loyalty to the evidence can be a source of problems in apprehending child pornographers.

Forensic Psychiatry, Child Pornography, Entrapment