

1 Wednesday, 22 May 2019  
2 (10.30 am)  
3 THE CHAIR: Good morning, everyone, and welcome to Day 8 of  
4 this public hearing.  
5 Ms Carey?  
6 MS CAREY: Good morning, chair. May the witness please be  
7 sworn?  
8 MR CHRISTIAN PAPALEONTIOU (sworn)  
9 Examination by MS CAREY  
10 MS CAREY: Your full name, please?  
11 **A. Christian Papaleontiou.**  
12 Q. Mr Papaleontiou, I think you are the head of the  
13 Tackling Exploitation and Abuse Unit, which is  
14 responsible for Home Office policy in relation to  
15 tackling CSEA; is that correct?  
16 **A. That's correct.**  
17 Q. The TEAU, as it's known, or the unit where you work, if  
18 I may call it for shortform, is part of the Tackling  
19 Slavery and Exploitation Directorate; is that right?  
20 **A. That's correct.**  
21 Q. That directorate is part of the Home Office Serious and  
22 Organised Crime Group?  
23 **A. Correct.**  
24 Q. As I understand it, the Home Office is responsible for  
25 leading the response to serious and organised crime?

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1 **A. That's correct. So just to clarify, my unit leads**  
2 **Home Office policy on child sexual abuse and**  
3 **exploitation, but we also have a key role in driving and**  
4 **co-ordinating a whole government response to the issues**  
5 **of child sexual abuse and exploitation.**  
6 Q. If we may just look at the various government  
7 departments that play a role in this arena, I think  
8 there is the Department for Education. In a nutshell,  
9 what is their role?  
10 **A. So the Department of Education has key responsibilities**  
11 **for child protection in the round. For issues around**  
12 **schools and education, which are all obviously vital**  
13 **components of our efforts to tackle child sexual abuse**  
14 **and exploitation.**  
15 Q. A little on in your evidence, we will look at some of  
16 the various changes that are afoot in relation to  
17 online-facilitated child sexual abuse, and the education  
18 of children in that regard.  
19 There is also the Ministry of Justice. In  
20 a nutshell, what is their role?  
21 **A. So Ministry of Justice has responsibility for the**  
22 **criminal law, so offences which pertain to child sexual**  
23 **abuse and exploitation will fall within their ambit.**  
24 **They are also responsible for prisons and probation,**  
25 **which is germane to the management of sex offenders and,**

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1 **A. Correct.**  
2 Q. And as we've already looked at, both in the last hearing  
3 and in the course of the last eight days, the strategy  
4 and response to CSEA, and in particular online CSEA,  
5 comes within the ambit of serious and organised crime?  
6 **A. That's correct.**  
7 Q. How long have you been in post for?  
8 **A. I've been in post in my current role since August 2018,**  
9 **but prior to that, I've worked in a variety of crime and**  
10 **policing roles within the Home Office and, probably of**  
11 **immediate relevancy to the inquiry, headed up the Public**  
12 **Protection Unit in the Home Office which worked on**  
13 **a range of issues which are germane to the inquiry,**  
14 **including disclosure and barring policy and a range of**  
15 **safeguarding and vulnerability issues.**  
16 Q. So you have some familiarity, through your previous  
17 experience, of those topics that might impact on  
18 online-facilitated sexual abuse?  
19 **A. That's correct.**  
20 Q. Just dealing briefly with the role of the government --  
21 I'm looking at your paragraphs 4 and 5 onwards in your  
22 statement -- the Home Office is responsible for leading  
23 the United Kingdom's response to serious and organised  
24 crime, and there are a number of departments involved in  
25 that response; is that correct?

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1 **indeed, wider criminal justice processes and victims**  
2 **policy.**  
3 Q. The Department for Digital Culture, Media and Sport,  
4 DCMS, as they are often referred to, what is their  
5 involvement in this field?  
6 **A. So obviously they play a key role in terms of focusing**  
7 **on online harms and have been co-sponsors of the Online**  
8 **Harms White Paper alongside the Home Office.**  
9 Q. Given the variety of departments that play a role in  
10 tackling this problem, can you help by reference to  
11 paragraph 6, please, how those different departments  
12 co-operate?  
13 **A. So two points very quickly. One, they are the**  
14 **departments that have a very key role to play, but every**  
15 **department across Whitehall has a key part to play in**  
16 **tackling child sexual abuse and exploitation. There is**  
17 **a number of government streams which try to bring**  
18 **together a co-ordinated, cross-government response.**  
19 **I reference the National Security, Strategy and**  
20 **Implementation Group, which is responsible for**  
21 **overseeing implementation of the Serious and Organised**  
22 **Crime Strategy, which brings together departments from**  
23 **across governments. We also have a cross-Whitehall**  
24 **directors' group on vulnerability, which tries to make**  
25 **sure we are taking a co-ordinated approach to issues of**

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1 vulnerability and safeguarding which apply across  
 2 different crime types -- so serious violence, for  
 3 example, would be critical in that regard.  
 4 And then we have a bespoke interministerial group on  
 5 tackling child sexual abuse and exploitation, which is  
 6 chaired by the Home Secretary and attended by ministers  
 7 across government.  
 8 Q. In relation to the interministerial group chaired by the  
 9 Home Secretary, can you give us an indication of how  
 10 often that group meets?  
 11 A. That group meets quarterly.  
 12 Q. A little, please, about the background to the unit in  
 13 which you work.  
 14 I think the TEAU was established in October 2017.  
 15 It brought together, I think, a previous number of areas  
 16 that were looking at this area. Can you just help, why  
 17 was it, in October 2017, there was the Tackling  
 18 Exploitation and Abuse Unit set up?  
 19 A. So prior to that, there was a policy team within the  
 20 Crime, Policing and Fire Group, which led on child  
 21 sexual abuse, which mainly focused on, if you like,  
 22 contact abuse, if I can put it that way. And there was  
 23 a team in the office for security and counter-terrorism  
 24 which focused primarily on online abuse.  
 25 So the reorganisation was about trying to do

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1 Q. I think you say there that deals with online industry  
 2 engagement?  
 3 A. So --  
 4 Q. Can you give us a bit more flavour to that statement,  
 5 please?  
 6 A. So the industry team will work very closely with law  
 7 enforcement with NGOs and with industry to make sure  
 8 that we are having a co-ordinated, joined-up approach  
 9 and a clear ask of companies in terms of what they can  
 10 do to support our efforts to bear down on child sexual  
 11 abuse.  
 12 Q. We have heard some evidence over the last few days about  
 13 collaboration between both law enforcement, industry  
 14 and, indeed, the government. The industry team, can you  
 15 give us an idea of how often that meets with industry,  
 16 is there a round table quarterly, monthly ...?  
 17 A. So there will be a range of bilateral meetings with  
 18 industry which happens on a weekly basis. There will  
 19 be --  
 20 Q. So that is government with one particular company or  
 21 organisation?  
 22 A. Indeed.  
 23 Q. But what about bringing all of the organisations and  
 24 companies together for a more collaborative approach?  
 25 A. So there will be a number of forums. We would have

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1 everything we could to ensure we've got an integrated  
 2 approach to tackling child sexual abuse and exploitation  
 3 in the round, drawing on some of the evidence that we've  
 4 heard in the inquiry around how online abuse and offline  
 5 abuse bleed together and need to be addressed in the  
 6 round.  
 7 Q. I think, is this right, that in 2018, in November, the  
 8 TEAU became part of the Serious and Organised Crime  
 9 Group?  
 10 A. That's correct.  
 11 Q. We have a picture of a number of government departments,  
 12 of which the Home Office is one, and then, within your  
 13 unit, I think there are a number of different teams  
 14 working on the government's response; is that right?  
 15 A. That's correct.  
 16 Q. If we may look briefly at those teams, and at  
 17 paragraph 8, the first team that you refer is to the  
 18 Online Pursue and Prevent Team. What do they do?  
 19 A. So, as set out in the statement, they lead engagement  
 20 with law enforcement and the security and intelligence  
 21 community on prosecution and disruption of offenders,  
 22 also focusing on what more we can do to manage offenders  
 23 and bear down on offending through a prevent lens.  
 24 Q. There's an industry team?  
 25 A. That's correct.

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1 a range of round tables with industry. We engage  
 2 regularly collectively with industry. There are also  
 3 referred to in my statement other forums that we utilise  
 4 to engage with industry, including WePROTECT Global  
 5 Alliance, engaging with companies through the Hackathon  
 6 as we did in October and, indeed, other evidence that  
 7 has been given from law enforcement colleagues, in terms  
 8 of round tables that they've co-ordinated and we try to  
 9 ensure, and we are taking as joined-up an approach as  
 10 possible with law enforcement in our engagement in  
 11 industry.  
 12 Q. There's an international team?  
 13 A. Correct.  
 14 Q. What role do they play?  
 15 A. So, again, recognising that we need an international  
 16 approach -- child sexual abuse and exploitation is  
 17 a transnational crime -- the primary role of that team  
 18 is to work with other governments, international  
 19 organisations, to bear down on child sexual abuse and  
 20 exploitation, they also host the secretariat functions  
 21 for the WePROTECT Global Alliance and administer some  
 22 rather large funds which go towards supporting efforts  
 23 to build capacity in other countries to bear down on  
 24 child sexual abuse and exploitation.  
 25 Q. While we're looking at the international team, evidence

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1 was given last week by the Internet Watch Foundation of  
 2 the scale of content hosted in the UK, which I think  
 3 amounted to 0.04 per cent of content, and the rising  
 4 amount of child sexual abuse material that is hosted  
 5 within Europe.  
 6 In particular, the chair and panel might recall that  
 7 the Netherlands is a particularly large hoster of  
 8 indecent material.  
 9 Is it the international team that would try and  
 10 co-ordinate efforts with the Netherlands, for example?  
 11 **A. Yes, that's right, but also working with the other teams**  
 12 **in terms of making sure there is a good picture from the**  
 13 **industry team on the particular challenges in the**  
 14 **Netherlands, but then using forums like the**  
 15 **Council of Europe and the Lanzarote Convention to try**  
 16 **and influence other countries, WePROTECT Global**  
 17 **Alliance, of which the Netherlands is a member, and also**  
 18 **making sure that there is that bilateral engagement and**  
 19 **we can use other government departments' access to**  
 20 **governments to make sure that we are pressing the points**  
 21 **with those countries.**  
 22 Q. But in reality, what kind of pressure can the  
 23 UK Government bring to bear on a country such as the  
 24 Netherlands that is hosting a vast volume of indecent  
 25 imagery?

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1 **or, indeed, modern slavery or other hidden crimes, like**  
 2 **domestic abuse, and ensure that, as we interact with**  
 3 **other government departments, we are taking action in**  
 4 **the round.**  
 5 Q. I think the final team that comes within the ambit of  
 6 the TEAU there is a Protection and Victim Support Team.  
 7 Again, what do they do?  
 8 **A. So this is focused on a range of areas. So, how can we**  
 9 **tackle child sexual abuse and exploitation in terms of**  
 10 **ensuring we have the best levels of victim support; how**  
 11 **new safeguarding reforms can help and support our**  
 12 **efforts to tackle child sexual abuse and exploitation;**  
 13 **looking at the physical environment, how can we manage**  
 14 **the night-time economy in order to tackle child sexual**  
 15 **abuse and exploitation; and, indeed, working with**  
 16 **policing on, if you like, some of the other forms of**  
 17 **child sexual abuse, like group-based offending.**  
 18 Q. For those who aren't familiar, can you just explain,  
 19 Mr Papaleontiou, what you mean by "the night-time  
 20 economy"?  
 21 **A. So, with child sexual abuse and exploitation, we will**  
 22 **have seen the role played by, for example, people**  
 23 **involved in taxi licensing, the role that hoteliers can**  
 24 **play, other people in the community and in, if you like,**  
 25 **the physical environment, who can help to protect**

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1 **A. So we try to act in a spirit of collaboration. We try**  
 2 **to share knowledge, in terms of reports that come from**  
 3 **the likes of IWF about the problem; try and unpick the**  
 4 **issues which the Netherlands may have in terms of the**  
 5 **hosting of this material; and engage constructively with**  
 6 **them, drawing on some of the international instruments**  
 7 **that do exist -- for example, the**  
 8 **Lanzarote Convention -- and the Model National Response**  
 9 **through WePROTECT Global Alliance to try and influence**  
 10 **and shape other countries' response.**  
 11 Q. Does it come to this: obviously, the UK can't force  
 12 another government to take action, but effectively,  
 13 through diplomatic channels and all the other forums  
 14 you've just spoken about, there is some pressure --  
 15 **A. Indeed.**  
 16 Q. -- that is brought to bear.  
 17 The other teams that you speak about in the TEAU are  
 18 the exploitation projects, what does that team do?  
 19 **A. So this is a resource that tries to ensure that we are**  
 20 **focused on emerging pressures, emerging themes and we**  
 21 **can deploy resources flexibly. The key issue, as**  
 22 **I referenced earlier, is making sure we make the**  
 23 **connections to other forms of vulnerability and ensure**  
 24 **that our response is joined up when we are looking at**  
 25 **other issues, like the criminal exploitation of children**

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1 **children more effectively.**  
 2 Q. So, for example, that team would -- you're trying to  
 3 raise awareness to try and bring a practical example to  
 4 bear that if an adult male is seen going into a hotel  
 5 with an obviously younger female, you're trying to raise  
 6 awareness in the hotel industry that they may want to --  
 7 **A. Exactly.**  
 8 Q. -- contact the police or contact some other kind of  
 9 safeguarding authority to say, potentially, there is  
 10 a concern that a young child is being abused; is that  
 11 the kind of thing you mean?  
 12 **A. That's exactly the sort of thing.**  
 13 Q. At your paragraph 9, I think you explain that the TEAU  
 14 also works with other Home Office teams; for example,  
 15 we've heard about the Child Abuse Image Database, so  
 16 there's liaison there. You explain that there is  
 17 a Research, Information and Communications Unit, a RICU,  
 18 and what is it that your team does with the RICU that  
 19 helps in this forum?  
 20 **A. So I think the panel has heard evidence around some of**  
 21 **our efforts in terms of deterrence campaigns, aimed at**  
 22 **young men in terms of encouraging them to report child**  
 23 **sexual abuse material and, indeed, work that we do with**  
 24 **other partners, including the Lucy Faithfull Foundation**  
 25 **in terms of deterrence messaging.**

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<p>1 Q. Clearly, your unit has liaised with the Online Harms 2 White Paper team, and we'll come on to the White Paper. 3 I want to just establish at the outset the strategic 4 and policy framework. I'm looking now at your 5 paragraph 10. 6 Is this right, that in 2013, there was a Serious and 7 Organised Crime Strategy published by the Home Office 8 and the aim of that strategy was to try and reduce the 9 level of serious, organised crime affecting the UK which 10 in itself included child sexual exploitation? 11 <b>A. That's correct.</b> 12 Q. Can we have look on screen at HOM003249_019 and 020. 13 It's behind your tab 1, chair. 14 The relevant page is in relation to child sexual 15 exploitation taken from that 2013 strategy, and I alight 16 upon it because I'm going to, in due course, look at the 17 2018 one, just to see, perhaps, how matters have evolved 18 in the last five years or so. 19 But, as at 2013 -- if we could enlarge please the 20 child sexual exploitation section -- one can see set out 21 there that in 2012 and 2013, 800 children, almost, were 22 safeguarded or protected as a result of CEOP. 23 I alight upon that because the figures have changed 24 considerably in the last few years. 25 But why was it felt that child sexual exploitation</p> <p style="text-align: center;">Page 13</p>	<p>1 should be part of the Serious and Organised Crime 2 Strategy? People might think drug dealers, those 3 involved in cyber crimes, perhaps, gangs, terrorists. 4 Why did CSE come within that strategy? 5 <b>A. So there are certain elements of the child sexual abuse 6 and exploitation that are particularly complex, serious, 7 involves international co-operation, it involves 8 networks of offending, sophisticated use of technology, 9 and techniques, which there are common capabilities that 10 we can deploy in terms of our approach to tackling 11 serious and organised crime more widely.</b> 12 Q. Does it come to this: this was an indication in this 13 document that the government viewed CSE as being of such 14 importance that it needed to go into the Serious and 15 Organised Crime Strategy and the response to that? 16 <b>A. That's correct, and it's recognised as a national 17 security threat, which, indeed, places it in that space.</b> 18 Q. Can I ask you please about page 50 in the strategy, it's 19 _050. 20 Underneath the photograph of the swing, one can see, 21 at paragraph 5.33, the Prime Minister's speech in July 22 of 2013 on child abuse online called on the main 23 internet search engines, Google and Microsoft, to do 24 more to tackle the accessibility of child abuse images 25 through the internet, building on the work they already</p> <p style="text-align: center;">Page 14</p>
<p>1 do. 2 In due course, I think they, Google and Microsoft, 3 did in fact collaborate to come up with a list of common 4 terms or black and greylist, they called it, to try and 5 prevent people's access to this kind of material. 6 So that was a call made of them in 2013 and we've 7 heard evidence from both of those companies about their 8 response to that call. 9 If one turns over in the page and calls up on screen 10 059, in terms of protecting children and blocking child 11 abuse images, reference is made there to CEOP educating 12 children and young people, their Thinkuknow programme, 13 and, as at 2012, 2013, over 2.6 million children had 14 seen the Thinkuknow products and over 800 professionals 15 had had that training in that regard. 16 Since 2013, have there been a number of different 17 governmental developments? And I'm looking really for 18 a summary of your paragraphs 11 to 13, Mr Papaleontiou. 19 I think there was -- in 2015, there was a national 20 security strategy and strategic defence and security 21 review, in which CSE played a role; is that right? 22 <b>A. That's correct.</b> 23 Q. Why is it that CSE is forming part of the national 24 security strategy? 25 <b>A. Part of it is being recognised as a national security</b></p> <p style="text-align: center;">Page 15</p>	<p>1 <b>threat in and of itself, which lends itself to being 2 captured within the national security strategy.</b> 3 Q. Okay. 4 There is a report in 2017 published by the 5 government in tackling child sexual exploitation. 6 A progress report, as it's termed. We don't need to 7 look at it. 8 Perhaps coming to more recently, in 2018, can I ask 9 you, please, to help with the speech made by the 10 Home Secretary, I think at the NSPCC headquarters. What 11 do did the Home Secretary say during the course of that 12 speech? 13 <b>A. So the key points that the Home Secretary made -- and 14 some of this is captured later in my statement -- were 15 around: one, recognising the threat and making sure that 16 people understood the full nature of the evolving threat 17 from online child sexual abuse and exploitation; trying 18 to communicate his very personal ambition and commitment 19 to tackling and bearing down on online child sexual 20 abuse and exploitation; stressing efforts that the 21 government was making in terms of supporting law 22 enforcement efforts and prevention efforts to tackle 23 child sexual abuse and exploitation; and a very explicit 24 call to industry to step up their efforts to respond to 25 the evolving threat building on what had been done to</b></p> <p style="text-align: center;">Page 16</p>

<p>1 <b>date.</b>                  2 Q. In November 2018, did the Home Office publish, then, its                  3 Serious and Organised Crime Strategy?                  4 We'll find extracts of that chair behind tab 2 and                  5 can we call up on screen HOM003253_014. There's the                  6 front page of the strategy, it covers a number of                  7 different areas of criminality. And at the outset, on                  8 this page, it sets out there that the government defines                  9 serious and organised crime as individuals planning,                  10 co-ordinating and committing serious offences, whether                  11 individually, in groups and/or as part of                  12 a transnational network.                  13 The main categories covered by this term are: child                  14 sexual exploitation and abuse; and one can see there                  15 then drugs; firearms; fraud; money laundering, economic                  16 crime; bribery; organised crime; modern slavery; human                  17 trafficking; and cyber crime.                  18 So is this taken as an indication that five years on                  19 from the previous strategy, the government still                  20 considers child sexual abuse and exploitation to be                  21 a serious and organised crime requiring a full response                  22 from the UK Government?                  23 <b>A. That's correct. I think the strategy also stresses that</b>                  24 <b>there are elements of child sexual abuse and</b>                  25 <b>exploitation that are serious, complex, organised,</b></p> <p style="text-align: center;">Page 17</p>	<p>1 <b>networked, but it also recognises that a lot of</b>                  2 <b>offending is solitary, which is why, again, we use the</b>                  3 <b>prism of Serious, Organised Crime Strategy to try and</b>                  4 <b>drive this work forward and draw on common capabilities</b>                  5 <b>and capacity to bear down on child sexual abuse and</b>                  6 <b>exploitation.</b>                  7 <b>We also recognise that it is slightly different to</b>                  8 <b>other organised crime threats, in that we do, therefore,</b>                  9 <b>require a nuanced response. That is why we will do</b>                  10 <b>a lot of work through, for example, the interministerial</b>                  11 <b>group on child sexual abuse to make sure that we are</b>                  12 <b>doing all the additional work that a proper response to</b>                  13 <b>child sexual abuse and exploitation requires outwith, if</b>                  14 <b>you like, a serious, organised crime lens.</b>                  15 Q. Just looking at a few passages within the 2018 strategy.                  16 If one looks at page 15 of the document, over the                  17 page in your bundle, and calls up on screen 015, please.                  18 015, thank you.                  19 If we can highlight, the graphic there perhaps most                  20 easily depicts the range of threats of serious and                  21 organised crime threats to the UK and, in the pink                  22 section at the bottom of the page, the threat of online                  23 child sexual exploitation and abuse and reference to                  24 referrals that we've already heard evidence about.                  25 The strategy sets out -- I'll quote from it, no need</p> <p style="text-align: center;">Page 18</p>
<p>1 to call it up on screen -- that serious and organised                  2 crime has a devastating effect. Any child can be                  3 a victim of abuse or exploitation, and criminals are                  4 exploiting the huge growth in numbers of children with                  5 easy access to the internet.                  6 The strategy goes on to talk about the government's                  7 financial investment in this area. Can we call up,                  8 please, page 028 of the document? I'd like to ask you                  9 about the funding that the Home Office provides and,                  10 indeed, the government provides, to tackle                  11 online-facilitated child sexual abuse.                  12 Bottom of the page, paragraph 56, set out there is                  13 a statement that the Home Office will invest                  14 37.7 million over the next two years on tackling child                  15 sexual abuse -- sorry, tackling child sexual                  16 exploitation and abuse:                  17 "We will prioritise enhancing our ability to detect                  18 and disrupt offenders online. The NCA's CEOP command                  19 leads, supports and coordinates the law enforcement                  20 response."                  21 So that 37.7 million is from, presumably, 2018                  22 through to 2020; is that right?                  23 <b>A. That covers '18/'19 and '19/'20.</b>                  24 Q. In broad terms, can you help with what that 37.7 million                  25 is meant to go towards?</p> <p style="text-align: center;">Page 19</p>	<p>1 <b>A. So a lot of this is covered off in my statement.</b>                  2 Q. Yes. If you need to refer to it, please do.                  3 <b>A. So, essentially, there are a number of supportive</b>                  4 <b>streams of funding. Firstly, funding for undercover</b>                  5 <b>online capability and capacity, which is critically</b>                  6 <b>important in terms of bearing down on grooming.</b>                  7 Q. Can I ask you about that, because we heard from                  8 Mr Bailey, I think, certainly during phase 1, about                  9 a 20 million grant to increase the capacity towards                  10 undercover online grooming. Is some of this                  11 37.7 million additional to the 20 million that he spoke                  12 about in 2018?                  13 <b>A. So that 37.7 million captures UCOL funding and the</b>                  14 <b>20 million that Mr Bailey referred to. In addition,</b>                  15 <b>there was 9.2 million for UCOL capability in 17/18.</b>                  16 Q. Can you take us through, then, please, the various funds                  17 that have been made available, but before you do, can                  18 I just ask you this: aside from that -- is the                  19 37.7 million the specific online CSEA budget?                  20 <b>A. So I'll try and clarify as far as I can.</b>                  21 Q. It might be helpful, please.                  22 <b>A. There is core funding for NCA and CEOP, my paragraph 34</b>                  23 <b>in my statement refers to the investment from HMG and</b>                  24 <b>the Home Office in NCA-CEOP's core funding capability.</b>                  25 Q. So the NCA have a budget?</p> <p style="text-align: center;">Page 20</p>

1 A. The NCA has a budget, CEOP has a budget, which was  
 2 agreed, decided, at the Spending Review, 2015.  
 3 As we have seen the threat evolving, we have used  
 4 the opportunity of other funding streams -- for example,  
 5 the Police Transformation Fund -- to identify additional  
 6 funds which can support tackling child sexual abuse and  
 7 exploitation.  
 8 Total investment, the number of figures in my  
 9 statement and, indeed, in the Serious and Organised  
 10 Crime Strategy, the total additional investment is  
 11 £37.7 million over '18/'19 and '19/'20.  
 12 Q. Understood.  
 13 A. In addition to that, in '17/'18 there was £9.2 million  
 14 for UCOL capability, and I also refer to additional  
 15 monies from the Police Innovation Fund from '17/'18,  
 16 1.55 million, which supported digital forensic  
 17 capability.  
 18 Q. Is there any sense that when the Home Office requests  
 19 more funds to be released from the Treasury, that there  
 20 is a reluctance by the Treasury to fund projects that  
 21 relate to online CSEA?  
 22 A. So we obviously work with Treasury, and others, in terms  
 23 of -- the first point, is we have to work within the  
 24 current Spending Review envelope, so we work within that  
 25 envelope and, as there are other funding streams that

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1 actually the threat is evolving, how more children are  
 2 exposed to online CSEA, how offenders are becoming more  
 3 sophisticated and the threat is growing. That will be  
 4 part of the case that we will be building to engage with  
 5 HMT and within the Home Office, in terms of the relative  
 6 prioritisation of funding.  
 7 Q. If there were, for example, a call by the public for  
 8 there to be more arrests in this area, to deal with the  
 9 tackling growth of referrals that this country receives  
 10 from NCMEC, to whom would that request be made? Is that  
 11 of the Home Office?  
 12 A. Yes, so key issues in terms of funding, there will be  
 13 work that we will be working on in terms of funding for  
 14 serious and organised crime and funding for the National  
 15 Crime Agency. There is also, obviously, the need to  
 16 take a response at national level, at regional level  
 17 and, indeed, at local level, and some of the key  
 18 components of that will be working through the police  
 19 funding settlement and how much resource do police  
 20 forces get to tackle a whole range of crimes.  
 21 There, of course, we do have Police and Crime  
 22 Commissioners who have responsibility for their budgets  
 23 and who are democratically accountable to their local  
 24 communities.  
 25 So part of our efforts will be to work to ensure

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1 can be utilised and where it is within the gift of the  
 2 Home Office to utilise those funding streams dedicated  
 3 towards CSEA, we have that latitude.  
 4 Obviously, we are now approaching a new spending  
 5 round and we will be engaging closely with Treasury on  
 6 ensuring that issues like serious and organised crime in  
 7 the round, and CSEA within that, are properly captured  
 8 and those discussions will be had in the proper way with  
 9 HMT.  
 10 Q. There may be a concern that, given the competing demands  
 11 for money in various areas of serious and organised  
 12 crime -- one takes terrorism as an obvious example --  
 13 that perhaps there will be a clamour for funds to fight  
 14 that harm to the detriment, potentially, of fighting  
 15 harm such as online CSEA.  
 16 If one were to make that assumption, what would be  
 17 the Home Office's response to that?  
 18 A. So I think it would be disingenuous of me to state that  
 19 there is no competition for resources. Of course there  
 20 is. That is the proper process that you would want to  
 21 go through to make sure that funding is attributed to  
 22 the highest harm areas.  
 23 The key issues that we will obviously be putting  
 24 forward, and the inquiry has heard plentiful evidence  
 25 through the course of this session, is around how

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1 that the police funding settlement reflects the  
 2 pressures on local forces from CSEA, but then obviously  
 3 there will be a decision for Police and Crime  
 4 Commissioners about how they use those budgets.  
 5 Q. Can I ask you about Police and Crime Commissioners. If  
 6 it helps you, I'm looking at your paragraph 29 in your  
 7 statement. You say this:  
 8 "It is for chief constables and the Police and Crime  
 9 Commissioners to decide how best to deploy resources to  
 10 manage local crime and policing priorities."  
 11 But is this the position, that there are national  
 12 policing needs which must also be considered?  
 13 A. That's correct.  
 14 Q. And that there is a statutory duty to issue what is  
 15 called a strategic policing requirement, an SPR, and  
 16 that chief constables are under a duty to have regard to  
 17 any local plans and the SPR when exercising their  
 18 functions?  
 19 A. That's correct.  
 20 Q. Does it come to this: a Police and Crime Commissioner or  
 21 chief constable can't just ignore the fact that CSEA is  
 22 in the strategic policing requirement and, therefore,  
 23 they can't divert all their funds to, let's say, dealing  
 24 with a local problem to the detriment of dealing with  
 25 the problem in their area of online-facilitated child

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1 sexual abuse?  
 2 **A. That's correct, and there will be a balance that local**  
 3 **Police and Crime Commissioners need to strike around**  
 4 **local priorities, while also having a statutory duty to**  
 5 **have due regard to the strategic policing requirement**  
 6 **which now includes CSEA.**  
 7 Q. Right. So it cannot be simply ignored by a chief  
 8 constable or PCC?  
 9 **A. That's correct.**  
 10 Q. But how does one -- does the Home Office monitor how  
 11 respective forces and PCCs allocate their funds?  
 12 **A. So we have a wider policing family who play a key role**  
 13 **in this regard. So Her Majesty's Inspectorate of**  
 14 **Constabulary and Fire and Rescue Services will play**  
 15 **a key role in being able to shine a light on how forces**  
 16 **are meeting their requirements under the strategic**  
 17 **policing requirement vis-a-vis their local priorities --**  
 18 Q. Right. So there is oversight of how that money is spent  
 19 to ensure that the strategic policing requirements are  
 20 in fact met and those functions exercised?  
 21 **A. That's correct.**  
 22 Q. We diverted slightly to deal with the PCCs, because we  
 23 were dealing with the issue of funding. Is there any  
 24 other additional evidence that you would wish to give in  
 25 relation to how the Home Office funds the fight against

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1 generally of 2019, the WePROTECT Global Alliance has  
 2 85 member countries, 20 industry members, and 25 leading  
 3 third sector organisations.  
 4 Can you help, please, Mr Papaleontiou, with what the  
 5 WePROTECT Global Alliance aims are? If it assists you  
 6 I'm looking at your paragraph 129.  
 7 **A. So the WePROTECT Global Alliance is a forum to bring**  
 8 **together industry, governments, NGOs, to ensure that we**  
 9 **are taking a global response to the threat, given the**  
 10 **threat is global. It has issued, for example, a global**  
 11 **threat assessment which provides the basis for countries**  
 12 **to prioritise and focus on online CSEA, and CSEA more**  
 13 **widely. It is also drafted a Model National Response**  
 14 **which provides a framework for countries to ensure that**  
 15 **they are building their capabilities in a way that is**  
 16 **germane to how they are set up to bear down on child**  
 17 **sexual abuse and exploitation.**  
 18 Q. Why is it that the UK has decided to provide the  
 19 secretariat facilities at not inconsiderable cost, if  
 20 it's 1 million to 2 million a year to run that?  
 21 **A. So I think the UK takes great pride in being a global**  
 22 **leader in tackling child sexual abuse and exploitation,**  
 23 **which is not to say that we have got all the answers; we**  
 24 **have got much more to do and to learn. And, again,**  
 25 **there is almost a moral imperative in terms of making**

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1 online child sexual abuse?  
 2 **A. Only to say and stress the points in my statement that**  
 3 **obviously there is a Spending Review around the NCA,**  
 4 **local forces have to work within that, but there are**  
 5 **other funds, like the Police Transformation Fund, which**  
 6 **can allow policing to respond to changing threats and**  
 7 **pressures within the context of that Spending Review**  
 8 **period.**  
 9 **I think the money that has been invested by the**  
 10 **Home Office, that £37.7 million, in the last two years,**  
 11 **is evidence of the priority that the Home Office and the**  
 12 **Home Secretary have in terms of tackling online child**  
 13 **sexual abuse and exploitation.**  
 14 Q. You referred in your evidence earlier to other  
 15 organisations, NGOs, forums, such as the WePROTECT  
 16 Global Alliance. Can I ask about how the UK -- did the  
 17 UK provide any funding towards WeProtect?  
 18 **A. So the Home Office provides the secretariat functions**  
 19 **for the WePROTECT Global Alliance, Victoria Atkins, the**  
 20 **minister, sits on the board of WePROTECT Global**  
 21 **Alliance. In terms of the secretariat part of the**  
 22 **WePROTECT Global Alliance, they amount to around**  
 23 **£1 million to £2 million per year, which the Home Office**  
 24 **meets.**  
 25 Q. Right. By way of updated figures, chair, as I think

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1 **sure that we use that position of global leadership to**  
 2 **try and do what we can to protect children across the**  
 3 **world.**  
 4 Q. Before we come on to look at some different projects  
 5 perhaps being run and co-ordinated by the Home Office,  
 6 can I just ask you a little bit, please, about the  
 7 National Security Council and where online-facilitated  
 8 child sexual abuse fits in relation to the National  
 9 Security Council. I think there is some reporting, is  
 10 that right, by the Director-General of the Serious and  
 11 Organised Crime Group, to the National Security Council;  
 12 is that right?  
 13 **A. That's right. So my statement covers the fact that we**  
 14 **have -- the National Security Council has taken papers**  
 15 **on child sexual abuse and exploitation, which I just**  
 16 **think reflects the seriousness with which the UK is**  
 17 **addressing this problem, that senior leadership at the**  
 18 **highest levels are engaged in terms of ensuring we can**  
 19 **take a whole-system approach to tackling child sexual**  
 20 **abuse and exploitation.**  
 21 Q. Your statement says that the National Security Council  
 22 agree that what was needed was "the full force of the  
 23 state to counter demand". What does that actually mean  
 24 in practice?  
 25 **A. So those agencies sat around the table. So law**

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1 **enforcement, the UK intelligence community, the**  
 2 **departments that have the power to impact in terms of**  
 3 **global reach are all focused on bearing down on online**  
 4 **CSEA.**  
 5 Q. Can we move, then, to some specific areas of evidence  
 6 that the chair and panel have heard about.  
 7 May I ask you, firstly, a little bit about the  
 8 Home Office's involvement with the Child Abuse Image  
 9 Database, or CAID, as we've called it, starting at your  
 10 paragraph 44 onwards in your statement.  
 11 We've obviously heard about how CAID works and, in  
 12 fact, the increase in the number of images within the  
 13 database, which I think was about 4 million  
 14 in December 2014 and, as at January 2019, is somewhere  
 15 over 13 million images?  
 16 **A. That's correct .**  
 17 Q. That sets out the growth and the use of CAID, but how  
 18 does the Home Office support the work of CAID?  
 19 **A. So there is a CAID team within the Home Office whose**  
 20 **role is, if you like, to manage the technical database,**  
 21 **so they run the database themselves. There is a project**  
 22 **board which, if you like, governs the architecture and**  
 23 **the running of the database, which is chaired by**  
 24 **Stephen Webb, a director in the Home Office, and on**  
 25 **which I sit.**

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1 **used to grade the severity of child sexual abuse**  
 2 **material, which will not only help in terms of bringing**  
 3 **offenders to justice and free up officer time to focus**  
 4 **on the investigation of the offender rather than the**  
 5 **grading of the image itself, but also tackle the**  
 6 **significant psychological pressures placed on police**  
 7 **officers who currently do the job of grading.**  
 8 Q. We heard from Mr Bailey about that yesterday.  
 9 **A. The third capability, very quickly, is something called**  
 10 **scene matching -- again, using artificial intelligence**  
 11 **and data analytics -- which allows better identification**  
 12 **of victims and the threat an offender may pose to**  
 13 **children. So again, that will support investigations**  
 14 **and improve further on some of the victim identification**  
 15 **figures that I think the panel inquiry has already heard**  
 16 **in terms of CAID.**  
 17 Q. One of the things that Mr Bailey spoke about, forgive  
 18 me, on Monday, was potentially the Home Office's work in  
 19 relation to what's called alternative disposals. To put  
 20 it into context, the chair and panel have heard some  
 21 evidence over the course of the entire investigation  
 22 about the need, from law enforcement's perspective, to  
 23 concentrate on the high-risk offenders who are causing  
 24 the most serious harm.  
 25 There has been a suggestion by them that, in order

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1 **There is also a policy board chaired by Chief**  
 2 **Constable Simon Bailey which ensures that we are working**  
 3 **with law enforcement to ensure that CAID is meeting the**  
 4 **operational requirements of policing in terms of bearing**  
 5 **down on child sexual abuse and exploitation.**  
 6 Q. There is reference to, in your statement, something  
 7 called the "CAID innovation lab". That's not something  
 8 we've heard about. What is the CAID innovation lab?  
 9 **A. So CAID is a capability that is constantly evolving and**  
 10 **we are constantly looking at opportunities to improve**  
 11 **its functionality and what it can provide to law**  
 12 **enforcement.**  
 13 **So it is a partnership with digital specialists that**  
 14 **work to enhance the capability of CAID, and I can**  
 15 **happily talk about some of the innovations that it's**  
 16 **driven, which may be helpful.**  
 17 Q. Yes, please do.  
 18 **A. So three key improvements which will be rolled out in**  
 19 **2019 and 2020. First of all, something that is called**  
 20 **fast forensic triage, which is essentially a new hash**  
 21 **algorithm to identify known IIOC images within minutes,**  
 22 **so taking the time it takes to actually capture those**  
 23 **images being reduced from 24 hours to a period**  
 24 **of minutes, which has obvious benefits for policing.**  
 25 **An auto-categorisation of images using AI which is**

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1 to enable them to focus on the high risk, there might  
 2 need to be a different approach to what are termed  
 3 low-risk offenders, with the caveat that, of course,  
 4 there is -- no one is suggesting this is not a serious  
 5 area or that low risk is somehow, therefore, less of  
 6 a priority.  
 7 But can you help us, please, explain, firstly, what  
 8 efforts the Home Office took in 2015, 2016, to see if  
 9 there was a practical way of diverting the so-called  
 10 low-risk offender from the criminal justice system?  
 11 **A. So two points -- just by way of context, I think it's**  
 12 **important to stress that, again, when you referred to**  
 13 **the NSC discussion earlier, the key focus, the strategic**  
 14 **focus, of HMG and law enforcement is to concurrently**  
 15 **bear down on high-harm offending and volume at scale.**  
 16 **So we certainly don't want to sacrifice one in favour of**  
 17 **the other. This is about building capabilities to do**  
 18 **both.**  
 19 **In relation to the specific pilots referenced in my**  
 20 **statement, we looked to see, working with National**  
 21 **Policing Chiefs' Council to see whether there were**  
 22 **alternative disposals that could be used to help bear**  
 23 **down on some of the volume pressures that we've heard**  
 24 **about from law enforcement colleagues in this inquiry.**  
 25 **I think the key issues coming out of that work, to**

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1 **look at whether there was a conditional caution route**  
 2 **that could be used --**  
 3 Q. Can I break it down, because a number of those who may  
 4 be following this evidence won't be familiar with what  
 5 the actual pilot did, and then what the outcome of the  
 6 pilot was. If I can stake it in stages with you,  
 7 Mr Papaleontiou.  
 8 Initially, the pilot ran across two forces,  
 9 Gloucestershire and Staffordshire; is that right?  
 10 **A. Correct.**  
 11 Q. 32 offenders were referred to the pilot and, in fact,  
 12 23 offenders in fact participated in it; is that  
 13 correct?  
 14 **A. Correct.**  
 15 Q. The pilot was being run in conjunction with the  
 16 Lucy Faithfull Foundation, who are a charity that try to  
 17 prevent child sexual abuse?  
 18 **A. Correct.**  
 19 Q. In essence, was the decision, as a result of that small  
 20 pilot, to see if the pilot could be broadened and run  
 21 over a 12-month period, now bringing in 12 forces,  
 22 600 low-risk offenders and to see if this was actually  
 23 feasible?  
 24 **A. That's correct.**  
 25 Q. Now, at that stage, what was it necessary to do, was it

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1 **A. Indeed.**  
 2 Q. Is it inherent, in accepting a caution, that the  
 3 offender accepts that they have committed the crime?  
 4 **A. Yes.**  
 5 Q. Without that acknowledgement by them, no one is eligible  
 6 for a caution?  
 7 **A. Exactly.**  
 8 Q. That's what a conditional caution was, it was an aim to  
 9 try and prevent, if accepting a caution, the offender  
 10 going through the courts, but in conjunction with that,  
 11 was it designed to try and provide the offender with  
 12 intervention, monitoring, treatment, to address the  
 13 underlying problem?  
 14 **A. Precisely.**  
 15 Q. Having set out what the aim of the pilot was and how it  
 16 was going to work, what were the problems that were  
 17 identified with the pilot?  
 18 **A. So three issues I think I just mentioned. Actually, in**  
 19 **terms of impact for law enforcement, the resources that**  
 20 **would need to go into it would not be beneficial in**  
 21 **terms of vis-a-vis prosecution and conviction.**  
 22 **The second issue, and more importantly, actually, is**  
 23 **it was at odds with Crown Prosecution Service guidance**  
 24 **on conditional caution, in that the offence type would**  
 25 **in and of itself, according to that guidance, at least**

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1 to try and work out who was a low-risk offender?  
 2 **A. So I think there were three issues that were challenging**  
 3 **in terms of that initial work, if I may quickly**  
 4 **summarise those.**  
 5 Q. Yes.  
 6 **A. The first point is in terms of administering**  
 7 **a conditional caution solution. In terms of the**  
 8 **pressure on law enforcement. Actually, in terms of**  
 9 **resources, it's almost as resource-intensive to secure**  
 10 **a conditional caution as it is to secure a prosecution**  
 11 **and conviction --**  
 12 Q. Pausing there, because people may not be familiar with  
 13 what a conditional caution is, are you able to help us  
 14 with that?  
 15 **A. So it's a -- it's a disposal by the police which**  
 16 **effectively puts conditions -- offenders accept**  
 17 **a caution, but accept a caution on the basis of**  
 18 **complying with certain conditions, those conditions**  
 19 **could, for example, in the concept -- in this particular**  
 20 **context, be seeking assistance and help to address**  
 21 **offending behaviour through an organisation like the**  
 22 **Lucy Faithfull Foundation.**  
 23 Q. Pausing there, it would effectively mean that the  
 24 offender, in accepting a conditional caution, would not  
 25 need to go to court?

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1 **attract a suspended sentence which, according to**  
 2 **guidance, would put it outwith the use of conditional**  
 3 **cautions.**  
 4 Q. Pausing there, in essence, a crime may be too serious  
 5 for a conditional caution to even be a possibility and  
 6 one ways of determining the seriousness is to look at  
 7 what the likely sentencing might be --  
 8 **A. Exactly.**  
 9 Q. -- in summary form?  
 10 So does it come to this, that an offender caught  
 11 with indecent imagery ordinarily might not be getting  
 12 the kind of disposal, were the case to go to court, that  
 13 would make him eligible for a conditional caution?  
 14 **A. Correct.**  
 15 Q. So there was a problem there with how the guidance that  
 16 the CPS has the Director of Public Prosecutions has on  
 17 the circumstances in which a conditional caution could  
 18 be administered, and so, does it mean that a number of  
 19 offenders simply are not eligible for this diversionary  
 20 scheme?  
 21 **A. For those offences, exactly.**  
 22 **Can I come on to the third?**  
 23 Q. Yes, do.  
 24 **A. So the third issue, which you've already alluded to, is**  
 25 **around the whole issue of risk categorisation. So low**

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1 **risk, how do you determine a low-risk offender when,**  
2 **I think it's fair to say, our understanding, our**  
3 **knowledge of offender motivations and behaviours, it's**  
4 **not sophisticated enough to make that judgment with**  
5 **a sufficient level of confidence.**  
6 **Linked to that, and, again, the panel will have**  
7 **heard, if you like, the profound impact these offences**  
8 **can have on victims, and even where it is "low risk",**  
9 **and it may just -- may just be about accessing the**  
10 **imagery, that still has a very direct and indirect**  
11 **impact on the victims.**  
12 **The accessing of images creates a market which leads**  
13 **to the harm to victims in the round.**  
14 **So trying to keep in mind at every stage the impact**  
15 **on the victim and the need for justice to be served in**  
16 **terms of victim impact.**  
17 Q. I was going to ask you about that because, putting aside  
18 the problems that the pilot threw up as to why this may  
19 not be possible, did the Home Office undertake any kind  
20 of assessment as to whether the public thought that even  
21 for those just accessing indecent imagery and not going  
22 on to commit contact offences, it would be appropriate  
23 to divert them in this way?  
24 A. No.  
25 Q. Did you get any sense of whether there would be any

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1 **We have invested money in the Centre of Expertise On**  
2 **Child Sexual Abuse, who is doing work on offending**  
3 **typologies, which can help further our understanding of**  
4 **offender behaviours.**  
5 **I think my statement also refers to interventions**  
6 **like Project Saturn, which is about trying to share**  
7 **information to heighten our understanding of offender**  
8 **behaviours, all working towards developing some very**  
9 **clear proposals that we would want to test thoroughly**  
10 **and rigorously, with a wide range of partners, aimed at**  
11 **looking at what we could do through other routes,**  
12 **whether it's civil orders or, indeed, notification**  
13 **requirements, in terms of really trying to bear down on**  
14 **offender behaviour in line with a rigorous law**  
15 **enforcement approach.**  
16 Q. You mentioned in that Project Saturn. That's not  
17 a project with which we are familiar. I think you deal  
18 with that at paragraph 117, but just help us, what is  
19 Project Saturn?  
20 A. So Project Saturn, very simply, is a portal which  
21 encourages NGOs, academia, law enforcement, and indeed  
22 the intelligence community to share insights about  
23 offending behaviour and child sexual abuse and  
24 exploitation with the intention of building a richer  
25 understanding and evidence base for a whole range of

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1 public support for this kind of alternative proposal?  
2 A. I think I can safely say that any proposals that have  
3 been mooted around alternative disposals for offenders  
4 have received an understandable and strong level of  
5 concern from public.  
6 The key issue, though, I do want to address is, just  
7 because the conditional cautioning pilot is not an  
8 appropriate model, we still stand ready to work with  
9 policing and NGOs to bear down on offending behaviour.  
10 So, yes, prosecution and conviction is right and  
11 proper, but we also, if we're going to bear down on this  
12 problem, need to address offending behaviour that is at  
13 the heart of this. So we will continue to work with  
14 policing, in terms of how a very rigorous and robust law  
15 enforcement response can be complemented and  
16 supplemented by appropriate interventions to try and  
17 manage, and indeed change, offender behaviour, because  
18 that needs to be at the heart of our efforts to really  
19 bear down on child sexual abuse and exploitation.  
20 Q. Are you able to say, is there any other current plan to  
21 run a different kind of pilot or different kind of  
22 diversionary scheme?  
23 A. So we, within my unit, have been looking at the evidence  
24 base around offender behaviours, offender interventions.  
25 We will continue to try and build that evidence base.

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1 **partners, in terms of how we go about tackling child**  
2 **sexual abuse and exploitation.**  
3 Q. What does that actually mean in practice, though?  
4 A. So it is bringing together, like I say, insights from  
5 a variety of partners, sharing them in a platform which  
6 can deal with some of the security classifications that  
7 might be germane in this area, and making sure that that  
8 insight is properly disseminated amongst partners in as  
9 open and transparent a way as possible.  
10 Q. I diverted slightly, but given that the chair and panel  
11 have heard evidence that the police are at saturation  
12 point, and that referrals are nonetheless going up, is  
13 it the view of the Home Office that it's time to  
14 consider, potentially, something different to deal with  
15 the volume of referrals that the UK is receiving?  
16 A. So I think, again, my statement refers to taking  
17 a whole-system approach. There are a number of avenues  
18 to bearing down on volume. Work with industry, which  
19 I'm sure we'll come on to, in terms of industry being  
20 able to stifle the pipeline of child sexual abuse  
21 material, will be a key element in terms of trying to  
22 manage the volume.  
23 The work of the Child Abuse Image Database, in terms  
24 of providing efficiencies and digital efficiencies to  
25 policing to help to bear down on volume is another key

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1 **component.**  
 2 **Work to build children's resilience would be another**  
 3 **key component.**  
 4 **And we will, as I've said earlier, look at all other**  
 5 **opportunities, and rigorously test other opportunities,**  
 6 **to bear down on offending behaviour.**  
 7 Q. In relation to volume, may I just ask you briefly about  
 8 Project Arachnid, because we have heard a little bit  
 9 about how that works, but what was the Home Office's  
 10 involvement with Project Arachnid?  
 11 **A. As set out in my statement, the Home Office provided**  
 12 **£600,000 to assist an expansion of Project Arachnid, to**  
 13 **support the development of that web crawler. Again,**  
 14 **that's in recognition of us taking a global approach to**  
 15 **tackling child sexual abuse and exploitation, and**  
 16 **deploying the best available technologies at that time**  
 17 **and supporting the further development to really bear**  
 18 **down on images to identify captured images and go**  
 19 **through the processes that the panel has already heard**  
 20 **about.**  
 21 Q. Did that £600,000 investment help, effectively,  
 22 Project Arachnid's web crawler identify more web pages  
 23 per second, resulting in more images being identified  
 24 and removed?  
 25 **A. That's correct.**

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1 **offences recorded in 2016. So the scale of**  
 2 **self-generated, indecent imageries in itself is a key**  
 3 **component of that volume that the inquiry has heard**  
 4 **about already.**  
 5 Q. Can I ask you, please, about a document behind our tab 4  
 6 at HOM0003264\_001.  
 7 This document was entitled "Sexting in schools",  
 8 which might be another way of referring to  
 9 self-generated imagery, "Responding to incidents".  
 10 Can you help us, please, Mr Papaleontiou with who is  
 11 this document designed for?  
 12 **A. So this is designed for a range of partners around**  
 13 **educating young people about the risks of sexting, to**  
 14 **use the colloquial term, and providing information and**  
 15 **guidance for a range of partners in order how to talk to**  
 16 **young people around sexting.**  
 17 Q. Does it actually goes to guidance in schools and higher  
 18 education?  
 19 **A. This would support guidance in schools, higher**  
 20 **education.**  
 21 Q. If we can just look at a few passages in that, the  
 22 document starts by setting out what is in fact sexting,  
 23 what is the law and, can I ask, please, that we call up  
 24 page 0 -- sorry, \_021 and look at educating young  
 25 people.

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1 Q. Chair, I won't take Mr Papaleontiou to it, but there is  
 2 a report at HOM003278 into the final workings of  
 3 Project Arachnid and some of its success. I say that  
 4 because, in due course, we're likely to publish that  
 5 report.  
 6 Perhaps before we take our mid-morning break, can  
 7 I ask you about self-generated imagery.  
 8 The chair and panel have heard evidence about the  
 9 numbers of children, presumably teenagers, that are  
 10 sharing imagery in consensual circumstances whether they  
 11 boyfriend or girlfriend but nonetheless that is  
 12 a potential offence because one cannot create or  
 13 distribute an indecent image if under the age of 18.  
 14 I ask you, please, firstly to look at your  
 15 paragraph 54, just to give some idea of the scale of the  
 16 potential volume of offences that might be generated --  
 17 sorry, might be made when there are self-generated  
 18 indecent imagery.  
 19 Can you help us with the evidence that was given to  
 20 the Home Affairs Select Committee?  
 21 **A. So, again, evidence to the Home Affairs Select Committee**  
 22 **stressing the huge volume of imagery cases, which were,**  
 23 **in effect, self-generated, indecent images. So offences**  
 24 **where the suspect or offender was under the age of 18**  
 25 **accounted for 37.4 per cent of the total number of IIOC**

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1 The top paragraph there deals with what the schools  
 2 should consider:  
 3 "Schools should consider what specific learning is  
 4 provided in the curriculum about youth-produced sexual  
 5 imagery. This focuses on factual information,  
 6 including: what it is; how it's most likely to be  
 7 encountered; the consequences of requesting, forwarding  
 8 or providing such images, including when it is and is  
 9 not abusive; issues of legality; and the risk of damage  
 10 to people's feelings and reputation."  
 11 If one goes through the document to page \_047 at the  
 12 back of that tab, chair, one can see there a flow chart.  
 13 Was this designed to help either the teacher or the  
 14 safeguarding lead in a school to work out how the school  
 15 should respond to an incident of sexting?  
 16 **A. Correct.**  
 17 Q. One can see there that it covers a number of topics that  
 18 the safeguarding lead needs to consider: how vulnerable  
 19 the child is; whether there was any coercion involved in  
 20 the sharing of the imagery; how it was shared; the  
 21 impact on the children; the age of the children; and how  
 22 it might be disclosed, reviewed, assessed, managed and  
 23 then, potentially, referred to either the police, social  
 24 care, the multi-agency safeguarding hub --  
 25 **A. That's correct.**

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1 Q. -- and points of referral included whether there was  
 2 an adult involved, there was coercion or blackmail --  
 3 "extreme or violent", does that relate to the image or  
 4 the circumstances in which it was taken? I'm looking at  
 5 the top box.  
 6 **A. So both. So it will be, how extreme is the image  
 7 itself, but, again, trying to take into account any  
 8 wider context in terms of the interaction between said  
 9 pupils and children.**  
 10 Q. Under 13, why is that a point for referral?  
 11 **A. That becomes particularly important in terms of the  
 12 vulnerability of that child and their ability to, if you  
 13 like, consent -- "consent" is the wrong word, but it's  
 14 an added layer of vulnerability in terms of recognising  
 15 that age group.**  
 16 Q. And potentially if the child is at immediate risk of  
 17 harm. So there is this -- is it guidance, is that the  
 18 right word for this document?  
 19 **A. Yes.**  
 20 Q. Do you have any idea about the number of schools it's  
 21 been sent to? Is it every school?  
 22 **A. I don't have that information, but I can provide it to  
 23 the panel.**  
 24 Q. Where there is guidance like that, do you know what the  
 25 effect of it is? Is it just something they should

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1 exploitation.  
 2 **The IWF and the NSPCC are also working with policing  
 3 to make sure that the referral routes are appropriate  
 4 and safeguard children appropriately.**  
 5 **The Home Office's engagement has been in terms of  
 6 our convening power and our ability to bring people  
 7 around the table and ensure we are looking at this in  
 8 the round and ensure that we are giving, if you like,  
 9 government backing and support to the initiative.**  
 10 Q. Do you know when this is actually going to be put into  
 11 effect?  
 12 **A. So there is -- we've had meetings with the IWF, NSPCC,  
 13 and law enforcement, there are some issues to work  
 14 through in terms of ensuring that what, at the front  
 15 door, is a confidential report, as it goes through the  
 16 system that we've heard about in this inquiry of  
 17 referral from or going to industry, takedown, hashing,  
 18 referral to NCMEC and from NCMEC down to the NCA and  
 19 from the NCA to local forces, that those reports have  
 20 got an appropriate flag on them that maintains the  
 21 purpose of the child in the first instance asking for  
 22 the image to be removed, ie they do not want a law  
 23 enforcement response to it. So there is work that still  
 24 needs to be done in terms of getting the appropriate  
 25 flags in place to ensure that doesn't happen, but,**

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1 follow or is it mandatory to be followed?  
 2 **A. So there will be guidance that is provided by  
 3 organisations like the UK Council for Child Internet  
 4 Safety. But there will also be statutory guidance that  
 5 is provided to schools through Keeping Children Safe in  
 6 Education, which schools have to have a clear statutory  
 7 duty to have regard to in terms of their functions.**  
 8 **So there will be a variety of ways of capturing the  
 9 risks of sexting. This is one particular guidance  
 10 document, but, again, I'm pretty certain, but I'd want  
 11 to clarify with partners, that it's also captured in  
 12 Keeping Children Safe in Education, which has greater  
 13 statutory force.**  
 14 Q. One of the topics that we have heard evidence about is  
 15 in relation to what is called Report Remove, which might  
 16 enable a child to report to authorities that there has  
 17 been an image of them and they want it effectively taken  
 18 down and removed from circulation. Can you help us,  
 19 please -- this is at paragraph 56 in your statement --  
 20 with the work that the Home Office has been doing in  
 21 relation to the Report Remove proposal?  
 22 **A. So this is -- first of all, this is an NSPCC/IWF-led  
 23 initiative and, again, testament to the incredibly  
 24 valuable role that NGOs across the board play in terms  
 25 of targeting and bearing down on child sexual abuse and**

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1 **again, I know the IWF and NSPCC and the NCA are working  
 2 at pace to try and resolve those issues and make sure  
 3 that the scheme works in the way intended.**  
 4 Q. So within the system of reporting there's currently work  
 5 being done to ensure that, essentially, if a child  
 6 reports it and asks for it to be taken down, the actual  
 7 response at the end of it is to ensure that law  
 8 enforcement doesn't go knocking on their door --  
 9 **A. Precisely.**  
 10 Q. -- to suggest that's a crime has been committed. That's  
 11 why the flagging comes in, to ensure that that doesn't  
 12 happen?  
 13 **A. Correct.**  
 14 MS CAREY: Mr Papaleontiou, that's all I wanted to ask you  
 15 at this stage.  
 16 Will it be a convenient moment, chair, for our  
 17 mid-morning break?  
 18 THE CHAIR: Yes, we'll return at 11.50.  
 19 MS CAREY: Thank you very much.  
 20 (11.35 am)  
 21 (A short break)  
 22 (11.50 am)  
 23 MS CAREY: Thank you, chair.  
 24 I'd like to ask you, please, Mr Papaleontiou,  
 25 a little bit about the legislative framework that

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1 assists law enforcement in being able to investigate  
2 cases of online-facilitated child sexual abuse.  
3 In particular, I'd like to ask you about the  
4 Investigatory Powers Act of 2016 starting at your  
5 paragraph 60.  
6 Are you able to summarise for us, really, what the  
7 Act has enabled law enforcement to do when looking at  
8 an offence of this kind?  
9 **A. So by way of context, as the panel will be aware, the**  
10 **Investigatory Powers Act probably went through**  
11 **an unprecedented level of scrutiny, through**  
12 **prelegislative scrutiny, through consultations, through**  
13 **examination by the Intelligence and Security Committee.**  
14 **Three key elements to the IPA Act: one, it is**  
15 **essentially a consolidation of a complex body of law**  
16 **into one Act; the second point is around greater**  
17 **oversight and safeguards to ensure powers are properly**  
18 **used; and the third point, which is germane to this**  
19 **inquiry, is around ensuring the powers are fit for the**  
20 **digital age by making provision for the retention of**  
21 **internet connection records.**  
22 Q. Right.  
23 I'll ask you about that but, in general terms, does  
24 the Act deal with how the law enforcement and, indeed,  
25 intelligence agencies acquire and examine communications

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1 connected?  
2 **A. That's correct.**  
3 Q. To give an example of where it would've been -- has been  
4 useful, can I ask, please, that we look at tab 5 in our  
5 bundles, and HOM003265\_001.  
6 Now, clearly, the IPA as it's called, the Act, is  
7 not just specifically related to internet child sexual  
8 abuse, but a number of different areas of crime. But  
9 one well known example, if one turns over to page 2 in  
10 the bundle, on page 2 we can see set out there reference  
11 to the case involving the Lostprophets singer,  
12 Ian Watkins, who pleaded, in due course, to guilty to  
13 a number of offences where he was engaged in serious  
14 sexual offending against babies belonging to two other  
15 women that he was involved with.  
16 He was sentenced to 35 years' imprisonment.  
17 Can I ask for your help, please, with talking  
18 through the right-hand side of that page and the value  
19 of communications data to law enforcement?  
20 **A. So again, the vital paragraph I think in that summation**  
21 **is the final paragraph where the prosecution relied on**  
22 **evidence of phone contacts, movements and messaging**  
23 **between five key mobile telephone numbers. Subscriber**  
24 **checks had been made against these numbers to establish**  
25 **the names and links. It is the ability to retain the**

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1 data?  
2 **A. Yes.**  
3 Q. So we are not talking about the content, but what  
4 devices are being used, when, where, et cetera?  
5 **A. Yes.**  
6 Q. You made reference there to "internet connections  
7 records". That is a term brought in by the Act; is that  
8 right?  
9 **A. Correct.**  
10 Q. Does it amount to this: that an internet communications  
11 record -- sorry, connection record, might enable law  
12 enforcement to tell when I looked at the inquiry  
13 website, but not which page I looked at on the website?  
14 **A. That's correct. Just to stress, this isn't my area of**  
15 **particular expertise, but that basic level of**  
16 **understanding is my understanding, yes.**  
17 Q. Or, to perhaps give a different example, it might enable  
18 law enforcement to tell that I sent an email to  
19 a certain device, at a certain time, but not provide  
20 them with the content of the email?  
21 **A. That's correct.**  
22 Q. In particular, has it helped law enforcement to  
23 enable -- and indeed the companies, to retain those  
24 internet connection records and, therefore, law  
25 enforcement to identify the devices which have been

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1 **data put through in that Act and, indeed, the internet**  
2 **connection record element of that which has enabled**  
3 **that, if you like, triangulation to happens in terms of**  
4 **identifying a particular --**  
5 Q. It was essentially using this data to help show that  
6 these defendants, Mr Watkins, and the two women that he  
7 was engaged with, were in contact, that there was  
8 repeated text, email and phone conversation with them,  
9 and thereby, presumably, helped shut down the  
10 possibility that they were going to run a defence at  
11 trial to say they didn't know each other, this was  
12 nothing to do with them, and things of that nature?  
13 **A. Correct.**  
14 Q. I'd like to ask you about one other piece of legislation  
15 which helps explain why IP address resolution, Internet  
16 Protocol Address Resolution, has been a particular  
17 problem and how it's been solved. To help, can I ask,  
18 please, we put on screen HOM003268.  
19 There is, to help you, Mr Papaleontiou, behind  
20 tab 8, a document that I'd like your assistance with.  
21 There is reference there to the Counter-Terrorism  
22 and Security Bill, which again makes reference to  
23 communications data.  
24 If we turn over the page, there is a problem  
25 identified by law enforcement that, when someone uses

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1 the internet, they are assigned a unique identifier, or  
 2 the IP address, as we've been calling it. In some  
 3 circumstances, that IP address is static, so it might  
 4 relate to a broadband router at home?  
 5 **A. Correct.**  
 6 Q. Clearly, there might be four or five people in a home  
 7 that would all have the same IP address. In those  
 8 circumstances, you can work out, though, at least the  
 9 address, but some companies randomly allocate IP  
 10 addresses; is that right?  
 11 **A. So the issue, as I understand it, is this is**  
 12 **particularly germane to mobile devices, where there can**  
 13 **be difficulty in, if you like, where mobile devices are**  
 14 **mobile, pinning down the IP address to a specific device**  
 15 **or through that device to a user.**  
 16 Q. Again, this is not related to enabling law enforcement  
 17 to access the content on any given device, but just  
 18 trying to -- for them to establish which device it is,  
 19 so that they can in due course identify the right  
 20 offender to an address.  
 21 If one looks at page 003, the problem might be set  
 22 out here: pre legislation and then post legislation.  
 23 Can you talk us through the problem in relation to  
 24 the position pre legislation?  
 25 **A. So I think the critical boxes to look at are, if you**

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1 **number.**  
 2 Q. Now, reference is clearly made in this document to the  
 3 Counter-Terrorism and Security Bill but was there, in  
 4 fact, legislation brought in after the Bill?  
 5 **A. Yes, so --**  
 6 Q. And might people remember this? There was reference  
 7 many years ago to a snoopers' charter, was this the Bill  
 8 and the Act that one is talking about there?  
 9 **A. So -- so the Counter-Terrorism and Security Act**  
 10 **introduces the power to -- under a data retention**  
 11 **notice, for CSPs to retain data. That was only**  
 12 **a partial solution, because it didn't capture the**  
 13 **ability to retain internet connection --**  
 14 Q. Connection records.  
 15 **A. That is remedied in the Investigatory Powers Act, which,**  
 16 **again -- and, again, given some of the controversies**  
 17 **around this issue, about getting the right balance**  
 18 **between privacy and ensuring that law enforcement has**  
 19 **the tools it needs to bear down on crime, that is a very**  
 20 **sensitive balance that was struck through the**  
 21 **Investigatory Powers Act and why the internet connection**  
 22 **record is, as you described earlier, it is the -- if you**  
 23 **like, you enter the enquiry, you get the record of it**  
 24 **accessing a website, but you do not get the access to**  
 25 **the precise browsing history.**

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1 **like, the second boxes on before the legislation and**  
 2 **after the legislation.**  
 3 Q. Let's read box 1 to give it some context.  
 4 The example given there is, at 4.00 pm there may be  
 5 2,500 people using a single IP address on the internet.  
 6 Clearly some people are surfing the web, shopping,  
 7 playing online games, a variety of things, but one of  
 8 those 2,500 people sends an illegal image by email.  
 9 That's just to give an example to that.  
 10 You wanted to go on to talk about box 2?  
 11 **A. Box 2 shows, before the legislation, the sender of the**  
 12 **illegal email has provided either limited and false**  
 13 **details to the email service provider, as we know will**  
 14 **happen frequently, and because there are 2,500 people**  
 15 **using that IP address, it is impossible to resolve the**  
 16 **IP address to a device or a user by extension.**  
 17 **After the legislation, through being able to issue**  
 18 **a data retention notice to companies to retain data that**  
 19 **could be use to link to a specific device, the key**  
 20 **distinction is the email service provider now provides**  
 21 **police with the IP address and port number used to send**  
 22 **the email and accurate time. That then allows the**  
 23 **police to identify, if you like, through the port**  
 24 **number, the user and to identify the individual using**  
 25 **the unique combination of the IP address and the port**

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1 Q. Right. That looks very briefly at some of the  
 2 legislation in relation to the actual communications  
 3 data, but not the content.  
 4 The chair and panel have heard, and from a number of  
 5 witnesses, about the difficulties encountered in getting  
 6 industry to provide the contact -- content.  
 7 Can I ask you just a little bit, please, about your  
 8 understanding of the Mutual Legal Assistance Treaty,  
 9 perhaps more pertinently, how the CLOUD Act of 2018 is  
 10 going to impact on the speed with which law enforcement  
 11 can obtain content data?  
 12 **A. Yes. So the panel and the inquiry has heard a lot of**  
 13 **evidence around the delays that law enforcement**  
 14 **experiences in terms of being able to access content**  
 15 **data which is necessary for an investigation. Talk of**  
 16 **months, even years, and I think the average is just over**  
 17 **a year, in terms of UK law enforcement being able to get**  
 18 **that information from overseas.**  
 19 **So very briefly -- and, again, this is not my area**  
 20 **of expertise, but there is facilitative legislation in**  
 21 **the US through the CLOUD Act. In the UK, the Crime**  
 22 **(Overseas Production Orders) Act 2019 allows the UK to**  
 23 **serve a production order directly on a company outside**  
 24 **the UK in the same way as it can to a company within its**  
 25 **jurisdiction.**

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1 **In order for that to be given effect, we need to**  
 2 **have a UK-US data access agreement and that is work that**  
 3 **is currently ongoing between the UK and the US and there**  
 4 **are intensive discussions, if you like, to have that**  
 5 **UK-US agreement in order to be able to -- companies to**  
 6 **access -- the UK to be able to access company data**  
 7 **directly from the US.**  
 8 Q. So is it, in essence, hoped that this will speed up the  
 9 ability of law enforcement to access content data --  
 10 **A. Yes.**  
 11 Q. -- to see what emails are sent between the perpetrator  
 12 and the victim?  
 13 **A. So the hope is that -- again, we've heard about "months,**  
 14 **years" -- the ambition and the expectation is that that**  
 15 **will move to days, weeks, in terms of being able to get**  
 16 **that data quickly.**  
 17 **Worth also stressing that the UK-US data agreement**  
 18 **still needs to be concluded. Hopeful ambition is to**  
 19 **conclude that in the next couple of months. It still**  
 20 **then has to go through both Houses here, it has to go**  
 21 **through Parliament in the UK and through Congress in the**  
 22 **US. So we are looking at early 2020, in terms of that**  
 23 **being able to be used by UK law enforcement.**  
 24 Q. I think the CLOUD Act came into force in the  
 25 United States in July 2018 and there may be some

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1 to it, firstly, by reference to the Green Paper, that  
 2 was a precursor to the White Paper?  
 3 **A. So the Green Paper set out some expectations around**  
 4 **trying to tackle or have a more robust response to**  
 5 **online safety.**  
 6 **In terms of -- again, apologies, I can provide more**  
 7 **background on the Green Paper; I don't have that to**  
 8 **hand.**  
 9 Q. No, don't worry, it came out in October 2017. I think  
 10 the key point is to appreciate that that Green Paper  
 11 didn't consider, at that stage, illegal harms, but was  
 12 looking at online harms, matters such as bullying, that  
 13 kind of thing. There wasn't the focus in the  
 14 White Paper that there is now about dealing with illegal  
 15 harms.  
 16 And so, the White Paper was published when, please?  
 17 **A. So the White Paper was published -- I've lost track of**  
 18 **time -- April 2019.**  
 19 Q. If one calls up on screen, please, INQ004232\_010, I'd  
 20 like your evidence, please, on, really, what is the main  
 21 thrust of the proposals of the government, in as far as  
 22 they impact on online child sexual abuse and  
 23 exploitation. Can we start with the regulatory  
 24 framework?  
 25 **A. So, again, as set out in the Online Harms White Paper,**

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1 thinking about the explanation, understanding that these  
 2 things cannot happen overnight, clearly, but why is it  
 3 going to take perhaps until 2020 to bring in a piece of  
 4 legislation that is actually going to facilitate the  
 5 ability of law enforcement to get their hands on this  
 6 content data sooner than a year under the Mutual Legal  
 7 Assistance Treaty process?  
 8 **A. So there are processes that need to be gone through in**  
 9 **terms of that clearance process through Parliament and**  
 10 **Congress, which is right and proper. In terms of the**  
 11 **negotiation on the agreement, there are a number of**  
 12 **technical issues that are being resolved. I'm afraid**  
 13 **I don't have the detail of what precisely are the really**  
 14 **difficult, challenging, technical issues that need to be**  
 15 **resolved, but I'm sure we'll be happy to provide that to**  
 16 **the panel.**  
 17 Q. That was a very brief overview of some of the  
 18 legislation that is applicable in looking at  
 19 online-facilitated child sexual abuse.  
 20 Can I turn, please, to potential statutory and  
 21 regulatory framework, and the Online Harms White Paper,  
 22 please, Mr Papaleontiou.  
 23 Extracts of that are behind your tab 6, chair, we  
 24 haven't reproduced the entire Online Harms White Paper,  
 25 but can you give us a little overview of the background

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1 **a very clear position from the government, which was**  
 2 **also expressed, I think in the Home Secretary's speech**  
 3 **to the NSPCC on 3 September 2018, that, while industry**  
 4 **had made good progress in tackling some harms, like**  
 5 **child sexual abuse and exploitation, they had not moved**  
 6 **fast enough and responded quickly enough to the evolving**  
 7 **threat that we've heard so much about at this inquiry.**  
 8 **Working jointly with DCMS and looking at CSA in the**  
 9 **context of wider online harms, the government has set**  
 10 **out a position that we now need, therefore, to move**  
 11 **beyond a self-regulatory model to a model of regulation.**  
 12 Q. Right. Can I ask you, please, about a number of the  
 13 paragraphs that appear under the heading "A new  
 14 regulatory framework for online safety". Is the  
 15 proposal by the government that there will be  
 16 established a new statutory duty of care to make  
 17 companies take more responsibility?  
 18 **A. That's correct. So the statutory -- statutory duty of**  
 19 **care, will be, if you like, the centrepiece of the**  
 20 **regulatory framework, which will in turn then be**  
 21 **underpinned by codes of practice which will give effect**  
 22 **to, if you like, an assessment of whether companies are**  
 23 **meeting that overarching duty of care.**  
 24 Q. Ensuring that there is compliance with the duty of care,  
 25 is it envisaged that there will be oversight and

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<p>1 enforcement by an independent regulator?</p> <p>2 <b>A. Yes. So an independent regulator will be established</b></p> <p>3 <b>which will set clear standards backed up by reporting</b></p> <p>4 <b>requirements and effective enforcement powers.</b></p> <p>5 Q. And will the regulator -- is it envisaged that they will</p> <p>6 have powers to take enforcement action?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Can you help us with what are the potential enforcement</p> <p>9 actions that might be brought to bear on a company that</p> <p>10 doesn't fulfil its statutory duty of care?</p> <p>11 <b>A. So the White Paper sets out a range of enforcement</b></p> <p>12 <b>powers for the regulator, including powers to issue</b></p> <p>13 <b>substantial fines and, indeed, to impose liability on</b></p> <p>14 <b>individual members of senior management measures and</b></p> <p>15 <b>measures to block non-compliant services.</b></p> <p>16 <b>Very important to set out that there are measures</b></p> <p>17 <b>that we are consulting on. So blocking, which is very</b></p> <p>18 <b>controversial in and of itself, is a measure that we are</b></p> <p>19 <b>seeking views on, as, indeed, we are seeking views on</b></p> <p>20 <b>senior management liability.</b></p> <p>21 <b>There are other powers, however, enforcement powers,</b></p> <p>22 <b>outlined in the White Paper.</b></p> <p>23 Q. Pause there, because I'm going to ask you about those</p> <p>24 and actually ask, please, that we put up on screen _062,</p> <p>25 which sets out, I think, in a little more detail,</p> <p style="text-align: center;">Page 61</p>	<p>1 potential enforcement powers.</p> <p>2 At the bottom of the page, paragraph 6.4, we can</p> <p>3 look at those potential enforcement powers. It includes</p> <p>4 issuing civil fines for proven failures in clearly</p> <p>5 defined circumstances. Civil fines can be tied into</p> <p>6 metrics such as turnover, volume of illegal material,</p> <p>7 volume of views of illegal material, time taken to</p> <p>8 respond to the regulator.</p> <p>9 A number of ways there in which the fine could be</p> <p>10 calculated, in effect.</p> <p>11 What about serving a notice to the company, what is</p> <p>12 envisaged that that will help with?</p> <p>13 <b>A. So we envisage the independent regulator will need to</b></p> <p>14 <b>take a proportionate and risk-based approach in terms of</b></p> <p>15 <b>how it targets its resources and its efforts in terms of</b></p> <p>16 <b>the whole regulatory framework. As it works with other</b></p> <p>17 <b>partners, NGOs, law enforcement, users, it can make</b></p> <p>18 <b>assessments of, "Actually, we have compelling evidence,</b></p> <p>19 <b>or evidence, that you are failing to meet the standards</b></p> <p>20 <b>that we expect of you, and we are therefore going to set</b></p> <p>21 <b>a time frame for you to respond with a very clear action</b></p> <p>22 <b>plan in terms of the action that you should be taking".</b></p> <p>23 <b>So this is almost a, "Here is your opportunity to</b></p> <p>24 <b>make sure that you are doing what you should be doing --</b></p> <p>25 <b>you've been put on notice -- before, potentially,</b></p> <p style="text-align: center;">Page 62</p>
<p>1 <b>an escalation of enforcement" --</b></p> <p>2 Q. A warning shot by another name.</p> <p>3 That might require additional information from the</p> <p>4 company. And over the page, at page 063, potentially</p> <p>5 publishing public notices about the proven failure of</p> <p>6 a company to comply with those standards?</p> <p>7 <b>A. So I think this a really important point which speaks to</b></p> <p>8 <b>some of the evidence that's been heard by the panel and</b></p> <p>9 <b>the inquiry through these sessions over the last two</b></p> <p>10 <b>weeks and the issue of incentives for companies to take</b></p> <p>11 <b>action. And I think this is taking a more systematic</b></p> <p>12 <b>approach to some of the issues that we've heard around</b></p> <p>13 <b>media reporting, et cetera, in terms of an independent</b></p> <p>14 <b>regulator making the public aware of where a failure has</b></p> <p>15 <b>complied -- a company has failed to comply with</b></p> <p>16 <b>standards which provides, in essence, information to</b></p> <p>17 <b>users, and indeed children, to make informed decisions</b></p> <p>18 <b>around their interaction with that platform.</b></p> <p>19 Q. Those kind of enforcement methods we just looked at</p> <p>20 obviously feature in other areas of regulatory regimes.</p> <p>21 Is it right that the White Paper is also consulting</p> <p>22 on -- if one looks further down, at paragraph 6.5 --</p> <p>23 potentially disrupting business activities. Can you</p> <p>24 just help explain, please, what is envisaged there?</p> <p>25 <b>A. So one of the key issues that certainly came out with</b></p> <p style="text-align: center;">Page 63</p>	<p>1 <b>engagement with partners through the course of</b></p> <p>2 <b>developing the Online Harms White Paper is, if there is</b></p> <p>3 <b>to be a regulator, the regulator needs to have teeth.</b></p> <p>4 <b>These are potentially big companies that it's working</b></p> <p>5 <b>with.</b></p> <p>6 <b>So what we are looking at here is -- again, to</b></p> <p>7 <b>stress these are questions for consultation -- the</b></p> <p>8 <b>regulator having the power to force third party</b></p> <p>9 <b>companies to withdraw any service they provide that</b></p> <p>10 <b>directly or indirectly facilitates access to the</b></p> <p>11 <b>services on the first company, such as search results,</b></p> <p>12 <b>app stores, links on social media posts.</b></p> <p>13 Q. Can you help with that in a practical example? I'm just</p> <p>14 trying to think of one.</p> <p>15 <b>A. So if, for example, there is a company that is in breach</b></p> <p>16 <b>and -- or been able to access that company through other</b></p> <p>17 <b>third parties' actions, through, for example, its search</b></p> <p>18 <b>engine or indeed the availability of a particular app on</b></p> <p>19 <b>the App Store, is there work you can do with search</b></p> <p>20 <b>engines, or indeed Apple, for example, in terms of then</b></p> <p>21 <b>restricting access to that application or that service.</b></p> <p>22 Q. Right. So you can get at the problem through the way in</p> <p>23 which we get there. Right.</p> <p>24 ISP blocking is being considered as a potential</p> <p>25 sanction. What is envisaged there?</p> <p style="text-align: center;">Page 64</p>



<p>1 <b>A. So again, in terms of simply blocking access of</b>                  2 <b>particular platforms to the UK, but that is a pretty</b>                  3 <b>strong potential measure, which is again why we stress</b>                  4 <b>we want to have close consultation on that issue, and</b>                  5 <b>would be, if you like, a final, final step in terms of</b>                  6 <b>the potential severity of that enforcement action.</b>                  7 Q. Is the government also considering the possibility of                  8 holding senior management liable were there to be major                  9 breaches of the statutory duty of care?                  10 <b>A. Yes.</b>                  11 Q. Now they are all potential sanctions that the regulator                  12 might be able to impose.                  13 Can I ask you about the civil fines potentially,                  14 though.                  15 <b>A. Yes.</b>                  16 Q. Has any thought been given by the Home Office as to                  17 whether the money raised by any fines should go in whole                  18 or in part to compensate the victims of online child                  19 sexual abuse?                  20 <b>A. So we've not got to the stage yet in terms of thinking</b>                  21 <b>about how money from fines would be recirculated, in</b>                  22 <b>terms of whether it goes to support the regulator or</b>                  23 <b>whether it could go to support, for example, a surcharge</b>                  24 <b>to support victims who have been impacted by these</b>                  25 <b>crimes. Those are discussions that will rightly need to</b></p> <p style="text-align: center;">Page 65</p>	<p>1 <b>take place right across government and, indeed, with the</b>                  2 <b>Treasury in terms of the appropriate use of those</b>                  3 <b>monies.</b>                  4 Q. I ask about potentially compensating victims of online                  5 child sexual abuse, because I'd like to ask you, please,                  6 about the Criminal Injuries Compensation Awards Scheme                  7 and some evidence that the chair and panel heard last                  8 week from two victims, A1 and A2, who had been groomed                  9 by a man, made to commit sexual abuse, where I think one                  10 sibling abused the other, but on the face of it, have                  11 been excluded from being able to claim compensation                  12 because the man wasn't in physical proximity to them.                  13 Can you help, is there any plan to revise the                  14 criminal injuries compensation awards to bring within it                  15 the kind of harm that is now being perpetrated online?                  16 <b>A. So to stress -- I mean, I was here for that evidence</b>                  17 <b>and, again, it was very compelling and very profound in</b>                  18 <b>terms of the impact that the -- the grooming had had on</b>                  19 <b>those children. And again, certainly I will make sure</b>                  20 <b>that that evidence -- I'm sure Ministry of Justice</b>                  21 <b>colleagues will be taking that into account, that sort</b>                  22 <b>of evidence into account, as it looks at the Criminal</b>                  23 <b>Injuries Compensation Scheme.</b>                  24 <b>A key issue is government, Ministry of Justice, have</b>                  25 <b>announced they will be reviewing the Criminal Injuries</b></p> <p style="text-align: center;">Page 66</p>
<p>1 <b>Compensation Scheme. They announced that at the</b>                  2 <b>tail-end of 2018. They have also stressed that, in</b>                  3 <b>reviewing the Criminal Injuries Compensation Scheme,</b>                  4 <b>they will be consulting on proposals this year, and are</b>                  5 <b>also committed to engaging with a wide range of</b>                  6 <b>stakeholders, victims' groups, NGOs and, indeed, the</b>                  7 <b>inquiry itself, in terms of making sure that we get the</b>                  8 <b>full range of views, in terms of how that scheme can be</b>                  9 <b>made fit for the digital age.</b>                  10 <b>Two other points, if I may, just very quickly.</b>                  11 <b>The terms of the review are very explicit in terms</b>                  12 <b>of looking at the particular issues of child sexual</b>                  13 <b>abuse and exploitation and how the scheme does or</b>                  14 <b>doesn't appropriately capture injury, in its widest</b>                  15 <b>sense, under -- through child sexual abuse and</b>                  16 <b>exploitation and, again, looking at the definitions of</b>                  17 <b>violence, some of the definitions around imminence, some</b>                  18 <b>of the definitions around harm to make sure that they</b>                  19 <b>are being looked at in terms of what we now understand</b>                  20 <b>more richly in terms of the impact of child sexual abuse</b>                  21 <b>and exploitation.</b>                  22 Q. Some other topics in relation to the Online Harms White                  23 Paper, if I may, and your paragraph 97 in your                  24 statement, Mr Papaleontiou.                  25 The chair and panel have heard about the e-Commerce</p> <p style="text-align: center;">Page 67</p>	<p>1 Directive, which effectively means that there is no                  2 liability for a company until they have knowledge or are                  3 aware of child sexual abuse content and fail to                  4 expeditiously remove it.                  5 The White Paper does not make any recommendation,                  6 does it, requiring companies to proactively search for                  7 this kind of material. Is that right?                  8 <b>A. Sorry, I missed the question.</b>                  9 Q. Is it right that the White Paper makes no mention of any                  10 change to legislation or framework requiring companies                  11 to proactively search?                  12 <b>A. So we have got -- again, my exhibit, indeed my</b>                  13 <b>statement -- not my statement. The exhibit refers to</b>                  14 <b>particular high-level principles that we think we need</b>                  15 <b>to embed within a code of practice on child sexual</b>                  16 <b>exploitation, in paragraph 7.10. They draw on, and</b>                  17 <b>build on, some of the Home Secretary's asks of companies</b>                  18 <b>set out in the 3 September speech, which specifically</b>                  19 <b>look at looking at companies to be proactive and to</b>                  20 <b>identify child sexual abuse material or activity</b>                  21 <b>expeditiously, as soon as possible. And, again,</b>                  22 <b>building on the evidence given by the NCA and the</b>                  23 <b>National Police Chiefs' Council, looking to stop the</b>                  24 <b>proliferation of that abuse by intervening at the</b>                  25 <b>earliest possible point, including preventing upload.</b></p> <p style="text-align: center;">Page 68</p>

1 Q. Do I take it that the White Paper does not envisage  
 2 currently any change to liability?  
 3 **A. So the White Paper at paragraphs 6.14 to 6.16 --**  
 4 Q. I haven't copied that in your bundle, but we have the  
 5 whole document, yes.  
 6 **A. So that talks about current liability for illegal**  
 7 **content, and specifically the EU's e-Commerce Directive,**  
 8 **and stresses in essence that we think the approach we're**  
 9 **setting out in the Online Harms White Paper takes a more**  
 10 **thoroughgoing approach to tackling online harms, in all**  
 11 **their various manifestations, more effectively than**  
 12 **a change to the EU's e-Commerce Directive could.**  
 13 Q. One other area of evidence that we have heard about is  
 14 in relation to the scale of underage use of platforms  
 15 that purport to be for users aged 13 or over, but those  
 16 terms are easily breached.  
 17 Is there any reference either in the White Paper or  
 18 any future intention for the regulator to consider  
 19 companies' efforts to prevent underage use?  
 20 **A. So, again, at paragraph 7.10 of the White Paper, where**  
 21 **we talk about our expectations of companies in regard to**  
 22 **CSEA content, there is reference, at that point, to**  
 23 **ensuring that companies are doing what they can to**  
 24 **ensure that users are protected, and that part of that**  
 25 **is looking at how age is captured.**

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1 **being drafted up, and again I'm sure we will be happy to**  
 2 **share that with the panel in due course.**  
 3 Q. If I can perhaps try and summarise it like this. The  
 4 Home Office, and certainly as far as the Online Harms  
 5 White Paper is concerned, appreciate there is a problem  
 6 in terms of under age use. That might be one of the  
 7 matters that the regulator considers in due course, and  
 8 there are other efforts going on, notwithstanding that,  
 9 to try and tackle this problem?  
 10 **A. Yes, that's correct, and this points to, again, the**  
 11 **Online Harms White Paper is at pains to set out that**  
 12 **this is a new framework, consulting on a new framework,**  
 13 **and it sets out some really important key principles on**  
 14 **which we can build going forward.**  
 15 **The Online Harms White Paper also stresses that we**  
 16 **need to continue some of the voluntary initiatives, we**  
 17 **don't sit on our hands for two years until the Online**  
 18 **Harms White Paper is given legislative effect, there is**  
 19 **work we still need to progress on a voluntary process**  
 20 **with a wide range of partners to bear down on harms as**  
 21 **they manifest themselves.**  
 22 Q. In that regard the White Paper makes it clear, does it  
 23 not, that in relation to terrorist activity and online  
 24 CSEA, there will be interim codes of conduct published  
 25 later this year?

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1 Q. I don't think it includes specific reference to age  
 2 verification, but general reference to ensuring that  
 3 children are protected. Do I follow from your answer,  
 4 that age verification ensuring that children under the  
 5 age of 13 would be encompassed within child protection?  
 6 **A. So two points on that, one that we need to look at age**  
 7 **verification across the whole ambit of online harms. So**  
 8 **in terms of the White Paper, I think it does reference**  
 9 **some initiatives that are happening, for example, Yoti**  
 10 **are partnering with an organisation called Yubo to use**  
 11 **machine learning to estimate age, which is referenced at**  
 12 **paragraph 8.2. So there are opportunities, if you like,**  
 13 **in terms of trying to identify age through AI and**  
 14 **machine learning.**  
 15 **The second point. We, in the Home Office, have been**  
 16 **working with colleagues in GCHQ in terms of trying to do**  
 17 **what we can to understand what more can be done in terms**  
 18 **of identifying age of users and how you can have**  
 19 **solutions that do look at age in the round. That's been**  
 20 **a ten-week study, exploring opportunities and challenges**  
 21 **of platforms to know which of the users are children.**  
 22 **Again, that's a project that's brought together experts**  
 23 **from government, charities, academia, industry, law**  
 24 **enforcement.**  
 25 **The recommendations of that report are currently**

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1 **A. There will be interim draft codes of practice --**  
 2 Q. Sorry, draft codes, thank you.  
 3 **A. -- published this year. Both in terms of two points,**  
 4 **really. One we've heard about, the need for government**  
 5 **leadership and the clear ask of companies, we think**  
 6 **we've done that through the Home Secretary's speech. We**  
 7 **think the White Paper sets out the very clear**  
 8 **expectations of companies' actions own CSEA. But we**  
 9 **recognise that we now need to move to and resolve some**  
 10 **of the issues that the panel has heard about in terms of**  
 11 **technical, legal feasibility, of particular asks of**  
 12 **companies, which is what we are now engaged in in terms**  
 13 **of trying to draft those codes of practice in**  
 14 **partnership with --**  
 15 Q. So that's work in progress, if I can put it like that?  
 16 **A. Yes.**  
 17 Q. I suppose the real question is what's the next stage  
 18 then? Clearly you're in the middle of the consultation  
 19 as at today's date, and that doesn't end, I think, until  
 20 1 July; but what is the next steps in actually bringing  
 21 to fruition the draft codes and moving the Online Harms  
 22 White Paper on to its next stage?  
 23 **A. So in terms of the Online Harms White Paper in the**  
 24 **round, as you have identified, there is a consultation**  
 25 **period, that closes on 1 July. Through the course of**

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1 **the consultation period we will be engaging with**  
 2 **partners across the board to make sure we are capturing**  
 3 **their views as fully as possible.**  
 4 **The government is then duty bound to make sure it**  
 5 **looks closely at the consultation responses, and having**  
 6 **digested the consultation responses then moves forward**  
 7 **to a potential legislation as soon as parliamentary time**  
 8 **allows.**  
 9 **On CSEA specifically, we have given a very clear**  
 10 **commitment that we will set out draft codes of practice**  
 11 **this year. We are actively working within my team to**  
 12 **start to pull together the sorts of issues that we think**  
 13 **need to be captured in the draft codes of practice,**  
 14 **based on the key principles highlighted at**  
 15 **paragraph 7.10 of the White Paper. We will again be**  
 16 **consulting with partners to test the technical, legal**  
 17 **feasibility of how far we can go in setting some very**  
 18 **rigorous demands on companies in terms of their efforts**  
 19 **to tackle child sexual abuse and exploitation.**  
 20 Q. You mentioned a number of times the home  
 21 secretary's September 2018 speech, backed up by the  
 22 Serious Organised Crime Strategy, but there were  
 23 a number of expectations the government set out on  
 24 companies. Since that September speech the inquiry has  
 25 heard about the Hackathon convened in November 2018.

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1 haven't heard about the Joint Security Analysis and  
 2 Research Centre in the Home Office; what does that  
 3 centre do?  
 4 **A. So the Home Office's Joint Security and Resilience**  
 5 **Centre is essentially --**  
 6 Q. Ah, sorry, it says "research" but should it be  
 7 "resilience"?  
 8 **A. It should be "resilience".**  
 9 Q. Thank you.  
 10 **A. Apologies.**  
 11 Q. No no.  
 12 **A. Is a unit that works with industry to respond to**  
 13 **emerging security challenges.**  
 14 Q. So, in accordance with your evidence there, I think you  
 15 said that the Home Office has put out what's called  
 16 a £250,000 call for innovation via Innovate UK to look  
 17 at research into technical or behaviour solutions to the  
 18 live streaming issue. What does that mean in  
 19 layman's terms?  
 20 **A. So, essentially, we had a fund available for people to**  
 21 **bid into, companies to bid into, tech companies to bid**  
 22 **into, to develop technical, technological solutions to**  
 23 **tackle live streaming.**  
 24 Q. The statement says that the bids were successful and  
 25 that tech companies will report their findings

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1 I wonder if, Mr Papaleontiou, are you able to give  
 2 us any update on, post the Hackathon, what the next  
 3 steps are for trying to tackle the problem of online  
 4 grooming?  
 5 **A. Yes. So the Hackathon happened in November 2018, the**  
 6 **Home Secretary was present. A great deal of energy in**  
 7 **terms of participation of industry and NGOs in terms of**  
 8 **the common cause of trying to bear down on the issue of**  
 9 **grooming. A prototype was essentially discussed and**  
 10 **worked on at the Hackathon to try and refine. That is**  
 11 **an ongoing process. I know two weeks ago Microsoft**  
 12 **pulled together industry players and partners for**  
 13 **a follow-up meeting to make sure that they move this to**  
 14 **the next stage of development. We will be continuing to**  
 15 **engage closely with industry and partners in terms of**  
 16 **making sure that good intentions and a good prototype**  
 17 **actually manifests itself in a product that delivers**  
 18 **real world tangible benefit to those that we are focused**  
 19 **on protecting.**  
 20 Q. The problems posed by live streaming have been a topic  
 21 of evidence during the course of this phase of the  
 22 investigation. Can I ask you, please, about your  
 23 paragraph 111 in your witness statement.  
 24 You attest there to the Home Office, through the  
 25 Joint Security Analysis and Research Centre, and we

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1 in April 2019.  
 2 Do you have, therefore, any update on what was the  
 3 outcome of that fund that was asking these companies to  
 4 look into solutions in this area?  
 5 **A. So there were five successful projects in bidding for**  
 6 **that £250,000. They were showcased at a round table at**  
 7 **which the Home Secretary was present yesterday.**  
 8 **Would it be helpful just to talk very quickly**  
 9 **about --**  
 10 Q. Yes, but can I just ask you this. When the witness from  
 11 British Telecom gave evidence he spoke about a meeting  
 12 on 21 May - was that the same meeting that you're  
 13 talking about?  
 14 **A. That's the same meeting.**  
 15 Q. Help us with what the projects were and what the outcome  
 16 was of that meeting that was yesterday.  
 17 **A. So the successful projects were -- and I'll try and give**  
 18 **as pithy a summary of those projects as possible --**  
 19 **there was a CameraForensics Project which was looking at**  
 20 **taking existing techniques developed in processing still**  
 21 **imagery and applying those to live streams.**  
 22 **There was a project called Evidence Talks, which is**  
 23 **a system to enable intelligence agencies to identify**  
 24 **traffic which is highly likely to be related to CSE**  
 25 **activities.**

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<p>1 There was a project from Qumodo, which was                  2 a capability that can analyse video streams and                  3 automatically link content depicting the same                  4 individuals or locations to the victim and offender                  5 identification.                  6 A project from Securium, which was a tool that                  7 identifies, disrupts and prevents CSEA by analysing                  8 viewers' comments around the live stream.                  9 Finally, a project Vigil AI, which was the                  10 development of a machine learning-based capability that                  11 can analyse video streams and automatically detect CSEA                  12 video content.                  13 Q. Five different pieces of potential technological                  14 development to detect and disrupt live streaming.                  15 In that regard, how is it proposed that one is going                  16 to fund putting those different projects actually into                  17 place?                  18 A. So the first £250,000 has allowed those projects to get                  19 to what you might term a proof of concept stage. The                  20 Home Secretary announced yesterday a further £300,000                  21 from the Joint Security and Resilience Centre to allow                  22 those five projects to bid into access to that further                  23 £300,000 of funding.                  24 It's very important to focus on as well is that is                  25 one effort to bear down on live streaming, this is</p> <p style="text-align: center;">Page 77</p>	<p>1 government trying to take a lead and show leadership in                  2 terms of identifying solutions. This something that,                  3 again, we want to work with and pick up with industry in                  4 terms of how we can take those to the next level, and                  5 indeed deploy some of those companies' technical                  6 capabilities and technological capabilities to build on                  7 that and advance those projects or, Indeed, other                  8 projects.                  9 Q. Final topic, please.                  10 I would like to ask you, please, about education in                  11 schools and looking at how one can educate the child,                  12 and hopefully thereby try and prevent them from being                  13 groomed, prevent them from sharing indecent imagery and                  14 the like. I think your evidence starts at                  15 paragraph 120, Mr Papaleontiou, in your statement.                  16 Really I would like your assistance with what the                  17 Department for Education is doing both at primary and                  18 secondary level and we will break those down.                  19 Are you able to give us an overview of what the                  20 position is as far as education of children is                  21 concerned?                  22 A. Yes, certainly. Just to frame this in terms of context,                  23 we talk about prevention and the whole system approach.                  24 This a key component of prevention and building                  25 resilience for children, this is what we need to do in</p> <p style="text-align: center;">Page 78</p>
<p>1 the round.                  2 In terms of my statement and the particular                  3 initiatives coming forward -- and these are really                  4 important, and again NGOs and others have been lobbying                  5 for this for quite some time -- the first point is that                  6 relationships and sex education will be compulsory in                  7 all state-funded schools as of 2020, September 2020, and                  8 relationships education will be mandatory in primary                  9 schools from 2020.                  10 Q. Right.                  11 A. Now, that provides a fixed focus on the curriculum to                  12 ensure that these issues that we've been discussing                  13 through the course of this inquiry have time built into                  14 the timetables for schools to focus on educating                  15 children around some of these risks.                  16 Q. I think the schools have or will be encouraged to start                  17 teaching these subjects from September this year, and                  18 clearly it will be compulsory from September 2020; is                  19 that right?                  20 A. That's right. Again, worth saying, that the Department                  21 for Education announced £6 million for 2019/20 to                  22 develop a central school support offer which will                  23 include training, supplementary guide, targeted support                  24 on choosing appropriate resources. So this is preparing                  25 schools both to do it voluntarily and then for full</p> <p style="text-align: center;">Page 79</p>	<p>1 roll-out in 2020.                  2 Q. Now, I think there is in fact draft guidance that was                  3 issued in February of this year, accompanying the Act                  4 that brought this into being. I would just like to                  5 look, please, behind your tab 7, and if we could call up                  6 on screen HOM003273. That's the first page, and can                  7 I look at _019.                  8 The guidance is split into various different topics,                  9 but there is a "Relationships Education" section and a                  10 "Physical Health and Mental Wellbeing" section. Just                  11 starting, firstly, with the relationships education at                  12 primary school level. At paragraph 58 does the guidance                  13 there set out:                  14 "The principles of positive relationships also apply                  15 online especially as, by the end of primary school, many                  16 children will be using the internet. When teaching                  17 relationships content, teachers should address online                  18 safety and appropriate behaviour in a way that is                  19 relevant to pupils' lives. Teachers should include                  20 content on how information and data is shared and used                  21 in all contexts, including online; for example, sharing                  22 pictures, understanding that many websites are                  23 businesses, how sites may use information, provided by                  24 the users in a way they might not expect."                  25 If one turns over the page, to _022, by the end of</p> <p style="text-align: center;">Page 80</p>

<p>1 primary education, is it the expectation that, in                  2 relation to "Online Relationships", if we highlight that                  3 box, please, pupils should know that people sometimes                  4 behave differently online, including by pretending to be                  5 someone they are not; that the same principles apply to                  6 online relationships; the rules and principles for                  7 keeping safe online; how to critically consider their                  8 online friendships; how information and data is shared                  9 and used online.</p> <p>10 That sets out what the pupils should know. Do you                  11 know who it will be that is responsible for ensuring                  12 that that is in fact what they're taught? Is that going                  13 to be Ofsted's role, to ensure that these guidelines are                  14 followed?</p> <p>15 <b>A. So there will be -- obviously teachers and schools have</b>                  16 <b>the guidance to focus on what needs to be delivered.</b>                  17 <b>How they deliver it, there will be a degree of freedom</b>                  18 <b>or latitude, but equally there is guidance to support</b>                  19 <b>them. Then in Ofsted's more rounded assessments of the</b>                  20 <b>schools' performance, these are key issues that will no</b>                  21 <b>doubt be taken into account in terms of that that</b>                  22 <b>inspection.</b></p> <p>23 <b>Can I make one point very quickly?</b></p> <p>24 Q. Yes.</p> <p>25 <b>A. Because I think this is really important in terms of</b></p> <p style="text-align: center;">Page 81</p>	<p>1 <b>relationships education and sex and relationships</b>                  2 <b>education, is there is specific stuff that focuses on</b>                  3 <b>online safety, but it is very important it is seen in</b>                  4 <b>the round in terms of wider issues around healthy</b>                  5 <b>relationships, and boundaries, and respect for others,</b>                  6 <b>and understanding that in the real world and how that</b>                  7 <b>translates and applies to the online world.</b></p> <p>8 <b>I think we have a very important role to do in terms</b>                  9 <b>of we've heard about the increased threat from online</b>                  10 <b>CSEA, but we do need to make sure that children,</b>                  11 <b>parents, carers, others, are aware that the threats to</b>                  12 <b>their children do not just come from online, and it's</b>                  13 <b>not just evil predators hiding behind their computer</b>                  14 <b>screens that pose a threat to children, which is why the</b>                  15 <b>education piece in terms of boundaries, understanding</b>                  16 <b>what healthy relationships look like in the round, is so</b>                  17 <b>important in terms of complementing the specific content</b>                  18 <b>relating to online safety.</b></p> <p>19 Q. Turning to secondary education on page 027 at the                  20 bottom. Clearly, in addition to those topics that                  21 should have been covered by end of primary school age,                  22 one can see that it sets out different topics that need                  23 to be covered. If one goes over to page 028, there is                  24 the box setting out what secondary school levers should                  25 know in relation to online and media and being safe.</p> <p style="text-align: center;">Page 82</p>
<p>1 If we can highlight the box "Online and Media",                  2 please. The box sets out their rights and                  3 responsibilities, online risks, not providing material,                  4 what to do, the impact of viewing it, and that                  5 specifically sexually explicit material, eg pornography,                  6 presents a distorted picture of sexual behaviours, can                  7 damage the way people see themselves and negatively                  8 affect how they behave towards sexual partners. And,                  9 importantly, that sharing and viewing indecent images is                  10 a criminal offence which carries severe penalties,                  11 including jail.</p> <p>12 Then, if anyone wants to look at it, "Being Safe"                  13 also includes concepts in relation to laws around sexual                  14 consent and actively communicating that consent.</p> <p>15 There is also, in that document, reference to                  16 physical health and mental well-being at primary age.</p> <p>17 Can I ask just that we look at page 033. By the end                  18 of primary school, in relation to "Internet Safety and                  19 Harms" -- the bottom box, please -- primary school                  20 students should know that for people the internet is                  21 an integral part of life, but the benefits of being                  22 online, rationing time spent online, considering the                  23 effect of their behaviour, why social media, some                  24 computer games, online gaming, for example, are                  25 age-restricted, that the internet can be a negative</p> <p style="text-align: center;">Page 83</p>	<p>1 place, how to be a discerning consumer and where and how                  2 to report concerns and get support with issues online.</p> <p>3 Finally, in this document, at secondary age, if we                  4 look at page 036, please, and the box dealing with                  5 "Internet Safety and Harms". By end of secondary school                  6 students should know the similarities and differences                  7 between the online world.</p> <p>8 And, at page 37, how to identify harmful behaviours                  9 online.</p> <p>10 Mr Papaleontiou, do you know that, in devising this                  11 draft guidance, whether there was a research undertaken                  12 with the pupils themselves to understand what they                  13 thought might be useful and how best to educate primary                  14 levers and secondary school levers?</p> <p>15 <b>A. I know that the guidance was consulted on widely with</b>                  16 <b>NGOs, experts in education and experts in child</b>                  17 <b>protection. So a full gamut of consultation. How far</b>                  18 <b>there was direct engagement with children, I don't know,</b>                  19 <b>but I'm happy to come back to the panel.</b></p> <p>20 Q. Allied to that is education of parents. Is there any                  21 Home Office proposal to try and educate parents about                  22 the dangers of online harm and, in particular, online                  23 child sexual abuse?</p> <p>24 <b>A. So two points really. One, in terms of the roles of</b>                  25 <b>schools and educating children, there is, if you like,</b></p> <p style="text-align: center;">Page 84</p>

1 something of a captive audience there in terms of  
 2 schools being able to access parents too. I certainly  
 3 know from my personal experience that my school has  
 4 invited me in to a lesson on online child safety. So  
 5 making sure what is being taught to children, parents  
 6 understand that and they know that, so that they can  
 7 help them contextualise how they can then interact with  
 8 their children.  
 9 So the opportunity for schools to be educating both  
 10 children, and indeed through children, parents, is  
 11 really important.  
 12 The second issue is how do we educate parents more  
 13 widely. Again, I think everyone knows -- certainly  
 14 I struggle in terms of how I set up various controls on  
 15 various devices -- I think we are very focused on, as we  
 16 develop our work on the Online Harms White Paper, there  
 17 are commitments in the Online Harms White Paper around  
 18 how we can build and develop better resources for  
 19 parents and carers to ensure that they've got the  
 20 information they need to keep their children safe in the  
 21 round. So that is something that we are actively  
 22 looking at through the Online Harms White Paper, and the  
 23 non-legislative package that accompanies the new  
 24 regulatory framework.  
 25 MS CAREY: Mr Papaleontiou, they are all the questions that

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1 captured in some of the evidence that's been given to  
 2 this inquiry -- the likes of Matthew Falder, where it is  
 3 almost pure sadism as opposed to sexual interest in  
 4 children.  
 5 Equally, we will know the about the issue of the  
 6 whole interaction between the power and authority on one  
 7 hand and vulnerability. And there will be different  
 8 drivers, and what we need to do is have a much more  
 9 sophisticated understanding of drivers of different  
 10 behaviours within the bracket or the world of child  
 11 sexual abuse and exploitation.  
 12 In terms of what we're doing, we have provided  
 13 funding to -- £7.5 million committed funding to the  
 14 Centre of Expertise on Child Sexual Abuse. They are  
 15 doing some work on typologies of child sexual abuse and  
 16 exploitation which will help our understanding of how  
 17 you can take different approaches to different sorts of  
 18 offenders.  
 19 I've recently had a PhD student working within my  
 20 unit who has been doing research on all the offender  
 21 interventions that are currently out there and what the  
 22 evidence base is in terms of their efficacy and whether  
 23 they work.  
 24 The work will also be supplemented by the insights  
 25 that we can get through other capabilities in terms of

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1 I wanted to ask, covering, I'm afraid, a wide range of  
 2 topics in your evidence.  
 3 May I just check one thing. No.  
 4 Chair, is there any questions from you or the panel?  
 5 Questions from THE PANEL  
 6 THE CHAIR: Yes, we have a couple of questions, thank you.  
 7 Mr Papaleontiou, the basic question of what drives  
 8 the offending behaviour we've been discussing this  
 9 morning, both online and offline, and mostly by men,  
 10 underlies a great deal of this inquiry's work. You will  
 11 appreciate it's a huge question of worldwide  
 12 significance, not just in the UK.  
 13 But what is the Home Office, or indeed the  
 14 government, doing to get a better understanding of what  
 15 is driving this apparently significantly increasing  
 16 demand for sex with children? And have you reached any  
 17 conclusions from that?  
 18 **A. So there is a wide -- completely agree with the points**  
 19 **that you make in terms of what we really need to**  
 20 **understand offending behaviour, not just in terms of**  
 21 **online child sexual abuse and exploitation but child**  
 22 **sexual abuse and exploitation in the round. There will**  
 23 **be different models of and motivations for child sexual**  
 24 **abuse and exploitation. Some of it will be sexual**  
 25 **interest in children, some of it -- and I think it's**

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1 being able to understand, if you like, people's browsing  
 2 histories, potentially. So if they say, "I just  
 3 happened to stumble upon it", you actually see a pathway  
 4 or a route in terms of their offending behaviour by  
 5 using, in an appropriate and proportionate way, some  
 6 other expertise that's out there, and that speaks to  
 7 some of the work in Projects Saturn.  
 8 As to whether we have reached a conclusion yet  
 9 around what is driving it, the answer is that is still  
 10 a work in progress, but it is completely an area that we  
 11 completely need to identify if we are going to get to  
 12 the heart of stopping child sexual abuse and  
 13 exploitation in all its manifestations. And I know the  
 14 inquiry too is doing some work around that work on  
 15 offender typologies which we would love to work with you  
 16 on.  
 17 THE CHAIR: Thank you. Mr Frank.  
 18 MR FRANK: Just one point of detail, really. On your  
 19 page 43, when you are speaking about the international  
 20 work -- and we know the importance of that because, as  
 21 we succeed in ensuring the hosting of this stuff is not  
 22 done in the UK any more we need more international  
 23 co-operation -- and you mentioned the Lanzarote  
 24 Convention in that regard and you talk about "robust  
 25 action".

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1 In the 12 months since it was ratified can you tell  
 2 us what action has been taken, by whom, and what  
 3 resources have been committed to that?  
 4 **A. So the key issue that we've had in terms of the**  
 5 **Lanzarote Convention is ratifying the convention on the**  
 6 **part of the UK.**  
 7 MR FRANK: Which was done a year ago?  
 8 **A. Which was done a year ago. Again, the Lanzarote**  
 9 **Convention has been helpful in terms of pulling together**  
 10 **better understanding of how different European countries**  
 11 **are approaching this issue. We are being asked to**  
 12 **account directly by the Lanzarote Convention in terms of**  
 13 **what we are doing. The Lanzarote Convention is a useful**  
 14 **forum, if you like, in terms of being able to hold**  
 15 **Member States to account and to share information and to**  
 16 **share insight. In terms of actually driving tangible**  
 17 **action and products, I think that is not the primary**  
 18 **function of the Lanzarote Convention, and I would**  
 19 **struggle to point you towards here is something that has**  
 20 **really delivered a tangible change other than greater**  
 21 **pressure being applied to all countries within that**  
 22 **convention to make sure that they are stepping up and**  
 23 **fulfilling their commitments that they have made.**  
 24 MR FRANK: So, in answer to my question about what robust  
 25 action was to happen in the last 12 months, can you tell

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1 MS CAREY: Thank you, chair.  
 2 Chair, I see the time, will it be sensible to break  
 3 for lunch and deal with our afternoon's witnesses  
 4 perhaps at 1.55?  
 5 THE CHAIR: Yes, 1.55 we'll return.  
 6 MS CAREY: Thank you very much.  
 7 (12.50 pm)  
 8 (The short adjournment)  
 9 (1.55 pm)  
 10 MR KRISHNAN: Good afternoon, chair. Can I please ask that  
 11 the witness is sworn?  
 12 MR JOHN ADAM CARR (affirmed)  
 13 Examination by MR KRISHNAN  
 14 MR KRISHNAN: Good afternoon, Mr Carr.  
 15 **A. Good afternoon.**  
 16 Q. Can I please have your full name?  
 17 **A. John Adam Carr.**  
 18 Q. Mr Carr, you are, amongst other things, the -- you are  
 19 secretary of the Children's Charities Coalition on  
 20 Internet Safety, otherwise known as CHIS?  
 21 **A. Correct.**  
 22 Q. And you are a consultant or adviser to various  
 23 organisations such as UNICEF and ECPAT International on  
 24 various issues regarding the use of the internet by  
 25 children and child safety online?

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1 me that?  
 2 **A. So, again, I think the robust action is the robust**  
 3 **holding to account in terms of Member States' compliance**  
 4 **with their commitments that they make in ratifying that**  
 5 **convention.**  
 6 MR FRANK: And the commitment of resources to that?  
 7 **A. The commitment of resources?**  
 8 MR FRANK: Resources to doing that.  
 9 **A. Yes.**  
 10 MR FRANK: Can you help us as to what that is?  
 11 **A. So our commitment of resources?**  
 12 MR FRANK: Yes.  
 13 **A. We, in terms of ratifying -- the UK will only ratify**  
 14 **a convention when it's fully compliant. So in terms of**  
 15 **our ability to ratify, we have to have already complied**  
 16 **with the various articles within the convention. So the**  
 17 **convention, in and of itself, does not drive, if you**  
 18 **like, further resources, because we are, if you like,**  
 19 **compliant already. But that doesn't mean that we cannot**  
 20 **be challenged in terms of how far is your investment fit**  
 21 **for purpose, but those are issues that properly sit in**  
 22 **terms of the government's response to, or the**  
 23 **Member States' response to those issues.**  
 24 MR FRANK: Yes, thank you.  
 25 THE CHAIR: Thank you, we have no further questions.

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1 **A. That's correct.**  
 2 Q. You've also worked with some internet companies, as  
 3 I understand. You were a vice president of Myspace for  
 4 a time?  
 5 **A. Correct.**  
 6 Q. At the time of your statement, you were a member of the  
 7 executive board of what was then the UK Council of Child  
 8 Internet Safety?  
 9 **A. Correct.**  
 10 Q. And you are a visiting senior fellow at the London  
 11 School of Economics?  
 12 **A. Correct.**  
 13 Q. I understand that CHIS was formed in the 1990s; is that  
 14 correct?  
 15 **A. 1999.**  
 16 Q. 1999.  
 17 **A. Yes.**  
 18 Q. It is made up of 11 organisations?  
 19 **A. Yes, all of the big children's organisations you're**  
 20 **likely to have heard of: NSPCC; Barnardos; Children's**  
 21 **Society; Action for Children, and so on, yes.**  
 22 Q. To be a member of CHIS, an organisation must be  
 23 a charity that is concerned with the wellbeing of  
 24 children; is that correct?  
 25 **A. Correct.**

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<p>1 Q. It must not receive, you say in your statement, 2 significant levels of funding from internet companies; 3 is that correct?</p> <p>4 <b>A. Correct, to ensure that the groups are able to speak 5 with some degree of independence, visible independence, 6 yes.</b></p> <p>7 Q. At 2.4 of your statement, you describe CHIS as 8 a lobbying organisation.</p> <p>9 <b>A. Uh-huh.</b></p> <p>10 Q. You say there I think that its principal role is to make 11 representations to Parliament, industry and government, 12 and to speak to the media about the impact on children's 13 lives of new technologies in general and the internet in 14 particular?</p> <p>15 <b>A. Mm-hm.</b></p> <p>16 Q. You say, at paragraph 2.5, I think, that the core idea 17 behind CHIS is that if all the major children's 18 organisations are seen to speak with one voice, the 19 views they express will be all the more compelling. 20 Just a question on that, was the sense before the 21 formation of CHIS that children's charities weren't 22 being listened to sufficiently in this area?</p> <p>23 <b>A. Well, we were in pretty early on. We took the name in 24 1999, but in fact we'd been meeting since around '96, 25 '97, talking about these things. So I think the truth</b></p> <p style="text-align: center;">Page 93</p>	<p>1 <b>was, at that time, the individual children's</b> 2 <b>organisations weren't engaging to any great extent with</b> 3 <b>the internet, but they were all aware of its rising</b> 4 <b>importance and they could understand from their previous</b> 5 <b>experience that, if it was possible to put together</b> 6 <b>a coalition of all of the big voices in the child</b> 7 <b>protection/child welfare world, that that would be</b> 8 <b>a more effective way of proceeding.</b></p> <p>9 Q. At 2.5 of your statement, you describe some of CHIS's 10 activities at present. To take a few examples there, 11 you discuss monitoring and lobbying on EU legislation --</p> <p>12 <b>A. Mm-hm.</b></p> <p>13 Q. -- preparing submissions for consultations and 14 commenting on the UK's age verification regime?</p> <p>15 <b>A. Mm-hm.</b></p> <p>16 Q. How does CHIS fund these activities?</p> <p>17 <b>A. Well, we've never had any money, we've never had a bank</b> 18 <b>account. I -- for 11 years, when I was acting as a paid</b> 19 <b>consultant to what was then called NCH Action for</b> 20 <b>Children, they, as it were, lent me, as a secretary</b> 21 <b>adviser to the group. When my relationship with NCH</b> 22 <b>ended, I carried on doing it pro bono, but the truth is,</b> 23 <b>in all of that time, CHIS, as such, has never had</b> 24 <b>a legal incorporation, a formal legal identity, we've</b> 25 <b>never had a bank account, we've never received or spent</b></p> <p style="text-align: center;">Page 94</p>
<p>1 <b>any cash. On the odd occasion when we've made -- had</b> 2 <b>printed documents produced, either the NSPCC or Action</b> 3 <b>for Children, or both, have picked up the bill.</b> 4 <b>So we're an example, really, of a coalition of the</b> 5 <b>willing. We co-operate together because we can see it's</b> 6 <b>in our mutual interests and in the interests of</b> 7 <b>children.</b></p> <p>8 Q. Can you help us with your responsibilities in your role 9 as the secretary of CHIS?</p> <p>10 <b>A. Yes, so I've got something of a technical background in</b> 11 <b>how computers work, how the internet has worked, and</b> 12 <b>some knowledge -- an LLB degree of some antiquity,</b> 13 <b>I might say -- and I've always worked in and around the</b> 14 <b>public policy space. So I act as secretary to the</b> 15 <b>group, which typically means, either because one of the</b> 16 <b>members has raised it, or because I've spotted it,</b> 17 <b>I will draft a document, a policy position paper, which</b> 18 <b>is then circulated to all of the member groups for their</b> 19 <b>input, comments, changes, suggestions, whatever it might</b> 20 <b>be, and that will then emerge from the other end as</b> 21 <b>a policy statement by CHIS, which will either go out as</b> 22 <b>a press release or a submission to a government</b> 23 <b>consultation or evidence to Parliament or something of</b> 24 <b>that kind. So I'm secretary of it and, therefore, its</b> 25 <b>principal drafter and guide, if you like.</b></p> <p style="text-align: center;">Page 95</p>	<p>1 Q. Can we start with the topic of self-regulation.</p> <p>2 <b>A. Mm-hm.</b></p> <p>3 Q. At paragraph 4.1.10, you say, I think, that in the late 4 1990s and in the early 2000s, the organisation bought 5 into the ideas of self-regulation and of 6 multistakeholderism?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Can you help the inquiry, first, with the meaning of 9 self-regulation in this context?</p> <p>10 <b>A. Well, the -- 1996 was the seminal year, it's when</b> 11 <b>Nominet was established to be the registry for the .uk</b> 12 <b>domain. And essentially, what happened there was</b> 13 <b>a group of internet service providers and techy people</b> 14 <b>who were around the industry said to the government,</b> 15 <b>"Look, somebody has to administer the .uk domain. It</b> 16 <b>will be a terrible headache for you guys in the</b> 17 <b>Department of Trade and Industry to do it. Let us take</b> 18 <b>the burden off your hands and we'll do it", and the</b> 19 <b>government said yes. They were very pleased that these</b> 20 <b>people had stepped forward to agree to do the</b> 21 <b>administration of the .uk domain.</b> 22 <b>September of the same year, roughly, a similar sort</b> 23 <b>of situation arose in respect of child -- what we then</b> 24 <b>called child pornography, we now call child sexual abuse</b> 25 <b>material, where the police, in particular -- it was the</b></p> <p style="text-align: center;">Page 96</p>



1 Metropolitan Police -- were finding larger and larger  
 2 volumes of these sorts of images being circulated. They  
 3 were unclear about how to respond to this, and so was  
 4 the government, so they brought in the industry players.  
 5 There was a famous letter written by Inspector French of  
 6 the Metropolitan Vice Unit, who was the lead police  
 7 officer on these matters at the time, and, in essence,  
 8 the government and the police said, "We need your help  
 9 in dealing with this. We don't have a very good  
 10 understanding of how all this new stuff works" -- this  
 11 is 1996, remember -- "We're not quite -- we know  
 12 somebody is responsible, but we don't know who we can  
 13 arrest yet" -- the emphasis on the word "yet", and the  
 14 government -- I can't remember the minister's name now,  
 15 but the minister at the DTI said, "Well, if they can't  
 16 find anything to arrest you guys for, we will legislate  
 17 to give them a reason to arrest you", and, on that  
 18 basis, the industry said, as with the earlier example,  
 19 "I tell you what, leave it with us. We will deal with  
 20 this problem", and -- and that's how the Internet Watch  
 21 Foundation came to be established.  
 22 So this was the industry saying to government and,  
 23 to a substantial extent, the police, "We understand this  
 24 technology, we'll sort it out, and you don't need to  
 25 worry your little heads over it". That was, in essence,

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1 self-regulation, in essence. What it says is that  
 2 there's a kind of community of interest around the  
 3 internet technology and how it's working in society, how  
 4 it's working in the world in general. So that's the  
 5 technology companies themselves, it's law enforcement,  
 6 it's governments and it's civil societies -- so civil  
 7 society organisations, people like us. And  
 8 multistakeholderism, the idea behind it is that all of  
 9 these different elements come together to talk about  
 10 potential solutions to problems as they arrive.  
 11 The UK Council for Child Internet Safety, or UK  
 12 Council for Internet Safety, as it now is, is an example  
 13 of multistakeholderism, but it originated, really, in  
 14 the United Nations frameworks originally, but it's now  
 15 a widely-held approach.  
 16 Q. Can you help us with why CHIS, as an organisation, at  
 17 least, initially subscribed to the ideas of  
 18 self-regulation?  
 19 A. Yes.  
 20 We inhaled -- let's put it slightly less flippantly.  
 21 We bought into the idea that this brand new technology  
 22 straight out of California in the 1990s was  
 23 revolutionary in nature. It promised to help change the  
 24 world for the better, an end to tyranny and oppression,  
 25 information would be freely available to everybody as

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1 how it came about, and that's the basis on which the IWF  
 2 was established, as that response from the industry to  
 3 take care of it by their own lights and by their own  
 4 rules.  
 5 Q. You mentioned in your discussion of self-regulation in  
 6 your statement the concept of platform immunity. Can  
 7 you summarise that for the inquiry, in a nutshell?  
 8 A. Yes. Under the e-Commerce Directive, which in turn was  
 9 derived from section 230 of the Communications Decency  
 10 Act of 1996, which is a US federal law, essentially  
 11 a platform has no legal liability, criminal or civil,  
 12 for any material that is published or moves across its  
 13 platform, across its network, unless and until it has  
 14 actual knowledge of it.  
 15 There's no obligation on the part of the platform to  
 16 actively monitor or scan for illegal activity, but -- or  
 17 other types of activity, but once it's brought to their  
 18 attention that illegal content is -- has been found on  
 19 the platform, their obligation is to act expeditiously  
 20 to remove it and take it down; otherwise, they have no  
 21 immunity. So in essence, they have no incentive either  
 22 to act proactively, because of that law.  
 23 Q. Can you help us with the concept, please, of  
 24 multistakeholderism?  
 25 A. Multistakeholderism is an extension of the idea of

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1 and when they wanted it, and certainly, in those early  
 2 days, everything was free. This kind of had a great  
 3 appeal. And it appeared to be working. You know, lots  
 4 of things started happening by and through the internet  
 5 and nobody was, at that point -- this is before PayPal  
 6 and all of these other things started turning it into  
 7 a more commercial environment. It all looked great.  
 8 I mean, it was kind of a hippy ideal and we all loved  
 9 it. We fell out of love with it, eventually.  
 10 Q. Can you help us with when that happened and why it  
 11 happened?  
 12 A. It happened gradually. It's a very well established  
 13 idea and it's still the case in -- I think in most  
 14 countries, that the formal position of their governments  
 15 is to rely, wherever possible, on self-regulation, and  
 16 it's easy to see why. I mean, if you can get the  
 17 industry to sort everything out, it saves taxpayers  
 18 money, it saves police time, it can help move things  
 19 along faster, but what we found over time is, I guess,  
 20 two things: first of all, everything seemed to take  
 21 forever, everything seemed to move incredibly slowly,  
 22 unless there was a catastrophe, and then suddenly  
 23 everything could happen very quickly, and there was no  
 24 visible means of ever confirming that what the industry  
 25 said they were doing they were actually doing. So they

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1 were essentially saying to us, "Trust us, believe what  
 2 we say. We're doing our best, we know best", and  
 3 I think, in the end, we just decided that was not  
 4 acceptable anymore because it wasn't working.  
 5 Q. At 4.1.15 of your statement you suggest that the  
 6 internet is akin to a public utility and that certain  
 7 consequences ought to follow from that status.  
 8 Can you help the inquiry with that analogy, and  
 9 explain what you were seeking to illustrate with it?  
 10 A. The key -- the key thing is that the -- particularly in  
 11 relation to children's lives, the internet and  
 12 technology -- digital technologies are very, very  
 13 substantially integrated into the way young people live  
 14 today. They have all kinds of consequences, some of  
 15 which we seem to understand reasonably well, some of  
 16 which we don't understand that well, and it just seems  
 17 to me, given the importance and magnitude of the way in  
 18 which the technology is now playing itself out in modern  
 19 society, the idea that we should be asked to trust and  
 20 take it, you know, as read, that big technology  
 21 companies, mainly not domiciled in this country, are  
 22 always acting in our best interests is not an acceptable  
 23 idea anymore. We don't accept it in relation to any  
 24 other major space in which society operates -- telecoms,  
 25 TV, gas, electricity, railways -- in all of these areas

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1 we don't actually know what the true position is within  
 2 those companies. So the idea of this project was that  
 3 these companies would come together and -- and they  
 4 would discuss with us, open the books to some degree or  
 5 another to let us see how they were handling things  
 6 internally.  
 7 Long story short, Facebook volunteered to be part of  
 8 it, so did the Disney Corporation so did O2 -- I can't  
 9 remember the names of everybody else off the top of my  
 10 head, but I could certainly get them if you wanted me  
 11 to. Long story short, Facebook came back, at the end of  
 12 about six months of dithering, and said "We will not" --  
 13 somebody had volunteered them, in the UK, somebody had  
 14 volunteered them to take part in this project --  
 15 Richard Allan, now Lord Allan -- but six months later,  
 16 Facebook came back and said:  
 17 "We will not give you any information about our  
 18 internal company workings that we are not legally  
 19 obliged to publish, and we will not do it for three  
 20 reasons:  
 21 "1. If we do it for you, the British Government, we  
 22 will have to do it for every other government in the  
 23 world;  
 24 "2. This is potentially price-sensitive,  
 25 commercially sensitive information. We are a company

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1 there is an independent voice, there is a mechanism that  
 2 can say to the public, "We've looked at what these guys  
 3 are saying they're doing and we've been inspecting what  
 4 they're doing, and we can give you the assurance that  
 5 that is actually what's happening". We don't have that  
 6 at the moment in relation to the internet space.  
 7 Q. On the theme of trust and transparency, you make a point  
 8 at paragraph 4.2.1 about lack of monitoring of what tech  
 9 companies are or are not doing. Could you summarise the  
 10 gist of your concern?  
 11 A. Yes. Well, we had a concrete example with Facebook,  
 12 five or six years ago. Three government ministers --  
 13 Home Office, Education and DCMS -- wrote to 20 internet  
 14 companies asking them if they would co-operate in  
 15 a project to try to see what was actually happening to  
 16 children on their platforms. We know from the data that  
 17 ChildLine produces, we know from research that academics  
 18 do and we know from newspaper reporting of cases and  
 19 things, the sorts of things that were happening, so  
 20 we've a good idea about the actuality of children's  
 21 experience. What we didn't know was how companies were  
 22 experiencing it, if you like, on the other side of the  
 23 fence.  
 24 We hear companies say, "We're employing 15,000  
 25 moderators, we're doing this and we're doing that", but

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1 quoted on the New York Stock Exchange and there are  
 2 rules and procedures about how we handle price-sensitive  
 3 information; and  
 4 "3 ..."  
 5 And this kind of goes back to the first point, in  
 6 a way:  
 7 "... This information could be distorted by the  
 8 media and have an even worse effect on our company's  
 9 profile and public image."  
 10 So the companies had shown -- I mean, Facebook was  
 11 a particularly graphic example. Some people said that  
 12 whoever volunteered them in the first place had had  
 13 a rush of blood to the head, because California was  
 14 never going to agree to them releasing the information.  
 15 Nevertheless, it does illustrate very well, I think, the  
 16 difficulty that governments are in and everybody's in,  
 17 because we just don't know what's going on inside the  
 18 companies.  
 19 Q. Can we turn to a practical example in the UK. You  
 20 discuss the use of ISP filtering.  
 21 A. Mm-hm.  
 22 Q. Can you help us with that example and how it links to  
 23 what you've been saying about monitoring and so forth?  
 24 A. Yes, correct. So all of the big, broadband ISPs in the  
 25 UK -- so that's Sky, TalkTalk, Virgin and BT, the

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<p>1 biggest one -- now provide filters, family filters, for                  2 use in domestic homes to keep unwanted material, porn,                  3 violence, xenophobia, that kind of thing, away from                  4 children's eyes.                  5 Now we know roughly how many households are using                  6 them, but only on the basis of what the companies                  7 themselves tell us. We've no independent verification                  8 of it. Equally, we don't know how well it's working,                  9 because there is no mechanism for testing to see how                  10 well these filters are actually working to achieve the                  11 intended purpose.                  12 Q. You give another example at 4.2.10 of your statement                  13 about the delisting of websites by Microsoft and Google?                  14 A. Mm.                  15 Q. Can you talk us through that example, please?                  16 A. Yes, well this -- and, by the way, this illustrates                  17 another point I made earlier.                  18 So in the aftermath of the murder of April Jones and                  19 Tia Sharp, there were two cases -- it was coincidental                  20 in terms of the timing, you know, there were no links --                  21 there was no link between the two cases, but they                  22 happened to be heard in the Crown Court within six to                  23 seven months of each other, or perhaps it was even less                  24 than that. So there was a kind of brief period in the                  25 British press when it looked like the only thing the</p> <p style="text-align: center;">Page 105</p>	<p>1 internet was doing was enabling paedophiles to find                  2 children who they then raped and murdered; all right?                  3 This was a very, very bad moment for the public image of                  4 big internet companies, and the judges in both cases                  5 said, in particular in relation to Google, that their                  6 search engines had been part of the thing that had                  7 fuelled the paedophiles' interest in -- sexual interest                  8 in children.                  9 Whatever the truth or otherwise of that, as I said,                  10 there was this period when it looked as if the internet                  11 was mainly working in that kind of very malevolent way.                  12 Within a very short period of time of those                  13 judgments taking place and the media coverage that then                  14 ensued, the Internet Watch Foundation was given                  15 £1 million to increase its work in this area generally,                  16 and Microsoft and Google both announced that they were                  17 going to delist any paedophilic websites or paedophilic                  18 content that hitherto their search engines might have                  19 been providing access to.                  20 Now I have no reason to doubt that they're doing                  21 that, but, equally, nobody has any -- nobody's really                  22 got any mechanism for testing whether or to what extent                  23 that's working or how well it's working. Are there some                  24 websites that are still getting through?                  25 And it's because there is no resource base anywhere</p> <p style="text-align: center;">Page 106</p>
<p>1 that -- certainly that I know about, that's got the                  2 capacity to track it and do it in that kind of way.                  3 It might even be illegal to try and do it, for all                  4 I know.                  5 Q. Just one question. You say that the IWF was given                  6 £1 million to increase its work in this area generally.                  7 Who gave the £1 million?                  8 A. Google.                  9 Q. Google did?                  10 A. Yes.                  11 Q. Can we move on to the Online Harms White Paper about                  12 which the chair and panel heard evidence this morning.                  13 The inquiry recognises that it is up for                  14 consultation, but are you able to give your views on the                  15 White Paper on behalf of CHIS?                  16 A. Yes, well, we've had -- CHIS has had a meeting and                  17 discussed it. We haven't yet submitted our formal                  18 comments; I'll be drafting them and circulating them in                  19 the near future.                  20 I think it's fair to say that, broadly speaking,                  21 we're very keen, we're very supportive of the                  22 White Paper.                  23 I may be expressing a personal view here, but                  24 I think, for the reasons I gave earlier, I think the                  25 really, really important bit of that White Paper is the</p> <p style="text-align: center;">Page 107</p>	<p>1 idea that we will get an independent regulator with                  2 legal powers to compel companies to provide information                  3 to it, because, without that information about what's                  4 going on inside companies, it's going to be very hard,                  5 it seems to me, to draw up the codes of practice that                  6 the White Paper speaks about and ensure that they are                  7 hitting the mark in the most efficient and effective                  8 way.                  9 Q. Can I ask you some specific questions on aspects of the                  10 White Paper?                  11 A. Mm-hm.                  12 Q. If you are able to answer, great.                  13 On the identity of the regulator, do you have any                  14 comment about who the regulator should be?                  15 A. No. And the understanding is that it may be incubated                  16 by Ofcom to get it moving in the first place. That                  17 doesn't sound like an unreasonable idea.                  18 But there's lots of stuff in the White Paper that's                  19 not just about children, it's about a range of online                  20 harms, and we're not objecting to that. But I do think                  21 that the question of how children use the digital                  22 technologies and what happens to children in the online                  23 space is quite a specific set of -- raises quite                  24 specific sets of issues. Therefore, whatever -- whoever                  25 the regulator is, or wherever they are ultimately</p> <p style="text-align: center;">Page 108</p>

1 located, there has to be within it specific units and  
 2 officials who have got that detailed knowledge of child  
 3 welfare, child development, child protection issues  
 4 aided by people with technical knowledge and so on.  
 5 So I'm agnostic on where, ultimately, it should be.  
 6 Obviously, it should be independent, very visibly  
 7 independent, of the industry. It should be independent  
 8 of government, and -- but it should have a very specific  
 9 set of capacities to deal with questions arising in  
 10 relation to children.

11 Q. On the subject of independence from industry, do you  
 12 have any comment about the proposal that the regulator  
 13 ultimately be funded by an industry levy?

14 A. As long as the -- obviously, the new regulator has to be  
 15 a sustainable, long-term body, probably a permanent  
 16 feature of the landscape going forward, so its funding  
 17 has to be secure and it shouldn't -- nobody should feel  
 18 that the regulator might put in jeopardy its funding if  
 19 it says something that an industry player doesn't like.  
 20 How they get the money, I think the Advertising  
 21 Standards Authority -- I think there are various models  
 22 that have been used in other industries where money is  
 23 taken from the industry as a levy, but there's no  
 24 suggestion or implication that that money could be  
 25 removed if the regulator does something to upset the

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1 regulator to gather from industry?

2 A. Well, we would like to know, for example, how many child  
 3 sex abuse images are being found on the major platforms.  
 4 I mean, Google and Facebook, in a recent attempt to  
 5 produce what they called a transparency report, they  
 6 tell us what they think they want to be transparent  
 7 about.  
 8 But in the case of Facebook, for example, they said  
 9 that they removed 3 million images, I think it was, from  
 10 their platform last year, 99 per cent of which, by the  
 11 way, were detected using automated systems like PhotoDNA  
 12 and similar tools, but what they don't tell us is how  
 13 many of those were illegal images as opposed to images  
 14 that simply contravene their policy on nudity. I mean,  
 15 there could be, you know, a legal image that had some  
 16 element of nudity in it that would have been caught by  
 17 these tools and taken down.  
 18 And they're very reluctant to disclose, as you can  
 19 imagine, exactly what scale of illegal activity is  
 20 taking place on their platform, but I think we have  
 21 a right to know, and I think Google, similarly,  
 22 I think -- I can't remember the number now, but it was  
 23 a very large number, in the millions again, and again,  
 24 they claim 99 per cent of stuff that they removed, which  
 25 had some kind of impact or bearing on child safety, was

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1 origins of the money.

2 Q. On the subject of independence, any comment on the  
 3 independence of a regulator from government?

4 A. Yes. So a lot of the issues that we're talking about  
 5 are seen by the free speech community and the privacy  
 6 lobbies, and so on, as raising questions of human  
 7 rights, civil rights, and so on and so forth.  
 8 Now, we can contest where the line ought to be  
 9 drawn, we don't always agree about where that line  
 10 should be drawn, where the balance of interest lies, and  
 11 so on and so forth, but what I recognise is that, whilst  
 12 this isn't a question of political censorship or  
 13 censorship in the ordinary sense of the word, it's in  
 14 the same territory, it's dancing in the same ballroom as  
 15 censorship and so on, and so the greater the distance of  
 16 politicians, at any rate, or government ministers from  
 17 this body, the better it will be for all of us, because  
 18 we don't want even the slightest hint that things are  
 19 being done in the name of children which have got some  
 20 kind of covert or hidden or even openly political  
 21 dimension to them.

22 Q. You discussed earlier the importance of the  
 23 information-gathering powers of this independent  
 24 regulator. What sort of data or metrics do you think  
 25 are the most important things for this independent

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1 detected as a result of automated mechanisms.

2 But we don't know what the balance was between  
 3 illegal and lawful -- lawful images which contravenes  
 4 their wider policies.

5 Q. Any comments on the enforcement powers that ought to be  
 6 made available to this regulator? You'll have seen in  
 7 the White Paper there are some proposals, for example,  
 8 that persistently non-compliant sites should be blocked  
 9 by ISPs or that there should be senior management  
 10 liability.  
 11 Any comments on proposals of that kind?

12 A. Well, it's not been tried before. It sounds good to me.  
 13 Obviously, criminal liability would certainly  
 14 concentrate the minds of the directors of the companies  
 15 concerned.  
 16 There's a kind -- there's the -- in other areas,  
 17 there's a possibility of fining companies 4 per cent of  
 18 their global turnover, which also concentrates the mind.  
 19 There have to be some sorts of incentives, particularly  
 20 at the level of senior managers within the companies, to  
 21 give serious attention to this.  
 22 The people who I meet day-to-day from these  
 23 companies -- and I have a lot of contact with them, as  
 24 you can imagine -- they share our outlook -- my outlook  
 25 and values very substantially, no question about that.

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1 They wouldn't be doing the jobs that they were doing if  
 2 they didn't. But they don't make the decisions.  
 3 There is no important decision about anything to do  
 4 with any of the major platforms that is taken in Europe,  
 5 never mind by government relations or lobbyists that  
 6 work for some of these internet companies.  
 7 I used to be a vice president of Myspace, so  
 8 technically, I was employed out of Los Angeles. I think  
 9 we were allowed to make decisions about how many tea  
 10 bags to buy, I think we even had scope to decide on the  
 11 colour scheme of the office, but every important  
 12 decision, of any kind, was taken in Los Angeles by the  
 13 lawyers and by the senior company executives. There was  
 14 nobody in Europe who had authority to commit -- and the  
 15 example I gave earlier about Facebook, there was  
 16 a person who was employed by Facebook volunteering to  
 17 co-operate with the British Government by disclosing  
 18 information about what was going on inside Facebook and  
 19 he was overruled when the people in California finally  
 20 had to sign it off.  
 21 Q. You mentioned earlier the range of online harms that  
 22 this independent regulator may be responsible in respect  
 23 of.  
 24 Any comment on the relative priority that is able to  
 25 be given to online child sexual abuse, in light of the

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1 confidence, should be able to say that particular  
 2 companies are doing a good job or as good a job as  
 3 possible in tackling these problems. At the moment,  
 4 that doesn't happen.  
 5 Q. I think my question was more directed at the harms other  
 6 than online CSA that would be within this regulator's  
 7 remit -- so, for example, disinformation and hate crime,  
 8 and so forth. Is there any concern on your part that  
 9 a regulator would not give sufficient attention to CSA,  
 10 given the other things a regulator would need to do?  
 11 A. Okay. Sorry if I misunderstood you.  
 12 Q. No, not at all.  
 13 A. Obviously, because of the political urgency around  
 14 terrorism, in particular, there's always a risk that is  
 15 going to drown out child protection stuff. I mean,  
 16 we've -- I've no -- I've certainly no evidence for this,  
 17 but there's certainly been a sense, from time to time,  
 18 that following terrorist incidents, or in anticipation  
 19 of terrorist incidents, police officers in cyber units  
 20 around the country, or in London, who might otherwise  
 21 have been trying to address issues around children's  
 22 safety on the internet, have been diverted to deal with  
 23 terrorist threats and things of that kind.  
 24 Now, obviously, we all want the police to deal with  
 25 terrorist threats, but that -- what that -- what I've

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1 sheer range of responsibilities that will be given to  
 2 this independent regulator?  
 3 A. I certainly think the question of images remains central  
 4 to this whole agenda, and I certainly think the  
 5 regulator should have powers to require any internet  
 6 company operating within its jurisdiction to explain  
 7 what steps it is taking on an active proactive basis to  
 8 ensure that there is no traffic, or the minimum possible  
 9 traffic, and illegal images happening over their  
 10 platform.  
 11 I think the regulator should be required to publish  
 12 the responses it gets from every company, and the  
 13 company should know that that's a power the regulator  
 14 has. I think that would be a very powerful incentive  
 15 for everybody to up their game.  
 16 Obviously, grooming remains a hugely important  
 17 question and, again, I think the regulator should have  
 18 the power to ask the companies to tell it what active  
 19 steps it's taking to minimise grooming. There are  
 20 technical tools which can be deployed. There's  
 21 moderation as well, human and AI-based.  
 22 We should know that companies -- they don't have to  
 23 spell it out exactly -- I mean, we don't want to help  
 24 paedophiles or people trading these images to find ways  
 25 around them, but the regulator, in whom we would have

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1 just said realises that, in the political climate that  
 2 we live in, it's always possible that children and  
 3 children's issues will be -- could be sidelined,  
 4 particularly because of some political priority or some  
 5 outrage that has happened, which is why it's very  
 6 important that, within the regulator, there are  
 7 dedicated resources who are explicitly tasked with  
 8 addressing those issues.  
 9 Q. Any thoughts on the content of the duty of care that may  
 10 be imposed on internet companies in this field?  
 11 A. I mean, in my opinion, the duty of care has always  
 12 existed. We all have a liability or a responsibility  
 13 for the reasonably foreseeable consequences of our  
 14 actions, it's just never been made explicit, in the  
 15 context of the internet space, that that duty of care  
 16 exists. It's a very old idea. But it's great that it's  
 17 being expressly brought to the fore within the  
 18 government's White Paper.  
 19 I think it's really only a reflection of what the  
 20 GDPR says, in any event, which is that you -- companies  
 21 should be required to do a risk assessment. You  
 22 shouldn't put out the service on the internet, you  
 23 shouldn't provide a new app, or whatever, without trying  
 24 to anticipate what could go wrong, you know, where are  
 25 the risks, if children are users of -- or do get to use

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1 this service, what harm could befall them?  
 2 And if you do that risk assessment, and if you  
 3 conclude that there are risks, then the duty of care  
 4 suggests that you need to take reasonable and  
 5 proportionate steps to try to mitigate or eliminate  
 6 those risks.  
 7 Q. You'll have seen from the White Paper that it will leave  
 8 at least the principle of platform immunity intact. Do  
 9 you have any comments on that proposed decision?  
 10 A. Well, if it stands exactly in that way, I think a lot of  
 11 this effort will be in vain, because, if the platforms  
 12 don't feel under any compulsion to act, if things remain  
 13 as they are now, where you will only have a legal --  
 14 legal liability that can only arise as and when you have  
 15 actual knowledge, something is brought to your  
 16 attention, we won't be any further forward.  
 17 So what I've understood the government to be doing  
 18 in the White Paper is finessing the -- at least, I hope  
 19 they are, and certainly what we will be urging them to  
 20 do, in our submission, is finessing the e-Commerce point  
 21 to say this: I don't have a problem in principle with  
 22 the idea of platform immunity, provided a platform can  
 23 show that it took reasonable and proportionate steps to  
 24 anticipate harms or bad things that could happen on the  
 25 platform, and that they're reasonable and proportionate

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1 for example, social media platforms engage in active age  
 2 verification.  
 3 At 5.2.3 of your statement, you suggest that  
 4 companies should be required actively to verify the age  
 5 of their users, or to deploy technology allowing them to  
 6 identify underage users.  
 7 Just two questions. First of all, why? And, second  
 8 of all, how realistic is that suggestion?  
 9 A. Well, I was in New York last week, at Facebook's global  
 10 safety summit and I heard Antigone Davis, who's the  
 11 global head of Facebook's safety division, saying that  
 12 they actively deploy tools to detect if people have been  
 13 lying about their age; okay? So under Facebook's terms  
 14 and conditions, you're not supposed to lie about your  
 15 age. You're supposed to be at least 13, but then,  
 16 whatever age you are, you're not meant to lie about it.  
 17 So she said, "We have tools that will allow us to pick  
 18 up if somebody is lying about that" -- she didn't go  
 19 into it in any detail, but what I imagine is, if you  
 20 have declared your age as being 15 and then in a posting  
 21 you say, "I'm playing for the Los Angeles under 13s  
 22 hockey team this week", that somehow that will be picked  
 23 up by their systems and they'll investigate it and  
 24 they'll throw you off the platform.  
 25 So there are those sorts of capabilities around.

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1 steps to mitigate or eliminate those harms.  
 2 So you can have the immunity from the substantive  
 3 offence or the substantive liability, keep that,  
 4 providing you can show that you took some steps at least  
 5 to anticipate them and mitigate them. And in that  
 6 context, platforms' terms and conditions would also be  
 7 a relevant factor.  
 8 At the moment, in essence, companies' platforms'  
 9 published terms and conditions, they're pretty much  
 10 meaningless, because, without actual knowledge, they  
 11 don't have any criminal or civil liability for them.  
 12 So if -- you could say terms and conditions are  
 13 a marketing tool, you know, "This is what we say our  
 14 platform should be. There won't be any violence:  
 15 violence is forbidden; nudity is forbidden; bullying is  
 16 forbidden", all of these are in the company's terms and  
 17 conditions, but because of platform immunity, they're  
 18 under no legal obligation to actively intervene to try  
 19 to ensure that those things are actually not happening.  
 20 That's not acceptable.  
 21 Q. On the subject of terms and conditions, can I ask you  
 22 about age verification.  
 23 A. Mm-hm.  
 24 Q. So the White Paper, on my reading, at least, does not  
 25 expressly suggest that it will be a requirement that,

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1 My basic view on age verification is it shouldn't be  
 2 necessary in every case, actually, to have age  
 3 verification. But if you do a risk assessment and you  
 4 conclude that this particular service presents a risk to  
 5 children, and the age is a factor in determining, if you  
 6 like, the possibility of that risk turning into  
 7 an actual harm, then perhaps, in those circumstances,  
 8 you ought to be required to use age verification. But  
 9 you're right, the White Paper doesn't say that it's  
 10 going to be an express requirement, but the GDPR  
 11 essentially puts all the burden on the risk assessment  
 12 and it could follow, from doing a risk assessment, that  
 13 in certain circumstances you ought to do an age  
 14 verification, you ought to have an age verification  
 15 regime -- we're about to do it with commercial  
 16 pornography, in any event, and if you had a site that  
 17 was selling alcohol or doing something about alcohol,  
 18 something that was plainly intended for adults, then  
 19 certainly there should be age verification there.  
 20 Q. On age verification, can you help the inquiry with one  
 21 point of detail?  
 22 A. Mm-hm.  
 23 Q. How did 13 come to be the standard minimum age for  
 24 signing up to social media sites?  
 25 A. Mm, well, it originated in the United States in the 1998

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<p>1 Children's Online Privacy Protection Act. It was based                  2 on evidence that was gathered together in 1996, 1997,                  3 around marketing to commercial products and adverts to                  4 children. And based on that evidence, they concluded                  5 that 13 was the age at which a child, of their own                  6 volition, as it were, would be able to understand that                  7 what they were looking at was a commercial advertisement                  8 or marketing from a commercial entity. And therefore                  9 they decided that 13 would be the age at which they                  10 could decide for themselves whether or not to be part of                  11 an environment where those kinds of advertisements,                  12 commercial advertisements, would be present.</p> <p>13 The point about that is this was long before any                  14 kind of social media companies existed, long before any                  15 kind of -- the internet, as we know it today, existed.</p> <p>16 And the Federal Trade Commission, which is the                  17 American body that has the jurisdiction for                  18 administering the COPPA rules, has revisited the issue                  19 twice, since 1997, 1998 -- Mark Zuckerberg was still in                  20 high school, in those days -- and, on both occasions,                  21 the FTC concluded that, "This isn't a brilliant                  22 arrangement, but we can't think of anything better at                  23 the moment". In essence, that's what they said.</p> <p>24 Q. Can we discuss some of the other measures that you                  25 identify in your statement that aren't specifically</p> <p style="text-align: center;">Page 121</p>	<p>1 mentioned in the White Paper --</p> <p>2 A. Mm-hm.</p> <p>3 Q. -- one being that there should be a system whereby                  4 a child is able to obtain compensation from persons who                  5 engage in downloading images of them as victims of child                  6 sexual abuse?</p> <p>7 A. Yes.</p> <p>8 We will -- I'm pretty sure that CHIS will make this                  9 point in our answer to the White Paper asking for it to                  10 be included. We've made representations to the Ministry                  11 of Justice and Home Office on it before.</p> <p>12 So in the United States, if a child -- if a child is                  13 sexually abused and images of the abuse are made and                  14 those images go out on to the internet and are found by                  15 law enforcement, law enforcement is under an obligation                  16 to notify the child, which in practice means their                  17 lawyer -- and by the way, I think there is a kind of                  18 proviso that it has to be in the best interests of the                  19 child that this happens, because it may not always be in                  20 the best interests of the child for that to happen.</p> <p>21 Then that child has -- and their lawyers have got                  22 a right to get compensation from the person found in                  23 illegal possession of that image. In a leading case                  24 that went all the way up to the US Supreme Court called                  25 Amy v Paroline -- Amy wasn't the child's real name --</p> <p style="text-align: center;">Page 122</p>
<p>1 they assessed the quantum of damages -- and this was                  2 agreed, by the way, by both parties -- so the quantum of                  3 damage done to the child, as it were, expressed in                  4 monetary terms, was not contested; what was contested                  5 was how much Mr Paroline ought to pay. But they                  6 assessed the damage done to Amy in excess of                  7 USD3 million. So this was to compensate her for harm,                  8 pay for very long-term, possibly even lifelong,                  9 counselling and support from the trauma that she                  10 suffered. She was raped by her uncle when she was                  11 eight. She didn't discover for another six, seven,                  12 eight years that he'd also made a video of her being                  13 raped by him and that that video had gone out on the                  14 internet.</p> <p>15 So -- and she had a very severe kind of breakdown or                  16 collapse when she learnt that the images of her being                  17 raped by her uncle were all over the world, and so --                  18 and Mr Paroline was found in possession of some of these                  19 pictures, and she sued, and it went to the Supreme Court                  20 and, as I said, they valued the -- they assessed the                  21 damage done to her at \$3 million.</p> <p>22 Well, we don't have anything equivalent to that.                  23 The Criminal Injuries Compensation Board Scheme is the                  24 closest that we've got to something of that kind, but                  25 it's -- you know -- I think you have to -- you have to</p> <p style="text-align: center;">Page 123</p>	<p>1 make your claim within two years of the crime being                  2 committed --</p> <p>3 Q. We've heard some evidence --</p> <p>4 A. Okay.</p> <p>5 Q. -- in the first week of these hearings, that at least                  6 with respect to some online CSA crimes, they fall                  7 outside the scope of the CICA scheme?</p> <p>8 A. Also, it's about, you know, if somebody -- when we                  9 mentioned it to the Ministry of Justice, they said,                  10 "Well, a lot of the guys who we get arrested haven't got                  11 any money". Okay, well, you can't sue them, then.                  12 I mean, there's no point in going after somebody with no                  13 money. But if somebody's got money, why shouldn't they                  14 pay? Why should the state have to pick up the bill for                  15 that child's therapy and support? And it would send out                  16 a very, very good message, you know, if you've got -- if                  17 you're not worried about the police arresting you, or                  18 you're not worried about going to jail, you might                  19 nevertheless worry that your pension could be at risk,                  20 or your house, because you have to pay a substantial                  21 amount of damages to a child whose images you've been                  22 collecting.</p> <p>23 So we think it's a very good idea.</p> <p>24 Q. On the subject of money, you suggest that there should                  25 be an industry levy that will fund the work of NGOs in</p> <p style="text-align: center;">Page 124</p>

1 this field, like CHIS.  
 2 **A. Mm.**  
 3 Q. Can you explain why?  
 4 **A. Well, because money is short. And there's a huge**  
 5 **asymmetry between the – the resources available to the**  
 6 **big internet companies and the resources available to**  
 7 **civil society organisations like the children's**  
 8 **organisations, who try their best – we miss things all**  
 9 **the time, I'm certain of that, but we try our best to**  
 10 **keep up and make representations and lobby and pressure**  
 11 **and so on. But nobody really wants to invest in**  
 12 **something like, you know, a monitoring and observatory**  
 13 **research-type thing, because it's not very glamorous,**  
 14 **and there is – you won't see any quick results from it.**  
 15 **You know, you might give a project – you might give**  
 16 **money to a project where you can have lots of**  
 17 **photographs of you in schools with smiling children**  
 18 **surrounding about you – surrounding you, and your**  
 19 **company logo, but funding, research, monitoring,**  
 20 **tracking, things of this kind, much less glamorous, much**  
 21 **less immediate, but absolutely necessary, in my opinion.**  
 22 Q. It might be said that if an independent regulator, as  
 23 envisaged in the White Paper, is formed, those sort of  
 24 activities may not necessarily be required anymore  
 25 outside the regulator because the regulator themselves

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1 those bigger platforms, that would be a way of  
 2 reassuring small companies that we're not against  
 3 innovation, but equally, it would be a way of saying to  
 4 them, you know, "Being small doesn't give you a licence  
 5 to just go out and do whatever you want, if it puts  
 6 children at jeopardy. So if you want to be  
 7 a responsible innovator, a responsible tech company,  
 8 here is this enclosed area where you can trial your apps  
 9 or trial your technology before releasing it to the  
 10 wider public".  
 11 Q. Just help us, in practical terms, how the enclosed area  
 12 would work. So there would be protections to make sure  
 13 that children, for example, couldn't sign up to the  
 14 start-up at this point?  
 15 **A. There could be any number of ways of doing it. I mean,**  
 16 **at the moment – Mark Zuckerberg's founding principle,**  
 17 **remember, for Facebook was, "Move fast and break**  
 18 **things", so the great thing for a technology company,**  
 19 **you have a good idea, you want to get it out there as**  
 20 **quickly as possible, get as many customers to sign up**  
 21 **and start using it as you can, and release it Friday,**  
 22 **fix it Tuesday, maybe. Right? That's sort of been –**  
 23 **and in the absence of liability, platform liability,**  
 24 **that's kind of worked up to now, but it has also meant**  
 25 **that bad things have happened.**

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1 will carry them out?  
 2 **A. That will be a great result.**  
 3 Q. You mentioned the concept of sandboxes?  
 4 **A. Mm-hm.**  
 5 Q. You suggest that start-up companies, at least, perhaps,  
 6 in some circumstances, should be required to use them.  
 7 First of all what are sandboxes and can you help us with  
 8 the benefits of their use?  
 9 **A. Yes. So small companies are very voluble in complaining**  
 10 **that a lot of the White Paper, for example, and the –**  
 11 **the ICOs, draft code of practice and things of this**  
 12 **kind, are really all about Facebook, Google, Microsoft**  
 13 **and the big companies and the big platforms, and that**  
 14 **they, the small companies, haven't -- you know, haven't**  
 15 **got the same possibility to experiment and innovate if**  
 16 **they are going to be caught by the same sorts of regimes**  
 17 **that we may be facing in the near future because of the**  
 18 **misbehaviour, as they see it, of some of these bigger**  
 19 **platforms.**  
 20 **So if you had something like a sandbox, which would**  
 21 **be a kind of a sealed-off area of the internet where you**  
 22 **could test your apps and trial different bits of**  
 23 **technology without worrying about potentially attracting**  
 24 **legal liability or being caught up in all of the**  
 25 **regulatory framework that's principally directed at**

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1 **Whereas – so if we introduce these much stricter**  
 2 **rules for the bigger companies and stricter liability,**  
 3 **and so on, you can see how a small company that wants to**  
 4 **recruit children, wants to recruit whoever it might be**  
 5 **to its new app and see how it works, might be – might**  
 6 **want the space where it can do that without being on the**  
 7 **full internet and attracting all of the potential risks**  
 8 **of being out on the full internet, might – might work.**  
 9 **So you could – I'm working with a company at the**  
 10 **moment, actually, who is trying to develop an age**  
 11 **verification system working with schools. So that each**  
 12 **child would have a digital token to say, "Yes, this**  
 13 **person is this age", and so it's okay for them to talk**  
 14 **with or deal with other children of the same age.**  
 15 **Well, you don't want to test that out on the wider**  
 16 **internet, but if you had an enclosed space where you**  
 17 **controlled everybody who was coming into it and saw how**  
 18 **it worked in practice, you could do that without**  
 19 **potentially risking any liability issues that would**  
 20 **otherwise arise.**  
 21 Q. Just one more question on this topic. You suggest in  
 22 your statement, I think, that industry should be able to  
 23 access the UK sex offender register so as to be able to  
 24 ban all of those, or at least some of those, who are on  
 25 it. Can you talk us through that proposal, please?

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1 A. Yes, this is something we raised with the Home Office,  
2 but there was a lot of stuff going on and we didn't  
3 really get any traction.  
4 So going back to my time when I was vice president  
5 of Myspace, in the United States every state has a sex  
6 offences register; okay? And if -- for some reason, in  
7 some states, they have more than one, but these are all  
8 public documents. Some enterprising individuals over  
9 there consolidated all of the sex offences registers  
10 that existed in the United States, and constructed  
11 a single register, and various companies, of which  
12 Myspace was one, would pay them to allow them to get  
13 access to it, because, in the case of Myspace, for  
14 example, they had a rule that said, "If you're  
15 a convicted -- if you're on a sex offences register, you  
16 can't have an account with us", but obviously sex  
17 offenders tell lies and, when we bought into the  
18 database and ran it against our existing members, we  
19 found, depending on which reports you believe, because  
20 I checked this morning again, either 90,000 people were  
21 members of Myspace who were on a sex offences register  
22 and, therefore, shouldn't have been members at all, or  
23 29,000.  
24 I'm not quite sure -- you know, the press reports  
25 were -- vary between 90,000 and 29,000.

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1 EU legislature?  
2 A. Yes.  
3 Q. Can you first help the inquiry, in very broad terms --  
4 A. Yes.  
5 Q. -- on the gist of the draft regulation?  
6 A. Yes, okay. So this regulation addresses messaging  
7 services like WhatsApp and Messenger and things of that  
8 kind.  
9 The effect of the regulation, were it to have gone  
10 through in its original form, would've been to make it  
11 illegal for companies to deploy PhotoDNA or similar  
12 tools to try to detect whether child sex abuse  
13 material -- that hashes were being exchanged -- based on  
14 the hashes that PhotoDNA uses, were being exchanged by  
15 people through those platforms.  
16 This was -- this was a proposal that was going  
17 through the European institutions. We were alerted to  
18 it, we checked it out and found it was true. And we --  
19 Q. Can you help us with the dates?  
20 A. Sorry?  
21 Q. Can you help us with the dates?  
22 A. Well, it's happening now, it's contemporary.  
23 Q. Yes. And you --  
24 A. About six months ago.  
25 Q. Six months ago.

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1 This was -- it was possible to detect them because,  
2 even though they'd lied about their name or they might  
3 have lied about their street address or something of  
4 that kind, there would often be something in there that  
5 connected to their real identity. So, for example,  
6 criminals who create a lot of fake email addresses often  
7 use something that's linked to their real identity or --  
8 or they might give a street address next to where they  
9 actually live. There are lots of ways in which  
10 intelligence software can pick up on these things and,  
11 as I said, in the case of Myspace, we found either  
12 90,000 or 29,000, depending on which reports you read,  
13 people who are on the sex offences register.  
14 Well, we don't think the sex offences register  
15 should be a public document in the way that it is in the  
16 United States, but we do think it should be possible for  
17 it to be made machine readable so that companies, social  
18 media platforms, or any company would be able to  
19 interrogate it to see if there is anybody using their  
20 service who is on that register and, therefore,  
21 shouldn't be using their service.  
22 Q. Can we move on to a different topic?  
23 Looking at paragraph 2.5.2 of your statement, you  
24 mentioned some work that CHIS has done in relation to  
25 a draft ePrivacy Regulation that is currently before the

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1 A. About six months ago, essentially, what I did -- what we  
2 did was we contacted 54 children's organisations in all  
3 parts of the world, and got them to write to the  
4 Commission and the different national governments to  
5 say, "Are you aware that this is one of the effects of  
6 this regulation? We don't think this is a good idea.  
7 Could you think again?"  
8 Now we did that because we had been told by  
9 commission officials that the intention was to get that  
10 regulation through the machinery and into law before the  
11 elections, which are tomorrow.  
12 The effect of our intervention, I'm glad to say, was  
13 to stop that from happening. But it doesn't mean the  
14 issue is dead, all it means is that they'll come back to  
15 it later this year when they've got a new Parliament and  
16 a new Commission.  
17 Now several governments -- and, by the way, the  
18 British Government was on the lead in this within  
19 Europe, so perhaps next week we won't be, but, anyway,  
20 we were in the lead on raising the -- this issue with  
21 the Commission. We got the Irish Government behind us  
22 the Portuguese Government behind us, several governments  
23 behind us. The German Government came behind us, the  
24 French Government, so we were building a good coalition  
25 to try to intervene to stop that from happening.

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1 Since then, we've heard that the German Government  
 2 is having a wobble, so nobody is quite clear about how,  
 3 in the end, this matter will be resolved, but it won't  
 4 be resolved now at least until November of this year, so  
 5 there is another chance to intervene to stop it.

6 Q. Last topic. Moving on to the IWF.  
 7 You were a director of the IWF until 2004; is that  
 8 right?

9 A. Correct.

10 Q. Can you tell us what contact you've had with the IWF  
 11 since then?

12 A. Oh, quite a lot, informally; not formally, since then.  
 13 I did write a history of the IWF for them, five or  
 14 six years ago, but I've had no financial or formal links  
 15 with the IWF for quite a while. But we meet all the  
 16 time.

17 Q. You say in your statement -- and I'm looking at 6.15 to  
 18 6.18 -- that it is a matter of continuing concern that  
 19 the IWF is largely dependent on industry funding?

20 A. Mm-hm.

21 Q. Two questions.  
 22 Why is this a matter of concern? And what practical  
 23 effect do you think that this industry funding has and  
 24 what the -- and what the IWF does or does not do?

25 A. Okay, so they've never named and shamed anybody, to my

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1 refused.

2 And they refused to do so because they said that  
 3 they spoke to the companies concerned privately, and  
 4 resolved the matter. Well, that wasn't a very  
 5 satisfactory outcome, from our point of view. They were  
 6 all fee-paying members of the IWF, so it left the  
 7 suspicion, put it that way, put it no higher than that,  
 8 that if you were a member of the IWF, you got a degree  
 9 of protection from bad publicity.

10 And in my view -- and go back to the Tia Sharp,  
 11 April Jones, murder trials; right? Google gave  
 12 £1 million to the IWF in the immediate aftermath of  
 13 those trials, and I think that shows you the power that  
 14 publicity and public attention can have.

15 And it's not the only example, we've got several  
 16 other examples where naming the company -- and in the --  
 17 by the way, in the government's White Paper, they're  
 18 explicit, they say that naming and shaming is one of the  
 19 weapons that they intend to use in the future regime.

20 Q. Mr Carr, we heard evidence by Ms Hargreaves on behalf of  
 21 the IWF earlier this week, that -- if I may summarise --  
 22 as a matter of policy, the IWF had taken the view that  
 23 in the run of cases it was more effective to engage with  
 24 companies and try to resolve problems in one-on-one  
 25 dialogue with them rather than to name and shame, as it

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1 knowledge. And in my experience, the threat of naming  
 2 and shaming is one of the few weapons that seems to work  
 3 reliably with internet companies.

4 And so it looks -- you know, if you join -- there  
 5 was a specific instance, okay, where this become crystal  
 6 clear.

7 So the IWF did a study on self-generated images, so  
 8 these were images that children had made, apparently  
 9 entirely of their own volition, of themselves engaged in  
 10 sexual activity and then these images were posted onto  
 11 video platforms or internet platforms in some way or  
 12 another.

13 And the IWF identified three companies where these  
 14 images were being hosted, and I think -- well, I think  
 15 it was over two years anyway, it wasn't just a one-off  
 16 it wasn't just one year that these three companies were  
 17 found to be hosting these types of images, I think it  
 18 was over two years.

19 Anyway, so there are we, the children's  
 20 organisations, telling parents to take an interest in  
 21 the sites and platforms that their children visit, so  
 22 that they can be careful to avoid bad places, or that,  
 23 you know, parents should take an interest if they're  
 24 visiting these bad places, and when we asked the IWF to  
 25 name these three sites, these three companies, they

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1 were.

2 A. Mm.

3 Q. Do you have any comment on that approach?

4 A. Well, if the IWF wasn't so dependent on industry money,  
 5 it would be easier to accept that, but the fact is that  
 6 90 per cent of its money comes from industry sources,  
 7 and there's always a suspicion, therefore, that it will  
 8 always weigh in the balance, what its members are  
 9 willing to pay for, before it will decide to do  
 10 something or another. They have trustees, they have all  
 11 these other mechanisms, but because of their dependency  
 12 upon funding from the industry, it's not always obvious  
 13 that they make a decision that the children's  
 14 organisations, at any rate, would be happy with.

15 Q. Would your proposal be that, for example, IWF industry  
 16 funding was replaced by taxpayer funding?

17 A. I can't remember the -- the basis on which IWF draws up  
 18 its budgets, but I think it would -- I think everybody  
 19 would -- I would feel a lot happier if there was some  
 20 insulation -- put it that way -- between the source of  
 21 the money and the kind of budget approval process and  
 22 all of those other things that take place, because that  
 23 would perhaps give them -- allow them to be a bit  
 24 braver.

25 Q. Mr Carr --

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1 **A. Who the money comes from, at the end of the day, as long**  
 2 **as -- IWF is a great organisation, it does fantastic**  
 3 **work, don't get me wrong, we don't -- you know, we don't**  
 4 **fall out, but there are one or two areas where we're not**  
 5 **completely happy, that's really the only point.**  
 6 Q. Mr Carr, those are my questions for you. Just wait  
 7 there for a second.  
 8 **A. Yes.**  
 9 MR KRISHNAN: Chair, panel, any questions?  
 10 THE CHAIR: Ms Sharpling?  
 11 Questions by THE PANEL  
 12 MS SHARPLING: Thank you, Mr Carr. A rather broad question,  
 13 I'm afraid. I wonder what your view is on the state of  
 14 online safety education in our schools?  
 15 **A. Well, we hope, with the introduction of the new kind of**  
 16 **compulsory sex education and relationship education, and**  
 17 **so on, that it will start to improve in the context of**  
 18 **online stuff, because it will be impossible to do that**  
 19 **type of work properly without embracing the fact that**  
 20 **a lot of kids are having sexual or relationship**  
 21 **experiences in the online context.**  
 22 **But the fundamental problem is, and has been for**  
 23 **a long time, that a great many teachers, particularly**  
 24 **older teachers, don't feel very confident themselves in**  
 25 **addressing the environment, because they're not,**

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1 (3.15 pm)  
 2 THE CHAIR: Mr Krishnan?  
 3 MR KRISHNAN: Please could the witness be sworn?  
 4 MR ANTHONY ALAN STOWER (affirmed)  
 5 Examination by MR KRISHNAN  
 6 MR KRISHNAN: Good afternoon, Mr Stower. Could we have your  
 7 full name, please?  
 8 **A. Yes, my name is Anthony Alan Stower.**  
 9 Q. You are the head of child safety online at the NSPCC?  
 10 **A. Yes.**  
 11 Q. You joined the NSPCC in September 2016; is that correct?  
 12 Help us, please, with your responsibilities as the head  
 13 of child safety online?  
 14 **A. So I lead a team of professionals looking at policy and**  
 15 **influencing, where that team looks at the wider**  
 16 **environment in which internet companies operate and**  
 17 **provide their services and how we can improve those to**  
 18 **keep children safer, and we also have a team that**  
 19 **provides advice to parents that improves the**  
 20 **professionals' environment to make sure that**  
 21 **professionals know how to keep children safe online and**  
 22 **also develops innovative projects like Report Remove**  
 23 **that I know you've heard of already.**  
 24 Q. How large is the team?  
 25 **A. We have 13 members of staff in the core team, and**

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1 **perhaps, themselves, regular users of it. Perhaps --**  
 2 **I'm not saying they're older people, necessarily,**  
 3 **because it's -- I mean, there is a correlation between**  
 4 **age and confidence in dealing with the technology, but**  
 5 **it doesn't always work like that. Look at me!**  
 6 **So our concern would be that the teachers are given**  
 7 **the tools and the self-confidence to be able to deal**  
 8 **with these issues properly and thoroughly, and certainly**  
 9 **our experience up to now is too many of them are -- some**  
 10 **are, some are brilliant, they get it, they're regular**  
 11 **users themselves, they know what's happening, but a lot**  
 12 **of them are not very self-confident. So whatever the**  
 13 **curriculum might be, if it's the geography teacher**  
 14 **rushing in to do it for half an hour because nobody else**  
 15 **was available that day, it's not going to be a brilliant**  
 16 **experience.**  
 17 MS SHARPLING: Thank you.  
 18 THE CHAIR: Thank you. We have no further questions. Thank  
 19 you, Mr Carr.  
 20 MR KRISHNAN: Thank you, Mr Carr.  
 21 Chair, shall we have our afternoon break at this  
 22 point?  
 23 THE CHAIR: 3.15.  
 24 (3.00 pm)  
 25 (A short break)

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1 **I should be clear that this doesn't represent**  
 2 **the totality of work that the NSPCC does on online**  
 3 **safety, there are other teams and -- other staff in**  
 4 **other teams across the organisation that also do work on**  
 5 **this.**  
 6 Q. Understood. When was the team formed?  
 7 **A. It was before my time, but I think it was at the**  
 8 **beginning of 2016. Excuse me, 2017.**  
 9 Q. I think you say, Mr Stower, that the NSPCC is a UK-wide  
 10 charity with a history that dates back to the late  
 11 19th century; is that correct?  
 12 **A. That's right.**  
 13 Q. It is funded largely through donations from members of  
 14 the public?  
 15 **A. About 90 per cent of our income comes from members of**  
 16 **the public giving donations or through taking challenges**  
 17 **or through major giving yes.**  
 18 Q. Looking at your paragraph 10, can you summarise, please,  
 19 for the inquiry, the work the NSPCC does as regards  
 20 online-facilitated child sexual abuse, just in headline  
 21 form?  
 22 **A. Certainly, if you just give me one second.**  
 23 **Yes, so we have three broad areas of work, as I said**  
 24 **influencing policy and practice, so that's about**  
 25 **changing the environment in the internet companies in**

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1 particular, but also government and professionals, to  
 2 make online abuse less likely to happen. We provide  
 3 advice and support for parents and other carers and  
 4 that's primarily through our partnership with O2 and we  
 5 also provide support for children, either who may have  
 6 experienced abuse already, or may be at risk of abuse.  
 7 Lots of that works happens through our service centres  
 8 around the country. We have a network of 29 service  
 9 centres where we provide direct support for children.  
 10 And we also run the national helpline and ChildLine,  
 11 where we can provide advice and support for children who  
 12 want to contact us by phone or through web chat or other  
 13 means.

14 Q. Can we start with the first of those headings and then  
 15 we'll move down the list.  
 16 So influencing policy and practice in order to  
 17 prevent online abuse. Can we start with the NSPCC's  
 18 Flaw in the Law Campaign, which you address at  
 19 paragraph 12 onwards of your statement. Could we start  
 20 with the context of the campaign. Can you help the  
 21 inquiry with the law as it stood under section 15 of the  
 22 Sexual Offences Act 2003?

23 A. Of course. All of our policy and influencing work is  
 24 driven by what children tell us. Either that's through  
 25 ChildLine or through our direct services where we're

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1 knew from our contacts with ChildLine, that the act of  
 2 grooming itself could be degrading and humiliating and  
 3 create trauma for children. We also saw a shifting  
 4 pattern of offending where offenders didn't necessarily  
 5 want, or indeed have any desire, to meet children in the  
 6 flesh, in fact they wanted to manipulate them and to get  
 7 them to -- particularly to display sexual activity  
 8 online.

9 Q. Help us with some dates, when was the campaign launched?

10 A. Looking at my notes here, it was in 2014, at the start  
 11 of 2014.

12 Q. Looking at paragraph 14 of your statement, can you help  
 13 us with what the campaign involved?

14 A. So this was prior to my time at the NSPCC. But this was  
 15 a campaign where we intermobilised large numbers of our  
 16 supporters. As well as people who very kindly donate  
 17 money to the NSPCC, we also have a large bank of  
 18 supporters who want to help us take action by changing  
 19 the law to create -- to make it safer for children.  
 20 We asked them to write to their MP, we asked them to  
 21 sign a petition and this is very effective. We also had  
 22 a couple of stunts, I think, where we demonstrated that  
 23 there were many strange things that were illegal in the  
 24 UK; for instance, interfering with salmon and those kind  
 25 of things were illegal, and we had a big fish outfit

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1 providing help and support to children directly.  
 2 And we were made aware through those services, and  
 3 through our conversations with other stakeholders like  
 4 CHIS, that there was a gap in the law. That while the  
 5 police could take action where an offender had groomed  
 6 a child online then gone on to meet them, they were not  
 7 able to step in because there was no criminal offence of  
 8 grooming a child online in the first place. And this,  
 9 as you say, was under section 15 of the SOA 2003.

10 Actually, I -- in a previous career, I was  
 11 an official working on the Sexual Offences Act, and  
 12 I think that's -- the gap there was simply because,  
 13 while that was a review of all of the pre-existing  
 14 sexual offences legislation, we didn't anticipate that  
 15 online grooming would either exist or would reach the  
 16 scale that it has now.

17 Q. Do you know whether this gap had been raised with the  
 18 relevant authorities before the Flaw in the Law  
 19 Campaign?

20 A. I'm afraid I can't tell you.

21 Q. What was the point of the campaign, what was the  
 22 campaign hoping to achieve?

23 A. So we wanted to change the law so that the police could  
 24 have the power to step in and prevent grooming from  
 25 escalating to a contact offence. We thought, and we

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1 that we created for it, but it was still not illegal to  
 2 groom children online. Those kind of things got some  
 3 headlines in the papers and the government became alive  
 4 to the issue, and that's -- we finally got the answer we  
 5 needed at the end of December 2014.

6 Q. You say at the bottom of page 3 of your statement,  
 7 in December 2014, the then Prime Minister,  
 8 David Cameron, announced that the government had given  
 9 way.  
 10 Had there been resistance to introducing an offence  
 11 of this sort?

12 A. I don't think there was. As I said, this was prior to  
 13 my time. I don't think there was policy resistance, but  
 14 it's always difficult for the government to jump  
 15 wholeheartedly on the -- on the wishes of any  
 16 campaigning organisation. They need to have evidence  
 17 that there's a gap to be filled or a change that needs  
 18 to be made, and they also need to have evidence that the  
 19 public are behind it. So we were very grateful to the  
 20 government for accepting the evidence that we took  
 21 forward to them.

22 Q. Help us with the result of the campaign. I'm looking at  
 23 paragraphs 14 and 15 of your statement, if that helps.

24 A. Certainly. So the -- the new section 15A of the Sexual  
 25 Offences Act was --

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1 Q. That was introduced when?

2 **A. That was -- if I remember, the Serious Crime Act was**

3 **introduced -- received Royal assent, I think,**

4 **in April 2015, so that was -- yes, so that had a clause**

5 **that inserted -- or a section, rather, that would insert**

6 **a new section into the Sexual Offences Act, the new**

7 **section 15A, and so we essentially ended our campaign**

8 **in April of that year, in April 2016, because it was --**

9 **because we thought -- excuse me -- April 2015, because**

10 **we thought the campaign had been won at that stage and,**

11 **as with any Bill that becomes an Act, there's then**

12 **a series of commencement orders where various sections**

13 **are brought into force over the course of the next six**

14 **to nine months.**

15 **The introduction of those sections depends on**

16 **training for the relevant professionals on any**

17 **consequential amendments that need to be made and that**

18 **kind of work.**

19 **But it became clear to us, in 2016, that the**

20 **government hadn't taken action, and hadn't -- in fact,**

21 **I think, by 2016, they'd commenced all other parts of**

22 **the Serious Crime Act but not the part that would insert**

23 **this new offence into the Sexual Offences Act, and**

24 **that's when we started our second campaign.**

25 Q. Were you informed by government why there had been

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1 **section 15 and section 15A offences -- so both the**

2 **grooming and the meeting after grooming -- as one**

3 **figure. So we couldn't disaggregate the two different**

4 **offences. That's the reason that we did this.**

5 Q. The first set of FOIA requests were for the first year

6 of section 15A, so 3 April 2017 to 2 April 2018; is that

7 right?

8 **A. That's right, and the new offence was an England and**

9 **Wales only offence. So the offence had already --**

10 **a similar offence had already been introduced in**

11 **Scotland and, I believe, also in Northern Ireland. So**

12 **that first year was for the England and Wales only**

13 **offence.**

14 Q. England and Wales. And 41 out of 44 forces gave a full

15 or a partial response?

16 **A. Correct, and that 44 there covers the 43 territorial**

17 **forces and also the British Transport Police.**

18 Q. The second set of FOIA requests were for the six-month

19 period after the first year, as it were, 3 April 2018 to

20 2 September 2018; is that correct?

21 **A. That's right.**

22 Q. And on this occasion, 39 out of the 43 forces responded;

23 is that correct?

24 **A. Correct, yes.**

25 Q. So on this occasion, you didn't ask the British

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1 a delay in commencing this particular section?

2 **A. There was no proactive conversation that -- instruction**

3 **from the government, whatsoever. In fact, it was our**

4 **policy team that brought it to the fore, and when I went**

5 **in to speak -- in my previous role this was. When**

6 **I went in to speak to the Ministry of Justice about it,**

7 **they told me they had simply forgotten that this was**

8 **a section that still needed to be commenced.**

9 Q. I understand that the NSPCC has conducted some research

10 into the impact of the new law. Can we start with the

11 methodology of the research.

12 Is it right, I think, that the NSPCC sent Freedom of

13 Information Act requests to all 43 police forces in

14 England and Wales asking for three things, I think.

15 First, the number of recorded offences under the new

16 section 15A; is that correct?

17 **A. That's correct.**

18 Q. Secondly, the age and the gender of victims and,

19 thirdly, the means of communication used?

20 **A. That's right. And I should be clear that the reason we**

21 **undertook that work was because the Office for National**

22 **Statistics that publishes the crime survey for England**

23 **and Wales that would ordinarily contain these data was**

24 **not specific enough.**

25 **So it published one -- one figure that included the**

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1 Transport Police?

2 **A. Right.**

3 Q. Other than the response rate, I understand from your

4 second statement, looking at paragraph 8 of that

5 statement, that there were certain limitations in the

6 data that was received. Could you just highlight them,

7 please, briefly?

8 **A. Certainly. So recorded offences is only one measure**

9 **that you can use to measure how frequently an offence is**

10 **occurring. Not least -- I mean, one of the limitations**

11 **is that crimes often go undetected or unreported, and in**

12 **fact we know, as I'm sure the inquiry is well aware,**

13 **that children often don't come forward, either because**

14 **they don't realise that an offence has been committed**

15 **or, indeed, because they don't feel -- they don't trust**

16 **authority.**

17 **So we think this is almost certainly -- if we look**

18 **at the other offences against children, we expect that**

19 **this will be a vast underestimation of the true numbers.**

20 **Police forces use different methods to record data**

21 **and that means that, while there's obviously guidance**

22 **from the Home Office, we can't be sure that all forces**

23 **across the country are using the same standards to**

24 **record data.**

25 **And, of course, that's -- even if the force is doing**

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1 **so, it relies on individual officers, individual**  
 2 **investigating officers, recording in the same way. So**  
 3 **we can't be -- we can't say for certain that this is the**  
 4 **number of offences that have been -- that have been**  
 5 **committed, merely that this is a number by which to**  
 6 **measure the recording.**  
 7 Q. I think the last of the caveats that you mentioned there  
 8 was not all forces recorded information on the platform  
 9 used for the communication and that multiple means of  
 10 communication may be recorded for a single offence?  
 11 **A. That's right, and we know that groomers will move**  
 12 **children between platforms and that they will often**  
 13 **contact children on multiple platforms at the same time,**  
 14 **so that's why it's also worth saying that the numbers of**  
 15 **offences that we talk about here doesn't necessarily**  
 16 **relate to a particular number of victims, the two**  
 17 **numbers are not the same, because one victim may have**  
 18 **many offences recorded against them or, equally, the way**  
 19 **around as well.**  
 20 Q. Moving on from methodology to the actual results, in  
 21 terms of the headline results, first of all, is it right  
 22 that the number of recorded offences under this new  
 23 section 15A, for April 2017 to April 2018 -- so the  
 24 first year of the law -- was 3,171?  
 25 **A. Yes, that's right.**

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1 **I suspect that it's a combination of factors, including**  
 2 **increased prevalence.**  
 3 Q. Can you tell us what you found out about the gender and  
 4 age of victims, looking at paragraph 15 of your first  
 5 statement?  
 6 **A. I will have to consult.**  
 7 **Yes, so we found that girls aged 12 to 15 were**  
 8 **victims of 62 per cent of the offences and children**  
 9 **under 11 were victims of a quarter of them. I mean,**  
 10 **that's quite astonishing. And I find the fact that**  
 11 **children under 11 are being targeted, clearly being**  
 12 **targeted, quite systematically by offenders here is**  
 13 **something I don't think the internet companies have yet**  
 14 **got to grips with.**  
 15 Q. In terms of the method of communication used, you say at  
 16 the end of paragraph 15, for the 2,097 offences where  
 17 police recorded the method used to communicate,  
 18 Facebook, Snapchat and Instagram were used in  
 19 70 per cent of cases; is that correct?  
 20 **A. That's right. The caveat, as you mentioned before, is**  
 21 **that we don't have the method recorded for all of the**  
 22 **offences that have -- that were recorded. But it's**  
 23 **striking that those three -- the three biggest companies**  
 24 **there, the three biggest sites, are the ones who are**  
 25 **attracting, what, 70 per cent of cases, and the others**

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1 Q. And the following six-month time period, April 2018 to  
 2 September 2018, the figure was 1,944?  
 3 **A. That's correct. And those figures were far in excess of**  
 4 **what we expected to discover. So when we first did our**  
 5 **first FOI Act request, we had expected about 1,200**  
 6 **responses in England and Wales, and that's based on the**  
 7 **experience in Scotland. So we extrapolated for**  
 8 **a population the size of Scotland to England and Wales,**  
 9 **but the numbers are far greater and we don't quite know**  
 10 **what the reason for that is, whether that's greater**  
 11 **recording, the increased publicity that we had that**  
 12 **might encourage more victims and survivors to come**  
 13 **forward, or what, but the numbers clearly are quite**  
 14 **shocking.**  
 15 Q. We may be seeing, perhaps, a rise in that number over  
 16 the time period even you have looked at?  
 17 **A. Yes.**  
 18 Q. If we extrapolate that last six-month figure to  
 19 a whole-year figure, we get to 3,888, so a significant  
 20 rise from 3,171, the year before.  
 21 **A. Mm, yes.**  
 22 Q. Any ideas as to what could be behind that increase?  
 23 **A. It's always difficult to tell with recorded offences.**  
 24 **I do hope that it's due to more people feeling confident**  
 25 **to come forward, but we can't be certain of that.**

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1 **tail off quite quickly, so the other services have very,**  
 2 **very small numbers in comparison.**  
 3 Q. Has there been any engagement between the NSPCC and  
 4 these three particular platforms to try and understand  
 5 why, on the basis of this data, at least, they seem to  
 6 be used more than others?  
 7 **A. Yes, so we have regular and quite robust conversations**  
 8 **with these companies, in particular Facebook and**  
 9 **Instagram. The answer is that these companies will not**  
 10 **tell us any detail behind this, they won't tell us**  
 11 **whether they recognise these numbers, they won't tell us**  
 12 **whether they were made aware by victims of any of these**  
 13 **cases. They won't tell us what they're doing to combat**  
 14 **them in the first place either.**  
 15 Q. Have they said why they won't tell you these things?  
 16 **A. Well, the answer that they always say is that the**  
 17 **numbers that they produce would be meaningless without**  
 18 **the context. That's -- it's always convenient that --**  
 19 **we get that excuse put forward quite a lot, but then, on**  
 20 **their own terms, they often come out then with other,**  
 21 **large meaningless numbers a few weeks later.**  
 22 **It's striking this always happens on their own**  
 23 **terms. Your previous witnesses -- witnesses have talked**  
 24 **about the need for transparency. There's no way for any**  
 25 **organisation to hold these companies to account, because**

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1 **everything is done on their own terms. They publish the**  
 2 **transparency reports that work for them, not for the**  
 3 **users and not for children.**  
 4 Q. Can you help us specifically with, in the transparency  
 5 reports that Google and Facebook and others publish,  
 6 where they fall short, in your view?  
 7 **A. Certainly. So the first transparency reports that**  
 8 **Google put forward, that covered, I think, YouTube and**  
 9 **all of their other services, made almost no mention --**  
 10 **in fact, no substantive mention at all about child**  
 11 **sexual abuse on their platforms, despite the headlines**  
 12 **that we have seen where these cases do happen.**  
 13 Your previous witness talking about the 8.7 million  
 14 images that Facebook say they removed in one quarter of  
 15 last year. We have no metrics around, what of those  
 16 images were illegal, how many of those images were seen  
 17 for any considerable period, when those images were  
 18 uploaded in the first place, and whether any of them  
 19 were even -- whether any of them were offensive or not.  
 20 The crucial point is, here, that they are deciding  
 21 what to be transparent about and they are deciding when  
 22 to put these reports out and that makes it completely  
 23 impossible for any parent, or indeed any child, to  
 24 compare the services and make an informed choice.  
 25 Q. Anticipating something we'll come back to later on,

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1 **children and other users in the development of those**  
 2 **services and what action was taken as a result.**  
 3 Q. What is your response to the concern you say that  
 4 industry has raised that numbers without context may  
 5 give a misleading picture?  
 6 **A. Well, I'm sure that's true. So the answer here is**  
 7 **probably not to have large amounts of information put**  
 8 **out meaninglessly by the big companies themselves, but**  
 9 **instead to provide them to an intelligent regulator that**  
 10 **can sort through them, that can provide context and that**  
 11 **can meaningfully compare. Of course, those data that**  
 12 **are provided to the regulator should then drive the**  
 13 **interventions that the regulator itself makes.**  
 14 Q. We've talked about the Flaw In the Law Campaign. Can we  
 15 move to the Wild West Campaign, which you address at  
 16 paragraph 19 onwards of your statement.  
 17 Before we turn to the campaign itself, can we again  
 18 put it in some context.  
 19 You express the view on behalf of the NSPCC that the  
 20 self-regulatory system, you say, is "wholly inadequate  
 21 in order to protect children from online-facilitated  
 22 abuse".  
 23 Can you summarise why the NSPCC takes that view?  
 24 **A. Certainly. Self-regulation has been an utter failure to**  
 25 **protect children from online abuse. Even on its own**

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1 you'll have seen that under the Online Harms White Paper  
 2 there's a proposal for an independent regulator to have  
 3 information-gathering powers.  
 4 Can you help the inquiry with what sort of data or  
 5 metrics, in your view, this regulator needs to gather in  
 6 from internet companies to be able to do its job  
 7 properly?  
 8 **A. Certainly. So there was some base level -- base issues**  
 9 **that we would want any company to be transparent about,**  
 10 **and that would include things like the number of**  
 11 **moderators that they have, their types of content that**  
 12 **they take down, the number of reports they get, how many**  
 13 **reports they get from children, what action they take on**  
 14 **those reports, how quickly they take action and what the**  
 15 **outcome is.**  
 16 John, the previous witness, talked about images.  
 17 That's absolutely something that we would expect to hear  
 18 more about. But there's -- so those are our base level  
 19 of expectation.  
 20 There are higher -- there should be higher  
 21 expectations for more risky services. So we should  
 22 expect the regulator to step in and demand to see all of  
 23 the records about the development and delivery of new  
 24 services, the risk assessments that were taken, what  
 25 understanding that the companies had about the risk to

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1 **terms, of helping companies take action and helping**  
 2 **companies to improve, it hasn't -- it's done almost**  
 3 **nothing. When you look at the number of grooming**  
 4 **offences under their Flaw In the Law -- following the**  
 5 **Flaw In the Law Campaign, we see just over 5,000, at**  
 6 **least offences that we've seen in the last 18 months/2**  
 7 **years. It isn't working to stop those.**  
 8 When we see the trading of child sexual abuse  
 9 imagery across the internet, as previous witnesses have  
 10 talked about, self-regulation isn't stopping any of  
 11 that.  
 12 When we see things like the proliferation of  
 13 bullying and self-harm imagery, self-regulation is not  
 14 stepping in to prevent any of that being shared.  
 15 It's clear that these companies won't take the  
 16 action that's needed until somebody forces them to.  
 17 Q. When you say that "self-regulation has been an almost  
 18 total failure" --  
 19 **A. "A total failure".**  
 20 Q. "A total failure", forgive me. Can I test if that's  
 21 fair? Because industry might say, for example, "Without  
 22 any regulation whatsoever, we banded together to create  
 23 an institution like the IWF, we've created technologies  
 24 like PhotoDNA, latterly we've engaged in transparency  
 25 reporting", and so forth. So these are all voluntary

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1 measures, as it were, in the absence of any regulation.  
 2 In light of that, can you really say that  
 3 self-regulation has been a total failure?  
 4 **A. So they are all good measures that the industry has**  
 5 **brought forward, but please don't be fooled into**  
 6 **thinking that they are doing this out of the goodness of**  
 7 **their hearts. These measures almost -- I mean, in**  
 8 **almost every case come forward because of an outrage**  
 9 **about abuse that's going on on people's platforms. When**  
 10 **we saw earlier in the year, we saw the tragic**  
 11 **Molly Russell case, Instagram only took action to put**  
 12 **abuse imagery behind sensitivity screens after the NSPCC**  
 13 **and the Mollie Rose Foundation raised an incredible**  
 14 **noise in the press about it. When we saw last year on**  
 15 **YouTube paedophiles were using the comments function**  
 16 **underneath seemingly innocent videos of young girls, in**  
 17 **particular, exercising and talking -- the paedophiles**  
 18 **were talking in these comments sections about what they**  
 19 **would like to do to these young girls and talking about**  
 20 **how to abuse them. Google and YouTube didn't take any**  
 21 **action until organisations like the NSPCC and others**  
 22 **raised these in the press.**  
 23 **So at the moment we're relying on regulation by**  
 24 **outrage and forcing these companies to take action. We**  
 25 **shouldn't have to take that, instead these companies**

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1 and I should say that we are strong supporters of the  
 2 IWF, they're a strong partner to us in various projects  
 3 in which we take part.  
 4 However, law enforcement witnesses to this inquiry  
 5 have already talked about how large numbers of offences  
 6 are in relation to images that we already know about,  
 7 that are in circulation where we have identified victims  
 8 in many cases. But still, because they are circulating  
 9 so freely, offenders are able to get easy access to them  
 10 and continue to break the law.  
 11 The companies need to take stronger action to remove  
 12 those images. There's no point putting them on a hash  
 13 list if in fact they're still able to be circulated  
 14 through encrypted chat, if they are still able to be  
 15 uploaded at will. So it's not good enough just to have  
 16 IWF and Project Arachnid hashing these things, they need  
 17 to be taken down across the internet.  
 18 Q. Can we turn now to the Wild West Campaign itself. Just  
 19 very briefly, when was it launched and what did it  
 20 involve?  
 21 **A. Yes, the Wild West Campaign was a way for us to parcel**  
 22 **together the asks that we had been making of the**  
 23 **government in relation to changing the law to keep**  
 24 **children safe online. I can't remember off the top of**  
 25 **my head when we launched it, I suspect it was at the**

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1 **should be forced to think very carefully about their**  
 2 **services, think very carefully about the actions of**  
 3 **their users and about what their responsibilities are to**  
 4 **make sure that children are safe.**  
 5 Q. Can we --  
 6 **A. Also, one more point, I should of course have said.**  
 7 **That those actions by the large companies are good, so**  
 8 **we do applaud them when they take action and try and**  
 9 **celebrate them, but they're not consistent amongst all**  
 10 **of the platforms. So I've talked earlier on about how**  
 11 **groomers will move children between platforms, they'll**  
 12 **often move them to platforms that are smaller, that are**  
 13 **more difficult for law enforcement to get into,**  
 14 **particularly those that are encrypted. Unless we have**  
 15 **regulation where parents and children can expect a base**  
 16 **level of protection across these networks, then we will**  
 17 **continue to see pockets where companies can refuse to**  
 18 **take part in these kind of self-regulatory measures and**  
 19 **refuse to take any action whatsoever.**  
 20 Q. Can I ask you about one specific criticism that you've  
 21 made. You say at paragraph 30 that the efforts of  
 22 industry to remove illegal images and videos have been  
 23 "lacklustre and ineffective". Can you explain why you  
 24 say that?  
 25 **A. Certainly. This is in the context of work with the IWF,**

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1 **start of 2017. But I'm happy to come back to you on**  
 2 **that particular point.**  
 3 **We called it the Wild West Web Campaign because**  
 4 **there was a feeling -- indeed, I think it was said by**  
 5 **Matt Hancock, who was then the culture secretary, that**  
 6 **there was a sense of the Wild West on the internet, so**  
 7 **we were having a bit of fun with that.**  
 8 **The point of it was that we were trying to get**  
 9 **across that there's very little regulation on these**  
 10 **platforms, and the government had a chance to step in**  
 11 **and be the sheriff in the old west who brought law to**  
 12 **essentially an unregulated space. What we did there was**  
 13 **get together some case studies, we brought together our**  
 14 **policy thinking and we mobilised our supporters to write**  
 15 **to their MP and to write to the culture secretary**  
 16 **telling him what we wanted to see out of the upcoming**  
 17 **green paper.**  
 18 **Moving along the narrative to the Online Harms White**  
 19 **Paper, are you able -- notwithstanding that it's still**  
 20 **out for consultation -- to give the NSPCC's headline**  
 21 **view on it, at least?**  
 22 **A. Certainly. We are extremely pleased that the government**  
 23 **has moved in the right direction, and the plans, in**  
 24 **particular, for an independent regulator that will**  
 25 **impose the duty of care to protect users on the internet**

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1 companies.

2 I think this is the step that we've been waiting

3 for, this step that children have been waiting for and,

4 crucially, that other countries around the world are

5 looking to introduce as well. There's many countries

6 that are watching where we go with this very keenly.

7 That said, there are some areas where we still need

8 to do some work with the government to understand

9 a little bit more clearly how it will all fit together.

10 One of those is about sanctions. Now, we are not

11 particularly interested in the regulator imposing

12 massive fines on companies, what we're interested in is

13 creating culture change within the companies to make

14 sure that the duty of care is really understood by

15 everyone who works on products and services.

16 So that's one of the reasons we're really interested

17 in a regime analogous to the senior managers' regime in

18 financial services, where senior managers are expected,

19 indeed required, to have a strong understanding of their

20 products and services, the impact on users and the risks

21 associated with those. And, if they don't, and if they

22 should have been and have not taken action to protect

23 consumers then there are strong personal penalties

24 attached to that. So we want to understand where the

25 government wants to go on that.

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1 countries can follow our lead, and we can finally make

2 children safe across the world.

3 Q. Can we move on briefly in the time we have left to --

4 there's two other roles that the NSPCC plays in this

5 field. At paragraph 22 onwards I think you say that the

6 NSPCC provides support to children who may have

7 experience or may experience abuse online. This is

8 through the ChildLine service; is that correct?

9 A. That's right. ChildLine was set up as an independent

10 charity but is now part of the NSPCC, and we provide

11 a 24/7 way for children to contact us about any issue

12 that they may have.

13 Q. You say at paragraph 24 that in 2017 to 2018 there were

14 over 2,200 counselling sessions about sexual abuse

15 online?

16 A. Yes, that's right.

17 Q. Can you help us with how that compares against

18 counselling sessions in general on other topics?

19 A. I'm afraid I haven't got the figure off the top of my

20 head; I'm quite happy to write to the panel. I do know

21 that the figures there are an increase on previous years

22 and the trend is certainly upwards.

23 This relates back to John Carr's point in the

24 previous session about how children increasingly live

25 their lives online and don't really see a distinction

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1 Equally, we have got a question about how the codes

2 of practice that were envisaged in the White Paper, in

3 particular on child sexual exploitation and abuse, how

4 that will fill together with the overarching duty of

5 care. We don't want there to be any sense that

6 a company has met its obligations by simply going down

7 the tick list on the code of practice and saying, "Well,

8 we've done that, we've done that, we've done that." We

9 need, instead, to completely change the culture in these

10 companies, to make sure that they understand that

11 everybody has a responsibility to the users, not just

12 those in compliance who are doing that tick list.

13 Q. In light of the global nature of these companies, as we

14 have heard about at length, how realistic is it, do you

15 think, that a UK-based regulator will succeed in

16 effecting a culture change of the kind that you'd like

17 to see?

18 A. Well, it's a challenge, nobody has done this before.

19 But we think there is a massive opportunity. We are one

20 of the biggest markets for these big -- particularly the

21 large companies. As I said, if we get this right, we

22 know that New Zealand, Australia, Canada and various

23 other countries, that are also big, English-speaking

24 markets, will follow us.

25 It's important that we do this so that other

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1 between online and offline. So the figure there was

2 based on our ChildLine counsellors coding the sessions,

3 coding each counselling session, as it happens, so they

4 will note down the main subject of the child's concern

5 and, indeed, any sub-concerns as well. So the child may

6 well not have said that this is a particular call or

7 a particular web chat about online abuse, but that will

8 be what the counsellor noted it down as.

9 Q. Looking at your paragraph 26 onwards, you say, is it

10 right, that the NSPCC also provides advice and support

11 for parents and carers. Can we just take one example of

12 that, Net Aware app, just very briefly could you

13 describe what the app does?

14 A. Certainly. So this is a service that started out as

15 a web page, it's now a web page app and, indeed,

16 an Alexia Skill, I think, as well. The point of this is

17 to provide parents and carers with information about the

18 apps, sites and games that children use. So we look at

19 the top sites apps and games that children are

20 interested in, we ask parents and carers what they think

21 about them, we ask children what they enjoy about them

22 and we also have some expert advice in there as well

23 about things to watch out for and how to change your

24 settings to keep children safe on each of those.

25 I think there's about 42 or 43 app sites and games

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1 **on there at the moment, and we'll been increasing that**  
 2 **number with a refresh later on this year.**  
 3 Q. On education in schools, just one topic in the time  
 4 available.  
 5 I understand that the NSPCC made a submission to the  
 6 government's consultation on the teaching of  
 7 relationships and sex education and relationships  
 8 education in schools. Can you summarise in a nutshell  
 9 what's the NSPCC's submission concerning online CSA in  
 10 particular?  
 11 **A. So we are very interested in work in the space. It's**  
 12 **incredibly important, as our submission made clear, that**  
 13 **online abuse and online safety is an integral part of**  
 14 **RSE and RE lessons, and that applies equally to primary**  
 15 **age and secondary age pupils.**  
 16 **So we asked for this to be a central part of the**  
 17 **curriculum, and we're really pleased the government has**  
 18 **moved on that. The question for us is quite how that**  
 19 **gets it implemented, so there's going to be a pilot**  
 20 **phase from September this year. As John Carr, your**  
 21 **previous witness, talked about, it's important that**  
 22 **teachers feel confident to do this in a way that is**  
 23 **understandable to children. Some of these issues are**  
 24 **extremely difficult to talk about, so that's why we**  
 25 **continue to provide advice through UKCCIS and through**

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1 At paragraph 13, she says that CRI's work primarily  
 2 relates to the children in south-east Asia who are  
 3 sexually exploited, including children who are abused,  
 4 and then become the subject of child sex abuse imagery  
 5 online. She says that CRI advocates for justice for  
 6 these child victims.  
 7 At paragraph 14, she says that CRI carries out,  
 8 among other things, casework. It has a network of  
 9 specialised lawyers in countries where the abuse takes  
 10 place, as well as in countries where the perpetrators  
 11 originate. CRI can assist children from anywhere in the  
 12 world in order to take on cases.  
 13 She says that, at the moment, CRI is involved in  
 14 legal cases in the UK, France and Australia.  
 15 At paragraph 36, under the heading "Childhood  
 16 Exposure to Pornography Online", Professor Binford says  
 17 the UK has established itself as a leader by the passage  
 18 of the Digital Economy Act 2017, the first  
 19 age-verification law in any democratic nation state.  
 20 At paragraph 42 she says that the research compels  
 21 the need to limit children's exposure to pornography and  
 22 the internet, and that it is critical that IICSA defend  
 23 the need for and support the successful implementation  
 24 of the age verification component of the 2017 Act.  
 25 At paragraphs 53 to 54, Professor Binford says this

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1 **the PSHE Association, and indeed ourselves, to teachers,**  
 2 **parents and carers on this.**  
 3 MR KRISHNAN: Those are my questions for you, Mr Stower.  
 4 Can I please check with the chair and panel whether  
 5 they have any questions?  
 6 THE CHAIR: No, we have no questions. Thank you very much,  
 7 Mr Stower.  
 8 MR KRISHNAN: Thank you, Mr Stower.  
 9 Statement of PROFESSOR W. WARREN H. BINFORD (read)  
 10 MR KRISHNAN: Chair, I have a short amount of reading to do  
 11 just to finish up today, one short statement.  
 12 This the statement behind your tab 8, the statement  
 13 on behalf of Child Redress International. It's dated  
 14 25 April 2019. It's given by Professor W. Warren H.  
 15 Binford.  
 16 At paragraph 1, the professor explains that she  
 17 makes her statement in her capacity as a trustee of  
 18 Child Redress International.  
 19 At paragraph 4 she explains that she is a Professor  
 20 of Law and a Director of the Clinic Law Program at  
 21 Willamette University College of Law in Salem, Oregon,  
 22 in the United States, and that she is widely published  
 23 in the field of children's rights, among other fields.  
 24 At paragraph 11 she says that CRI was founded  
 25 in December 2014.

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1 regards the Online Harms White Paper, that CRI is  
 2 encouraged by it but, firstly, is concerned with the  
 3 conflation of child sex abuse with terrorism throughout  
 4 the document.  
 5 Secondly, would call for companies that facilitate  
 6 child sexual abuse, including information technology  
 7 companies and to those within the financial sector to be  
 8 responsible in law.  
 9 Thirdly, would endorse a mandatory reporting law for  
 10 companies.  
 11 At paragraph 63 to 64, and 67 to 68, she describes  
 12 the working of Project Arachnid about which, chair,  
 13 you've already heard in these hearings.  
 14 At paragraph 69, she says that notices are issued to  
 15 electronic service providers (ESP), ESPs, on an ongoing  
 16 basis as material is detected through Project Arachnid.  
 17 She explains that there are a variety of responses to  
 18 the notices that are issued. Certain ESPs remove  
 19 material within minutes, but the least responsive take  
 20 on average almost two weeks to remove material.  
 21 At paragraph 70 to 71, she mentions difficulties in  
 22 getting CSAM removed from certain hosting services.  
 23 At 73 to 76, she makes a distinction between where  
 24 child sexual abuse material is found, depending on the  
 25 age of the children.

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<p>1 So far as material relating to prepubescent children                  2 are concerned, she says the large volume sits on the                  3 open web but in encrypted archives with the encryption                  4 keys on the dark web. These encrypted archives can't be                  5 detected by industry using realtime scanning techniques.                  6 In contrast, she says that child sexual abuse                  7 material relating to older children is often found in                  8 more public forums and less covert areas of the                  9 internet. She says that images may be found on adult                  10 pornography websites.                  11 She gives an example whereby 60 variations of                  12 an image of a pubescent victim were posted to 538,729                  13 unique URLs and 99 per cent of those URLs were found on                  14 adult sites.                  15 Chair, that concludes the evidence for today.                  16 THE CHAIR: Thank you, Mr Krishnan.                  17 That concludes today's hearing; we'll reconvene on                  18 Friday.                  19 MS CAREY: On Friday, at 10.30. Thank you very much.                  20 (4.00 pm)                  21 (The hearing adjourned until                  22 Friday, 24 May 2019 at 10.30 am)                  23                  24                  25</p> <p style="text-align: center;">Page 169</p>	<p>1 I N D E X                  2 MR CHRISTIAN PAPALEONTIOU (sworn) .....1                  Examination by MS CAREY .....1                  3 Questions from THE PANEL .....86                  4 MR JOHN ADAM CARR (affirmed) .....91                  Examination by MR KRISHNAN .....91                  5 Questions by THE PANEL .....137                  6 MR ANTHONY ALAN STOWER (affirmed) .....139                  Examination by MR KRISHNAN .....139                  7                  Statement of PROFESSOR W. WARREN H. ....166                  8 BINFORD (read)                  9                  10                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p> <p style="text-align: center;">Page 170</p>

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