

**“International cooperative
mechanisms for identification of
victims of online child sexual abuse:
the role of INTERPOL”**



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ABSTRACT

Globally, around 100 000 children are depicted in abuse materials available online that leads to victimization of minors and provokes their revictimization each time when photos and videos of their shame are accessed. On the other hand, online sexual abuse is a global illegal activity with ever increasing demand for younger and younger victims as well as violent character of materials. Online sexual abuse, or as it often referred “child pornography” is universally condemned under provisions of international legal instruments to protect children`s rights - United Nations Convention on the Rights of the Child supplemented by Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography that provides broad list of international cooperative measures to protect rights of victims of online child sexual abuse during criminal investigation procedures: informing of the rights, right to present views, right to protection of identity, right to assistance, right to compensation (UN, 2000). Nevertheless, international legal instruments ignore identification of victims of online child sexual abuse as a procedure that guarantees further fulfillment of aforementioned rights in criminal procedure and makes efforts towards online child sexual abuse possible. The only international institution that created scope of mechanisms to identify victims of online child sexual abuse was International Criminal Police Organization “ICPO–INTERPOL” (web-site blocking system, international analytical database, information notices and support to international operational activities).

The aim of this paper is to examine the role of INTERPOL in identification of victims of online child sexual abuse through human rights and criminal law frameworks as well as it`s adherence to the principles of victim-centred approach, which was proclaimed by INTERPOL as a main application point in this matter. Descriptive part of the paper examines online child sexual abuse as a social phenomenon, its consequences and application of victim-centred approach to identify victims of this crime. Special attention is paid to the INTERPOL as a unique provider of international mechanisms to identify victims of online child sexual abuse and their application in INTERPOL-led operational activities. Further, in explorative part of the thesis author assesses current efficiency of INTERPOL mechanisms on the example of two significant INTERPOL-led operational activities: Operation “VICO” and Operation “Holitna”.

Closing chapter of the paper raises the discussion on controversial application of victim-centred approach by INTERPOL, as well as influence of institutional issues of INTERPOL on the procedure of identification. Finally, based on the analysis of aforementioned operations, author proposes solutions for improving the efficiency of the procedure of identification of victims of online child sexual abuse, which were observed and validated by practicing expert in this field, that lead to conclusion of this paper.

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Finally, I express the gratitude that knows no bounds to my family – my wife and parents for keeping fingers crossed for my success, moral and personal support as well as uncompromising understanding of my needs and difficulties throughout these hard times. And for sure, my son, the most important person on the Earth for me, who is probably does not yet understand his significant role in this research, I dedicate this paper to you, hope it will help make this world better for your future and all children of this world, that in my dreams will never experience horrible face of abuse.

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1. INTRODUCTION

“Life was pretty horrible when I realized that the pictures of my childhood sex abuse were on the Internet for anyone and everyone to see. Imagine the worst most humiliating moments of your life captured for everyone to see forever. Then imagine that as a child you didn’t even really know what was happening to you and you didn’t want it to happen but you couldn’t stop it. You were abused, raped, and hurt and this is something that other people want. They can’t stop collecting it and asking for it and trading it with other people. It’s your life and your pain that they are enjoying. And it never stops and you are helpless to do anything ever to stop it. That’s horror.” Amy, 9 years. (Supreme Court of the United States, 2014).

This particular case of child sexual abuse shows the enormous suffering of the child victim. What is more, as long as abuse materials are accessed by Internet users, the child is continuously victimized, creating a never-ending suffering. In this iconic case, abuser Doyle R. Paroline pled guilty to the production and possession of two abusive photographs of Amy. He was sentenced to 24 months incarceration (Oyez, n.d.). Amy received support, assistance and restitution in the amount of nearly 3.4 million US Dollars, the abuse was ceased and photographs were deleted from the Internet. In this particular case, as well as in thousands of similar cases, such outstanding results were only possible because the victim was identified. But identification of victims of online child sexual abuse remains a contradictory and complicated international procedure that faces numerous obstacles. This topic is investigated in this research, in order to highlight the suffering of these, all too often, nameless abused children.

The only global force of its kind, the International Criminal Police Organization “ICPO–INTERPOL” assists law enforcement in identifying victims of online child sexual abuse on a global level. It has been dealing with these issues for more than thirty years and has achieved outstanding results: more than 10,000 victims of online child abuse were identified by means of INTERPOL mechanisms. However, according to the Secretary General of INTERPOL, Jürgen Stock “This is just the tip of the iceberg” (INTERPOL, 2017). His opinion is based on official numbers: more than one million highly encrypted and secured pornographic images of nearly 100,000 children are circulating on the Internet at any given moment, with 200 new images of increasingly violent nature being posted daily (UNHRC, 2009, p. 9; UNHRC, 2014, p. 8; NRTHB 2011, p. 87; Åström, P., 2004, p. 8; Wortley and Smallbone, 2012, p. 31). The online child sexual abuse “industry” often operates in “rings” – highly organized international criminal groups of recruiters, producers and distributors of child abuse material, with an estimated global number of operational rings between 50,000 and 100,000. (Wortley and Smallbone, 2006, p. 12).

An exemplary case shows the “typical” picture of child abuse group being arrested by law enforcement authorities:

“In 2011, 50 members engaged in child abuse ring were arrested, who committed crimes against children ranging from infancy to age 12. While the ring was based in the United States, participants spanned 5 continents and 14 different countries. Further, 72 members of online site portrayed images from the ring were arrested. The lure of the website for users was a display of pictures that involved distress and experienced by the children as a result of the sexual activity” (Freiburger and Marcum, 2015, p. 105).

The alarming issue of online child sexual abuse includes not only difficulties with regards to high latency and international character of the crime, but also numerous issues of fragmentation and insufficiency of legislative framework. This, combined with outdated approaches to identification of victims of this heinous crime, leads to the identification of less than 1 % of children who appear in child abuse materials. (Vienna International Justice Institute, 2017).

The abovementioned facts clearly demonstrate an urgent need for strengthening international law enforcement cooperation in online child sexual abuse victim identification which will be examined in this paper.

1.1. Problem definition.

Although generally criminalized in the vast majority of countries, online child sexual abuse, its subjects, objects and definitions both national and international legislative documents vary significantly across the globe, often holding controversial meanings. The only internationally recognized consent between countries is the primary need to identify victims of online child sexual abuse (MFA, Japan, 2008). Taking into account that online child abuse materials spread internationally, it is obvious that the globalization of this crime poses serious challenges to the national systems of criminal justice. These systems struggle to deal with online child sexual abuse and identify its victims, having exclusive jurisdiction over offences committed within its national borders. (Letschert and Groenhuijsen, 2011, p. 15).

The need to place identification of victims at the center of investigations was recognized in INTERPOL`'s resolution # AG-2011-RES-08 on promoting victim-centric management of child abuse material. In this, special attention was paid to the fact that online child abuse material is evidence that a transnational crime has been committed, and that the seizure and analysis of such material by experts can lead to the identification of the child victim and the arrest of the offender. Thus, protection of children from sexual abuse should be a priority for all member countries (INTERPOL, 2011).

Theoretical discussion on international cooperation to combat online child sexual abuse started in the 1990`s, following the opening of borders within Europe and internationalization of social relations as

well as development of Internet. Prominent scholars began drawing attention to the leading role of international organizations in crime counteraction, discussed their international cooperative possibilities, usage of international police information systems and databases to search for criminals (Fijnaut 1993; Vervaele, 2005; Bassiouni 2012). Following the theoretical discussion, most governments made efforts to cut activities of criminal organizations by establishing various international police cooperative measures, which provided technical and human resources to fight illegal activities more efficiently (Berisha, 2015, p. 39). At the same time, following the growth of victims' rights movements, academics began to take an interest victims of crime and their status in criminal procedure. This gave birth to victimology as independent field of study and allowed researchers to understand the role of victim participation in criminal procedure and their treatment not only as "objects" but as central actors of criminal justice system (Schafer, 1977; Shapland, 1984; Rijken, 2001; Finkelhor and Ormrod, 2004; Bassiouni, 2006; Van der Aa, 2012).

Finally, findings of the two aforementioned fields of scientific interest synthesized into victim-focused approach to crime suppression, but mainly in connection to statistical measurement of victimization and protection of victims of international crimes. These included gross violations of international human rights law and humanitarian law within the procedures of international and regional judicial authorities, courts and tribunals as well as issues of technical cooperation and clash of competencies between INTERPOL and regional law enforcement institutions (van Dijk, 1999; Bassiouni, 2006; Lemieux, 2010). However, identification of crime victims' procedure and the role of INTERPOL remains almost undiscovered until now.

The absence of strong a theoretical basis has resulted in remarkable gaps in legal framework for international cooperative police activities, which should in fact consist of a combination of multilateral and bilateral treaties. Currently, there are no international binding instruments addressing identification of victims of online child sexual abuse and only few multilateral treaties, which provide mechanisms for suppression of online child sexual abuse. This results in a situation in which the vast majority of countries rely on bilateral agreements or act on a case-by-case basis. Bilateral agreements are the most frequent in the practice of police cooperation and may include various cooperative measures, services and exchange of information on victims, between two or more countries. Such an approach excludes global centralization of anti-crime police efforts and provides little chance for victim identification (Berisha, 2015; Lemieux, 2010). For this reason, bilateral and regional agreements are not covered by this paper.

1.2. Problem statement

The aforementioned facts could lead us to an erroneous conclusion that lack of legal and theoretical frameworks has resulted in non-identification and lifelong suffering of thousands of victims as well as impunity for producers and consumers of child abuse materials. However, the evidence of

successive international practices has proven the contrary. Production, distribution, and possession of any content relating to child sexual abuse is a serious crime in the vast majority of countries – of the 196 countries of the world only 35 have no online child sexual abuse legislation (ICMEC, 2016, p. 6) and all are connected to the INTERPOL network, whose main mission is to assist law enforcement authorities fight crime. The main mission of INTERPOL is the promotion of mutual assistance between all criminal police authorities in the prevention and suppression of ordinary law crimes (INTERPOL, 1956). On closer inspection, the mission of this organization is not only limited to law enforcement assistance. It also includes coordination of operational measures and victim identification, which have become an integral part of INTERPOL activities that now include instruments to identify child victims of online sexual abuse:

- Global Communications Services – (Communication system I-24/7);
- Operational Data Services and Databases (INTERPOL “Worst of” list Database, International Child Sexual Exploitation image database (ICSE), INTERPOL Notices);
- Operational Support Services (Operation “VICO”, Operation “Holitna”).

The use of communication services and databases together with INTERPOL-led operational activities for past 10 years have resulted in identification of more than 10 000 victims of online child sexual abuse and the arrest of 4700 offenders. Since 2001, when the most effective INTERPOL’s anti-abuse tool was established (International Child Sexual Exploitation image database (ICSE) it has connected law enforcement authorities from 49 countries and EUROPOL (the European Union’s law enforcement agency). It continues to be developed in line with new technology and evolving demands of investigators, providing them with strong evidences for victim identification and prosecution of criminals (INTERPOL, 2017). Therefore, international cooperation provided by INTERPOL, even with only voluntary participation of member states, gives victims a face, provides them with protection and allows them to exercise their rights (Swiss Federal Council, 2016).

However, law enforcement cooperation in identification of victims of child sexual abuse, in spite wide acknowledgment of its huge potential and effectiveness, is in fact being highly under-utilized. The majority facts regarding abuse remain undocumented, many countries lack cooperative possibilities due to legal or financial limitations, and INTERPOL itself faces serious institutional obstacles to identify victims of online child sexual abuse, which will be discussed later in this paper.

1.3. Purpose of the study

Unfortunately at the present moment, despite universal prohibition of online child sexual abuse, international legal instruments relating to identification of victims of online child sexual abuse are missing, as well as the strong theoretical basis in this matter. Consequently, a need to find and analyze

gaps in the procedure of international identification of victims of online child sexual abuse as well as a discussion on the role of INTERPOL as a pioneering international organization within this procedure, provides the purpose of this research paper.

1.4. Research question

The central question that will be examined by this study is formulated as follows: **“What is the role of the International Criminal Police Organization “ICPO–INTERPOL in the identification of victims of online child sexual abuse?”** To support the central question, this thesis will be shaped by several sub-questions and form the structure of the paper:

- a) Historical development of online child sexual abuse as a social phenomenon and crime, its consequences;
- b) Problems of definitions: “Online child sexual abuse”, “Child”, “Child abuse material” “Online child sex offender”;
- c) Application of a victim-centred approach to identification of victims of online child sexual abuse on the intersection of human rights law and criminal law;
- d) Application of a victim-centred approach by INTERPOL to identification of victims of online child sexual abuse;
- e) What are the existing mechanisms to identify victims of child sexual abuse provided by INTERPOL?
- f) To which extent current mechanisms of INTERPOL are effective in the implementation of victim identification of online child sexual abuse?
- g) Which legal, procedural and institutional challenges are present in the identification of victims of online child sexual abuse?
- h) How can current challenges in identification of victims of online child sexual abuse be overcome?

1.5. Methodology

The goals of this study are formed by the need to examine the phenomenon of online child sexual abuse and mechanisms for identifying victims of this crime using the mechanisms available to the International Criminal Police Organization “ICPO–INTERPOL”, which are unable to be reduce to numbers. Therefore, the only applicable research design for this study appears to be qualitative. More

precisely, a combination of qualitative methods will appear in descriptive and exploratory part of the paper and will be formed of analysis of current legislation, academic sources, official reports of International Criminal Police Organization “ICPO–INTERPOL” as well as news reports regarding operational activities on child sexual abuse victims’ identification. Selection of operational activities will be conducted based on their ability to represent consistent patterns of the phenomena that are much broader than the case itself. The case selection approach, which author will apply in the research, is “most similar cases” method, provided by Seawright and Gerring (2008, p. 298) and promises to be strong basis for generalization and cross-verification of the results of each operational activity. Thus, operations under consideration should have similar characteristics and include the international character of police activities, usage of INTERPOL mechanisms to identify victims and perpetrators of online child sexual abuse, and distinctly similar factors that affect the results of the operation.

In the exploratory part of this paper I will use a specific method, called “expert validation”, meaning after each subchapter author will ask an expert in this field (an experienced INTERPOL officer) to validate and comment on the findings and give his own practical views on the proposed topic. In my opinion, based on the research of Sandelowski (1998), an expert with a practical experience in counteracting online child sexual abuse and discovering victims of this crime will be able to give informed and objective opinions on my findings. Additionally, it should counter subjectivity and individual skills bias of the researcher that are disadvantageous to any qualitative research (Anderson, 2010, p. 2).

Nevertheless, despite all efforts to avoid subjectivity in my findings, I am aware that the current study may be subject of several limitations. Firstly, as with any qualitative study, this paper and its conclusions are based on personal knowledge, individual skills and the personal attitude of the researcher which may influence the results. Moreover, author predicts existence of specific contradictions in understanding definitions and policies from the point of view of different organizations and scientists, which may lead to controversial conclusions. Finally, the most disturbing obstacle of this study appears to be unavailability of data on the results of international police cooperation. This activity remains highly secretive and intended for service use only, negatively affecting not only the analysis of issues of international policing but also shortens the list of operational activities that could be chosen for case study analysis.

However, the significance of the topic dictates a paramount need to regularize definitions relating to online child sexual abuse and current mechanisms of the International Criminal Police Organization “ICPO–INTERPOL” in identifying victims of this heinous criminal activity. This requires a lot of effort and can only be achieved by combination of careful studying of legal and scientific sources, recommendations of professionals with expertise in this field and application of the author’s personal experience whilst dedicating two years of his career to working in the International Criminal Police Organization “ICPO–INTERPOL”, that will lead to results of this research.

1.6. Structure of the paper

The first chapter of the thesis is devoted to the introduction of the phenomenon of online child sexual abuse, problem statement, definitions and methodological aspects of the research. This will allow us to choose the correct approach for exploration of the online child sexual abuse phenomenon and identification of its victims.

In the second chapter, author will discuss the emergence of online child sexual abuse as a crime and social phenomenon, theoretical framework that is applied to the proposed topic of research, legal framework and issues of definitional differences, as the roots of any problem solution lies in clear definition of terminology. Nowadays, definitions that are related to online child sexual abuse are very controversial and complicated due to variety of approaches of different legal acts and scholarly researches.

In the third chapter, author will construct the model of competency of the International Criminal Police Organization “ICPO–INTERPOL” for identifying victims of online child sexual abuse, supported by analysis of its mechanisms, recent operations with regards to identification of victims of online child sexual abuse and the results of these measures.

The concluding part of the thesis will sum up the findings of previous chapters regarding mechanisms of International Criminal Police Organization “ICPO–INTERPOL” in connection to practical implementation of identification of online child sexual abuse victims. It will provide discussion on the legal and institutional limitations of INTERPOL activities, and ways of solving them. This will lead to the conclusion and provision of recommendations, offered to enhance the process of global identification of child victims of online sexual abuse.

1.7. Definitions.

An essential requirement to any scientific research is to clarify key definitions of the topic, to build a comprehensive explanation of the common term. Online child sexual abuse is a complex phenomenon which includes several concepts relating to the identification of victims, examined in the scope of this paper.

“Child”

The first definition which is needed to clarify is the victim of online child sexual abuse – the child. According to the first article of the major international instrument dealing with the protection of children’s rights against sexual exploitation, the United Nations Convention on the Rights of the Child

definition is very straightforward: “Child means every human being below the age of 18 years, unless, under the law applicable to the child, majority is attained earlier.” (UN, 1989). This “straight-18” principle is in line with other international binding and non-binding instruments: Article 2 of International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999, №. 182: “The term child shall apply to all persons under the age of 18” (ILO, 1999). Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime states that: “Child shall mean any person under eighteen years of age” (UN, 2000;). However, although strict regulation within international instruments can be seen, the age of the child is a very controversial definition in national legislation of different countries. This is the result of application of the second part of the first article of the United Nations Convention on the Rights of the Child “unless, under the law applicable to the child, majority is attained earlier”, which will be discussed in explorative part of the thesis. For the purposes of this research, author agrees to the international legal standard of childhood and will use “18-year rule” to apply to the term “child” throughout this paper.

“Online child sex offender (molester, abuser)”

For a clear and full understanding of the offence of online child sexual abuse, the “typical” online child sex offender should be defined. Surprisingly, there is no exact definition of online child sex offender in legal acts, thus, for the purposes of this paper classification proposed by Krone (2004) can be used, who has generated nine types of typical offender classes:

- Browser - response to spam, accidental hit on suspect site - material knowingly saved;
- Private fantasy - conscious creation of online text or digital images for private use;
- Trawler - actively seeking child pornography using openly available browsers;
- Non-secure collector - actively seeking material often through peer-to-peer networks;
- Secure collector - actively seeking material but only through secure networks. Collector syndrome and exchange as an entry barrier;
- Groomer - cultivating an online relationship with one or more children. The offender may or may not seek material in any of the above ways. Materials may be used to facilitate abuse
- Physical abuser - abusing a child who may have been introduced to the offender online. The offender may or may not seek material in any of the above ways. Materials may be used to facilitate abuse;
- Producer - records own abuse or that of others (or induces children to submit images of themselves);
- Distributor - may distribute at any one of the above levels.

To author`s view, online child sex offenders may be defined in general as persons who intentionally produce, distribute or access online child abuse material.

“Online child sexual abuse”

The most common synonym of online child sexual abuse that is widely used in legislation¹ and changes very slowly - “child pornography” remains controversial. It is a label that scientists and professionals tend not to use as it invites comparisons with adult pornography, which is only used for adults engaging in consensual sexual acts distributed legally (in most countries) to the general public for their sexual pleasure. In this paper, author will use the term “Online child sexual abuse”, which is also supported by INTERPOL, stating that the term “child pornography” is inappropriate (Hessick, 2016, p. 128; INTERPOL, n.d. Appropriate terminology). However, in relation to the characteristics of online child sexual abuse, author agrees to the definition given by Article 2 of Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography: “Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.” (UN, 2000). To my belief, whatever form or definition it has, online child sexual abuse or child pornography, it can be defined as any means of depicting or promoting the sexual exploitation of a child, including video, photo, written or audio recordings, which focuses on the child’s sexual behavior or sexual parts and organs. Consequently, it takes several forms:

- Production of online child abuse material: employment, authorization a child to produce, direct, or promote any activity which includes sexual conduct by a child less than 18 years of age;
- Distribution of online child abuse material: transmission, making available, distribution for these purposes any material that include any sexual conduct by a child less than 18 years of age;
- Access to online child abuse material: intentional access or possession without distribution intention of any media, that includes any sexual conduct by a child less than 18 years of age (Eneman, 2009; INTERPOL, n.d.).

“Child abuse material (CAM)”

Definitions such as “child abuse images” and “child abuse material” are now widely used by researchers (Beier et al., 2014). It should be emphasized that not all sexual depictions of children are visual, therefore the latter term “child abuse material” is more appropriate since it also captures non-visual material such as audio and text (Ireland, 2009).

Clarification of the main concepts related to child abuse leads us to investigation of the roots of this crime, which will give us comprehensive view on the relationship between abuser and victim.

¹ Term “Child Pornography” (“Pornographic performances”) mentioned in numerous binding and non-binding international legislative acts: Article 34(c) of Convention on the Rights of the Child, 20 November, 1989; Article 2 of Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to Convention on the Rights of the Child, 25 May, 2000; Article 9 of Convention on Cybercrime (Budapest Convention), 23 November, 2001; Article 20 of Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse” (Lanzarote Convention), 25 October, 2007; Paragraph 1 of Resolution of Commission on Human Rights of the European Union № 1990/68, 07 March, 1990.

2. THEORETICAL FRAMEWORK.

2.1. Emergence, development and implications of online child sexual abuse as a crime and social phenomenon.

The historical phenomenon of treatment, depiction of children as objects of sexual desire is not new and has existed throughout the millennia, rooting from Ancient Greece, where Plato's "Symposium" became a first explicit discussion of sexual intercourse with children in classical literature. However, when looked at objectively, Plato's works as well as Nabokov's "Lolita" and Boccaccio's "Decameron" fall within the artistic merit of their authors, describing social reality of times and should not be paralleled to contemporary online sexual offences against children (Maither, 2015, p. 3481).

Child abuse material in the modern sense first appeared with the invention of the camera in the early nineteenth century. Almost immediately, sexualized images involving children were produced, traded, and collected (Wartley and Smallbone, 2006, p. 5). Until the end of the twentieth century, child abusive media, despite being legal in Europe and USA, was limited to several commercial enterprises "Seventeen" (Netherlands), "Lolita" (Denmark). Poor quality locally taken pictures were published by abusers or a very small group of individuals whom they traded with. Transactions took place in "invitation only" form in adult book stores, and activities of abusers were limited to within country borders (Steel, 2014, p. 6).

In the 1990's, consolidated efforts of law enforcement, coupled with strict laws and global prioritization almost eliminated trading in child abuse materials in paper form, but offenders were quick to adopt new networking technologies that changed the landscape dramatically and tipped the scales in favor of criminals (Steel, 2014, p. 7). Criminals with computers were quick to take advantage of the Internet and used different online groups and societies to share child sexual abuse content. Only being limited by small message file size, poor content quality and high costs due to connection infrastructure (via telephone lines) (Wartley and Smallbone, 2006, p. 5).

The explosion of child sexual abuse content usage occurred in mid-90's with invention of modern picture and video formats, peer-to-peer connections, instant messaging and onion routing, and "Darknet" resources which became and remain the primary online tools for users of child abusive content (Steel, 2014, p. 7). Simultaneously, child sexual abuse became a cross-border crime – offenders are internationally connected and equipped with technology that allows for the distribution, searching and downloading of child abuse material anonymously, and the shifting virtual location of materials in a very short time (Chawki, 2009, p. 21). In 1998, the Pedophile Investigation Team discovered that at the start of their study, most child on abusive websites were located in Western Europe. When Internet service providers started withdrawing services, many pages relocated to Canada. Towards the end of the observation period, pages had returned to Europe with new venues under development in Russia (Forde

and Patterson, 1998, p. 2). Nowadays, online child sexual abuse is one of the fastest growing illegal online activities with an estimated annual revenue of 20 billion USD. Yet, surprisingly, most materials are exchanged between abusers rather than sold, making it impossible to track financial transactions and to identify abusers (Estes, 2001, p. 5; Brockman, 2006). Websites that distribute online child abuse materials offer thousands of images and videos and have millions of subscribers worldwide. One of the founders of a website containing child abuse material admitted that his resource contained 12 gigabytes of child abusive content from different countries and had over 40,000 international user accounts with 500 page views per second (Crawford, 2014). Considering more specific numbers, it could be estimated that the number of child abuse material on the Internet equates to 1 million images. The number of websites containing child abuse materials is estimated at up to 480,000 pages. The number of simultaneously connected abusers on the Internet at any given moment is estimated to be 750,000, and up to 100,000 children are the victims of online child sexual abuse. 30% of searches on peer-to-peer networks are related to child sexual abuse content with progressively younger children. Many seek sadistic or masochistic images of infants and toddlers - nearly 20 % of molesters possessing child pornography had images of babies and children aged under 3 and more than 80 percent had images of children aged between 6 and 12. (McGlone, 2011; Pulido, 2013; Webroot, n.d.; Thorn, n.d., OHCHR, 2009, Wortley and Smallbone, 2012 p. 31). The situation is complicated by the fact that child abuse materials are easily accessed on the Internet. In 2012, Joel Falconer, for online newspaper "The Next Web", experimented how easy it was to access child sexual abuse content, and results were shocking:

"Let's get the heaviest stuff out of the way first. Once you arrive on front page of the Hidden Wiki, you are a mere two clicks away from looking at child porn. It is hideously easy to access. You may have to install Tor first, but if you had any conceptions about child pornography on the Web being hidden in hard-to-access communities of secretive pedophiles whose lingo and handshakes you must prove knowledge of before entry, forget them.

During my time researching this part of the story I was more careful than I've ever been about where I went, and thankfully was not exposed to any imagery. I didn't go any deeper than the directory listing. But just seeing what was listed here caused my stomach to clench up and my hands to shake, and I had to get away from the computer and spend the rest of the evening keeping my kids close".

It's worth noting, that it would be a mistake to look at online child sexual abuse as a crime-centred problem only. The victims of online child sexual abuse, children, are not virtual, they are real babies, toddlers and teenagers and some of the most vulnerable groups in the society. The main factors leading to children's vulnerability, according to researchers, are: age, social status, uncontrolled access to the Internet, absence of sexual education and family issues (Chase and Statham, 2005). Furthermore, in some regions of the world, religious sensitivity, social stigma, discrimination and social taboo on topics such as sexual abuse can be additional predictors for vulnerability to child sexual abuse (Uddin et al., 2012). The issue of children's vulnerability to sexual abuse had reached such large proportions that its

factors were marked in international legal instruments. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime specifically highlights poverty, underdevelopment and lack of equal opportunities as main predictors of children`s vulnerability to child sexual abuse (UN, 2000).

The combination of vulnerability factors: victims who cannot defend themselves, accompanied by unlimited access to the Internet and anonymizing technologies, resulted in an enormous influx of online child sexual abuse on the Internet as was described above. Moreover, victimization of children continues even after the abuse has ceased. Victims of online child sexual abuse are victimized throughout their life, firstly by their initial abuser and then each time that uncontrolled record is accessed or shared on the Internet (Beech et al., 2008, p. 218). In one study, 100 victims of online child sexual abuse were interviewed about the effects of their exploitation. Referring to when the abuse was taking place, victims described several immediate posttraumatic effects: the physical pain (around the genitals), somatic symptoms (such as headaches, loss of appetite, and sleeplessness) and feelings of psychological distress (emotional isolation, anxiety, and fear) (Wortley and Smallbone, 2006, p. 17; Silbert, 1989). Perception of posttraumatic effects by victims are complicated by the fact that sexual victimization of children in most cases is not a single incident to an otherwise safe and untroubled person, it is often long-lasting and combined process with other domains such as sadism, usage of weapon and other harmful objects (Finkelhor, Ormrod and Turner, 2007; Beech et al., 2008). Children, who were victimized by any type of direct victimization, 64,5% of cases reported more than one type of victimization. This phenomenon is called “Polyvictimization” and appears to be not simply multiple victimization, but also possesses a more severe character of victimization which tends to intensify during the abuse (Finkelhor et al., 2011). Polyvictimization of sexually abused children is a repressed and silent suffering of children which leaves them alone with their problems and seriously affects their loved ones. In the majority of cases child sexual abuse, it is not reported because the child does not fully realize the abuse or feels ashamed of it, being blackmailed by abuser (Meridian, Curtis, Thakker, Wilson and Boer, 2011, p. 3). Even if sexual abuse is known to their family members, most of the child victims noticed that their close persons were not able to help or protect them, having been victims of violence by abusers themselves (Adams, 1994).

While little is known about the specific long-term effects on children of online child sexual abuse, the immediate trauma and effects of sexual abuse are well documented. Because online child sexual abuse is a clear record of child sexual abuse itself, its victims would therefore experience the same emotional and physical consequences. In addition, they will experience any harm that results from public distribution of abuse materials (Klain, Davies and Hicks, 2001, p. 15). Younger children tend to externalize stress by attachment disorders with their caregivers and replicating sexual activities through play. Adolescents may experience negative trust issues, arguments with parents and peers, isolation, antisocial or self-destructing behavior as a result of inappropriate early sexual experiences. In addition to any physical injuries, adult victims of child sexual abuse suffer from suicidal behavior, repressed memories, flashbacks, depression, sleeping and eating disorders. Children, who experienced sexual abuse,

especially before the age of 12, suffer the most severe consequences and lifetime diagnoses of PTSD (Flowers, 1986; Lamont, 2010; APA, 2013; Teicher and Samson, 2013).

In summary, online child sexual abuse offences must not just be seen as numbers in official reports and medical manuals. Every crime of such kind is a dramatic told or, more often, untold story of traumatic experience of abuse, completely contradicting the nature of childhood. It leaves behind a ruined life, as illustrated in the narrative of one of thousands of victims of online child sexual abuse:

“The images have no beginning and no end. As far back as I can remember, I see cameras, adults touching me, giving me something to drink. I see lingerie in miniature sizes. My earliest memories are of being forced to pose for child pornography, of being sexually abused.” (Menza, 2015).

2.2. Application of victim-centred approach to identification of victims of online child sexual abuse on intersection of human rights law and criminal law.

Exploration of the effects on victims during and after their victimization leads us to the conclusion that children constitute a specific social group whose rights should be protected by appropriate legal instruments.

Currently, in the practice of international law there are two modes for protecting the rights of victims of crimes: international human rights law and transnational criminal law (Boister, 2012, p. 22; Obokata, 2007, p. 161). It is necessary to notice, that author deliberately uses different terms for “international human rights law” and “transnational criminal law” in this paper. While the term “international” for human rights law is justified because of its universal character and worldwide acceptance of human rights, the use of the term “international criminal law” in relation to online child sexual abuse would be a mistake. This is because it covers core international crimes of global concern that have specific investigational and sentencing procedures provided by international judicial institutions: aggression, genocide, crimes against humanity and war crimes. “Transnational criminal law” in this case will be more appropriate, implying ordinary crimes suppression by domestic penal law with the use of elements of international cooperation (Boister, 2003).

International human rights law.

Legal instruments in the branch of international human rights law - the Universal Declaration of Human Rights (Article 25) and the Convention on the Rights of the Child (Article 1), provide care and assistance by granting children full scope of human rights (UN, 1948; UN 1989). These rights are substantive and include the right to life, health, dignity, safety, protection and appropriate development. Additionally, the Convention on the Rights of the Child provides specific rights of children: protection from maltreatment (Article 19), protection from sexual exploitation and abuse (Article 34). Considering

that children who experienced harm from online child sexual abuse have dual status, also being victims of a crime, they are entitled to protection of their rights as victims, provided by the Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power (UN, 1985). This includes the right to access just and fair treatment, right to restitution, compensation and assistance. Victims' rights are indeed, human rights, which allows them to be recognized as persons before the law, and have four common characteristics with substantive rights: universal (applied globally); inherent (do not need validation); indivisible (interdependence of rights); and inalienable (untouchable) (Donnelly, 2003; Wemmers, 2012).

These rights are subject to fulfillment based on four guiding principles of the Convention on the Rights of the Child which sets general requirements to their implementation and may be applied to the children in a status of victims: Protection from discrimination (Article 2); Best interest of the child is the primary consideration (Article 3); Every child has the right to life, survival and development (Article 6); Participation of children (Article 12) (CRC). To group all the aforementioned rights of the child to common human rights framework, I will apply "3P's" typology, proposed by Verheelen (2015, p. 49):

- Protection (e.g. from harm and exploitation, discrimination);
- Provision (e.g. appropriate standard of life, development, fair treatment, justice);
- Participation (e.g. recognition of identity, access to justice).

This positions a child central to all legal and administrative measures that serve the one ultimate goal - protection of children's rights. And, who are simultaneously victims of the crime, which implies application of the victim-centred (also known as human rights based) approach (Rijken, Koster, 2008, p. 7.).

Victim-centred approach, as proposed by Rijken (2009, p. 216) and Obokata (2006, p. 382) creates several obligations on national, regional and international levels, that, to my firm belief are linked to the "3P's" paradigm in the branch of transnational criminal law – prosecution, protection and prevention:

- obligation to criminalize the offence;
- the obligation to investigate and prosecute crime with due diligence;
- the protection of and assistance to victims of crime;
- to address the root causes of crime.

Transnational criminal law.

Transnational criminal law partly fails to comply with the aforementioned obligations, whose measures are mainly concerned with criminalization, investigation and prosecution of crimes, combined with efforts to address the protection of victims (Rijken, 2009, p. 216). According to Obokata, this branch of law is dominated by law enforcement and crime control, therefore it contains few references in regards to human rights of the victims (Obokata, 2007, p. 161). While, child online sexual abuse should not be reduced to the problem of public order or crime control, as it is firstly a violation of human rights (OSCE, 2011, p. 25). As a result, in the scope of criminal law framework, children are not treated as human beings and victims with specific rights, but as sources of crime reports and witnesses during criminal proceedings (Garwin, LeClaire, 2009, p. 1; Wemmers, 2012). Such an approach, as concluded by some scholars, contradicts the principle of non-discrimination of the Convention on the Rights of the Child which states that the child always has the right to special protection and care on account of it being a child, and not solely on the basis of a recognized status as a subject of criminal proceedings (Kaandorp and Blaak, 2014, p. 17).

Legislative basis of transnational criminal law with direct link to online child sexual abuse consists of one transnational legal instrument: The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to Convention on the Rights of the Child (hereinafter – “Optional Protocol”). It provides a definition of online child sexual abuse (“child pornography”) and criminalizes it. It also applies an extensive approach to legislative and judicial measures against online child sexual abuse and obligation of participation of states in the extradition of criminals, seizure of goods and instrumentalities used to commit offence, as well as cooperation in investigation proceedings. Similarly, Optional Protocol provides guarantees of protection of the rights of child victims (informing of the rights, right to present views, right to protection of identity, right to assistance, right to compensation) throughout the criminal justice process, and preventive measures through information, education and training to promote awareness about the crime (UN, 2000). Another document containing provisions on sexual exploitation of children - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (hereinafter – “Trafficking Protocol”) -, to some extent may serve as an instrument to suppress online child sexual abuse, but is irrelevant to the topic of this research. The purpose of Trafficking Protocol is to prevent and combat trafficking of persons, only partially covering online sexual abuse. It cannot be applied when particular crime of online sexual abuse does not include elements of human trafficking (e.g. cases of online sexual abuse of children in places of their residence), when essential element of trafficking – movement of the victim is excluded from criminal activities. However, this topic remains very debatable, that raises the scientific discussion on the inclusion to the Trafficking Protocol definition of “cyber trafficking” that covers sexual exploitation of children by means of the

Internet. Yet currently, this legal instrument is irrelative to investigations of online child sexual abuse. (Witting, 2017).

In regards to the topic of identification of victims of online sexual abuse, it is evident that Optional Protocol has no provisions on promotion or strengthening of international efforts to identify victims of online child sexual abuse. Moreover, these activities are not regulated by any other legal instrument. Identification of child victims of online sexual abuse is until now a subject to cooperation between different countries on a case-by-case basis and voluntary participation in mechanisms of identification of victims of online child sexual abuse, provided by INTERPOL (Berisha, 2015). In this situation, the only document in the branch of transnational criminal law that could be proposed for further consideration for the topic of identification of victims of online child sexual abuse is the “Proposal for a Draft United Nations Treaty on Combating Online Child Sexual Abuse”, which includes provisions on the usage of INTERPOL mechanisms to identify victims of online child sexual abuse and obligation of states to adopt them in full (Schjolberg, 2014). As for the current moment, taking into account that Proposal Draft was never discussed on official level and whose provisions were never applied in legal practice, author of this paper has no reasons to consider this document in the overview of the legislative basis. Discussion on the Proposal for a draft United Nations Treaty will be given in the explorative section of the thesis.

It may appear on first view and according to the conclusions of researchers, mentioned above, that transnational criminal law has little to contribute to the protection of substantial human rights of the children who became victims of online sexual abuse. Protection of rights of children appears only in Article 8 of Optional Protocol in the form of procedural rights in the status of victim or witness; preventive measures are described in general and include only awareness campaigns. Identificational measures are absent in the document as a matter of fact.. But a broader view on this document reveals that in fact, Optional Protocol, despite of being mainly a suppressive legal instrument, recognizes in its preamble online child sexual abuse (child pornography) as a human rights issue. Moreover, Optional Protocol is a supplement to the Convention on the Rights of the Child, aimed at protection of substantial rights of children, which itself belongs to legal instruments of international human rights law. Finally, it should be acknowledged that such a criminal law response is an important element of a human rights framework, as it can deter criminals from abusing the human rights of victims in the future and helps to identify and protect victims of crime in other cases. (Aston and Paranjape, 2013).

To conclude, I find it necessary to mention that online child sexual abuse is a criminal law issue with a strong human rights dimension. International human rights law and transnational criminal law frameworks both provide unique possibilities for states to invent and participate in existing measures, that are not directly prescribed by legal instrument, but imply the spirit of transnational cooperation in different forms with one aim – protection of rights of human beings, as was demonstrated by INTERPOL`s active participation in such measures. Without this involvement and active participation,

victims will remain objects of the criminal justice system, whose rights which can only be protected through application of measures that prescribed directly in international document.

The following chapter will explore the mechanisms of INTERPOL to identify victims of online child sexual abuse. This organization is not bound by any transnational document and has no obligations or prescribed competencies in this regard, but nevertheless proposes and maintains effective mechanisms to strengthen the protection of the rights of child victims of online sexual abuse through their identification. Despite the absence of international legal instruments, INTERPOL became a global institutional response to address the issue of identification of victims of online child sexual abuse and should serve as an example of proactive approach that should be implemented globally.

3. MECHANISMS TO IDENTIFY VICTIMS OF ONLINE CHILD SEXUAL ABUSE: THE ROLE OF INTERPOL.

This chapter will examine current international cooperative mechanisms to identify victims of online child sexual abuse provided within the framework of International Criminal Police Organization “ICPO–INTERPOL”, the only one existing global institutional response to online child sexual abuse. It will define the leading role of INTERPOL in its struggle against online child sexual abuse with a special focus on recent INTERPOL-led operational measures. The mandate of INTERPOL obliges it to establish and maintain wide communication possibilities between law enforcement authorities of different countries (INTERPOL, 1956). But in fact, it appears that INTERPOL officials serve not only as “links” between police forces, but engaged actively in identification of victims of online child sexual abuse, which will be described in this chapter.

3.1. International Criminal Police Organization “ICPO–INTERPOL” as global provider of mechanisms to identify victims of online child sexual abuse.

Foregoer of INTERPOL, International Criminal Police Congress (ICPC), established by Vienna`s police head in 1923 with participation of 20 mostly European countries plus China and Egypt, was collapsed after Nazi Germany took control over it in 1938. Its president was sentenced to prison and the organization headquarters together with its archives were relocated to Berlin for use in the persecution and kidnapping Jews, homosexuals, members of other political parties. Most member states soon stopped participating (Deflem, 2002; INTERPOL n.d. History). After the Second World War, the organization was reborn under the name of its telegraphic address “INTERPOL” and based in France. In the 1950`s it was again affected by another political conflict, controversy between United States and The Eastern Bloc socialist countries on the searching of dissidents as criminals, resulting in the dropout of United States from organization (Fooner, 1989).

The new INTERPOL Constitution adopted in 1956 which was supposed to ban intervening in cases of a “political, military, religious or racial character”, brought all countries back to organization. Originally based in Paris, it moved its headquarters to Lyon in 1989. Now it has 190 members, including almost every country on earth, except North Korea, Kiribati, Micronesia, Palau, Solomon Islands, Tuvalu, and Vanuatu. Each of them has a National Central Bureau of INTERPOL (NCB), usually operated by a national police force, which is meant to connect with INTERPOL`s headquarters and fellow INTERPOL members around the world (Gray, 2015).

INTERPOL`s involvement in the investigation of offences against children began in 1989 following the adoption of the United Nations Convention on the Rights of the Child with establishing a specialized Trafficking of Human Beings Sub-Directorate, which initially cooperated with Internet Service Providers to block access to child abuse materials and provided training and expertise to police

forces (Haberfeld and Cerrah, 2007, p. 351; Wortley, Smallbone, 2012, p. 58.) Since 2001, INTERPOL has maintained a database of exploited children referred to as the INTERPOL Child Abuse Image Database (ICAID) (Hayes, 2014, p. 17). Nevertheless, until recent times INTERPOL was criticized for being a slow-mowing bureaucratic and ineffective agency that was ill equipped for the increasingly global and transnational challenges of crime (Barnett M. and Coleman, L., 2005, p. 614; Jørgensen, 2012, p. 231).

Following the Resolution # AG-2009-RES-05 adopted 2009 at the 78th INTERPOL General Assembly session in Singapore, encouraging member countries to promote to use all technical tools available to fight sexual exploitation of children as well as Resolution # AG-2011-RES-08, INTERPOL uses several means to identify victims of online child sexual abuse (INTERPOL, 2009; INTERPOL, 2011). They include the following mechanisms:

- INTERPOL “Worst of” list (IWOL);
- International Child Sexual Exploitation Database (ICSE);
- International Notices.

In recent years, INTERPOL has moved away from the whack-a-mole work of catching someone for possessing or distribution, to what can be done to identify the child victim and thereby stop the abuse. With this victim-centric approach, INTERPOL instruments are used to identify and locate an average of six victims a day around the world, ranging in age from infants to pre-teens. (Moran, 2017; Yahoo Finance, 2017).

Some researchers assume that to increase the efficiency of INTERPOL, it is possible for governments to establish on the basis of INTERPOL an internationally based investigative institution with the specific focus on criminal networks specializing in child abuse materials. (Carr, J. and Hilton, Z., 2010, p. 64). Author of this paper tends to disagree with this proposition whereas INTERPOL is a supportive and coordinative organization, it does not have law enforcement functions, cannot establish any investigative units and it does not conduct any investigations. It provides investigative support and secure communications to law enforcement authorities and their counterparts throughout the globe through contact points in every member country (national central bureaus), as well as administrates their access to INTERPOL databases, resources and services.

3.2. Victim-centred approach application by INTERPOL

As stated previously, INTERPOL is not bounded by any transnational legal instrument in its activities on identification of victims of online child sexual abuse. Moreover, INTERPOL, as an international organization, was not established by means of a binding treaty. And, its Constitution agreed

by senior police officers and diplomats, was not submitted to national parliaments for ratification, therefore, all resolutions of this organization have no binding character to member states (EUROPARL, 2013). Thus, INTERPOL has the right to participate in and to propose any activities on a voluntary basis. Considering that article 2 of its Constitution declares respect to dignity and human rights in accordance with provisions of Universal Declaration of Human Rights that implies victim-centred approach in activities of this organization, INTERPOL provides victims access to justice by means of providing national police authorities with communication possibilities and databases that allow to identify victims of online child sexual abuse effectively. Moreover, the most significant INTERPOL function that demonstrates its victim-centred approach, is the procedure of identification of victims of online child sexual abuse by means of the analysis of photographs and films depicting the sexual abuse of a child with the objective of locating the child and/or abuser seen in them (UNODC, 2017). Clues can come from many places and in many forms, and it is the task of INTERPOL to retrieve those clues and piece them together using a range of specialized mechanisms, which will be discussed later (INTERPOL, 2017, Victim identification). Victim identification is a procedure that has emerged in recent decades out of a clear need to act upon child abuse material in the face of an absence of other actors. This is a reality that dictates the victim-centric focus of INTERPOL (INTERPOL, 2017, Victim identification). Further procedures to protect victims' rights should be done within the procedure of international legal cooperation between judicial authorities of different countries, but initial organization of identification of child victims of online sexual abuse is the responsibility of INTERPOL, on the efficiency of which the entire possibility of realization of victims' rights depends.

Efficiency of INTERPOL activities in identifying victims of online child sexual abuse is achieved through application of several tasks, prescribed by INTERPOL Resolution AG-2011-RES-08 "Promoting victim-centric management of child abuse material at the national level" and includes the following:

- Guiding the international development of victim identification specialization as a policing discipline;
- Assisting member countries in developing national victim identification units;
- Establishing a Victim Identification Specialist Working Group;
- Coordinating worldwide training in victim identification skills;
- Creating INTERPOL databases, which serve a global repositories of child sexual abuse images found on the Internet (INTERPOL, 2013, ICSE Course Agenda; INTERPOL, 2011).

Such approach, according to INTERPOL, has at least three vital advantages:

- 1) To identify children in order protect them from additional abuse or sexual exploitation.
- 2) To retrieve important clues for future investigations on who is the abuser when:

a. He/she/they is/are unrecognizable in pictures due to modifications of the images

b. He/she/they does/do not appear at all in the material.

3) To find important clues for future investigations on potential organizations that could create connections between victims and abusers and produce child sexual abuse material. (Calcara, 2013, p. 24).

It should be noted that INTERPOL in its resolutions avoids references to a definition “victim-centred approach” and proposes its own term to define aims of its activities in the sphere of identification of child victims of online sexual abuse as “victim-centric management”. Bearing in mind that INTERPOL publications and officials use both definitions in their reports and interviews, I assume that victim-centric management is synonymous to victim-centred approach term, and the difference is made only by non-systematic categorization of definitions (Moran, 2015; INTERPOL. 2012).

As it will be demonstrated in further chapters of this paper, INTERPOL procedures for identifying victims of online child sexual abuse could be improved by application of additional principles, proposed by the author of this paper, based on the analysis of the provisions of United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985):

- Inclusion identification of the victim as a central aim of INTERPOL activities in combatting online child sexual abuse;

- Promotion of implementation of national and international legislation and policies to ensure victims’ rights in the procedure of identification of victims of online child sexual abuse;

- Establishment of effective cooperation with non-state actors (media, non-governmental organizations) in the procedure of identification of victims of online child sexual abuse;

- Overcoming institutional and financial obstacles in the identification of child victims of sexual abuse procedure.

In either event, my goal is not to give a preference to the elements of victim-centred approach that are meant by United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) or to point that elements provided by INTERPOL are irrelevant. Rather, my intention is to show that INTERPOL elements are derivatives from the concept of victim-centred approach. In the following chapters I will try to defend my view that implementation of elements of victim-centred approach by INTERPOL provided in my list appear in all mechanisms and activities of INTERPOL, and that non-fulfillment of these elements in full creates main obstacles to efficiency of INTERPOL activities to identify victims of online child sexual abuse.

Further chapters are devoted to overview of current mechanisms to identify victims of online child sexual abuse, aimed at discovering gaps in implementation of these mechanisms as well as understanding the ground reasons, why a victim-centred approach application in activities of INTERPOL

has several drawbacks that results in lesser number of identified victims.

3.3. INTERPOL mechanisms to identify victims of online child sexual abuse.

Access blocking. The INTERPOL "Worst of"- list ("IWOL").

To begin with, it is worth mentioning that INTERPOL didn't pioneer blocking access to websites that contain child abuse materials. This measure was and still is a popular means to on restricting access to potentially harmful content in several European countries on a national basis. In the United Kingdom, from 1996, blocking mechanisms were generated and maintained by the non-governmental organization "Internet Watch Foundation" created as the result of an agreement between police and all Internet service providers. Naturally, these activities cannot serve as the tool to limit Internet users to intentional access of child abuse material, which is usually done with the help of P2P networks, Darknet resources and anonymizers, but they showed efficiency in blocking access to non-experienced users which amounts to 35,000 blocks per day in UK (Davidson and Gottschalk, 2010, p. 65).

Considering the importance of the global fight against child sexual exploitation and identification of its victims, INTERPOL offered the following procedure to block access to websites that contain child abuse materials: the "Worst of" list was created and maintained by INTERPOL. In order to be put on the IWOL, resource should be correspondent to following criteria in order to ensure that the list is global and material should be considered illegal internationally:

- material should depict real child (no animated materials);
- victims are prepubescent (no signs of puberty or child is younger than 12-13 years);
- CAM should depict sexual activities involving children as actors or witnesses or focus on genital or anal area of the victim;
- the domain has been online within last three months.

Eligibility of the aforementioned criteria is assessed by two agencies, usually INTERPOL representative and police authority from a member country. After an agreed decision on child abuse material, it should be put on IWOL, even if it contains only one picture of an abused child, the whole domain will be blocked. Results of the materials assessment are reported to all national central bureaus of INTERPOL, which in turn should redirect list of domains to national police forces. The local police defines, per national legislation, appropriate actions and ways of informing Internet service providers who will implement blocking in their networks (INTERPOL, 2013, ICSE Course Agenda; Schjolberg, 2014).

In recent years IWOL has shown its outstanding efficiency. According to INTERPOL information, every week around 100 new domains or subdomains are entered onto the IWOL. Another achievement of INTERPOL is that, beginning in 2013, Google and Microsoft began adjusting their databases pursuant to IWOL to block child sexual abuse content through their search engines around the

world (Schjolberg, 2014, p. 219)

International Child Sexual Exploitation Database (ICSE)

The most significant aspect of INTERPOL's work is in respect of the development of the database for victim identification. Despite many countries having developed their own child abuse material databases, global policy leaders such as the G8 and European Union have suggested that international effort in this field is required. The initial INTERPOL database known as ICAID (INTERPOL Child Abuse image database) was established in 2001 (Gillespie, 2011, p. 314).

The need for a new database was recognized by INTERPOL with the emergence of techniques of picture comparison and possibilities to store massive amounts of information in databases. Started in 2009, Interpol has built up a new database of hundreds of thousands of images of child sexual abuse victims - International Child Sexual Exploitation image database (ICSE) and as a result has managed to rescue thousands of children, equaling 5 rescued children every day in 2016 (1523 victims identified in 2009; 2025 in 2010, 2511 in 2011, 2891 in 2012, 3809 in 2013, 5785 in 2014, 7800 in 2015 and 10 000 in 2016) (INTERPOL, 2013, ICSE Course Agenda). ICSE is a powerful intelligence and investigation tool that offers specialized investigators instant access to data and tools for the upload and analysis of seized child abuse material, for investigators who have been authorized by INTERPOL. Investigators in 49 countries plus EUROPOL, a European Union law enforcement agency, are currently connected to the ICSE database. (DW, 2006; INTERPOL, 2017).

International notices

INTERPOL's international notice system was developed as an instrument for international police cooperation to help the member countries' law enforcement authorities communicate with each other about critical crime-related information. During its first decade and a half, INTERPOL (ICPC) put notices of wanted persons (criminals) in its international paper-based journal "International Public Safety". It offered a simple and economical method by which police officers in any member country could trace and reach a wanted person beyond the borders of his jurisdiction. Later, in the 1940's, the procedure became ineffective and strictly political due to Nazi influence on INTERPOL activities. In 1946, after reconstitution of organization, the system of notices was revived (Fooner, 2013, p. 153; Deflem, 2010, p. 112).

Nowadays, based on a request made by national central bureau (NCB), INTERPOL produces one of seven types of notices on its official website and in its electronic communication system I-24/7 available for authorized personnel in member countries (McNabb Associates, P.C., n.d.). The notice is circulated worldwide in electronic form in eight color-coded forms for prompt identification of the type of information: 1. Red Notice ("International Wanted Notice") - search for the criminal for arrest and extradition; 2. Blue Notice ("International Request for Information Notice") - establishing of whereabouts a person without arrest and extradition intention; 3. Green Notice ("International Alert

Notice”) - warnings and criminal intelligence about persons who have committed criminal offenses, and are likely to repeat these crimes in other countries; 4. Yellow Notice (“International Missing Person Notice”) – trace missing persons, including children, or to help identify persons who may not be able to identify themselves; 5. Black Notice (“International Unidentified Dead Body Notice”) – identification of bodies; 6. Orange Notice (“Warning Notice”) - warning about potential threats; 7. Purple Notice (“Modus Operandi”) - information on objects, devices and methods used by criminals. 8. Interpol-United Nations Security Council Special Notice - groups and individuals who are the targets of UN sanctions against “Al Qaeda” and the “Taliban” (Hurst, 2007, p. 9).

The notice that is covered by the topic of this paper, connected to identification of victims of online child sexual abuse, is the yellow international notice. Some researchers assume that for this purpose blue and red notices are also acceptable (Calcara, 2013, p. 24). I bet to disagree with this assumption, as red notices are used only at final stage of criminal investigations and serve mainly for arrest and extradition of a suspect and not for identification of victims. Blue notices are also used to establish the whereabouts or to identify potential criminals during investigation but intended for situations when an official arrest request is absent. For these reasons, analysis of yellow notices is conducted in this paper, as they are to my belief, are the most effective means to identify child victims of online sexual abuse.

The purpose of a yellow notice is to locate a missing person or to identify a person unable to identify him or herself which directly connects to identification of victims of online child sexual abuse. This type of notice is of particular importance in missing child cases and gives the incident international visibility as abducted/missing persons are flagged to border officials, makes travel difficult and countries can request and share critical information linked to the investigation (INTERPOL, 2007.).

As was indicated in this chapter, INTERPOL`s mechanisms are nowadays the only official global platforms for identifying victims of online child sexual abuse through international police cooperation. They allow authorized police personnel to search images and videos to make connections between victims, abusers and locations. INTERPOL serves as the biggest worldwide repository for the collection, collation, analysis and dissemination of information relating to online child sexual abuse (Abadinsky, 2016, p. 338).

The effectiveness of INTERPOL mechanisms is shown by the numbers of successfully identified victims. Beginning at 50 identified victims in 2001, the 10 000 identification milestone came less than fifteen years after the victim-centred approach was established. (INTERPOL, 2017). All INTERPOL mechanisms are working in close connection to each other and find their practical realization in INTERPOL-assisted operational activities of police authorities in different parts of the world, being connected by means of INTERPOL communication services and databases.

Despite its outstanding achievements, there is always room for further improvement. According to Jürgen Stock, INTERPOL's Secretary General: "Our organization is committed to supporting the vital work being done every day around the world by the specialist officers investigating these horrific crimes, but more can still be done. Governments, the private sector and the public also have a role to play in protecting the most vulnerable members of our communities." (INTERPOL, 2017).

In the following sub-chapter, INTERPOL's contribution to most remarkable operations of law enforcement activities towards online child sexual abuse will be described.

3.4. Operational activities of INTERPOL.

To meet the requirements of the case study selection pursuant to subchapter 1.5. of this paper, author has chosen the most remarkable operations in recent practices of INTERPOL. Giving the limited choice of case selection due to the secrecy and fragmentation of information regarding INTERPOL operations, two operational activities available to the public were analyzed. The two cases have similar characteristics and outcomes: participation of police authorities of more than two countries, broad usage of INTERPOL mechanisms, public and non-state actors' involvement, and moderate success of operation. A detailed examination of the given cases in order to identify common patterns of INTERPOL-led operations, allows us to make generalizations on the phenomena under consideration. Although the primary focus of this research is to explore existence of common issues related to poor legal and institutional basis of the procedure of identification of victims of online child sexual abuse by means of INTERPOL mechanisms, intention of the author is to discover applicability of these mechanisms in practice and significance of public involvement to INTERPOL operational activities. This would confirm hypothesis of the paper on the need for implementation of elements of a victim-centred approach, provided in subchapter 3.2. of the paper. I drafted two reports on INTERPOL-led operational activities, which were later transferred to the paper as subchapters and presented them to expert - Chief Inspector of National Central Bureau of INTERPOL in Ukraine with an intention to receive expert validation on the findings of the paper and practical views on the proposed topic. Such measures helped avoid, where possible, biases that may appear from referencing open sources as well as subjectivity of the author of the paper. Expert validation was provided in the form of comments to original text of the findings and attached as separate annex to this paper.

Operation "VICO".

"Operation VICO" became the most significant INTERPOL-assisted operation in recent years. This case is a glowing example of the usage of all possible INTERPOL tools in its struggle against online child sexual abuse. During investigation, INTERPOL used website blocking IWOL to limit access to domains where abusive pictures were discovered, all pictures in this case were put and analyzed through

International Child Sexual Exploitation Database (ICSE). Finally, INTERPOL, for the first time in its history, published the blue international notice in public access pictures of the abuser, without name and other identifying features and transferred it to all (at that time) 186 Member countries as well as to public on television, newspapers and websites.

The operation was initially launched in 2004 by German police, after the discovery of 200 photos which contained depiction of child abuse of 12 children in Thailand, Vietnam and Cambodia. The first photos appeared on Internet in March 2002. The face of the abuser, who appeared on 70 photos and named himself “VICO” was distorted by means of swirling digital effect. Specialists from the Federal Criminal Police Office in Germany and INTERPOL were able to restore identifiable images of the abuser using new technology to reverse the swirling effect of the picture. (Nizza, 2007; (N.d. Computer Fraud & Security, 2007).

Despite extensive global efforts to identify and locate this individual through INTERPOL’s network of National Central Bureaus and specialist units, the man’s identity and nationality remained unknown. Then, in violation of the Rules on the Processing of Data, INTERPOL decided to publish the international blue notice containing only photographs and a short description of the person “a white male aged between 35 and 40 with receding dark hair” to all participating countries, making it available on INTERPOL website, television and newspapers (Escobales, 2007).

Immediately after issuing the International Blue Notice, more than 15,000 articles and news reports were published worldwide including CNN and BBC World television channels. INTERPOL website registered 11 million visits during the operation “VICO”. Identification of the abuser was swift, 350 informers contacted INTERPOL and national police forces and within three days of publication of the notice INTERPOL had obtained the name, surname, date of birth, nationality and profession of child molester (McCulloch, 2007). It was Christopher Paul Neil, a 32-year-old English teacher from Canada, arrested on October, 19, 2007. Along with the perpetrator one victim of abuse was identified – 13-year old boy, who was depicted on one of his photos. It became possible by digital recognition of the name of the hotel on the information plate and geographical location in Cambodia. Families of other victims refused to confirm identity of their children on the photos. On August 15, 2008, the Thai court found him guilty of all charges and first sentenced him to 6 years and 6 months, but reduced his sentence on account of his guilty plea. He was also ordered to pay 60,000 Thai Baths (around 1,800 US dollars) to the family of the victim as compensation (INTERPOL, 2008).

Operation “Holitna”.

The “Holitna” operation began in 2010 with the examination by Boston Police (US) of a single image of a terrified boy clutching a stuffed animal. The photo had been sent via the Internet to a police office in Boston by man who thought he was communicating with someone who had a sexual interest in

babies and toddlers. Images were seized by police officers and uploaded to INTERPOL's International Child Sexual Exploitation Database (ICSE) with access provided to 13 countries (Partnership for Public Service, 2013). Several days after image was shared via INTERPOL's database, a specialist Dutch police officer identified a toy - stuffed bunny in the photo as 'Miffy' (Dutch: "Nijntje"), a character in Dutch children's books (Missing Children Adults, 2012). Depiction of the toy and other elements in the image enabled Dutch National Police to identify the Netherlands as the place of the child sexual abuse. Again, in this case, INTERPOL and Dutch National Police appealed to public in popular television show "Investigation Requested" (Dutch: "Opsporing Verzocht") regarding the identification of victim and perpetrator (Elsevier Weekblad, 2017). After INTERPOL's public appeal, the mother of one of the victims realized the boy in the photo was her son, the police were directed to the house of child's sitter Robert Mikelsons (27) in Amsterdam (Telegraaf, 2010). During a search of his house, computers containing a large collection of child sexual abuse (46,803 photos and 3,672 movies) were found and seized, resulting in the arrest of Robert Mikelsons, who was since sentenced to 18 years for abusing more than 60 children in two Amsterdam nurseries and homes where he babysat (Alchetron, 2012). Mikelsons confessed to the abuse of 83 children from 19 days to 4 years old, however he was convicted for the abuse of 67, due to the parents in the remaining cases wanting to avoid any risk of their children's identity being revealed (Radio Netherlands Worldwide, n.d.; Lavoie, 2012).

The operations clearly show the speed with which events transpired and ultimately led to identification of abusers and victims, were the result of unprecedented cooperation of law enforcement authorities from different countries and INTERPOL (Wardlaw, 2009, p. 324).

However, the policing success of the cases is tarnished if we look at them from legal and victimological perspectives which will be performed in the next chapter.

4. OBSTACLES TO INTERNATIONAL POLICE COOPERATION IN IDENTIFICATION OF VICTIMS OF CHILD SEXUAL ABUSE.

Firstly, I can conclude from the description of operation “VICO”, during years of his criminal activity, that Christopher Paul Neil molested 12 children in Vietnam, Cambodia and Thailand. Currently the abuser has been convicted of only one case, affecting a 13-year old boy from Thailand, yet the operation was marked by INTERPOL and media as successful. Similar issues apply to operation “Holitna”, the perpetrator was charged only with known offences with identified victims, without any further efforts to identify victims of his crime. It shows the complete ignoring of previously mentioned basic element of a victim-centred approach and proves the assumption of Nils Christie (2003, p. 7) that modern criminal control systems represent one of the many cases of lost opportunities for involving citizens in tasks that are of immediate importance to them.

Secondly, the fact that the abuser in the “VICO” case was sentenced only for one crime episode in Thailand is explained by the impossibility to charge him for other crimes in Vietnam and Cambodia, due to different definitions of the term “Child” in these countries and the age of consent to sexual activities, as well as challenges that appear in defining the term “Online child sexual abuse”.

Finally, INTERPOL, as an international organization suffers from institutional issues, that lead to significant decrease of efficiency of its mechanisms and cooperative activities, such as limited budget and non-involvement of non-state actors to the procedure of identification of victims of child sexual abuse.

The aforementioned obstacles to international police cooperation in identification of victims of online child sexual abuse will be analyzed in the following subchapters, using the validation of a practicing expert, Chief Inspector of National Central Bureau of INTERPOL in Ukraine, as a means to strengthen the objectivity of the research.

4.1. Victim-centred approach: issues of practical implementation.

As noted previously, the victim-centred approach, in theory, became the leading mandate of INTERPOL in the sphere of identification of victims of online child sexual abuse. The intention of such an approach is clearly visible: child abuse materials mostly depict victims rather than the abusers, therefore, at least equal attention should be paid to the identification of victims and abusers. Precise and careful identification of victims of online child sexual abuse is above all necessary to protect their physical safety and their rights. It also ensures their access to justice. Proper identification of victims of online child sexual abuse can also lead to further criminal investigations and may help disclose other crimes (OSCE, 2011, p. 21). But in practice, I can agree with the conclusion of Mick Moran, INTERPOL’s Assistant Director for Human Trafficking and Child Exploitation: “Police are not created for victims”. (Moran, 2015) Nowadays, INTERPOL still follows criminal justice policing model stemming from the 1930’s which is focused on crime control and remains reactive and incident-driven. The emphasis lies on identification of perpetrators through surveillance, technology and professional expertise after the crime was committed. (Palmiotto, p. 175). This was illustrated by the two previously

discussed operations assisted by INTERPOL. Both the “VICO” and “Holitna” cases identification of abusers and their victims, were only possible after publication of INTERPOL’s request for identification to media and active public participation. Neil was arrested when his ex-boyfriend saw his photo on television and reported his name, surname and travel route to police. The same situation occurred with Mikelsons and his victims, who were identified only after their photos appeared on Dutch television. Without public involvement in these cases, the only clue possessed by INTERPOL and police authorities was name of recently visited hotel by abuser, and depiction of the toy in other case. This minimal evidence proved insufficient for identification of abusers and their victims and could have resulted in prolongation of identification. A victim-centred approach requires early identification of victims of online child sexual abuse. Failure to identify victims at an early stage can result in inadequate protection of victims and the violation of their rights, which in turn may obstruct effective prosecution of the crime and could lead to secondary victimization (OSCE, 2011, p. 26). Operations became successful only through application of a victim-centred approach, which implies cooperation with non-state actors as media and community in the procedure of identification of victims of online child sexual abuse. This INTERPOL practice was exceptional and unique – later possibilities of media and the community were never used again. This leads to the conclusion that efficacy of identification victims of online child sexual abuse is infringed by non-application of a community approach. Nowadays, INTERPOL has no clear and prompt mechanism of reporting child abuse material directly to them, all notifications on such materials should be addressed first to local police authorities and then, often with a huge time gap will be forwarded to INTERPOL (INTERPOL, 2017, Online child abuse material: Q & A.).

Proposed Solution.

Taking into account the need for prompt identification of victims of online child sexual abuse, INTERPOL and local law enforcement authorities should use all possible means for early identification of victims of online child sexual abuse by applying non-state actors’ involvement (media, community). I am aware of the fact that publication of numerous cases of child sexual abuse on the INTERPOL website or global media sources to collect information may reduce effectiveness and public outcry of this procedure. Also, author understands that community members will never be as effective and active as law enforcement authorities in obtaining crime-related information due to the unpaid character of these activities and cultural controversies in some regions of the world. Nevertheless, it is my firm belief, supported by the outcome of two operations mentioned, the usage of positive image of INTERPOL in the society combined with systematic publication of basic information in countries and regions of potential child sexual abuse crime scenes with the promise of rewards usually given to informants from local police forces will have three-tiered contribution to activities of all actors of this procedure: it will contribute to popularity of local media, strengthen social control, public awareness and rejection of such a heinous crime, and eventually, will be more victim-centred than the current technological and operational methods of law enforcement authorities and INTERPOL.

Expert validation: In general, expert validated positively the conclusion on focusing the efforts of law enforcement authorities on the victims and broader inclusion of public and informal resources to identify victims of online child sexual abuse, but with several remarks and warnings:

- investigations should be focused equally on identification of both victims and abusers because information obtained from criminals may give more clues on identification of other victims of abuse, while victims are usually separated from each other and able to provide only information about themselves, methods and tactics of abusers;

- publication of child abuse material should not undercover the identity of the potential abuser as well as his victims, as this may cause privacy consequences.

4.2. Variations of definitions across the world and urgent call for transnational legal instrument.

Absence of transnational legal instrument to identify victims of online child sexual abuse.

The previously described practice of INTERPOL-assisted operations towards online child sexual abuse, other than the two successes discussed, contain several inconsistencies that may pose a risk to future identification of victims of this crime internationally. Without doubt, one of the main obstacles INTERPOL faces is the absence of multilateral treaty on procedure of identification of victims of online child sexual abuse and legal norms of national legislation which in different countries can provide very contrasting views not only to the procedure of identification, but even to understanding what is considered a “child” and “online sexual abuse”.

As was mentioned before, online child sexual abuse was criminalized in international legal instruments. But, until now, after 30 years of distribution of online sexual abuse materials, there are no international binding instruments addressing the identification of victims. That gives us reason to assume that United Nations, the only international organization that creates and maintains global order, in fact ignores urgent call for providing victims of online child sexual abuse with the possibility to be identified, from which all other rights of the victim are rooting. For exemplary purposes, provided that, if theoretically, such an international instrument existed at the time Mikelsons committed his crimes (Operation “Holitna”), more than 60 children wouldn't have faced sexual abuse. This is because before committing crimes in Netherlands, Mikelsons was previously convicted in Germany for similar offences and the existence of a procedure for entering all information into the INTERPOL ICSE database on abusers and victims of child sexual abuse, would have prohibited him from receiving a “Certificate of good conduct”, Dutch: (Verklaring Omtrent het Gedrag), compulsory for child care workers in Netherlands (Mikelson had al een strafblad, 17 December, 2010). Such inefficient legislative policies are opposed to the victim-centred approach “promotion of implementation of national and international

legislation and policies, that are vital for ensuring victims' rights in the procedure of identification of victims of online child sexual abuse", prescribed by Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power.

The need for a unified global concept "Child"

Another issue that appears in the research of identification of victims of online child sexual abuse revealing the weaknesses of international legal instruments provided by United Nations, is the definition of the term "Child" and agreed among 190 countries in Article 1 of United Nations Convention on the Rights of the Child: "Child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier." The second part of this article allows each country to decide whether the "18-year rule" is applicable to its national legislation or not. And, national legislation of each country regulates the definition of childhood through the prism of age of sexual consent. Logically, age of consent means voluntariness of sexual activities, which cannot be considered as child abuse. For the purpose of combating online child sexual abuse, means that the criminal offence, committed by the person in one country, is in fact not considered a crime in another. This issue was applicable to operation "VICO", where the abuser was charged only for molestation of the 13-year old boy from Thailand, while the list of his victims included other victims from Vietnam and Cambodia. The reason for excluding these from the investigation is easy to explain: according to Thai legislation, age of sexual consent is 18 years, while Article 8 of Cambodian "Law on Suppression of the Kidnapping, Trafficking, and Exploitation of Human Beings" punished "debauchery" with children only until the age of 15 years and article 115 of Vietnamese Penal Code – until 16 years (Law on Suppression of Human Trafficking and Sexual Exploitation, 1996; Penal Code, 1999). At the moment of prosecuting the offender it was not known if the children from Vietnam and Cambodia depicted on his photos were of the age of sexual consent, cause by the refusal to identify victims from official authorities. One year later, in 2008, Secretary General of INTERPOL, Ronald Noble encouraged local authorities and policymakers to proceed with the process of identification of victims in this case and some of them were identified, during his official visit to Cambodia. However, it didn't lead to any additional criminal charges (INTERPOL, 2008). The stage of proceedings and current state of identification of victims in Vietnam in this case remains unknown until now.

"Online child sexual abuse": not a globally recognized crime.

Another problematic definition that appeared during operation "VICO" is "Online child sexual abuse". As stated, the most common synonym for child sexual abuse in international and national legislation is "child pornography". This was criticized by INTERPOL due to the impossibility of defining online child sexual abuse as any depictions of minors where non-pornographic (e.g. erotic, violent) performances are present, and, concerns about the meaning of "pornography" which itself should always imply voluntariness of sexual activities. Even if we assume applicability of the use of the term "child pornography" in national legislation as an alternative to "online child sexual abuse" prohibiting

circulation of child abuse material, the result is disappointing. According to the latest global report from International Centre for Missing and Exploited Children (ICMEC), 60 countries of the world do not define online child sexual abuse in their legislation (including Thailand and Vietnam), from which 35 countries do not have legislation specifically addressing online child sexual abuse (child pornography) at all (ICMEC, 2016, p. vi). Such situation creates obstacles for prosecution of such crimes – in these countries perpetrators can be prosecuted for sexual intercourse with minors only, but not for production, distribution or possession of child abuse materials. Another legal issue in combatting online child sexual abuse appears when looked at the number of countries that do not criminalize possession of child abuse materials (50 countries). Consumers of this content are the main source for obtaining information regarding producers, perpetrators and victims of online child sexual abuse, but, where possession of child abuse material is not a crime in particular country, there are no legal grounds for law enforcement authorities to carry out inspections of materials, to block content using INTERPOL's "IWOL" tool, to put child abuse material into ICSE database or to identify victims of the crime (ICMEC, 2016, p. vi).

The root of the problem appears on the surface: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography uses controversial definition "child pornography" instead of "online child sexual abuse", moreover, unlike, for example, other Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Art. 1), it contains no references to the age (18 years) for the purposes of "child pornography". As the result, huge divergence in the terms "Child" and "Online child sexual abuse", combined with poor implementation of Article 3 of the Protocol on criminalization of production, distribution and possession of online child abuse materials throughout the world, creates insurmountable obstacles for combatting online child sexual abuse in particular regions of the world.

It is worth mentioning, that issues concerning terminology only appeared in operation "VICO". Operation "Holitna" did not experience such obstacles due to the fact that the Member States of the Council of Europe adopted the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) (2007), which also defines online child sexual abuse as "child pornography". However, it uses this term as a part of "child abuse and exploitation" which has more specificity to abusive character of such activities and has direct reference to age (18 years) for the purposes of "child pornography". Luckily, operation "Holitna" was held in the Netherlands, which has a detailed definition of online child sexual abuse and criminalizes such offences (production, distribution, possession) when committed against children up to the age of 18 (ECPAT, 2011, p .33).

Proposed Solution

As a universal solution for all the aforementioned legal obstacles for identification of victims of online child sexual abuse, Proposal for a draft United Nations Treaty on combating online child sexual abuse, provided by Stein Schjolberg (2014), provides a comprehensive and well-structured approach to identification of victims of online child sexual abuse using mechanisms of INTERPOL. It contains nine

articles that prescribe the age of the victim (18 years) in connection to online child sexual abuse, provides clear definition of online child sexual abuse as any material that visually depicts a child engaged in real or simulated sexually explicit conduct; any depiction of the sexual organs of a child for primarily sexual purposes, and exploited with or without the child's knowledge; realistic images of a child engaged in sexually explicit conduct, or realistic images of the sexual organs of a child, for primarily sexual purposes as well as describes measures that police authorities and INTERPOL are obliged to conduct in case of discovery of child abuse material.

Bearing in mind the idea of adoption of the United Nations Treaty on combating online child sexual abuse according to proposal of Schjolberg and amendment of the national and international legal instruments due to complicity of procedure and cultural diversity in the world, it seems unrealistic that every country will have similar norms on the age of sexual consent. But, while approaches vary, there is generally a global consent on the inadmissibility of child sexual abuse that can serve as a basis for adoption of the Proposal. Or, at the very least, changes to Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000) and national laws definition of child sexual abuse (including online) and the age in connection to sexual abuse, as was made on the regional level of the Council of Europe by adoption of Lanzarote Convention. Additionally, the experience of the Netherlands can be used, famous for extremely liberal attitudes regarding sexual behavior and allows sexual activities from the age of 16 yet remains very strict towards child abuse offences, extended the age limit for 16 to 18 years old (ECPAT, 2011, p .33).

To conclude, there is little INTERPOL can do in connection to amending international and national legal instruments as the problem goes beyond the competency of this organization. To resolve this issue, INTERPOL endorses calls during international meetings and provides guidelines for INTERPOL member countries to do everything possible to find a solution to that serious problem, by using the appropriate terminology for online child sexual abuse and to consolidate views on the age in connection to sexual abuse.

Expert validation: Expert provided information on efforts of INTERPOL to intensify legislative support of the procedure of victims of online child sexual abuse and noted positively the proposition to adopt "Draft United Nations Treaty on combating online child sexual abuse" with several comments to the text of the document:

- *Treaty should directly mention the particular age (18 years) of the victim of online child sexual abuse;*
- *The term of presence of abuse materials on Internet should not contain "3-months waiting period" criteria, all materials should be blocked immediately upon their discovery.*

4.3. Institutional issues of INTERPOL.

Despite its notable success in identification of victims of online child sexual abuse, there are several institutional issues that should be mentioned in this chapter. These issues are closely tied to the obstacles mentioned above as well as other problems appearing in the course of international police cooperation.

The main issue constraining INTERPOL's efficacy is its resources. The organization had an annual operating budget in 2017 of approximately EUR 64 million, the bulk of it provided by member countries based on their ability to pay "are very minimal" compared to those of many local police forces (INTERPOL, 2016, AG-2016-RES-10;Gilsinan, 2014). As a result, INTERPOL is extremely limited in its implementation of new and costly methods for identifying child victims of sexual abuse. Almost ten years ago, Dutch scientists described child sexual abuse detection tool "iDash" which at that time was actively used by the Dutch police forces in the fight against online child sexual abuse. Since 2010, a forensic tool for automatic nudity detection "NuDetective" has been used in Brazil (Polastro, and Eleuterio, 2010). In 2015, Westlake and Bouchard assessed the validity of automated web crawlers as data collection tools to investigate online child sexual exploitation and concluded that in fact, such software can scan Internet sources without human intervention, to flag potential issues that can then be manually verified by INTERPOL and law enforcement personnel. Non-governmental organizations, such as "Terre des Hommes", went even further when they invented a computer-generated child profile of a 10-year girl from Philippines "Sweetie". They were then able to identify more than 1,000 men who proposed to pay for performing sex acts online during the first 10 days of profile activity. Afterwards, all data and findings on the project were handed over to police (Escritt, 2013). But the response from European law enforcement agencies, as represented by EUROPOL spokesman Soren Pedersen, was a refusal to accept results of the project, stating that: "Criminal investigations using intrusive surveillance measures should be the exclusive responsibility of law enforcement agencies". (Crawford, 2013). At the same time, INTERPOL and national law enforcement agencies use outdated and ineffective approaches to detection of victims of online child sexual abuse. Internet users can only voluntarily report abusive content to their national police forces or to several non-governmental organizations dealing with child abuse counteraction, which address requests to INTERPOL. When child abuse material is discovered and addressed to INTERPOL, it should pass additional criteria in order to be placed on the "IWOL" INTERPOL database and blocked by each Internet service provider in every member country. What is more, victims do not understand the need for the time-consuming blocking access procedure to child abuse materials instead of deleting it from Internet. The content is still present on the Internet and could be easily accessed from other countries or by means of usage of other Internet service providers. To delete content on the Internet globally, INTERPOL would need to have global judicial powers to limit freedom of speech and expression at its own discretion. However, this will never gain the support of any country as it would be a limitation on national sovereignty.

To give a contrasting example, in 2016 the Federal Bureau of Investigation of United States of America demonstrated completely opposite approach in identifying victims of online child sexual abuse and their perpetrators. FBI at one moment of time hacked a website distributing online child abuse materials and took control over it, obtaining full access to contact details of more than 1,000 consumers of child abuse materials as well as identity of the victims: nearly 900 suspected molesters have been arrested and almost 300 children identified following the massive operation “Pacifier” (Mailonline, 2010). At first glance, the results of the operation “Pacifier” were spectacular. But, as a matter of fact, further consequences on the illegal nature of the operation had an extremely negative influence on the legal status of FBI operations both in United States and worldwide. The international nature of the operation meant it received several legal claims regarding the FBI's extraterritorial jurisdiction and the use of child abuse materials by FBI agents for the purposes of an operation. It is the subject of ongoing investigations that called into question of the legal status of operation “Tornado” and its results (Anglin, 2002; Brown, 2016).

The proposed solution for institutional issues of identification of victims of online child sexual abuse lies in understanding that INTERPOL is not a law enforcement authority. For this reason, calls for creation of law enforcement organization “Online INTERPOL”, proposed by Rashmee (2017), in my opinion, is not credible. Establishment of a global police organization is a long-term process, which will face many obstacles due to legal controversies and will duplicate functions of national law enforcement authorities (Rashmee, 2017). Another solution provided by German authorities is establishing strict fines (up to 50 million EUR) for delays in monitoring and reporting illegal content for website owners and social media services (House of Commons, 2017, p. 13). Although this proposition seems justifiable, I can foresee controversies in regulation of “Darknet” sources that have no registered owners and are the main sources of online child abuse materials, while they are very uncommon to open areas of Internet (Brandl, 2014 , p. 451).

Proposed Solution.

For combatting online child sexual abuse on a domestic level, I see the most effective measure in creation and development of national online police units in each country, with the full procedural competency in discovery and investigation of facts of child sexual abuse on the Internet. Taking into account the limited competency of INTERPOL in dealing with the aforementioned issues, I see it reasonable to foster closer cooperation with non-governmental organizations dealing with child abuse issues such as: End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes “ECPAT” (network of 95 NGO’s in 86 countries), International Association of Internet Hotlines “INHOPE” (network of 51 hotlines on child sexual abuse in 45 countries worldwide), so to receive information and use automated victim identification technology, provided by these organizations, which are more flexible for decision-making and have independent budgets (ECPAT, 2017; INHOPE, 2017; Braga da Cruz, 2016, p. 131). Such an approach will have two-dimensional positive outcome: it will

broaden possibilities in identification of victims of crimes without financial burden on INTERPOL and will have an invaluable contribution to the transparency of INTERPOL activities.

Expert validation: Expert in his validation explained that nowadays INTERPOL has sufficient resources to discover modern forensic techniques and to maintain existing tools, but the problem lies within the possibility of certain countries to provide their law enforcement authorities with appropriate equipment and communicational possibilities to use these resources. Proposition of mutual use of forensic mechanisms with non-governmental organizations was met with caution: according to expert, it might have consequences in confidentiality, as this implies sharing information with other actors, who are not controlling their data as effective as INTERPOL”.

CONCLUSION

This paper, using its multidimensional research approach, is aimed at shedding light on the role of International Criminal Police Organization “ICPO–INTERPOL” in the identification of victims of online child sexual abuse. To investigate the main research question, author used a combination of qualitative methods: description, analysis of current legislation, review of scientific books and articles, official reports of International Criminal Police Organization “ICPO–INTERPOL”. In the descriptive section of the paper, author presents current development and understanding of child sexual abuse phenomena, its objects, current mechanisms and recent operational activities for identifying victims through the prism of the victim-centred approach. In the exploratory section, author analyzed obstacles to international police cooperation by reviewing recent successful INTERPOL-led operational activities and with the use of specific qualitative method “expert validation” to measure reliability of my research by means of inter-observer reliability to assess my interim conclusions and recommendations applicability in practice. Such an approach gave us to limit subjectivity, bringing them closer to the reality of practical international police cooperative activities.

In the initial stages of research, considering international nature and graveness of online child sexual abuse as well as global prioritization of identification of its victims, my task was to discover current conceptual frameworks (definitions) and legislation with regards to identification of victims of online child sexual abuse, which are essential to the existence of any international police cooperative mechanisms and activities of INTERPOL in this field. Additionally, with the intention to synthesize all elements of identification of victims of online child sexual abuse to a common philosophical concept to which they should aim, author has provided discussion on the elements of a victim-centric approach in victim identification, adhering to that proclaimed by INTERPOL in its Resolution AG-2011-RES-08. Author discovered origins and development of online child sexual abuse, defined it as a disturbing social problem, identified its elements. The overview of international regulatory provisions of identification of victims of online child abuse revealed that neither procedure of identification of victims, nor any activities or mechanisms provided by INTERPOL in this field, are covered by any international binding or non-binding instrument. Such gaps in legislation has resulted in sporadic and spontaneous character of INTERPOL`s global victim identification efforts in which only 49 countries of the world participate. In author`s attempt to find the solution for unification and regulation of global activities on identification of victims of online child sexual abuse, author has discussed and supports the initiative of cybercrime expert Stein Schjolberg on adoption of the Draft “United Nations Treaty on combating online child sexual abuse”. An initiative covering the obligation of participating member states to use INTERPOL mechanisms for identification of victims of online child sexual abuse more effective.

A brief history and development of INTERPOL as the provider of global mechanisms to identify victims of online child sexual abuse was overviewed, followed by description of INTERPOL`s “Worst of” list (IWOL) website blocking system, International Child Sexual Exploitation Database (ICSE) and

International Notices system. These crucial mechanisms, provided by INTERPOL have their undisputable advantages in relation to identification of victims of online child sexual abuse, particularly owing to their international coverage and complementarity: once child abuse material has been discovered, it is operationalized in several ways simultaneously, the material is sent to International Child Sexual Exploitation Database for identification of a victim and comparison with existing information, an INTERPOL request is sent through “Worst of” list (IWOL) website blocking system to Internet service providers in order to block abusive content source, and finally, a Yellow notice with known data on victim child (and/or blue notice on abuser) is spread among national central bureaus of INTERPOL in 190 member countries for the purpose of identification of victim and perpetrator. To show the efficacy of the aforementioned mechanisms, two cases of successful INTERPOL-led operations on identification of victims of child abuse – Operation “VICO” and Operation “Holitna”, were presented. It should be noted, however, that efficacy of INTERPOL mechanisms to identify victims of online child sexual abuse are hindered by shortcomings relating to their practical implementation, something illustrated in case analyses of above mentioned operations and review of general obstacles to identify victims of child online sexual abuse to investigation.

Firstly, it must be regrettably concluded that apart from statements in its Resolution AG-2011-RES-08 on victim-centred approach, INTERPOL and domestic law enforcement authorities are still ruled by an old-fashioned policing model that concentrates all efforts on apprehension of criminal. This was illustrated in operations “VICO” and “Holitna”, cases that were considered to be solved as soon as the perpetrator was arrested, while procedures on victim identification are still ongoing. Both cases were used in this paper as notable examples of public involvement in identification of victims and child abusers. They show the effectiveness of social reaction when INTERPOL publicly appealed for identification of subjects of both cases on its official website and in the media. Regrettably, those two operations were last known cases opened to the public by INTERPOL since 2010, which raises the question of neglect of community approach to identification of victims by INTERPOL and that efforts of international police cooperation are still criminal-centred, relying on surveillance, technology and professional expertise rather than on information from public sources.

Secondly, absence of legislative support of identification process was criticized as well as ambivalent approaches to definition of a child and online child sexual abuse that, notwithstanding the moderate success in identification of victims of online child sexual abuse, hinder efficiency of INTERPOL as the global coordination center for law enforcement in this field. Different approaches to definition of the term “Child”, based on cultural diversity of nations resulted absence of references to the age of the victims in the main international instrument to combat this crime - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000). The Convention on the Rights of the Child itself as the main document to which the aforementioned Protocol is annexed, defines “Child” as every human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier. Moreover, Protocol, when

defining online child sexual abuse, uses the controversial term “child pornography” which leads to non-recognition of victims of abuse when they were not directly involved in sexual activities. Such a legislative gap in definition provides no obligation for states to establish age in regards to child sexual abuse and creates obstacles for INTERPOL in identification of victims of this crime, those who look older than 12-13 years, or not engaged in sexual activities on child abuse materials, are not subjects to INTERPOL’s “Worst of” list database, excluding thousands of potential victims from identification process.

Thirdly, to my firm belief, international police cooperation on identification of victims and tackling online child sexual abuse, which is by nature is purely transnational and high-tech crime, is impossible without proper financial provision. INTERPOL, having received a EUR 64 million annual budget in 2017, is extremely limited in implementation of modern techniques for victim identification: automated nudity detection tools, web crawlers, computer-generated profiles in Internet communities are not used by INTERPOL. Databases are manually filled with data obtained from personal detection by police officers or from public reporting of child abuse materials, which does not meet the requirements of this era. Even though have proposed to cooperate with non-state actors, who possess sufficient finances and equipment to tackle online child sexual abuse and identify its victims, police and international organizations refuse multi-agency cooperation with non-state actors, stating that investigations should be the exclusive responsibility of law enforcement agencies. In light of the above, I should bitterly acknowledge that INTERPOL remains a highly secretive and non-public organization.

Finally, in answering the main research questions of this paper “*What is the role of INTERPOL in the identification of victims of online child sexual abuse?*” author can conclude with confidence: nowadays, identification of victims of online child sexual abuse without INTERPOL is impossible, taking into account its mechanisms and databases. For this reason, the role of this organization in the process of identification of victims of online child sexual abuse is vital and irreplaceable. Having stated this, I can reasonably suggest, that current technical and organizational options available to INTERPOL, enforced with proper legislative basis and sufficient financial support, combined with multi-agency and community approach, will result in the main aim of INTERPOL activities being to make the Internet a safer place and to reduce number of victims of this horrific crime – online child sexual abuse.

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ANNEXES

ANNEX 1

Proposal for a draft United Nations Treaty on combating online child sexual abuse

(7th Edition, June 2014)

Schjolberg, S. (2014) Proposal for a Draft United Nations Treaty on Combating Online Child Sexual Abuse. In: Schjolberg, S. (2014) *The History of Cybercrime: 1976-2014*. Books on Demand, Norderstedt, Germany, p. 214 - 224.

Introduction

Recalling the 1989 United Nations Convention on the Rights of the Child. Online child sexual abuse constitutes serious violations of fundamental rights, in particular of the rights of children to the protection and care necessary for their well-being.

Recalling the 2000 United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Noting that Article 34 of the United Nations Convention on the Rights of the Child, States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

Noting that online child sexual abuse are increasing and spreading through the use of new technology and the Internet, and require a comprehensive approach on the prevention of such abuses.

Recognizing with appreciation the work on the CIRCAMP (Cospol Internet Related Child Abuse material Project) network.

Recognizing with appreciation the work of INTERPOL providing and updating the national offices of INTERPOL with a Worst of list of domains (IWOL), including a service for Access Service Providers (ASP).

Recognizing with appreciation Directive 2011/93/EU of the European Parliament and of the Council of December 13, 2011, on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.

Recalling that important initiatives was taken by the work on the CIRCAMP (COSPOL Internet Related Child Abusive material Project) network that was launched in 2004. COSPOL is an abbreviation for: Comprehensive Operational Strategic Planning for the Police. CIRCAMP was organized by Norway and United Kingdom, and had 14 national police forces as members in addition operational support from Europol and INTERPOL. The primary goal for CIRCAMP was "to detect, disrupt and dismantle networks, organizations or structures used for the production and/or distribution of child abusive files and

to detect offenders, identify children and stop abuses.”

Another initiative was an Australian based Virtual Task Force,¹ an alliance of international law enforcement agencies and private sector partners.

Noting that INTERPOL was a member of CIRCAMP, providing and updating the national offices of INTERPOL with a Worst of list of domains (IWOL) that was introduced in 2010.

INTERPOL has taken responsibility of providing a list of domains containing child sexual abuse content to any Internet Access Service Providers (ASP) willing to participate in reducing the availability of such material on the Web.

Participation is free of charge on completely voluntary.

The criteria of being to INTERPOL ”Worst of” list are very strict and includes as follows:

- The children are ”real”. Sites containing only computer generated, morphed, drawn or pseudo images are not included;
- The ages of the children depicted in sexual exploitative situations are (or appear to be) younger than 13 years;
- The abuses are considered severe by depicting sexual contacts or focus on the genital or anal region of the child;
- The domains have been online within last three months;
- The domains have been reviewed and found to fulfill the above criteria by two independent countries/agencies or more.

A Stop Page was introduced and had content as follows:

” Your browser has tried to contact a domain that is distributing child sexual abuse material. Access to this domain has been blocked by your Access Service Provider in co-operation with INTERPOL. This is a preventive measure to protect the children that have been victims of documented sexual abuse and to prevent further dissemination of the evidence of this abuse.”

All domains that experience redirection have been checked by police officers at INTERPOL in co-operation with CIRCAMP, and were found to contain child sexual material according to very strict criteria.

The content on the domain may change over time and/or be hidden from plain view, so that the domain may appear legal if accessed. If you strongly believe that the domain is wrongly blocked, you may contact INTERPOL.

If you are the domain owner, you may complain about the inclusion of your domain on the list via EUROPOL.

If you would like to report content that you have come across on the Internet or use your local hotline, go to INHOPE for an overview of national hotlines in many countries.”

The INTERPOL International Child Sexual Exploitation (ICSE) image database was launched in 2009. The ICSE enable authorized users in member countries to access the database directly and in real time.

According to INTERPOL information every week around 100 new domains or subdomains are entered onto the list (2013).

Google and Microsoft Bing from November 2013 adjusted their search result to block child sexual abuse content through their search engines around the world.

The model legal framework for this proposal is the Directive 2011/92/EU of the European Parliament and of the Council of December 13, 2011, on combating the sexual abuse and sexual exploitation of children and child pornography.

Article 1

Subject matter

This treaty or agreement establishes minimum rules concerning preventing websites containing online child sexual abuse. It introduce blocking technology, filtering technology, or similar technology as measures aimed at stopping the distribution of child abusive images and material. When the term ”blocking” is used in this proposal it also includes ”filtering”.

Blocking websites containing child sexual abuse could be based on various types of public action, such as legislative, non-legislative, judicial or other. Voluntary actions taken by the Internet industry to prevent the misuse of its services with child sexual abuse are supported. States must ensure that it provides an adequate level of legal certainty and predictability to service providers (ISPs) and users.

Article 2

Definitions

Online child sexual abuse includes:

- any material that visually depicts a child engaged in real or simulated sexually explicit conduct,
- any depiction of the sexual organs of a child for primarily sexual purposes, and exploited with or without the child`s knowledge,

- realistic images of a child engaged in sexually explicit conduct, or realistic images of the sexual organs of a child, for primarily sexual purposes.

Article 3

Prevention

States shall prevent deliberate access to child abuse material on the Internet, and prevent accidental access to this illegal and harmful content by the public.

States shall take appropriate preventive actions to detect, disrupt, and dismantle networks, organizations, or structures used for the production, distribution of child abusive files, and to detect offenders, identify children and stop material.

Article 4

Investigation

1. The police are responsible for confirming the illegality of the domain and to provide the addresses containing child abuse material.

The access blocking methodology targeting web domains, and web domains only, disseminating child sexual abusive files. Blocking access to child sexual abuse files are cheap and simple preventive methods.

2. All domains are downloaded by the police, seized, traced, and looked up, saved and rechecked at predetermined intervals.

3. States that have access blocking system in place may share all information on continuously updated list on illegal sites between them, and check the content according to national legislation.

Article 5

Access blocking systems

Internet Service Providers (ISP) implements the access blocking in their networks, utilizing existing technology, personnel and equipment.

1. The ISP redirects the browser to a specific page instead of the address - the so called STOP page. The STOP page will explain the reason for the redirection of traffic, give links to legislation and police

2. The access blocking is purely preventive, no investigations against persons are initiated as a result of an Internet user being blocked and the Stop Page displayed.

3. The IP-address of the Internet users has been removed from the logs, so they contain no

identifying information. Identifiable information about the Internet user is not stored.

4. The nature of the Internet makes circumvention of any blocking system possible for technically skilled people, but this does not undermine the importance of the blocking. Deliberate access may not be prevented by web blocking.

5. The Child Sexual Abuse Anti Distribution Filter (CSAADF) focuses on blocking on domain level. The blocking will not be lifted until the material is removed.

6. In cases where a hosting company has been taken advantage of, like free photo hosting companies, the owner/administrator shall be informed that they are hosting child sexual abuse material.

7. In some countries sites that provide payment services to the distributors of child abuse material may be blocked.

Article 6

Measures against websites containing or disseminating online child sexual abuse

1. States shall take measures to block access to websites containing online child sexual abuse.

2. States may take measures to block access to websites containing online child sexual abuse, including children between 13 and 18 years.

3. The removal of webpages and blocking of websites shall be directed towards the Internet users within the territory of the individual State.

The measures must be set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate, and that users are informed of the reason for the restriction.

Article 7

INTERPOL

The global police organization INTERPOL shall provide a Worst of list of domains (IWOL) for the prevention of child sexual abuses that contains domains evaluated and found to be online and distributing child sexual abuse material.

Included in the list shall be domains that contains images and/or movies which fit the following criteria:

1. The children are "real". Sites containing only computer generated, morphed, drawn or pseudo images are not included.

2. The ages of the children depicted in sexually exploitative situations are, or appears to be

younger than 13 years.

3. The abuses are considered severe by depicting sexual contact or focus on the genital or anal region of the child.

4. The domains have been online within last three months.

5. The domains have been reviewed and found to fulfill the above criteria by two independent countries/agencies or more.

INTERPOL shall provide ASP/ISP and other providers of services on the Internet with the IWOL list of domains containing child sexual abuse material.

Article 8

Review Board

A Review Board shall be established, including members from the relevant United Nations institutions and INTERPOL.

Article 9

Annual report

The Review Board shall annually submit a report to the United Nation General Assembly, assessing the extent to which States have taken the necessary measures in order to comply with this treaty or agreement, accompanied if necessary by legislative proposals.

ANNEX 2

EXPERT VALIDATION

for Master Thesis:

“International cooperative mechanisms for identification of victims of online child sexual abuse: the role of INTERPOL”

Expert: Iurii Kharchenko, Chief Inspector of National Central Bureau of Interpol of Ukraine

4.1. Victim-centred approach: issues of practical implementation.

Expert validation:” As a practicing INTERPOL officer, I can comment on the conclusion to victim-centred approach of INTERPOL activities, that according to the Constitution of INTERPOL its main objective is widest possible cooperation between all criminal police authorities to prevent and suppress ordinary law crimes. So, mandate of our organization is international cooperation in combatting crimes, to which victim-centric management should serve as a complementary approach. Moreover, I am convinced that identification of molester and seizure of child abuse materials that he possess with identifying information on children, will help to discover more victims, than in case of identification of victims alone, especially, taking into account that many victimized children are of pre-speech age or afraid of abuser and provide false information. Nevertheless, I am convinced that it is fully justified to pay equal attention to victims and abuser during identification procedures, because, as sources of information they are both useful for further criminal investigations. And for purpose of prevention of crimes, information from victims is invaluable – they can help to discover new victims, methods and tactics of criminals, “hotspots” – forums and anonymized groups of child abusers.

As to publication of appeals to public in media during INTERPOL-led operations, to my view, it is a controversial question, on the one hand, as it was demonstrated by mentioned operations, in some cases public resources are more effective in identification of abusers and their victims than law enforcement authorities, but on the other hand, before appealing to public through media we, at INTERPOL should take all necessary measures to present the picture of abuser (who is still not a criminal until proved guilty by court verdict), or a victim in a way that will not harm dignity of the person, because revictimization may occur not only from abuse materials on Internet, but also from mentioning the child in media in connection to sexual offences. To find the balance between confidentiality in such sensitive cases and usefulness of social resources is the biggest concern of public approach in identification of victims. Apart of this, I share your view, that efforts of INTERPOL to combat and prevent any type of crime should include more public involvement.”

4.2. Variation of definitions across the world and urgent call for transnational legal instrument.

Expert validation: Beginning from 1999 (Expert Meeting on Sexual Abuse of Children, Child Pornography and Paedophilia on the Internet: an international challenge. Paris, 18-19 January 1999) INTERPOL has been noticing the urgent need for universal legal agreement on the age of victims of child sexual abuse, definition of child sexual abuse and child abuse materials. As I can conclude from the discussion held during recent INTERPOL meetings, this problem remains actual nowadays: during the INTERPOL meeting on Protecting victims of child sexual abuse (28-31 October, 2013. Lyons, France), specialists presented their reports, showing that more than 70 countries have no legislation defining what is considered as child abuse material and highlighted the absence of a universal legal instrument to combat this crime.

Although the adoption of the United Nations Treaty on combating online child sexual abuse proposed in the paper appears to be an adequate solution for the issue of the absence of a legal instrument on suppressing of online child sexual abuse and identification of its victims, I assume, that criteria of evaluation of online child sexual abuse, that were taken from current INTERPOL policies on web-site blocking should be amended: (Article 7)”: “The ages of the children depicted in sexually exploitative situations are, or appears to be younger than 13 years” – such limitation conflicts the general age of victims of online sexual abuse who are considered to be persons who are younger than 18 years as indirectly proposed by paragraph 2 of article 6 of the document. The particular age of the child should be mentioned in the document. Nowadays, application of a “13-year” criteria in website blocking procedure by INTERPOL is an alternative solution that is consistent with national laws of different countries. In case of adoption of an international legal instrument, member states will harmonize their legislation according to the United Nations Treaty, therefore, the problem of different understanding of the age of victims of online child sexual abuse can be solved. The same applies to the question of child abuse materials: “The domains have been online within last three months” – in my opinion, all abuse materials should be blocked immediately after their discovery in order to restrict spreading of content to other resources. All in all, the proposed Treaty, in case of its universal adoption, will be effective mechanism to identify victims of online child sexual abuse and to suppress this crime using tools provided by INTERPOL.

4.3. Institutional issues of INTERPOL.

In connection to this subchapter, it is really difficult to comment on obvious and urgent issues. The very first problem that INTERPOL faces in its everyday activities is scantiness of resources of numerous countries that limit their abilities to participate fully in procedures of crime suppression and prevention. As long as INTERPOL Headquarters in Lyons, France has member country contributions as well as sources of financing from non-governmental bodies, which constitute average amount of nearly 80 million EUR, it has sufficient possibilities to maintain existing informational resources of the organization and promote new approaches to combat crime. The problem itself lies in inequality of financing of law enforcement authorities on national level – looking back at my own experience, I remember as in the beginning of 2000`s National Central Bureau of INTERPOL of Ukraine was dramatically limited in resources and as a result showed little efficiency due to impossibility to use the information provided by INTERPOL. To my knowledge, some countries still unable to provide their national INTERPOL bureaus with appropriate hardware, stable Internet connection, international telephony etc. As was mentioned in your paper, equal access to INTERPOL resources in each country guarantees the general success of the organization, by this reason INTERPOL Headquarters provides financial help to bureaus in developing countries. Thus, main goal of the organization in this field is the equal access of all counties to its resources, which are, to my view, are nowadays, very progressive and described in the paper. To my personal view, non-application of new forensic techniques by INTERPOL stems from issues that closely tied to confidentiality. Your proposition to cooperate with non-governmental bodies in common usage of informational and forensic tools will potentially have consequences with sharing the sensitive and confidential content of these tools with non-state actors and will lead to the conflict of interests, as it happened previously, when INTERPOL was criticized for non-transparent cooperation with private entities as FIFA, Philip Morris International, Sanofi, and Kaspersky Lab.

Expert signature: _____ I. Kharchenko

Validation date: 01/08/2017

ANNEX 2.1

EXPERT CONSENT

Iurii Kharchenko, Chief Inspector of National Central Bureau of Interpol of Ukraine (hereinafter – “Expert”) voluntarily agrees to provide expert assessment and validation of the research “International cooperative mechanisms for identification of victims of online child sexual abuse: the role of INTERPOL” (hereinafter – “Research”), being conducted by Alexandr Carpov (hereinafter – “Researcher”) for the fulfillment of the requirements for the degree Master of Sciences at Tilburg University, the Netherlands.

1. Expert understands and gives his permission to use his personal and other data (name, surname, position, professional ranks) for educational purposes (including presentation and defense of the Research at educational institution, public use and storage of the Research in the libraries and web resources worldwide).
2. Expert understands the nature and purpose of the Research and has no additional questions regarding the content of the Research.
3. Expert understands that the participation in the Research involves discussion on the topic of child sexual abuse that may include sensitive media and detailed description of the facts of child sexual abuse.
4. Experts affirms that he has no ethical or professional conflicts in regards to review and expert validation of the Research.
5. Expert affirms that the validation of the Research, his views, comments and conclusions are personal and based on his own practical experience and knowledge, therefore, they cannot be understood as an official statement of any organization or institution.
6. Expert affirms that he will not benefit from the participation of the research.
7. Expert affirms that generalized extracts of his evaluation may be quoted in the text of the research.
8. Expert provides his views and conclusions in English language in written form.
9. Expert may contact the researcher at a.carpov@tilburguniversity.edu to seek further explanation and information.

Expert signature: _____

Researcher signature: _____

Consent date: 28/03/2017