„Toward the Single Secure European Cyberspace”

Nowadays there are millions of websites in the internet. Their constant monitoring and follow-up is not possible.

Focusing the attention on the content of the websites can be carried out by notification, complaint and official control.

Having regard to the extent, complexity and borderless nature of the internet, it would be useful to coordinate such activities in international (EU) cooperation.

A coordinated, joint action of the governmental (law-enforcement), non-governmental sectors and the NGOs is needed against websites that offer illegal content.

Brussels, 2011.02.17.  Single Secure European Cyberspace
Removal process in different situations

1.) If the content provider and the person, who noticed the content are in the same country, the removal process can be quick and efficient (there is jurisdiction).

2.) If the content provider and the person, who noticed the content are not in the same country, but both countries are Member States of the EU, the removing process may be carried out by the mechanism, which was set up within the EU for the cooperation in criminal matters (for example on the basis of the Hungarian Act CXXX of 2003 on the Cooperation in criminal matters within the Member States of the European Union).

3.) If the content provider is not located in the territory of a Member State, the removal process is difficult and slow. In some cases, the legal conditions (if the content does not constitute infringement) or the lack of law enforcement bodies of the given state make difficult, or even impossible to act against the illegal content.

Brussels, 2011.02.17. Single Secure European Cyberspace

Characteristics of the Internet:

- Borderless
- The „perpetrator” and the „victim” are not in the same country or same continent in most cases.
- The victim's country doesn't have jurisdiction over the illegal content, the webpage or the server.

The international cooperation in criminal matters and the mutual assistance in criminal matters in the field of cyber-crime – where data can be modified after a few minutes or hours, or perhaps permanently deleted (content, access information, log information) – is difficult and slow.

Besides the removal (notice and takedown), the blocking of the content can be also a solution for making the illegal content unavailable.

Brussels, 2011.02.17. Single Secure European Cyberspace
Example from the Internet – outside the EU:

(The comment of the extremely disturbing video - written by the site-administrator.)

"This is a real video, of a real murder, recorded by the (name) - a group of teens in (country) who filmed themselves murdering a man with a hammer and a screwdriver. This is a horrific video, likely the most graphic and violent video on the net. Be warned, it is very disturbing."

*Please do not pm me demanding this video be removed, it will NOT be removed. Call the cops, call your mommy, bitch, moan or complain; it still isn't coming down. Your complaints will be posted on the hate mail forum.*

Brussels, 2011.02.17.

Example from the Internet – inside the EU:

(The site publishing young children photos with hate comments e.g. "young bitch". After the takedown -by the Police- the site restarted outside of the EU)

[Deleted]

[Deleted]

Single Secure European Cyberspace
The solutions:

I.
Blocking the content has already worked locally, in some countries (e.g. Italy) in the case of child pornography (paedophile).
Supported by the law enforcement agencies, the prosecutors, courts and the Internet Service Providers (ISP), the blocking of the content and making it unavailable for the users of the country usually takes place within a day.

The authorities get their official acts for blocking electronically, so the processing time is very short. The country’s ISPs create a “black-list” that contain the list of the blocked websites. Based on the judge’s decision, the websites that have to be blocked appear on the black-list.

Brussels, 2011.02.17. Single Secure European Cyberspace

The solutions:

II.
It has to be stated, that there are countries (e.g. Germany), that already have an act on blocking the content.
Legislative proposal on the screening of the Internet Service Provider concerning child pornographic records forwarded by communication networks was created on 05 May 2009.

According to the proposal the German Criminal Office (Bundeskriminalamt, hereinafter: BKA), the ISP shall keep a list of FQDN, IP addresses, and multimedia materials, access routes, which, according to the German Penal Code (StGB § 184b), contain child pornography or contains signs referring to this. In pursuance of this, the BKA provides a list every work-day for the major Internet Service Providers covered by this Act about the updated blockings.

Brussels, 2011.02.17. Single Secure European Cyberspace
The solutions:

III.
The NGOs also mobilise significant resources against paedophile contents. The IHOPE, via a hotline, inform the child protection organisation of the country (INHOPE member), where the illegal content has been found.
The mentioned legislation, initiatives, and the results so far are remarkable, but partly limited both in authority-level and in NGO-level, whereas at the moment these do not cover the whole territory of the EU, the relevant governmental, non-governmental, and civil organisations.

We propose a joint solution for the governmental (law-enforcement), non-governmental sectors and the NGOs.
The transfer of the illegally published content into the territory of the EU can be prevented by a safety-net, a virtual “Schengen-border”, set up in the cyber-space.

Brussels, 2011.02.17. Single Secure European Cyberspace

At the real Schengen borders, border guards stop the persons, who want to enter without a required permit, similarly – at the “virtual access points” of the ISP's of the EU, illicit contents can be stopped that violate EU norms.

The Internet Service Providers are the virtual “border crossing points” at the EU's computer technology and internet „borders“.

Considering that the Internet - as a network - provides several ways to access the content, the action can only be effective, if all the ISPs located in the EU use it in a coordinated manner, and at the same time.
For updating, “maintaining” the “black-lists”, the support and contribution is necessary from the law enforcement and judicial authorities and NGOs operating in that area.

Brussels, 2011.02.17. Single Secure European Cyberspace
The common EU-database, regarding the illegal contents on the whole Internet – should be accessible only by the partners.

Brussels, 2011.02.17.  Single Secure European Cyberspace

The proposed form of cooperation is a development of an EU-level, two-layer database on websites publishing paedophile contents, the blocking of these, and elaboration of an “EU-domain-black-list”.

Authority-level
- law-enforcement agencies, prosecutors, courts

Cooperation-level
- ISPs, child protection organisations etc.
- law-enforcement agencies, prosecutors, courts

Brussels, 2011.02.17.  Single Secure European Cyberspace
The cooperation-level:

Uploading/entry and search rights in the basic database is to be ensured for all participating governmental (law enforcement), non-governmental and civil organisations.

All the participating ISPs undertake that (voluntarily or under an official act – depends on the country) they put on the black-list and block those domains that are marked to be blocked and a Member State puts them on the EU black-list.

The authority-level:

Further database extensions are also accessible for law enforcement and justice authorities, where – in order to help the carrying out of criminal proceedings – further sensitive, investigation-related data can be uploaded/downloaded.

Brussels, 2011.02.17. Single Secure European Cyberspace

To register into the "black-list" (country-specific):

The reason and the nature (official or voluntary) also appear in the list along with the initiating country and organization or authority.

a) In case of an obligatory official act, the entitled authority of the given country – following the decision of the court – registers the data of the decision ordering the blocking and of the website to be blocked in the black-list. The publisher of the blocked content may, in case of violation of their legitimate interests, turn to the authority that ordered the blocking for legal remedy, in the interest of lifting the block.

b) In case of voluntary blocking (carried out by the ISP), the organization or authority suggesting the blocking registers the circumstances requiring it (e.g. the content provider did not remove the illicit content despite a previous warning) and data of the website to block in the black-list. The publisher of the blocked content may, in case of violation of their legitimate interests, turn to the authority that ordered the blocking for legal remedy, in the interest of lifting the block.

Brussels, 2011.02.17. Single Secure European Cyberspace
It is only the first step to block paedophile content within the EU. In the future – upon the agreement of the Member States – it is possible to broaden the cooperation of the blocking process by involving other types of crimes (e.g. counterfeit medicines on the Internet).

Thank you for your attention!