



# Functional Governance Standard Operating Procedure

## Standard Operating Procedure on ANVIL Categorisation of Child Exploitation Material

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## Disclosure and classification

This document is classified UNCLASSIFIED and is intended for internal AFP use. Disclosing any content must comply with Commonwealth law and the AFP National Guideline on information management.

## Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979 \(Cth\)](#).

This document is a functional governance instrument as defined under s.4 of the [AFP Commissioner's Order on Governance \(CO1\)](#).

## Definitions

Reasonable persons	A phrase frequently used in criminal law to denote a hypothetical person in society who exercises average care, skill and judgement in conduct. Serving as a comparative standard for determining liability.
MD5 hash	an algorithm that is used to verify data integrity through the creation of a 128-bit message digest from data input that is claimed to be as unique to that specific data as a fingerprint is to the specific individual.
Two parse	When data has been reviewed and allocated the same category by at least two people. Note 'one parse' is when data has only been reviewed and allocated a category by one person.

## Introduction

The Australian National Victim Image Library (ANVIL) was established as a national reference library of Child Exploitation Material (CEM). The library acts as a central repository for any CEM.

The Child Exploitation Tracking system (CETS) is Microsoft developed software which forms the database that constitutes ANVIL. CETS is the underlying technology collection which aids in the categorisation, storage and collation of CEM.

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## Purpose of ANVIL

- provide improved ability to identify children at risk
- reduced exposure of practitioners to CEM
- provide an enhanced ability to collate and analyse CEM.

## Purpose of ANVIL schema

- enable reliable and uniform assessment of material encountered by Australian authorities
- provide a broad description of the activity depicted in material on a consistent basis.

## Origins of ANVIL schema categories

The categories in the ANVIL schema are broken into two types, illegal and legal. Categories 1 to 6 are CEM and therefore illegal, while categories 7 to 9 are not CEM and are legal.

Categories 1 to 5 directly correlate to the *Oliver* scale which is utilised by and familiar to the Australian judicial system. The *Oliver* scale is a condensed version of the COPINE scale. The COPINE scale is a ten point scale developed by the Combating Paedophile Information Networks in Europe (COPINE) project. The COPINE scale was originally developed for therapeutic psychological purposes, not for use in court. In 2002, the United Kingdom Court of Appeal in *R v Oliver*<sup>1</sup> established a means of classifying child pornography images into levels of seriousness for sentencing purposes. The United Kingdom Sentencing Advisory Panel (UK SAP) has reviewed and maintains the same scale, consequently it is known as the SAP scale.

Category 6 is material featuring any of the activities described by Categories 1 to 5, however it is material which is not (or does not appear to be) a genuine photograph and/or feature a real child.

Category 7 is material which is directly connected to the exploitation of a child, yet the possession or production of the material in itself is not illegal. This material may be considered aggravating in nature and can be useful for investigators and Courts to assess the accused's sexual interest in children.

Category 8 and 9 are included to enable the proportionality of an offender's collection to be established. Further, these categories permit material not of interest to Police to be efficiently excluded.

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<sup>1</sup> (2003) Crim LR 127

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## CEM principle of the ANVIL schema

The overarching principle for images categorised as CEM is that each individual item must fit the definition of CEM within the Australian jurisdiction.

CEM is defined in both State and Commonwealth legislation, however between these jurisdictions there are a number of variations. The major variance is the age limit for a person to be considered a child for CEM. This varies between 16 and 18.

To achieve a nationally applicable schema, for the purposes of the ANVIL schema a child is considered to be 16 years and under. This principle has been ratified by the ANZPAA CPWG.<sup>2</sup>

The use of this principle has some practical basis as well. Regardless of gender, once a person reaches the 16 years of age range, it becomes increasingly difficult for accurate assessment of age from an image, as the onset of puberty causes the development of physiological traits with adult appearance.

The golden rule when assessing the age of a depicted person is:

**If in doubt as to the age of the person depicted, assign the appropriate non illegal category.**

Whilst there are other differences in the definitions of CEM between jurisdictions, a common thread exists, that is: material that depicts a child engaged in a sexual pose or activity, or the sex organs or anal region of such a person, in a manner that reasonable persons would find offensive.

All items falling within the ambit of categories 1 to 6 inclusive must be capable of meeting the definition of CEM within their right. Assessors must practise the reasonable person test principle when assessing material, not only in determining if the depiction is offensive but also in relation to particular characteristics of an item.

## Assessment of Child Exploitation Material

The assessment of material should be viewed as a two-step process. Firstly determine if the material meets the definition of CEM or not. Once this assessment is made, then select the category which best describes the activity depicted in the item.

It is essential to establish the nature (sexual or otherwise) of the item as this forms one of the base considerations for determining which category is most applicable.

<sup>2</sup> ANZPAA CPWG – Australian New Zealand Police Advisory Agency Child Protection Working Group (formerly CPC – Child Protection Committee) which comprised of representatives from all Australian law enforcement agency teams involved in the crime type.

## **Assessment of still images**

Each still image should be assessed on its own merits as much as possible – i.e. the age of the person/s, the activity/sex act depicted, and the context. This does not preclude using prior knowledge of the content of the image to age the person/s. For example, the assessor has viewed a series of images, and has come to an age determination in some of the images, whilst other images belonging to that series may be less clear in terms of age.

An image which forms part of a series should be categorised according to what is depicted in that individual image regardless of what might occur prior or after that image in the sequence. For example, a series of images may depict a child fully dressed, undressing, then being subjected to sexual intercourse with an adult. Thus the images in which the child is fully clothed would be category 7 whilst those depicting the sexual intercourse would be category 4. This is based on the premise that an offender can possess between one and all of the images in a series, but does not have to have all of the series to view an individual image.

If a still image contains a number of small different images each of which depicting a different activity, then the entire large image is categorised by the highest category contained within it. For example, a large image which contains four small images three of which depict activity appropriate for category 2 while the fourth image depicts an activity appropriate for category 4, then the large image would be categorised as 4. This is based on the premise that when viewing a still image, the entire image is opened for viewing by a computer and the user is unable to specify which portion to open (i.e. all or nothing.)

## **Assessment of videos**

Each video should be assessed on its own merits as much as possible – i.e. the age of the person/s, the activity/sex act depicted, and the context. This does not preclude using prior knowledge of the content of the video to age the person/s. For example, the assessor has viewed a series of videos, and has come to an age determination in some of the videos, whilst other videos belonging to that series may be less clear in terms of age.

A video may depict a sequence of events each of which are appropriate for a different category. For example a video may depict a child fully dressed, undressing then being subjected to sexual intercourse with an adult. In such cases, the video is assigned the highest category of those activities depicted. Thus the video in the example would be assigned the category of 4. Similarly if the video was a compilation of shorter videos depicting a number of different victims it would be assessed according to the highest category activity depicted in it. This is based on the premise that when opening a video for viewing, the entire video is opened for viewing by a computer irrespective of which portion the user may actually wish to view (i.e. all or nothing.)

## **Conflicting assessment of material**

The CETS database contains a built in quality assurance process to detect the instances in which the same item of material has been parsed by two assessors but allocated two different categories.

The quality assurance process (known as category conflict) flags the item for review by a third party, usually a member of the Applied Technology Team. That member will then review the item and make a final binding assessment. Assessors may liaise with the Applied Technology Team whilst conducting assessment of material for guidance or advice.

### **Retention/correction of category assessments**

ANVIL will retain the category assigned to each individual item of CEM submitted, in addition to other relevant data such as hash values, EXIF data. However, for categories 8 and 9 only the hash value of the item along with the assigned category is retained.

There are numerous instances which will generate a requirement to alter the categorisation of an item such as:

- confirmed identification of persons depicted
- additional material uncovered enabling more accurate age determination
- category determination by a Court on a specific item
- case law.

Alterations to the category assigned to an item can be performed by the ANVIL team or a nominated specialist area. The alteration will only be carried out after provision of grounds substantiating/validating the correction sought. The grounds will be recorded in the system.

## **Distribution of ANVIL data**

Once a month the Applied Technology Team makes an MD5 hash list available. This list contains the MD5 hashes of all two parse verified images and videos that are stored in CETS.

## **Category Description**

Each item needs to be capable of being described (and prosecuted) based on the category into which it falls. Remember that it is not always the case that a category 2 item is more “serious” than a category 1 item and so on.

[Annex A](#) provides a basic outline of the categories. There will be instances in which a more detailed description of each category will assist and this is provided below.

It is important to realise that the categorisation process is subjective and that there may be occasions where different points of view could lead to different categorisation.

The categories are intended as a broad descriptor for the activity of content featured in an individual item.

### **Category 1: CEM - No sexual Activity**

Images of children which are likely to cause offence to a reasonable adult, but where there is no actual sexual activity taking place. There is no specific requirement for nudity or for a particular

focus on, or attention to the genitals; however the image must be sexually suggestive or sexual in nature.

Images or videos can include:

- children in non-age appropriate underwear
- children handling sex toys in a sexually suggestive manner
- fully or partially clothed children posing in a sexually provocative manner
- children urinating may fall into this category unless it is considered humiliating or sexual then it is category 5
- two or more children posing provocatively but not engaging in any manner with each other
- children striking crudely sexually inviting poses, such as lying on their backs with their legs spread, crouching with their buttocks displayed towards the camera, or stretching their underwear away from their body so as to invite attention to areas concealed by the underwear<sup>3</sup>
- girls wearing clothing that is not only age-inappropriate but unlikely to be worn by adult women except for the purposes of appearing sexually provocative, and striking poses that, while not so crudely sexual as those mentioned above, would certainly be interpreted in adult women as conveying a sexual message<sup>4</sup>
- an image which aside from what appears to be seminal fluid on a child would be a category one, however there is no obvious source in the image (i.e. no penis is visible.)
- a cropped or altered version of a nudist or naturalist image of children, in which the changes create a sexually suggestive image. Irrespective of the category assigned to the original image
- 'upskirt' or surreptitiously taken images of a child which is sexually suggestive or sexual in nature

Not included in this category are:

- children in non-illegal poses which form part of a sequence of images in which the child depicted goes on to pose provocatively. This is category 7
- nudist or naturalist images of children in which there is no sexual activity or sexual nature. This is category 7
- images of naked children which would NOT cause offence to a reasonable adult such as young children in the bath or playing on the beach. This is category 7
- family album images: children in age-appropriate clothing engaging with the camera in appealing but not necessarily sexual poses. This is category 7<sup>5</sup>
- model portfolio images: children in age-appropriate clothing in mildly provocative poses that might be included in a portfolio of photographs of a child for whom work as a child model is being sought—images not dissimilar to what might appear in a department store catalogue, but slightly spiced up in order to get the child noticed. This is category 7<sup>6</sup>
- child beauty contests: children (usually girls) in age-inappropriate clothing (and possibly make-up) striking adult poses, but within the limits of what appears to be acceptable in

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<sup>3</sup> R v Alexandro Silva [2009] ACTSC 108

<sup>4</sup> R v Alexandro Silva [2009] ACTSC 108

<sup>5</sup> R v Alexandro Silva [2009] ACTSC 108

<sup>6</sup> R v Alexandro Silva [2009] ACTSC 108

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children's beauty contests in the United States as shown on Australian television screens. This is category 7.<sup>7</sup>

### **Category 2: CEM - Solo/sex act between children**

Sexual acts between children only with no part of the body being penetrated and the solo masturbation by a child. This includes a child penetrating themselves in the act of masturbation.

Images or videos can include:

- children of either gender masturbating using a sex toy or digital self-penetration
- two or more children fondling each other's genitalia, breasts or other body parts
- mutual masturbation by males in which no penetration occurs
- mutual masturbation by females in which no penetration occurs
- the rubbing of bodies together in a sexual manner
- two or more children posing provocatively with or in relation to each other
- the presence but no participation or any physical contact by an adult.

Not included in this category are:

- masturbation of a child by another child in which vaginal and/or anal penetration occurs. This is category 4
- any participation by an adult. This is category 3.

### **Category 3: CEM – non-penetrative adult/child**

Images in this category feature adults with a child involved in any sexual activity taking place, however the sexual activity must be non-penetrative.

Images can include:

- adult/s of either gender fondling the genitalia, breasts or other body parts of a child/children
- a child fondling the genitalia, breasts or other body parts of an adult/s
- the rubbing of bodies together in a sexual manner
- mutual masturbation by males in which no penetration occurs
- mutual masturbation by females in which no penetration occurs
- children observing (but not participating) adults engaged in non-penetrative sexual activity
- what appears to be seminal fluid on a child where the source is evident such as an ejaculating penis in the image
- physical contact of a sexual nature such as holding the legs apart exposing the genitals of a naked child or kissing.

Not included in this category are

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(COMMONWEALTH)

<sup>7</sup> R v Alexandro Silva [2009] ACTSC 108

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- masturbation of a child by an adult in which vaginal and/or anal penetration occurs. This is category 4.

#### **Category 4: CEM penetrative child – child/adult-child**

Penetrative sexual activity between children only **or** adults and children. Images can include:

- vaginal/penile intercourse by or to either party
- anal/penile intercourse by or to either party
- fellatio by or to either party where there is penetration of the mouth
- cunnilingus by or to either party
- penetrative use of sex toys by or to either party
- penetrative use of foreign objects by or to either party
- children observing (but not participating) adults engaged in penetrative sexual activity.

Not included in this category are:

- images in which penetration is not visible even if the position/activity which is depicted strongly indicates or suggests penetration is occurring. This is category 3
- only adults involved in the activity depicted. This is category 8
- licking and kissing of a penis in which no portion of the penis passes the lips. If one of the participants is an adult this is category 3. If the participants are all children this is category 2.

#### **Category 5: CEM – sadism, bestiality, child abuse**

The activity involved need not necessarily be overtly sexual but includes images of children which are likely to cause offence to a reasonable person where a child is subjected to sadism, torture, bestiality or humiliation.

Images may depict a child as the person conducting the activity or observing other persons.

Images meeting the definition of Child abuse material under Section 473.1 of [Criminal Code Act 1995](#) (Cth) are included in this category. Child abuse material depicts a child who is or appears to be a victim of torture, cruelty or physical abuse. The primary distinction for child abuse material is that there is not an overt sexual nature to the image. E.g. a fully clothed child is tied to a cross.

Images can include:

- sadism includes any form of bondage. The bondage does not have to be effective, it can be symbolic (e.g. ropes wrapped around a child's wrists but not tied)
- sadistic acts do not need to have occurred or occurring, can be intimated E.g. holding a knife to throat, pouring molten candle wax onto a child
- bestiality involving any animal
- bestiality does not require the penetration of any person to be included
- urination, defecation or vomiting on others by a child or by another person onto a child
- genital mutilation of female children, including clitoridectomy
- ejaculation on a child in circumstances designed to humiliate (e.g. on the face).

Not included in this category are:

- images showing blood (or what appears to be) on or around the genitals of a young female, in a manner which is intended to portray their first penetrative intercourse activity. Blood may also be on the penis or object inserted. This is category 4 if penetration is depicted or category 3 if no penetration is shown.

### **Category 6: CEM – animated or virtual**

These are visual/audio representations of child pornography and feature any of the activities taking place in Categories 1 to 5 but in an image which is not (or does not appear to be) a genuine photograph and/or feature a real child.

For example a cartoon depicting child/adult penetration is in this category rather than category 4.

Images can include:

- text describing sexual activity involving a child
- audio describing sexual activity involving a child
- audio of sexual activity involving a child
- computer generated images (CGI) of children
- cartoons depicting known characters which are accepted as being underage involved in sexual activity
- underage characters from the television program “The Simpsons” such as Bart or Lisa<sup>8</sup>
- stylised drawings of children such as Japanese Hentai, Manga or anime
- photoshopping of children (whole or portions of a child’s body) into adult pornographic material. For example, putting a child’s head onto an adult’s body.

Text/sound may change the category of an image. If an image itself is a category 3, but text overlay describes sadistic acts, then the category would be 5. Text alone describing such acts would be category 6.

Not included in this category are:

- images containing attempts to disguise the identity of a child or location but not the activity depicted in the image such as swirls, blacking out the face.

### **Category 7: non illegal/indicative**

These images feature children in non-illegal poses or scenarios. It also includes images which may be directly related to child exploitation material for example, images of offenders and crime scenes (not depicting victims.)

Images can include:

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<sup>8</sup> McEwen V Simmons & ANOR [2008] NSWSC “person” included fictional or imaginary characters and the mere fact that the figure depicted departed from a realistic representation in some respects of a human being did not mean that such a figure was not a “person”.

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- children in non-illegal poses which form part of a series of images which go on to include CEM
- images depicting victims of child pornography in non-illegal poses, however the image is not part of a series
- images depicting victims of child pornography when they are of adult age
- images of child sex offenders in which no children are depicted, e.g. arrest photo
- images which by themselves are legal, but are connected to the offence/suspect in some manner
- images which are indicative of an interest in child pornography material but are not illegal. (e.g. images featuring 'pedobear')
- circumcision being performed on males
- nudist or naturalist images of children in which there is no sexual activity or sexual nature
- images of naked children which would not cause offence to a reasonable adult such as young children in the bath or playing on the beach
- model portfolio images: children in age-appropriate clothing in mildly provocative poses that might be included in a portfolio of photographs of a child for whom work as a child model is being sought—images not dissimilar to what might appear in a department store catalogue, but slightly spiced up in order to get the child noticed<sup>9</sup>
- child beauty contests: children (usually girls) in age-inappropriate clothing (and possibly make-up) striking adult poses, but within the limits of what appears to be acceptable in children's beauty contests in the United States as shown on Australian television screens<sup>10</sup>
- medical procedures performed by a medical practitioner (or what appears to be) in which genitalia, breasts or buttocks are visible, or penetration of an orifice is occurring, e.g. enemas, gynaecological examinations.

Not included in this category are:

- general photographs of children, which do not fall into one of the above points. This is category 9.

### **Category 8: Adult Pornography**

Images in this category are pornographic images featuring only adults. Whilst the definition of pornography varies in different jurisdictions, images which a reasonable adult would consider to be pornography should be placed in this category.

If any doubt is held by the categoriser as to the age of a person depicted in an image in regards to the person as being underage then the images should be classified as adult pornography.

Images can include:

- naked adults posing in a sexual manner
- depictions of any sexual activity involving adults
- any form of sexual activity, even if that activity is illegal in some jurisdictions (e.g. bestiality)
- all formats such as cartoon, drawings, CG, audio, text, anime

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<sup>9</sup> R v Alexandro Silva [2009] ACTSC 108

<sup>10</sup> R v Alexandro Silva [2009] ACTSC 108

- images of adults in non-illegal poses which form part of a series of images which go on to include pornography images
- images which could be considered as 'soft' porn.

### **Category 9: ignorable**

Images that do not fall into any other category. Images can include:

- general photographs of children that do not fall into one of the points for category 7
- operating system and program graphics e.g. icons, wall paper
- any material that is NOT considered child or adult pornography

Note that images that would otherwise be category 9 could become category 7 if there is a link with the suspect/offence.

### **Further Advice**

Queries about the content of this document should be referred to team leader Applied Technology Team.

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## Annex A

	<b>CETS Classification</b>	<b>Guide</b>	<b>Notes<sup>1</sup></b>
<b>CEM</b>	1. CEM – No Sexual Activity	Depictions of Children with No Sexual Activity – However must be sexually suggestive or sexual in nature. Can include nudity, surreptitious images showing underwear (upskirt), sexually suggestive posing, explicit emphasis on genital areas, solo urination by a child.	If no sexual suggestive element is present in Nudist or naturalist images then Cat 7.
<b>CEM</b>	2. CEM – Solo\Sex Acts b/n Child	Solo masturbation by a child or sexual acts between children only in which penetration of any orifice does <b>not</b> occur. Includes the penetrative use of sex toys by the victim only.	If a second person (child or Adult) is using the sex toy it is category 4
<b>CEM</b>	3. CEM – Non-Penetrative, Adult/Child	Non-Penetrative Sexual Activity, between child and Adult(s). May include mutual masturbation and other non-penetrative sexual activity.	
<b>CEM</b>	4. CEM – Penetrative, Child -Child/ Adult -Child	Penetrative Sexual Activity Between Children only or Adult(s) and children – may include, but is not limited to, vaginal/anal intercourse, cunnilingus and fellatio. Penetrative use of sex toys &/or foreign objects	If penetration is not visible or not able to be confirmed then Cat 3.
<b>CEM</b>	5. CEM – Sadism\Bestiality\Child Abuse	Sadism, Bestiality or Humiliation (urination, defecation, vomit, bondage etc), torture or Child Abuse as per S 473.1 of CCA 1995.	Urinating/defecating on another or on the victim. Ejaculation on victim can be included in certain circumstances
<b>CEM</b>	6. CEM – Animated or Virtual	Anime, cartoons, comics, computer generated graphics, drawings, audio and text depicting/describing children engaged in sexual poses or activity.	Anything that would fit in Cats 1 to 5 however it's format is not a photo or image.
<b>No</b>	7. Non-illegal\Indicative	Non-illegal material which is related to CEM/CA. Can include: -material which forms part of a series or is a non illegal depiction of a victim; - depictions of offence locations (crime scenes); - depictions of offenders; - material while not illegal, is suggestive of an inappropriate interest in children.	Includes depictions of male circumcision being performed.
<b>No</b>	8. Adult-Pornography	All pornographic material assessed as <b>not</b> depicting persons under 18/16 or otherwise CEM related	Includes adult anime
<b>No</b>	9. Ignorable	Files which do not fall into any other category. Such as banners and other non-objectionable graphics useful for establishing proportionality. System files and unrelated images – holiday snaps, landscape, family photos, etc	

**NOTE: Due to legislative variances between jurisdictions, for the purposes of this scale a child is considered to be 16 years and under. If in doubt as to the age of the victim assign the appropriate non illegal category.**