

## REGIONAL OVERVIEW

on Child Sexual Abuse Images through the Use of  
Information and Communication Technologies in  
**Belarus, Moldova, Russia and Ukraine**



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ECPAT International

In collaboration with

Children – Not for Abuse, Belarus

The Moldovan Network of National Organizations fighting against Child Prostitution and Trafficking, represented by Children, Community, Family (CCF-Moldova)

The Russian Alliance against CSEC represented by the Regional Public Organization of Social Projects in the Sphere of Population's Well-being "Stellit"

The All-Ukrainian Network against CSEC represented by International Women's Rights Center "La Strada-Ukraine".

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# Acronyms

3G	Third generation
ADSL	Asymmetric Digital Subscriber Line
ANRTI	National Agency for Regulations in Telecommunications and Information in Moldova
CCF	Children, Community, Family
CIS	Commonwealth of Independent States
CNFA	Children – Not for Abuse
CoE	Council of Europe
CRC	Convention on the Rights of the Child
CSA	Child Sexual Abuse
CSEA	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
CSEC	Commercial Sexual Exploitation of Children
CST	Child-Sex Tourism
EBF	European Banking Federation
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EU	European Union
FCACP	Financial Coalition against Child Pornography
FTP	File Transfer Protocol
GSMA	Global System for Mobile Communications Association
ICMEC	International Centre for Missing and Exploited Children
ICT	Internet and Communication Technologies
ILO	International Labour Organization
IM	Instant Messaging
ISP	Internet Service Provider
ITU	International Telecommunication Union
IWF	Internet Watch Foundation

MMS	Multimedia Messaging Service
MSN	Microsoft Network
NCMEC	National Center for Missing and Exploited Children
OPSC	Optional Protocol for the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
P2P	Peer-to-peer model of file sharing
PDA	Personal Digital Assistant
SIM	Subscriber Identity Module
SMS	Short Message Service
UNCTAD	UN Conference on Trade and Development
UNDP	United Nations Development Programme
USSR	Union of Soviet Socialist Republics
VoIP	Voice-over-Internet Protocol
WiMAX	Worldwide Interoperability for Microwave Access
WSIS	World Summit on the Information Society

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# E

## xecutive Summary

The world has entered a new information age in which all sectors of society are greatly influenced by the creation, distribution, diffusion and use of information, facilitated by the development of new communication technologies, including the Internet. In this new configuration of virtual spaces, the special protection afforded to children needs to be reviewed in order to encompass the changing complexities and evolving vulnerabilities that may lead to specific forms of sexual exploitation of children, especially through the use of information and communication technologies (ICTs).

In the framework of consolidating knowledge on commercial sexual exploitation of children (CSEC) in the CIS region, and in order to guide ECPAT's strategies and priority actions for the protection of children, ECPAT International collaborated with its affiliate members<sup>1</sup> in Belarus, Moldova, Russia and Ukraine to document evidence on the sexual exploitation of children through the use of ICTs in the region, especially the production and distribution of child sexual abuse images. This regional report, based on literature reviews and detailed case analyses, explores the risks for children to be increasingly sexually exploited in relation to the development of ICTs in the region.

The countries studied are facing a rapid increase in information and communication technologies supported by governmental policies that are actively pushing for the widespread development of the Internet nationally and especially in educational realms. As a result, an increasing number of children are accessing the Internet, creating new opportunities for learning and sharing information or socialising throughout the world. However, this has also led to an increasing number of cases of sexual exploitation, particularly as prevention and protection measures are not systematically included in the countries studied at the early stages of ICT development.

The widespread use of mobile phones by young people in the region is also facilitating the sexual exploitation of children by providing avenues for easy production and distribution of abusive images as well as generating specific vulnerabilities by artificially creating perceived needs by young people to acquire the latest technologies in order to be respected and accepted by peers in a high consumer society. Other risks for increased sexual exploitation of children through the use of ICTs in the region include engaging in perilous behaviour online, as most children are not properly informed of the potential dangers and

are thus ill-equipped to navigate the Internet safely. These risks range from posting sexualised images of themselves, being 'groomed' online or exposure to unwanted and harmful materials.

A significant challenge identified in the region through this analysis is the use of children for the production of sexual abuse images by organised criminal networks, especially under the guise of the modeling business. These child sexual abuse materials are produced and distributed by and large for immediate financial profit, generating high illegal incomes, and therefore attracting new offenders and leading to new victims in this criminal activity.

The involvement of a wide range of actors can be noted in the increase of this specific form of sexual exploitation of children, particularly structured networks of people who have organised themselves around the production and distribution of sexual abuse images of children, receiving support both at the local and international level, including for the facilitation of the necessary financial transactions. Further linkages were identified with the entertainment sector and the tourism industry with the use of mobile phones and the Internet in advertising these types of materials. The participation of young people as offenders in the sexual exploitation of children was also exposed. Cases of individual offenders who sexually abuse children in a domestic context and produce images of the abuse were also identified, and in these cases, the materials were shared with others through the Internet or distributed on CDs and also used as a form of coercion of the victims to prolong

the abuse. The recording of the abuse appeared to add another dimension of silencing of the victim beyond the sexual abuse itself.

All of these dynamics decrease the likelihood of the child victim disclosing the abuse, which is further complicated by the absence of specific reporting mechanisms in the countries studied at the time of writing this report. In this context, it would be essential that in cases of sexual abuse, the child victims are systematically asked about the presence of a camera by the law enforcement officers in order to increase the likelihood of identifying instances of child abuse materials being produced.

Based on the evidence collected, it appears that boys are as much at risk of sexual exploitation in the production of abusive images as girls. Some young children were involved but it was mainly adolescents who were victims of the fraudulent studios and modeling agencies. These cases were better documented in Russia and Ukraine, also revealing increased attention to this issue in these countries, whereas very limited information was available in Belarus and Moldova, for example. Current prevention and protection initiatives focus on legal reforms or awareness-raising are being conducted by governments and some non-governmental organisations (NGOs), in particular the ECPAT network in the region. However, the involvement of the private sector, notably the ICT and financial institutions, is limited. The prevention strategies are minimal and the protection services afforded to the victims are inadequate and not specialised. Regarding

the legal framework, a lack of clear definitions and provisions specific to child pornography constitute key areas for improvement in the countries studied, while law enforcement remains particularly challenging.

Based on this analysis of cases and on existing literature, ECPAT International has identified a number of recommendations to address some of the major gaps in the region, including the development of integrated policies to combat sexual exploitation of children through the use of ICTs; and the implementation of child protection strategies, particularly in collaboration with the private sector (such as Internet service providers, cybercafes, mobile phone companies and financial institutions). ECPAT International also suggests the development of prevention strategies in schools and awareness-raising campaigns targeting children, parents and the general public. Specialised support services for victims need to be developed in the long-term and integrated into existing programmes, coupled with an adequate legal framework that will ensure that all crimes of production, distribution and possession of child sexual abuse materials can be prosecuted. A child-centered approach is also needed throughout the judicial process, which should be particularly tailored to deal with cases of child abuse imagery, with adequately resourced law enforcement and active collaboration at local and international level.

## Introduction

In the last decade, the world has witnessed a massive increase in technology and the rapid development of Information and communication technologies (ICTs), including the Internet and mobile telephony. This has generated significant progress and positive changes for economies and people around the world.

As stated at the World Summit on the Information Society (WSIS), under favourable conditions, information and communication technologies can be a powerful instrument, increasing productivity, generating economic growth, job creation and employability and improving the quality of life of all. They can also promote dialogue among people, nations and civilizations.<sup>2</sup>

The increased access to knowledge and information provided by ICTs, though still uneven, has greatly contributed to ensuring the human right to freedom of opinion and expression. “This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.<sup>3</sup> Whereas the development of ICTs has promoted new opportunities and while recognising that communication is a fundamental social process, a basic human need and the foundation of all social organisations, it has also simultaneously created new challenges and the development of new forms of criminality, including an

intensification of child abuse image production and dissemination.

The 2006 *UN Study on Violence against Children* specifically identified IT-related crimes against children as major forms of violence and abuse in the community:

*“The mass media sometimes portray as normal or glorify violence, including violence against children, in print and visual media including television programmes, films and video games. The Internet has also stimulated the production, distribution and use of materials depicting sexual violence against children. The Internet has been used for online solicitation or “grooming” (securing children’s trust in order to draw them into a situation where they may be harmed). It also exposes children to violent or pornographic materials, as well as harassment and intimidation, including bullying, by adults and other children.”<sup>4</sup>*

This regional report, based on literature reviews and detailed case analyses in Belarus, Moldova, Russia and Ukraine explores the risks for commercial sexual exploitation of children (particularly the use of children for the production of abuse images) to expand, facilitated by the development of ICTs in the region.

Many of these ICT developments have the potential to, and in some cases already have been proven to create avenues for new forms of sexual exploitation of children.<sup>5</sup> In the past, producing child abuse images required special photography equipment or camera negatives to be developed professionally (which implied a risk for the producer to be reported by the photo lab), and the distribution was organised primarily through postal services and contact among offenders was more difficult. Nowadays, with the advance of technology, production is eased by digital cameras and mobile phones, which are widely available at low costs and there is no requirement for printing, thereby enabling instant distribution via the Internet to a wide range of viewers. This context makes the fight against child abuse images more challenging and requires ongoing and sustained efforts for continuous upgrading of interventions.

The case studies and information collected in this report raise important recommendations which should be kept in mind by the governments of Belarus, Moldova, Russia and Ukraine when developing policies to guarantee the rights of children to be protected from sexual exploitation. Children are exploited in the region for the production of abuse images, which are often distributed on the Internet, generating high profits and fueling the 'market' for the

involvement of more criminals and further victimisation of children.

This study has mainly examined cases where children were used in the production of sexual abuse images, although in one case, children were sold online for real-time sexual abuse. However, other forms of sexual exploitation of children connected to ICTs are occurring in the region, such as children abused in prostitution, where mobile phones and the Internet play a role in establishing contact with the abusers and keeping control over the children. Cases where the sexual exploitation of children and child abuse images were advertised on the Internet were also identified. Self-victimisation of children and young people placing their images online is a growing concern worldwide and in the region, especially through various dating websites. Other potential risks for children include being groomed online and sexually abused offline – when the child physically meets the abuser – or even engaging in cybersex. All these are likely to increase with the improved access to the Internet, especially by young people, in the region. This report presents some of these challenges and recommends some measures to be introduced to contribute to the right of the child to live free from sexual exploitation.

## Project background

In 2004, ECPAT International supported situational analysis studies in three areas of Russia that examined the nature and extent of commercial sexual exploitation of children in the country. The findings revealed the existence of various forms of sexual exploitation of children, including a high incidence in the use of children for the production and distribution of child abuse images.<sup>6</sup>

In May 2005, ECPAT International, in collaboration with the ECPAT affiliate group in St. Petersburg, the Regional Public Organization of Social Projects in the Sphere of Population's Well-being "Stellit", organised a regional seminar on Preventing Child Pornography to address this particular issue in the region, including in Belarus, Ukraine and Moldova.

During the seminar, major gaps were identified in relation to the prevention and protection of children from use in the production of pornography or from sexual victimisation through new ICTs. These include a general lack of awareness on this issue in the participating countries, the need for increased collaboration among the various stakeholders, especially law enforcement agencies and NGOs, but also an absence of support from the private sector in combating child pornography. The role of financial institutions in facilitating payments for child

abuse materials was highlighted by a government representative from Belarus as a major concern. Problems related to the care and protection of children were also emphasised, especially a lack of specialised support services for child victims of commercial sexual exploitation, doubled with a deficiency in the training of personnel working with at-risk children or victims (from teachers to social workers).

Limited information about the issue of the existence of child abuse materials and its manifestations exists in the region and the need for a comprehensive study on this issue in the region was clearly highlighted.

The participants expressed interest in facilitating coordination of efforts among the various partners; organising preventive and rehabilitation activities; building capacity of partners; raising public opinion on the issue; and starting research on the situation to guide programmes.

ECPAT International therefore supported the collection of information on the production and distribution of child abuse images in Belarus, Moldova, Russia and Ukraine to document specific knowledge on the issue, provide a regional overview of the situation and suggest recommendations and interventions in the countries.

## Partners and countries studied

Information on cases of child abuse image production and/or distribution was available in the four countries where ECPAT International had affiliate members, i.e. Belarus, Moldova, Russia and Ukraine. ECPAT International therefore took a regional approach to this issue and supported its affiliate groups in conducting in-depth literature reviews with:

- Children – Not for Abuse in Belarus;
- The Moldovan Network of National Organizations Fighting against Child Prostitution and Trafficking, represented by Children, Community, Family (CCF) in Moldova;
- The Russian Alliance against CSEC represented by the Regional Public Organization of Social Projects in the Sphere of Population's Well-being "Stellit" in Russia;
- The All-Ukrainian Network against CSEC represented by the International Women's Rights Center, La Strada in Ukraine.

## Methodology

This regional overview is based on two types of secondary data collection. The first phase of literature reviews was conducted from March to June 2007 in Belarus, Moldova, Russia and Ukraine. The objective of these reviews was to study and analyse the context of the development of child pornography in the four countries. They are based on published

and unpublished literature, including media articles, statistical data, reports, case studies, web searches and legal reviews. Individual country reports (unpublished) also provided a preliminary overview of the situation of child abuse images.

To consolidate these reports with a more comprehensive understanding of the trends identified, a detailed analysis of cases was commissioned by ECPAT International. This provided some indications on the issue of production and distribution of child abuse images in Moldova, Russia and Ukraine (Belarus was unable to participate in the second phase of the review due to difficulties in accessing in-depth information on cases of child abuse images in the country). This work more clearly exposed key areas and aspects of the problem in the CIS countries studied, including on the ways exploiters operate and victims become trapped.

The detailed analysis of child abuse image cases was conducted by the ECPAT affiliate groups in the three countries from October 2007 to March 2008. It was based on information collected in courts and through various partners such as NGOs, police, local and national authorities, magistrates, journalists and others who provided records and details on the cases. A checklist was designed to help collect consistent information needed for the analysis.

The groups however faced many challenges in collecting information for the detailed analysis of cases, including:

- Difficulty in accessing specific information:



authorisation for accessing information on court cases was necessary and required submission of official requests to various ministries, courts and police departments. Some of these requests were rejected after several months of waiting.

- Absence of accessible centralised databases on crimes related to child abuse images: the information on convictions related to child pornography cases is either confidential or decentralised at the local/regional level or simply does not exist because of a gap in legislation (in Moldova, this recently changed while this review was being conducted).

This regional report therefore provides an overview of the situation based on the information collected in the literature reviews and the detailed analysis of cases. It also compiles observations on the issue in the

region based on anecdotal and factual information sourced from experts in the countries. Whereas primary research was not systematically conducted, several interviews were held with law enforcement personnel, experts and specialists working with child victims of sexual exploitation. The cases are limited to those that were most easily accessible, brought to the knowledge of our informants or were in geographical reach of our groups (this consideration is especially true for Russia, where national coverage is rare and cases were mainly studied in the northwest region from St. Petersburg where the ECPAT affiliate Regional Public Organization of Social Projects in the Sphere of Population's Well-being "Stellit" is based).

## Brief overview of commercial sexual exploitation of children in the region

Belarus, Moldova, Russia and Ukraine have undergone major changes in the past [few] decades, from centrally-managed economies to market economies opened to the globalised trade. Millions of people have had to adapt to this transformed political, economic and social landscape. The start of the 1990s were characterised by the de-institutionalisation of state-run bodies and privatisation of many services previously provided by the State, economic decline for some countries, high unemployment and relative deterioration of living conditions for many families, as the transition was not done uniformly and left a large portion of the population in these countries marginalised. The situation is currently changing in the region, and the countries are developing with relative stability. Currently, the countries studied rank from high to medium in the Human Development Index, although Moldova is still the poorest country in Europe (ranking 111th in the 2007/2008 Human Development Report from UNDP<sup>7</sup>). Parts of the Belarusian, Ukrainian and Russian populations are also experiencing difficult situations.

The disintegration of institutions and the personal networks of power that developed as compensation for the absence of structures permitted the development of criminal organisations facilitated by corruption.

The commercial sexual exploitation of children

developed in this context. A large number of children have become vulnerable to various forms of sexual exploitation, particularly those placed in the public care system with limited life alternatives. Some of the contributing factors to the special vulnerabilities of children also include the need to contribute to the family income, high aspirations for consuming and accessing relative material comfort, misinformation on better life opportunities abroad and increased access to information and communication technologies, which are used by organised criminal networks to entrap children and families in trafficking, prostitution and pornography.

This is being observed by the increase in child trafficking for sexual purposes which constitutes one of the main challenges of CSEC in the region. Moldova, Ukraine and Belarus are among the main countries of origin for child victims of trafficking, particularly towards Russia and Western Europe.<sup>8</sup> The Russian Federation has also become one of the source and receiving countries for trafficking in children for sexual purposes, and has cases of child prostitution, child pornography and child-sex tourism.<sup>9</sup> Internal trafficking of children is also a major issue in these countries. It is suspected that child trafficking (both domestic and international) for use in the production of child abuse materials may be occurring in the region, especially considering the role played by the criminal organisations in both of these crimes.

There have been some reports of children who have been trafficked for the production of child abuse images.<sup>10</sup> In Belarus, some boys and girls as young as ten were reported to have been trafficked for the production of child abuse images and children from Moldova were found in Ukraine, and had been used in the production of pornographic materials.

### ***Children trafficked from Moldova to Ukraine for the production of child abuse images***

In Moldova, border police arrested two female traffickers in 2001 as they were transporting a group of boys and girls aged 13 to 16 from Chisinau to film studios in Odessa, Ukraine, where the children were to be used in the production of abuse images. The children came from families with financial problems, mainly in rural areas of Moldova. The parents had allowed the women to take their children on a 'holiday'. Some of the children said they had made the journey before in return for small sums of money.<sup>11</sup>

Child-sex tourism seems to be on the rise in the region, particularly in the Black Sea area in Ukraine and the Baltic areas of Russia, but also in St. Petersburg and Moscow.<sup>12</sup> It has been reported that child-sex tourism in both these countries also results in the production of child abuse images. Based on some evidence on the linkages between child abuse image production and child-sex tourism in other parts of the world, such as Southeast Asia and Latin America,<sup>13</sup> there is a high probability that similar problems are

being faced in CST destinations in Ukraine and Russia, or are likely to develop in the future and attention should be paid to this issue.

Furthermore, Russia is currently taking on characteristics of a sending country of child-sex tourists, and Russian citizens have been arrested abroad for sexually exploiting children. In 2008, a Russian businessman was convicted in Cambodia of raping a young girl.<sup>14</sup> Awareness raising activities held in Russia to inform the general public on child-sex tourism and the existing laws to combat this problem could also include elements related to the production of abuse images as a probable emerging issue.

Child prostitution is known to be present in Russia and Ukraine,<sup>15</sup> whereas limited information is available regarding Belarus and Moldova. This literature review managed to highlight some links between child prostitution, children living on the streets and the use of children for the production of abuse images. Therefore, all activities implemented to protect children from prostitution and support child victims of prostitution should consider the risk and possibility that particularly 'at-risk' children may be involved and used in the production of abuse images. However, as also identified in this project, many of the children used in the production of abusive materials were not identified as 'traditionally' vulnerable. They come from apparently stable environments, not necessarily from impoverished families or with previous incidences of sexual or other forms of abuse. Prevention actions will need to consider that various strategies should

be designed to address the different types of target groups of children.

The need for an integrated approach to this complex phenomenon of commercial sexual exploitation of children is especially crucial considering the scope of the problem in the region. Whereas the civil society has increasingly filled some of the gaps, especially with regard to child trafficking and in raising awareness on the issue, as well as developing prevention programmes and some support services for victims,<sup>16</sup> more efforts should be undertaken in all areas of child protection. Commercial sexual exploitation of children is a multifaceted problem with many interlinked elements and the specific issue of sexual exploitation of children through the use of ICTs is not easily isolated from other forms of violence. This report presents some indications of the situation in the region and its interface with information and communication technologies.

# 1. Information and communication technologies and the links to sexual exploitation of children

The Internet has made possible entirely new forms of social interaction and activities due to its various elements of globalisation, broad accessibility and the widespread amount of information made available to a large number of people throughout the world. The new information and communication technologies, especially the Internet, have created new ways of socialising and interacting among people. For instance, social networking websites promote and facilitate the connection of persons with common interests around the world. It allows instant communication among large existing groups of persons as well as the opportunity to significantly expand circles of acquaintances, thus making it very attractive to young people.

The Internet and ICTs provide a major source of leisure and entertainment, opening up to new forms of cultures that were not easily accessible before. They also create numerous avenues for information sharing, educational development and job opportunities, thus making progress more accessible to a greater number. Information and communication technologies are also a powerful economic instrument, for example, numerous commercial transactions are now being conducted through the Internet and through mobile technology.

In democracies, the Internet can reach new relevance

as a political tool. It can enhance democratic processes by allowing public debates to be conducted at a wider level, facilitating more direct citizen participation in public policy, allowing broader influence in policy outcomes by more individuals, increasing transparency and accountability and keeping governments closer to the governed, thereby increasing political legitimacy.<sup>17</sup>

However, it also generates key changes in human interactions that can have negative aspects and lead to major challenges, particularly for children who are not mature or experienced enough to protect themselves. The analysis of the context of ICT development in Belarus, Moldova, Russia and Ukraine provides some insight on the potential risks for children to be abused in connection with the expansion of these technologies in the region.

## 1.1 The Internet and communication technologies

Information and communication technologies include diverse instruments such as computers, phones, audio-visual materials, CD/DVD, flash memory, technology for broadcasting information, especially radio and television, any technology for communicating

through voice and sound or images, microphone, camera, loudspeaker, etc. Linked with their diversity and technical advances, ICTs have had a significant effect in changing the way materials of children being sexually abused are produced, distributed and accessed and they offer numerous applications to ease and facilitate this crime.

### ***Webcams can facilitate the production of child abuse images***

In Lviv, Ukraine, a child sex offender lured a young boy into his apartment and there sexually abused him. He met the boy outside a computer club, and pretending to be a video game developer, invited him to test new video games at his place. He gave the boy alcohol and gradually started to touch him. A webcam was placed on the computer, but the child never suspected that images of the abuse were being created, as this [webcam] is a common accessory on most computers. The images were later used by the offender to blackmail his victim.<sup>18</sup>

### **Ways in which information and communication technologies are impacting on child abuse images<sup>19</sup>**

One of the main advancements of the new ICTs is the development of digital technologies, especially for computers and related equipment. This has

implications on the way child abuse images are produced, distributed or even possessed, as presented below:

- Easy to produce: images are instantly produced and readily accessible through digital cameras and video cameras;
- Easy to store: a large number of images can be stored in a relatively small physical space;
- Easy to manipulate: photos and videos can be enhanced and modified using computer software and requiring minimum skills;
- Easy to reproduce: no cost in duplication, instant replication as required (regardless of quantity), thereby facilitating the distribution;
- Easy to distribute: the files produced can be distributed through the Internet very effectively and can reach a larger target audience;
- Easy to sort and search: from a collector's point of view this gives him a tool to organise his collection more effectively and to retrieve specific images quickly;
- Easy to hide: through encryption systems, in the way it is distributed which makes it easier for the offenders to keep it away from wary eyes; and
- All this at quite low costs as computer equipment and Internet connections are becoming increasingly affordable.

### **Internet - a rapidly growing market**

Although the technology existed earlier, the Internet did not actually gain a public face before the early 1990s, followed by a decade of extremely rapid growth. The table below gives an idea of this fast increase in the countries studied, reaching a growth of almost 3,000 per cent in Internet usage.

	Population (2007 est. in millions)	Internet Users in millions (latest data)	% of population (penetration)	Usage growth (2000-2007)
Belarus	9.7	5.4	56.3 %	2,943 %
Moldova	4.3	0.7	16.8 %	2,810 %
Russia	141.3	29.4	20.8 %	848 %
Ukraine	46.3	5.5	12 %	2,672 %

Source: *The Internet World Stats* - [www.internetworldstats.com](http://www.internetworldstats.com)

Though data may vary from source to source and based on the definition adopted for “Internet users”, this table provides an overview of the boost in Internet usage in the region. Belarus seems to be leading the way, with over half a per cent of penetration rate, whereas Ukraine has a mere 12 per cent penetration rate, but the increase in Internet usage has been extremely rapid over the past seven years. In Moldova, as of August 2007, almost 20 per cent of the population was using the Internet, according to the International Telecommunications Union (ITU), which represents a steady growth. According to a study conducted by the Public Opinion Foundation among adults in Russia, from the mid-2002 to early 2007, the number of Internet users increased from eight to 25 per cent of the population.<sup>20</sup>

Though the levels of Internet usage in Moldova, Ukraine and Russia have not yet reached the proportions of the western countries, where, for example, over half of the population of the European Union is using the Internet, it is foreseen that this development will continue at a fast rate in the near future as the Internet infrastructure improves and becomes more widely available throughout the regions in each country.

Internet access rates differ markedly depending on connection, location and time of use or region. In Russia, during the period 2005-2007, dial-up Internet access cards with a nominal time-value of three hours cost 65 to 80 rubles (\$US 2.5-3) and more popular unlimited ADSL access starts at \$US 15 per month. In Belarus, due to relatively low connection

rates and the absence of a monthly fee the number of Internet users has increased considerably. In Moldova, prices vary from \$US 0.23 an hour during night time and weekends to \$US 35 a month for high speed Internet connection. It can be expected that Internet access rates will decrease, and thus stimulate regional penetration and growth in the number of users.

The telecommunication market in Moldova – the poorest country in Europe – is still reflecting the economic situation, but it should be noted that Internet and broadband penetration have recorded solid growth. Considering the numerous vulnerability factors present in the country: a high number of separated children, difficult economic situation, a lack of appropriate social services combined with a great number of institutionalised children, strategies to combat the development of commercial sexual exploitation of children in connection with ICT expansion must be implemented urgently.

This context is likely to imply an increase in the risks for children to be abused in cyberspace. A greater number of persons, including those who seek to harm children, will have access to the Internet, which can be used to victimise children through the production and dissemination of abuse images to feed a growing market.

**Children are increasingly using the Internet without the necessary guidance, information or protection mechanisms from the potential threats for their safety linked to the various applications offered by ICTs. Countries in the region should pay attention to these risks in light of the potential for escalation.**

### **Governmental policies to develop ICT in the countries**

Recently there has been a big push by the United Nations to establish universal access to communication and information services for all, especially reflected in the 2003 World Summit on Information Society, which aimed to ‘ensure that everyone can benefit from the opportunities that ICTs can offer’. The governmental policies in the countries studied are moving in this direction, with some differences: Russia and Ukraine are pushing more actively for the development of the Internet while Moldovan development remains more ad hoc.

These policies are directed at two main objectives in the region: increasing Internet access throughout the national territories and developing Internet in schools. Taking into account the state policies to develop Internet connections, the number of children accessing the Internet will increase significantly in the region.

In Russia, access to the Internet stands high on the agenda. In March 2007, the Deputy Prime Minister of Russia, Sergey Ivanov, reported that by the end of 2015 there should not remain a built-



up area in Russia without the technical ability for telephone installment, mobile connection and Internet access.<sup>22</sup> This target will be achieved through the implementation of a federal programme “Electronic Russia” which includes revision of the legal base regulating IT and aims at reducing the limitations restraining IT-industry development, such as simplifying procedures for obtaining necessary licenses. Potentially, the deregulation of the market may facilitate more illegal activities to be set up and hosted in Russia if measures are not put in place and implemented to work with ICT partners in restricting the use of the Internet for distributing child abuse images.

The second general objective of ICT policies is the promotion of Internet usage among school children. Ukraine for instance has received support from the Government of Canada to acquire equipment with satellite connection to the Internet for schools, and some Internet service providers (ISPs) are providing special rates for schools (however, Internet is still inaccessible for many schools).

In Russia, one of the aims of the national project “Education” is the introduction of joint educational technologies<sup>23</sup> and it was expected that by 2006-2007, 20,000 schools would be connected to the Internet.<sup>24</sup> From 2001 to 2005, the Government implemented a programme to introduce informational technologies in schools, which included equipping schools with computers and Internet access,

developing electronic educational materials and training teachers on ICTs.

Moldova also developed a two-year (2004-2006) programme to expand computer and Internet access in schools and Belarus is aiming at providing high-speed Internet in 80 per cent of their education establishments through a programme running from 2007 to 2010.

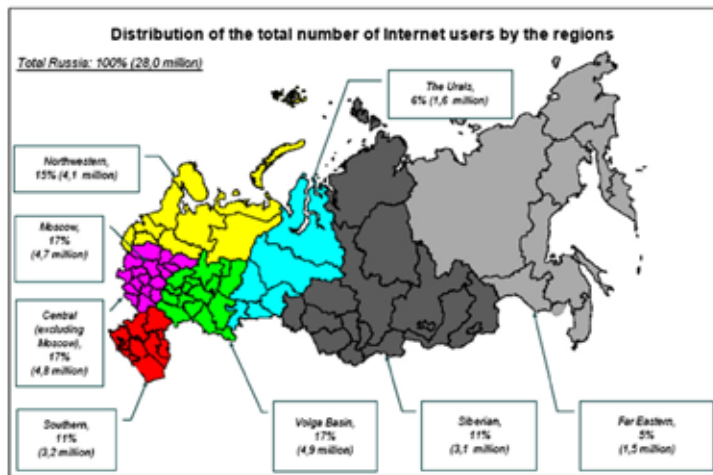
Whereas all the countries are significantly investing to develop Internet access in schools, the risks of violence against children in the cyberspace do not appear to be envisaged in a systematic way in any of these programmes, based on the literature reviews conducted.

**The rapid development of ICTs planned for the region must be accompanied by the implementation of child protection mechanisms and prevention measures to ensure children will not be put increasingly at risk of being sexually exploited. It would be important for the States to develop and systematically implement such strategies and policies for child protection in ICTs.**

#### ***Geographic distribution of the Internet***

Internet access is not uniform throughout the countries and there is a disproportionately high concentration of Internet users in urban areas. This will have

implications for intervention strategies and is already reported, for instance, that in large cities in Russia, where the use of the Internet is more common and access points are abundant, the likelihood for children to be victimised in cyberspace or for child abuse materials to be produced in greater quantity and distributed faster is considerably higher than in any other places in Russia.



Source: "The Internet in Russia/Russia on the Internet" - 2006-2007<sup>25</sup>

As shown in the map above, Internet users in **Russia** are concentrated in the central region, especially in

Moscow, where over half of the population uses the Internet, and in the Volga Basin and the Northwest regions, whereas the eastern regions of the country have limited access to the Internet.<sup>26</sup> Ekaterinburg and St.Petersburg are leading the way in terms of Internet and the online technology development index whereas Krasnodar and Arkhangelsk are at the bottom of the list among 12 cities considered in Russia.<sup>27</sup>

Similar patterns are observed in Belarus, Moldova and Ukraine, but with an increasing Internet penetration in regions and rural areas even if access is still limited by underdeveloped infrastructures.

In Belarus, Internet users are most frequently habitants from Minsk (37%) and from the capital city, followed by habitants from Grodno (32.6%) and Gomel (30.8%).

In Ukraine, over half of the Internet users reside in Kiev, one-third live in other oblasts in Dnipropetrovsk (6.7%), Odessa (6.7%), Donetsk (6%), Kharkiv (4.9%), Lviv (4.6%), Crimea (2.8%), and Zaporizhzhya (2.8%). This shows an extremely dense concentration of Internet users in the capital city, whereas Internet usage in the regions is minimal but developing.

In Moldova, while 36 per cent of Internet users live in urban centres, the Internet is developing faster in proportion in rural areas (but only still representing six per cent of total Internet users).

This distribution of Internet usage can have a great influence on the risks for children to become victims of sexual exploitation:

- It is more likely that offenders who are involved in distributing child abuse images will be located in regions where Internet connections are faster and better developed;
- In cases where the distributors are also producers of child abuse materials, they would potentially organise their criminal activities in the same location, so chances are that children would be at greater risk of being sexually exploited for the production of abuse images in the central, southeast and northwest regions of Russia for instance, especially in big cities. This seems to be especially true in cases of child abuse images produced in fraudulent photo studios;
- It is possible that children may be trafficked to these regions, domestically or internationally, especially for this purpose, as was the case between Moldova and Ukraine;<sup>28</sup>
- In Moscow for instance, there are cases where Moldovan children are trafficked for different purposes, such as begging, it is also possible that these children in vulnerable situations could be used for the production of child abuse materials;
- Vulnerable children living in the streets or exploited in prostitution are more often located in urban centers, so specific attention needs to be given to this unprotected target group, especially in large cities;
- Russia's northwest region is facing cases of child-sex tourists from neighbouring countries abusing children locally<sup>29</sup> so attention should be paid to the risk of development of child abuse materials in conjunction with child-sex tourism;
- Educational and preventive activities to ensure that children are properly equipped and informed to use the Internet safely must be prioritised especially in the cities where children have more access to the Internet; and
- However, where economic deprivation, limited education and/or remoteness inhibit a child's capacity to enter into cyberspace independently, this does not mean that risk is absent, as s/he can be made the subject of images of abuse disseminated in cyberspace and via mobile phones<sup>30</sup>; therefore there is a need to raise awareness of children and the communities in remote areas about CSEC in general and introducing the risk for child abuse images.

### ***Types of Internet connectivity***

There are different ways of accessing the Internet, ranging from dial-up connections with a modem via regular telephone lines, broadband,<sup>31</sup> which provides for a much higher speed connection and wireless connections such as Wi-Fi,<sup>32</sup> mobile phones and satellite.

The various options available in a country may have some impact on the development and distribution of child abuse images. While landline connections can be slow and not sufficient for activities such as uploading and downloading of images or videos, online gaming and video conferencing, ADSL<sup>33</sup> provides faster access, especially for downloading materials. Broadband services usually refer to an accelerated method of transmitting a large number of data over the Internet. In a situation where it would take hours to download one song for instance with a modem connection, with a broadband connection it would take only a few minutes to download an entire film. Broadband is therefore opening up new opportunities for interactive applications over the Internet such as online games, virtual reality and downloading of materials. In terms of distribution of child abuse images, we can easily foresee the new challenges of increased volumes of images and videos, including real-time videos, being circulated rapidly within the region and throughout the world, dramatically facilitating the accessibility for such materials and potentially increasing the demand for new images.

In the region studied, dial-up access is still dominating. Broadband penetration remains very low, ranging from 0.1% in Belarus to 2% in Russia, but the overall trend indicates that broadband Internet is gaining ground and is likely to become ubiquitous in a few years' time.<sup>34</sup> In Belarus, broadband subscriptions increased by 628% between 2005 and 2006; by 109.7% in Moldova over the same period (a 328% increase from 2004 to 2005); and by 82.5% in Russia, representing 2.9 million people. Figures for Ukraine are not available.<sup>35</sup>

A major concern is in the development of wireless technology. Improperly installed wireless networks are ripe for unauthorised access and abuse by unintended users. They are also a threat because of the mobility that this service provides an offender. The offender no longer needs to sit in front of his computer, located in a specific and relatively fixed place (such as home or work), and this makes him harder to trace. The importation of the wireless feature into portable electronics (mobile phones, personal digital assistants) further exacerbates this problem.<sup>36</sup>

Although still at an early stage, wireless broadband services are becoming increasingly common, especially in Russia, with a number of large-scale Wi-Fi and WiMAX deployments underway. Wireless access is becoming more available in public places such as airports and railway stations, restaurants, hotels or business centers. In Moldova, wireless connection also exists but is still limited in the number of users, most of the wireless access being available

in Chisinau and Balti (the second largest city) and especially in hotels for corporate clients, whereas in Belarus, Wi-Fi service requires a license from the government and is very limited.

Although wireless connection is not yet widely available throughout the region, it is changing the configuration of accessing the Internet. Wi-Fi devices will work almost anywhere and enable people to access cyberspace without the need for a physical space and 'heavy' equipment, thus making web surfing more flexible, more discreet and more accessible. Wireless connections can easily be used by clients in hotels or any travel locations for accessing or distributing abusive images of children, finding information about places where children may be vulnerable for sexual exploitation. Considering these potential challenges, the travel and tourism industry should be approached to consider addressing these risks.

### ***Places where people use the Internet***

Common places to use the Internet vary from country to country according to the type of connectivity available and the affordability of the services. In Russia, Internet cafes are declining as places of use for the Internet in favour of domestic settings, whereas in Ukraine it is still quite popular.

Interventions for safeguarding children on the Internet will have to take the access point into consideration

and therefore should be adapted to the local context. For instance, in Ukraine, work with cybercafés to develop codes of conduct would be very beneficial as there is an strong network of Internet cafés, including at least 4,100 computer clubs in the country, according to the All-Ukrainian Association of Computer Clubs. Most of them have no more than 15 computers and can be as few as five computers in some rural areas. A quarter of these computer clubs function illegally according to the Association of Computer Clubs.

Two major trends can be highlighted throughout the countries: increasing use of the Internet in domestic settings linked with the growing affordability of Internet services and governmental strategies to develop the Internet in educational establishments, such as schools, universities and libraries.

In Moldova, according to a 2006 study by ANRTI , people mainly accessed the Internet at work (47%) and at home (33%). In 16 per cent of the cases, they are accessing the Internet from educational establishments and public locations such as Internet cafés and libraries.<sup>40</sup>

In Russia, between 2006-2007, 58 per cent of Internet users were accessing the Internet from home, this figure is on a steady increase, whereas access from the workplace is declining (38%), as well as access from schools/universities (12%) and from Internet cafés (9%). In remote places, people tend to access the Internet more from Internet cafes (19% in Far-

Eastern region) or via mobile phones (12% in Siberia and 11% in the Urals).

In 2006, a national programme to make the Internet widely available was launched in Russia. Now one can send or receive an electronic mail from every post office. According to the national programme Cyber-mail, every post office in Russia should be equipped with two working stations for Internet access. The Internet service prices are also cheaper than the rates in Internet cafés.<sup>41</sup>

In Belarus, with the exception of users who can access the Internet from home, thousands of Belarusian citizens access the global network from public places on a daily basis. Internet connection is available from various public sites and the popularity of these services is continuing to increase.

It is likely that with the development of 'private use' of the Internet, the risks for misuse of the Internet by adults to view child abuse images or distribute these types of materials will increase significantly. This includes a risk that the demand for child abuse images will be fuelled while this criminal activity already generates billions of dollars (\$US 3 billion to \$US 20 billion, according to the US Federal Bureau of Investigation).<sup>42</sup> Furthermore, as this is also a very competitive activity requiring constant production and distribution of new images and new materials, more children are at risk of being victimised. The 2007 annual report of the Internet Watch

Foundation (IWF) stated worrying trends that the children abused in these images globally appear to be increasingly younger: 10 per cent of the child victims sexually abused in photographs or videos processed by IWF in 2007 appear to be under two years old; 33 per cent appear to be between three and six years old; with 80 per cent appearing to be under 10. There is also a continuing trend in the severity of the abuse in the images processed by IWF, with a significant proportion of websites (47%) depicting records of abuse at levels four and five. The most brutal and extreme sexual abuse, as categorised according to the UK Sentencing Guidelines Council (level four: Penetrative sexual activity involving a child or children, or both children and adults; and level five: Sadism or penetration of or by an animal). This tends to show a continuing preference among offenders for the cruelest images.<sup>43</sup>

### ***Children severely brutalised in the production of pornography in Moscow***

Five underage children were forced by their mother to take part in the making of pornographic movies several times a week. The children were reported to be brutally physically and sexually abused in a "photo studio" established in Moscow where other boys and girls were also stripped naked and photographed. The children were taken back to the studio as soon as the bruises on their bodies were no longer visible. Even veteran policemen involved in the investigation were shocked at the account of a nine-year-old girl victim. The police had regularly visited the mother and her boyfriend (who had both recently moved from

Kazakhstan), for various complaints over drinking and boisterous activities. However, the case was discovered only later by adoptive families, when the children were showing excessive awareness of sex. Psychologists at one of the specialized childcare centers called the police as soon as they received firsthand knowledge of the children's story, and the prosecutor's office was quick to bring action against the parents who are believed to have fled Moscow.<sup>44</sup>

### ***General use of the Internet, especially by young people***

Children who are not monitored and supported in their use of the Internet can also be confronted by various types of abuse, including being solicited online for sexual abuse, victimised by sharing their images or videos online, and being exposed to unwanted materials.

## Types of violence against children in cyberspace

Violence and harms against children and young people in cyberspace and in relation to new technologies include:

- The production, distribution and use of materials depicting child sexual abuse;
- Online solicitation or "grooming" (securing a child's trust in order to draw them into a situation where they may be harmed);
- Exposure to materials that can cause psychological harm, lead to physical harm, or facilitate other detriment to a child; and
- Harassment and intimidation, including bullying.<sup>45</sup>

It appears from the information collected that children in the countries studied are not well informed or properly equipped to protect themselves from the dangers and potentially harmful behaviors that exist in cyberspace, and similarly their parents seem to be unaware of some of the dangers and are ill-equipped to protect them.

### ***Misperception of parents on their children's use of the Internet***

In a study conducted in Russia on young people's use of the Internet, all parents appeared to be confident that they knew what their children were doing online<sup>46</sup> and there seemed to be a misperception among parents that they have control over what their child is doing while on the Internet. The European research conducted among children shows that certain children

adopt more risky behavior than they may admit to, in particular among the older children, who present themselves as overconfident both in insight and in unmasking false identities and interlocutors who they find especially friendly towards them – and they are reluctant to warn their parents (or only in the last resort, and dramatic cases).<sup>47</sup> There would then be a need for awareness-raising and education of parents and young people.

There have been very few specific studies on the use of the Internet by young people in the countries examined, but some general information was collected, and based on the usage patterns observed in other countries it is possible to extrapolate some trends for the region.

In general, the Internet is mainly used by young people for entertainment and recreation purposes as well as for communicating with others and searching for information. This is in line with the general use of the Internet by young people throughout Europe.<sup>48</sup>

Young people are highly capable of adapting fast to changes and learning new technologies. Moreover, the Internet encompasses many attractive elements to youth, such as a sense of freedom to develop their social life without limitations and inhibitions facilitated by almost instantaneous interactions, while still sitting at home or in a familiar environment, perceived to be safe. It also allows for access to information on any subject that was previously inaccessible, such as documents to support their school activities or gaining

access to current news throughout the world (it was reported that in Ukraine in times of political torment, as was the case during the Orange Revolution, Internet usage increased by almost 40 per cent in one month).

Although Internet usage in Russia is not yet as developed and popular as some other countries in Western Europe, according to a poll from December 2006, every fifth in Russia child is an Internet user (21%), especially teenagers living in big cities.<sup>49</sup>

Young people are commonly using the Internet in the region to access and download music and videos, copy files and share materials. The peer-to-peer exchanges (P2P)<sup>50</sup> used for these purposes present risks for young people, including exposure to unwanted materials, as they appear to be widely used for exchanging child abuse images and tracking the sources is very difficult as files are distributed and not maintained on fixed servers.

Communicating via Instant Messaging systems<sup>51</sup>, voice over the Internet (VoIP)<sup>52</sup> or emails are also a part of many young people's daily lives in Moldova, Ukraine and Russia. Information was not available for Belarus, but it is likely that young people in the country also access the Internet for similar purposes. It has been known that child pornography distributors use e-mail to transmit child abuse images, sometimes as attached files, but do not use it to send the material in large quantities. Most often, if pictures are attached to e-mail, the sender shares a few images of particular



interest with another collector or distributor. Chatrooms<sup>54</sup> and online forums are especially popular among young people in the region and are becoming a significant element of their social life for online interaction and meeting new friends with similar interests. Chatrooms are often the scene of initial meetings and conversations between the victim and

Chatrooms, forums and other Internet venues can also be used for sharing information among like-minded people on issues such as sexual exploitation of children. Explicit messages offering child abuse materials can also be found online using some of the most common search engines: “Only the best child porn: girls from 5 to 14, parts of the videos you can see for free!”; “let’s exchange photos of girls under 15”. This clearly shows how the Internet is playing a key role in facilitating the victimisation of children.

**Children in Belarus, Moldova, Russia and Ukraine are increasingly using the Internet to communicate, chat or play games and therefore the region is facing a major potential challenge of online grooming, as young people are not properly informed of these risks in cyberspace.**

the offender in enticement cases.<sup>55</sup> Throughout the world, most of the preventive work and studies related to violence against children in cyberspace have concentrated on chatrooms and some companies have restricted their use as they were not properly moderated: for instance Microsoft shut down its un-moderated chatrooms for MSN Internet services in 2003.

In Belarus, a citizen from Brest was arrested for selling child abuse images online through forums. The special Department “K” of the police, which carried out an undercover investigation, was proposed a price-list of 12 DVDs featuring sexually abusive material of girls, some as young as five. The 27-year-old offender was accused of production and distribution of pornographic materials involving children.<sup>57</sup>

Websites are a set of web pages that can contain various files related to child pornography: text, sound, pictures, videos, etc. Many large-scale, multi-jurisdictional cases began when a law enforcement officer happened to stumble upon a website or responded to an invitation in an unwanted e-mail (spam) or from reports to hotlines.<sup>58</sup>

Based on a study conducted in 29 countries in Europe, children perceive their interaction in open chatrooms and discussion forums as being the most risky online behaviour, as conducive to possible contact with malicious or dangerous adults.<sup>56</sup> However, blogs (more popular among girls in Russia) or online gaming (especially popular among boys in Moldova), which are fast developing in the countries studied, are also virtual settings where children can be exposed to violence and cyber-bullying, meet secretly with online friends, falsify their identities or unwittingly become involved in fraudulent and abusive situations.

In 2006, in Moldova, a group of Dutch citizens and a Moldavian

middleman organised the production and distribution of child abuse materials advertised through two websites featuring regular images of children, but which led to other websites where abusive imagery was posted.

Globally, it has also been demonstrated that the Internet is commonly used for accessing 'regular' pornographic material. Twenty-five per cent of total search engine requests are related to pornography, which amounts to 68 million pornographic requests daily.<sup>60</sup> Similar trends are observed in the region: according to the statistics of a popular Ukrainian web portal, over 30,000 visitors view pornographic websites. Similarly in Moldova, about 30 per cent of Internet searches were related to sex and pornography, based on a small survey conducted by the Romanian

Christian organization ([www.interviuri.crestinortodox.ro](http://www.interviuri.crestinortodox.ro)). Evidence also shows that some adult pornography websites link to child abuse materials. Accessing adult pornography is not a direct form of commercial sexual exploitation of children but it exposes children to age-inappropriate materials of extreme sexual violence and degradation and can be used to prepare the child for sexual exploitation.

Among the new Internet trends commonly used by young people are blogs. However, this constitutes a new tendency, mainly in Russia and increasingly in Ukraine, but not yet common in Moldova. Social networking websites<sup>63</sup> are another emerging element but no information has been collected on their use by young people in the region.

### ***Sexual abuse of four school girls in Vasilievka, Zaporozhskaya oblast, Ukraine***

A child sex offender in Ukraine abused four girls, three of them under the age of 14, and recorded the abuse on video. His victims were schoolchildren, acquaintances of his son. He made them drink alcohol, showed them pornographic movies and made them pose naked for him in erotic ways. He used pornography to seduce his victims and lower their inhibitions, convincing them that the acts were 'acceptable'. He also sexually assaulted one of the girls and asked the girls to take pictures of one another, which he shared with his friends. He was finally arrested based on one of the victim's step-father's report to the police.<sup>61</sup>

The advent of social networks has changed the way young people express themselves online. By combining features that in the past were found under different applications such as email, chat, photo and music sharing, journals etc., these sites now allow young people to express their views and ideas, bring out their creative talents and at the same time reach out to the wider community and associate themselves with various groups of people. Peer culture also drives them to sign up to these services in the fear of being left out. The downside to this is that some youths allow or are unaware that their profiles can be viewed by adults who can then establish contact with them. Sometimes compromising images are posted and personal details are shared through these sites, which further allow those with negative intent to manipulate young people. These sites may also allow third party developers to develop specific interfaces and customisable features that can collect sensitive information without the knowledge of the user. Some of these websites are also being used to host child abuse images, which is definitely a shift from the more conventional channels of distribution of such images.

The new technological advancements in the realm of the Internet have also allowed the creation of realistic three-dimensional spaces or virtual worlds that allow real-time interaction among users and create a sense of belonging and ownership similar to the physical world in some ways but which defies it in others.



A virtual world, such as *Second Life* for instance, is a computer-based simulated environment where users can interact in virtual forms via avatars. Avatars are the representation of the user, which can be three-dimensional models as used in computer games or simply a picture or a text representing

the “embodiment” of the user. Children can create their virtual personas (avatars) and enter into potentially harmful situations, especially as they do not necessarily comprehend that their behaviour and actions in cyberspace can have consequences in reality. The distinctive elements influencing and shaping new forms of social interactions in cyberspace can have profound implications for children who are frequently using these features.

Though it is not specifically reported that this Internet feature is being widely used by children in the region, it would be important to keep in mind that these virtual spaces, including online gaming, can provide avenues for sexual exploitation of children. It has already proven to allow enactment of sexual violence against avatars representing children (though the actual people behind those characters could be adults posing as young people). Another popular activity in *Second Life* is ‘ageplay’, where residents sculpt their avatars to resemble children. It has been reported that ‘ageplay’, in which players also request sex with others who dress up as child avatars, has encouraged a growth in players posing as children in

order to make money.<sup>64</sup> It also appears that “rape kit” animations can be purchased as avatar add-ons. This virtual sexual exploitation of children may be used to lower the inhibition of young people who may view it, increase demand for such actions against children and rationalise the use of technology for committing virtual offences due to the lack of adequate legislation in many countries. The development of multiplayer online games, especially popular among children and particularly boys, already noted in Moldova for instance, would require specific attention to prevent violence against children in these cyber-environments.

### ***The sexualisation of children in information and communication technologies***

Throughout the world, there is a particular problem of sexualisation of children in the media, reinforced in ICTs. “Sexualisation occurs when a person’s value comes only from his or her sexual appeal or behaviour, to the exclusion of other characteristics; when a person is held to a standard that equates

physical attractiveness (narrowly defined) with being sexy; when a person is sexually objectified and when sexuality is inappropriately imposed upon a person.”<sup>65</sup>

The sexualisation of girls (mostly) in the region occurs within several interrelated spheres: the contribution of society should be noted where cultural norms are infused with sexualised representations of girls, as clearly indicated by the number of photo studios and modeling agencies, but also present on social networking and gaming sites or mobile phones used to circulate sexy images of young-looking girls. The role of the media in sexualising children, including the entertainment and music business, and especially facilitated through ICTs, is determinant in the way children are portrayed and thus may portray themselves. The private sector should take responsibility for protecting children from these harmful representations.

Family, peers and others can also contribute to the sexualisation of girls, who are treated as and encouraged to be sexual objects. In one case examined in Ukraine, the offender used images of naked celebrities to manipulate the girls into posing for him, offering to help them become models and movie stars.

Girls may also treat themselves and behave as sexual objects. This is particularly highlighted in cases of girls posting sexualised images of themselves or portraying themselves in a sexualised way on dating websites, for instance, which is very popular in the region. Sharing

### ***Moldovan song promoting sex with children banned from Eurovision and YouTube***

A song from a Moldovan singer promoting sex with young girls was banned from the 2008 Eurovision contest and the music video including suggestive images of minors, was also removed from video hosting website YouTube, for violating the site’s content policies. With explicit and offensive lyrics directly referring to sex with 13-year-old girls, it was openly promoting sexual abuse of children.<sup>66</sup>

photos and videos and posting them on dating sites is a major concern and a worrying use of the Internet, specifically mentioned in Moldova and Ukraine and apparently occurring in Russia. This tends to be a growing concern as young persons, mainly girls as young as 12 years old, can post suggestive images of themselves with appealing comments on dating sites and offenders can use this information to trick them into abusive situations and control them. Young people might feel less intimidated in cyberspace, as many of the elements attached to the physical world seem absent, such as confronting the actual person (which provides a sense of anonymity for instance); a wrong perception of safety as they are communicating from a distance; and a different approach to time, as things seem to happen very fast on the Internet, but they also remain there almost permanently.

A teenage girl poses sexually in front of a web camera or phone camera and transmits her photo to others, including strangers. In actuality, she may not feel comfortable enough to evoke such an image in the physical presence of other people.

Young people, in their exploration of sexuality and in their desire to create relationships with others in their teenage years, may engage in risky behaviour. The *Convention on the Rights of the Child* and all countries throughout the world [that are party to it?] recognise that children have developmental limitations and specific needs for which they are afforded special protection. The Internet provides increased opportunities for their sexual exploitation and most

societies are not adequately prepared to respond to these non-traditional settings.

### ***Current initiatives to prevent the risks of violence against children in cyberspace***

Limited initiatives have so far been developed in Belarus, Moldova, Russia or Ukraine to address the issue of prevention on the risks of violence against children in cyberspace, however, some efforts have been made by governments, some representatives of the private sector and NGOs, including ECPAT International and its network members in the region. It is therefore important that the work in the field of awareness-raising on this issue be further developed.

Several international and regional conferences have been conducted in a number of Russian cities to raise awareness of the issue of child abuse images and especially the need to develop international cooperation with Russian experts, for example:

- In September 2005, the international Conference on “Child trafficking and child pornography on the Internet” was organised in Moscow with experts from the State Duma and the Council of the Russian Federation, the Ministry of Internal Affairs, United States Government, UNICEF and NGOs;
- In April 2006, an international conference on fighting against cybercrime and cyber-terrorism was conducted in Moscow with the participation of various government representatives and international experts;
- In May 2006, ECPAT International and the

Regional Public Organization of Social Projects in the Sphere of Population's Well-being "Stellit" conducted a Regional Seminar on Child Pornography involving government representatives and NGOs from Russia, Ukraine, Belarus and Moldova;

- In June 2007, the international conference "National and International Experiences in the Sphere of Counteraction of Child Trafficking and Spreading of Child Pornography via the Internet" organised in Smolny, St. Petersburg in cooperation with the Governor of St. Petersburg, gathered about 100 specialists from various parts of Russia as well as international experts. As a result of this conference, recommendations were drafted for the Committee of the Duma on civil, criminal, arbitrary and procedural legislation for changes in the legislation regarding child abuse images and child trafficking for sexual purposes; and
- In St. Petersburg in 2006, the Committee on Law, Order and Safety initiated a seminar for the responsible secretaries of Commissions on Minors Affairs and Protection of their Rights of all districts of St. Petersburg for combating child pornography and other forms of commercial sexual exploitation of children at the local level. The issue of CSEC, including child abuse images, is being discussed at various meetings of the Working Group on Counteraction against Commercial Sexual Exploitation of Minors under the Commission on Minors' Affairs and Protection of their Rights, involving representatives of the profile Committees, Prosecution Office, law enforcement structures,

government and non-governmental organisations. Specific departments to investigate crimes committed through the use of ICTs, including child pornography,

### ***ECPAT International raising awareness on Internet Safety in Ukraine***

In the framework of the make-IT-safe campaign, aimed at lobbying the IT industry and governments to take responsibility for making online and interactive technologies safe for children and young people, the NGOs School of Equal Opportunities and Intellect Centre in Ukraine conducted several trainings with and for young people in 2006 in Lviv, Donetsk and Kiev. Of the 16 young people who were trained, five of them mentioned that they unwittingly received or searched for pornography on the Internet and five more felt uncomfortable and embarrassed when they received insults while chatting.

An awareness-raising campaign was also organised in seven cities in Ukraine where 5,000 leaflets, including recommendations for the safe use of the Internet by young people, and 2,000 stickers were distributed to the general public. About 6,000 signatures were collected as a petition to lobby the Ukrainian Government and the IT industry to take measures for ensuring a safe IT environment for children. Postcards on Internet safety rules have also been developed by young people and distributed during youth-led trainings in schools and during summer camps.<sup>68</sup>

were formed in Russia (special Department “K” established in 1998 with a central office in Moscow and regional offices) as well as in Belarus.

In terms of prevention, in the framework of the make-IT-safe campaign, developed by ECPAT International and the UK-based organisation Children’s Charities Coalition for Internet Safety (CHIS), some lobbying activities have been conducted with young people in Ukraine. Several teachers’ trainings were also

conducted by ECPAT International in Ukraine, Belarus and Moscow. In St. Petersburg and the Leningrad region, the ECPAT Affiliate, Regional Public Organization of Social Projects in the Sphere of Population’s Well-Being “Stellit” also regularly conducts local trainings for staff members of schools, shelters and social and rehabilitation centres on the issue of commercial sexual exploitation of children and on the possible risks faced by children on the Internet.

### ***Microsoft support to awareness-raising on Internet safety for children in the region***

In Russia, Microsoft develops posters and leaflets on Internet safety and has interactive courses on Internet safety issues for children, parents and school staff.

In Ukraine, awareness-raising initiatives recently developed by Microsoft with the All-Ukrainian Network against CSEC include a website for online child safety ([www.safetyonline.org.ua](http://www.safetyonline.org.ua)), support for a peer-to-peer training where 60 young people were trained for three days from the NGO “School of Equal Opportunities” and other members of the ECPAT affiliate in Ukraine. Seventeen of these youth trainers are conducting peer-to-peer education in summer camps on child safety issues on the Internet. Microsoft, in collaboration with the ISP OGO and the mobile phone company Life, and in cooperation with the All-Ukrainian Network against CSEC, also organised a competition “Onlyandia – My Safe Web Country” for children from seven to 14 years old.

La Strada Ukraine operates a free helpline for children supported by private donations and two mobile phone operators, “Kyivstar” and MTC, which provide free calls to this helpline.

Attempts to involve the private sector, particularly the ICT industry, in protecting children from sexual exploitation have not been very successful in the region. Few corporations have special programmes on Internet safety for children.

The Ministry of Internal Affairs in Ukraine initiated the development and signing of a Code of Conduct for Internet service providers in November 2006 in Kiev. Although 35 of the 50 companies working in Ukraine attended this official meeting with high ministry representatives, only three agreed to sign a code. The IT industry in Ukraine seems reluctant to adopt any codes or regulations as they admit they fear their profits may suffer significantly as a result. In May 2008, the Ministry of Internal Affairs and Microsoft

Ukraine started to develop a new Code of Conduct for IT and mobile providers as well as blocking systems for hosts of child abuse images.

Some filtering systems, in particular the computer programme called 'Kiber-Nyanay' (Cyber Nanny) – to prevent children from accessing pornographic and potentially harmful websites – have been developed and implemented. This filtering system was presented by the Ukrainian Ministry for Family, Children and Youth Affairs and the Ukrainian Association of Young Deputies. Once installed, the programme automatically blocks access to a list of websites and can be accessed freely from the website [www.kn.org.ua](http://www.kn.org.ua), specially created for this purpose. Similar systems

exist in the other countries, usually for a small annual fee. However, it is important for all parents to be informed about these and to be able to install the software. While this may contribute to the protection of children from being exposed to harmful materials, it is not an adequate protection mechanism in itself and should be accompanied by further educational activities.

Similar filtering initiatives have been conducted in Russia by the Regional Center on Estimation of the Quality of Education and Informational Technologies, which was involved in the development of the list of potentially harmful websites as part of the national programme "Education". Information

## **Filtering**

Filtering solutions exist both on the client computing platform and on the server side to prevent accessing known child abuse image websites. Some of these software solutions (Net Nanny, Cyber Nanny, Cyber Patrol, etc.) need to be installed on individual computers to prevent access to illegal sites. Usually the software is not free nor is it embedded within the operating systems. Microsoft has tried to offer a similar feature through its latest Windows Vista operating system in the form of Family Safety setting, which aims to help in preventing access to identified illegal sites (not only child abuse sites) when properly setup. The downside of the filtering solutions is that children can bypass them if not properly setup with restricted access and they are optional and not offered as mandatory packages by ISPs. In addition, the filters are not effectively promoted by ISPs.

about blacklisted websites to be blocked in schools is planned to be shared among schoolteachers who conduct computer science lessons. The system should

be installed in all St. Petersburg schools by the end of 2008.

### **Mobile phones**



Mobile telephony is a dynamic technology growing in sophistication. Mobile phones have new functionalities, such as digital photography, multimedia messaging and other programmes and utilities previously only available on personal computers with Internet connections. Until recently, access to cyberspace required a designated location with a computer and access to a landline, now the Internet can be accessed from anywhere with a mobile device.

Ukraine was among the countries with the highest mobile phone penetration in the world (ranking 26th) in 2006. In February 2007, there were 51.4 million mobile phones, according to iKS-Consulting Co., which represents a 1.5% increase compared to the previous month and an approximate 109.9% penetration rate. The mobile phone market is very concentrated, with over 50 million people using the services of the four biggest companies.

A similar situation is encountered in Russia, as the mobile communication is developing at a more rapid pace than the Internet. An abrupt price-cutting strategy for mobile phone services has resulted in the number of mobile phones exceeding the Russian population, according to AC&M Consulting. Young people access the Internet via their mobile phones mainly for downloading songs and pictures. Getting acquainted with other young people through text messaging is widely advertised and “mobile dating”, i.e., meeting a ‘friend’ met through mobile communication, is

becoming increasingly popular.

In Moldova and Belarus, the mobile phone penetration is not as high as in the other countries studied but the sector is growing. As in Ukraine and Russia, the mobile telephony sector is highly concentrated on four main operators in Belarus expanding the network coverage, and two main ones sharing the Moldovan telecommunication market.

The high concentration of the mobile phone sector in these countries implies that if actions and regulations to protect children should be adopted by only a few big companies they would cover the entire market.

Mobile phones are small devices which now include numerous high-technology features, such as high quality megapixel photography, video cameras, video calling, MP3 players, third generation (3G) communication, high-speed Internet connectivity, and more.

The mobile phone technology lends itself to various risks for children and mobile phones are used in numerous ways to facilitate the sexual exploitation of children and the production and distribution of child abuse images:

- **Capture and distribute:** Mobile phones enable, in a single device, both the production of child abuse images and videos and the instant transmission to other mobile phones or direct to the Internet. As a result, the distribution of child abuse images is only “a

## **Self-generated videos produced via mobile phones in Ukraine**

Children between the ages of 12 and 14 from elite schools in Kharkiv produced several erotic films of themselves using abusive language in the classrooms, via their mobile phones during a period of two months. One parent found the abusive videos on their child's mobile phone and reported it to the school director.<sup>75</sup>

click away" from the image capturing.<sup>74</sup>

There have already been cases of child abuse images produced and distributed with a mobile phone, ranging from young boys photographing their girlfriends during intimate relations and later circulating the images to their friends and schoolmates, to adult sexual offenders and child sex tourists intentionally producing child abuse images for distribution. Moreover, mobile phones are usually quite small, easy to dissimulate and so common that they are difficult to check by border police for instance. In a case studied in Ukraine, a young man raped a girl while his friend was filmed the abuse with his mobile phone.

- **Access to inappropriate or harmful content:** Short message services (SMS, MMS) have introduced new ways of distributing pornography to indiscriminate target groups, including young

people. In Ukraine, there is an increasing trend to distribute pornography images, videos or games through SMS, including materials suspected to involve the sexual exploitation of children advertised as "girls for sale". These services are supported by all major Ukrainian mobile phone operators and do not seem to be regulated.

By definition, mobile phones provide users with extended freedom as they can be used anywhere with largely unsupervised control. This impedes potential parental monitoring of young people's use of their phones and weakens the possibility to protect minors from inappropriate and harmful content or phone bullying, especially if no policies are in place to support child protection.

3G phones that allow high-speed access to the

*The peer pressure to own the latest mobile phone and thus win the respect and recognition of friends can be burdensome on young people. As a result they become more vulnerable to sexual exploiters who take advantage of this perceived 'essential need' to involve children in prostitution.*

Internet are not fully developed in the countries studied, as the networks do not yet exist in Moldova and Belarus. In Ukraine, however, the first 3G phone service became operational in February 2007 and Russia granted licenses for this service to three companies in April 2007.

Mobile phones can also present other dangers for

children that are not directly linked to their features or services but rather to the aggressive marketing strategies especially tailored towards young people, making this technology a “must-have” element for all teenagers.

This peer pressure is not specific to the region but is ingrained in the minds of youth in Ukraine, Russia and Moldova. Not only is the desire to own the latest mobile phones causing a frenzy among young people, but the fact that money is required to maintain the cost of calls is also exploited by the abusers. In countries such as Thailand, children are approached online, promising top up mobile cards in exchange for sexual favours.<sup>77</sup>

As reported in Moldova, many children whose parents live abroad own mobile phones, which help them to maintain regular contact. Already weakened by the lack of parental care, they can easily be tricked into dangerous situations, including prostitution, in an attempt to gain access to what they feel will help them to ‘exist’. “My parents went abroad for work, leaving me and my brother in the care of our aunt. I began changing radically, my only concern being the mobile telephones and the entertainment.”<sup>78</sup> This could contribute to explaining why, as reported, some children have been exchanging sexual services to pay for their mobile phones and their communication in the region.

In addition to the various risks mentioned above, mobile phones can also be used by offenders to

contact and control children. Once the 3G services are in place, it will also be possible to use location-based services (one of the possible services under 3G) to locate a child for physical contact.

Cases of trafficking in children show that traffickers and pimps also use the latest technologies to organise their transnational and local activities. Pimps use pagers and mobile phones to communicate with and control women and girls. Mobile phones are also used to watch for approaching police patrol cars in street prostitution. They offer cheap services without specific registration and can be used temporarily for long or short periods and then disposed of so that police are unable to trace either the phone calls or the individual browsing illegal websites and uploading files onto the Internet through these mobile phones.<sup>79</sup> Mobile phones can also provide a new opportunity for payment of abusive images of children which will be explored in the following section.

## 1.2 The role of financial institutions

Whereas enormous profits are generated through the distribution of child abuse images, the financial institutions, as far as we know, have not yet been involved in any initiative to tackle this issue in the region.

Child abuse images can generate a very high level of illegal income:

- In Ukraine, cases of model agencies and photo

42 studios have been identified as producing child abuse images for profit – one such establishment was in operation for about three years and victimised approximately 1,500 girls and generated a monthly profit of \$US 100,000<sup>80</sup>;

another was making a daily profit of \$US 5,000;<sup>81</sup> and a small criminal group led by a former police officer was producing and distributing child abuse images on a website where more than 5,000 CDs with child abuse materials were offered for sale,

The case stems from a company that processed Internet and website subscriptions in Minsk, Belarus, and collected fees for memberships to child pornography websites that brought in millions of dollars.

“When we followed the money, we ended up getting both the operators of this outfit ... and meanwhile back in the USA we were doing search warrants on people’s computers who had subscribed via credit card to these child pornographic websites,” a spokesman for the US Attorney’s Office. About two dozen people in New Jersey and 20 others around the USA have been charged with downloading child pornography.

Regpay ran a global Internet pornography business that had thousands of paid memberships to dozens of websites featuring children. In addition to operating several of its own websites, the company earned millions of dollars by processing credit card fees for more than 50 other websites. The Regpay websites were operated from Minsk, Belarus and were hosted by Internet service companies in the United States and abroad.

During his guilty plea, one of the offenders, Zalatarou, admitted that together with his accomplice, Boika, and others at Regpay, they agreed to provide credit card billing services for child pornography websites available to subscribers worldwide. Zalatarou also admitted that in September 2002, after receiving a warning from law enforcement, his company changed its name from Trustbill to Regpay and continued to process subscriptions.

Regpay was operating a child pornography advertising website which promoted and rated 11 websites containing child abuse images. Regpay also operated its own child pornography websites. Each of the sites contained numerous images of prepubescent children engaged in sexually explicit conduct, specifically lascivious exhibitions of the genitals or pubic area. They used computer hosting companies located in the United States to maintain the website, enabling individuals located around the United States and in other countries to obtain access to the website. Individuals from Regpay maintained and operated the website remotely from Belarus as well as at least four other websites described in the main one.

The president and technical administrator of Regpay were both sentenced to 25 years in the US federal prison for their roles in running the Internet child pornography operation.<sup>85</sup>

generating an income of over \$US 10,000 a month.

- In Russia, the production and distribution of child abuse images in one of the described cases was generating \$US 120,000 a month to the offenders. The websites were visited daily by 15 to 20 visitors.<sup>83</sup>
- In Moldova, a mother and son team organised a pornographic studio in the mother's apartment in Chisinau where they were shooting real-time pornographic videos of young women. One of the girls was 17 years old. They would charge \$US 5 per minute for the video and the girls involved would receive \$US 150 per week.
- In Belarus, the company Regpay processed between \$US 2.5 million and \$US 7 million in credit card transactions for the sale of websites containing child pornography.<sup>84</sup>

Banks and payment card providers are at the core of these financial transactions and remain key stakeholders in the fight against the online sexual exploitation of children. Relatively new players, such as non-bank money transfer operators, mobile phone operators and e-payment technology vendors are also coming into the picture, trying to carve out niches or special value-added operations from the main players.<sup>86</sup> Internet banking, e-banking or e-payments are becoming one of the main delivery

channels for online payments. Though they are still at an early stage of use in the countries studied, they have a potential to increase rapidly and require that their use by cyber-criminals to purchase and profit from the distribution of child abuse images is urgently addressed by developing preventive and collaborative mechanisms where the financial institutions would take their responsibility in facilitating these crimes against children. These new financial institutions are indeed providing new opportunities for money laundering and child sexual exploitation and do not offer similar ways of tracing or controlling their clients' activities as traditional banking systems may.

An emerging challenge is also the possibility of using cell phones and mobile network operators for payment through 'm-banking' and 'm-payments', the terms used for performing a financial transaction or using a service through a mobile device such as a mobile phone. As highlighted at the UN Conference on Trade and Development, this constitutes a "major step in mainstreaming the poor and 'unbanked' population into e-payments". Considering the great expansion of the mobile telephony in all the countries studied, it may significantly increase the risks for distributing and accessing child abuse images throughout the region and especially in traditionally remote areas.

## 2. The legal framework for addressing child sex abuse imagery

### 2.1 International standards

While individual and community understanding of child pornography may vary within and between societies, Article 34 of the *Convention on the Rights of the Child (CRC)* commits signatories to act to prevent “the exploitative use of children in pornographic performances and materials”.

*ILO Convention No. 182 (ILO C182)* provides that “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performance” constitutes one of the “worst forms of child labour”.<sup>88</sup> Article 7(1) obliges governments to apply “all necessary measures ... including the provision and application of penal sanctions” to enforce the *Convention*, in order to eliminate child pornography.

The *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)*, which entered into force on 18 January 2002, defines child pornography as “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”.<sup>89</sup> The OPSC

definition of child pornography is broad and covers material showing explicit sexual activities involving children, whether real or simulated, and material displaying the sexual parts of a child intended for primarily sexual purposes. The international standard includes printed material, videotape, audiotape, or digital material stored on a computer. The OPSC obliges States to make criminal all acts of “producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography”<sup>90</sup> and to make such offences punishable by penalties that take into account their grave nature.<sup>91</sup>

While international standards require that the possession of child pornography for the purpose of distribution be criminalised, the *Stockholm Agenda for Action* further recommends that States criminalise the mere possession of child pornography, not just possession for the purposes of distribution.

The possession and viewing of child pornography perpetuate the crime committed against the child during the production of these abuse images or materials. Even if the materials are not distributed and kept for personal gratification, it is degrading and victimises children in general. Whether the abuse

is real or simulated, it encourages and legitimises sexual abuse of children as the offender is using these materials to be sexually aroused by children. The demand for sexually abusive materials of children is also fuelling the production and can in some cases incite the viewer to sexually abuse children through direct contact.

## 2.2 Regional standards

In recent years, the Council of Europe has played a key role in preparing and negotiating a number of legal instruments to address the sexual exploitation of children. The Council of Europe conventions described below are particularly important as they take into account and build upon other international and regional instruments, with a view of strengthening child protection standards and providing common ground for harmonisation at regional level. They should be used when reviewing and amending national laws addressing child pornography, even by those countries that have not yet signed or ratified the conventions.

In July 2004, the *Convention on Cybercrime (Cybercrime Convention)* came into force, addressing computer perpetrated child pornography offences. “Child pornography” is defined as including pornographic material that visually depicts children or persons appearing to be children engaged in sexually explicit conduct. A positive aspect of the *Cybercrime Convention* is that it is not limited to materials

involving a ‘real’ or identifiable child, but also covers ‘realistic images representing a minor, enabling the prosecution of ‘manga’ and other cartoon-type child pornography.’

Child pornography acts that must be criminalised under the *Cybercrime Convention* include all acts of producing, offering or making available, distributing or transmitting child pornography when these acts are committed through a computer system. The Convention also criminalises the procuring of child pornography through a computer system for oneself or for another person and the possession of child pornography in a computer system or on a computer-data storage medium. These acts must be established as criminal offences when committed intentionally and without right.<sup>92</sup>

More recently, the Council of Europe adopted a new *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CSEA Convention)* which opened for signatures on 25 October 2007. The Convention will enter into force upon its ratification by 5 States, including at least 3 members States of the Council of Europe . Moldova, Russia and Ukraine are member States of the Council of Europe.<sup>93</sup> Belarus is a candidate country . The purposes of the CSEA Convention are to prevent and combat the sexual exploitation and abuse of children; protect the rights of victims of sexual exploitation and sexual abuse; and promote national and international cooperation against sexual exploitation and sexual abuse of children.<sup>95</sup>



The CSEA *Convention's* definition of “child pornography” mirrors that of the OPSC<sup>96</sup> and encourages States to criminalise the production, offering or making available, procuring for oneself or another and the possession of child pornography. It further establishes an offence of knowingly obtaining access to child pornography through ICTs and introduces a new offence of “grooming”<sup>97</sup> a child using ICTs - or preparing a child for sexual abuse motivated by the desire to use the child for sexual gratification.

ratified the OPSC, while Russia has not signed it.<sup>98</sup> It would be useful for Russia to become a party to the OPSC as it is the main treaty addressing child pornography at international level.

Ukraine ratified the Cybercrime Convention in 2006, Moldova signed the Convention in 2001, but nearly seven years later it has yet to ratify it. Russia has not signed the instrument yet.

The most recent CSEA *Convention* was signed by Ukraine and Moldova, but not by Russia. It is hoped that Russia will sign the instrument and that both Ukraine and Moldova will proceed to ratification as a matter of priority. In July 2008, the CSEA Convention had not been ratified by any member State of the Council of Europe.

### 2.3 Ratification of main legal instruments in the region

The four studied countries have signed and ratified the CRC and *ILO Convention No. 182*. Three have

Ratification of Main Relevant Legal Instruments as of 1 June 2008					
Convention/ Country	CRC	OPSC	ILO C182	CETS 185*	CETS 201**
Belarus	1-Oct-90	23-Jan-02	31-Oct-2000	N/A <sup>99</sup>	N/A <sup>100</sup>
Moldova	23-Jan-93	12-Apr-07	14-Jun-2002	Signed 23-Nov-01 – not ratified	Signed 25-Oct-07 – not ratified
Russian Federation	28-Sep-90	Not signed	25-Mar-2003	Not signed	Not signed
Ukraine	28-Aug-91	3-Jul-03	14-Dec-2000	10-Mar-06	Signed 14-Nov-07 – not ratified



## 2.4 Analysis of national legislation

### ***Provisions defining and prohibiting child pornography<sup>101</sup>***

An overview of the existing legal provisions in the studied country reveals several gaps in compliance with international standards.

None of the countries have included a clear definition of child pornography in their national legal systems. It is very important to address this gap for all four countries and to clearly differentiate in their laws between 'adult' and 'child' pornography. 'Child pornography' constitutes one of the worst forms of human rights violations, and it is important for the national laws to reflect this reality.

Definitions that are clear and consistent are more conducive to efficient law enforcement. Because of the transnational nature of many CSEC crimes, common definitions are also likely to facilitate collaboration and cooperation in fighting these crimes, for instance through extradition and mutual assistance. In many countries, extradition for a given offence is conditional upon the act being considered criminal in both jurisdictions. Finally, common definitions may help curb 'forum shopping', that is the choice of a jurisdiction based on the legal rules prevailing. Harmonisation of States' domestic law is a way of avoiding a criminal preference for committing acts in a jurisdiction with more lenient rules, which seem to be a trend as far as sexual tourism is concerned.

Therefore it would be advisable for all countries to include such a clear definition of child pornography in their criminal legislation, in compliance with the OPSC requirements. General laws prohibiting pornographic materials, or against the corruption of minors into immoral activities, are not sufficient enough and fall short of international standards. It should be mentioned that the Russian Government is currently discussing new legislation concerning pornography and, in particular, child abuse images, which was developed a year ago. The situation is thus subject to change soon, which represents a positive development in counteracting CSEC in Russia.

In terms of offences covered by national laws, while most countries currently have some legal provisions that can be used in cases of production and distribution of child pornography, most require strengthening to meet international standards. For instance, while Ukrainian law<sup>102</sup> and Belarusian law<sup>103</sup> include some provisions against the production and dissemination of pornographic materials, these do not specifically refer to child pornography materials and should be amended accordingly. Consequently, all countries should review their laws to ensure that all acts of production and distribution of child pornography are criminalised, as well as the mere possession and access to and viewing of child pornography.

According to recent amendments, the Criminal Code of Moldova<sup>104</sup> now establishes new offences

for “the production, distribution, diffusion, import, export, offering, selling, exchanging, using or possessing images and other representations of one or more children involved in sexual activities, real or simulated, or images or other representations of the sexual organs of a child, represented in a perverse or obscene way, including in electronic format”. This represents a positive development in bringing Moldovan law closer in line with international standards.

Because of the increasing role of the Internet and other ICTs in the spread of child pornography, it is also important that national laws address computer facilitated offences as required by the international standards sets forth in the *Cybercrime Convention* and the CSEA. None of the studied countries have domestic laws in place regulating the use of the Internet with regards to child abuse images, though discussions about such laws were underway in Russia at the time of writing this report. In Ukraine, Article 301, Part 2 of the *Criminal Code* includes ‘computer programs of a pornographic nature’, but it does not include the Internet.

### **Sentencing**

Sentencing for child pornography offences is an important aspect of the legal framework as it serves as a deterrent and also plays a role in the recovery of the victimised child by openly condemning the acts perpetrated against the child. Sentencing may also affect the child’s disclosure, especially if the

perpetrator is a family member.<sup>105</sup>

The punishments for child pornography offences in the studied countries do not vary significantly. In Belarus, the punishment for inducing children under the age of 18 into the production of pornography is detention for up to six months, or imprisonment for up to three years, or imprisonment for a maximum of five years in the presence of aggravating circumstances.<sup>106</sup> While the *Criminal Code* does not address the possession of child pornography, Article 343 does establish responsibility for the possession of pornography for the purpose of distribution or advertising. These offences are punishable with two years’ corrective labor or three months’ imprisonment.<sup>107</sup>

Ukraine punishes the inducement of minors into producing pornography with three to seven years’ imprisonment. In Moldova, the abovementioned new provisions of the *Criminal Code*<sup>108</sup> impose a punishment ranging between one to three years’ imprisonment and fines from 2000 to 4000 conventional units for legal entities. Before the amendments, only fines applied.

Russian criminal law is significantly more severe and imposes up to six years’ imprisonment for producing child pornography or up to eight years when the victim is known to be under the age of 14. Article 242.1 of the *Criminal Code* provides that “making, keeping or moving across the State Border of the Russian Federation for the purpose of dissemination, public showing or advertising, or dissemination, public

showing or advertising, of materials or articles with pornographic images of known minors, as well as drawing known minors as performers to entertainment events of pornographic nature by a person who has reached the age of 18 years shall be punishable by deprivation of liberty for a term of up to six years. When the victim is known to be under the age of 14, these acts are punishable by deprivation of liberty for a term of three to eight years.<sup>109</sup>

The lowest imprisonment term imposed in Russia in the studied cases was three years and to the highest was 19 years. In the latter case, however, the conviction of a man in St. Petersburg was secured under Articles 131 and 132 of the Criminal Code,

### ***Four years' imprisonment for disseminating child pornography***

In March 2006, a man was arrested in the Leningrad region in Russia for disseminating child pornography. The offender, a 30-year-old farmer, husband and father, had been collecting child abuse images and distributing them via email to numerous orders that he received through the Internet. He was arrested and found in possession of over 350 CDs and DVDs of child abuse images in his home and is suspected to have been involved in the production of some materials. He was convicted to four years imprisonment and was still serving his sentence at the time of writing this report. The victims have not been identified.

which prohibit rape and violent sexual acts.<sup>110</sup>

Overall, the applicable penalties are comparable to those of other countries around the world.<sup>111</sup> However, in some cases the sentences imposed are too lenient and do not fully reflect the gravity of the crimes committed, which is also a sign of the region's tendency to underestimate the issue. In Moldova, in one of the cases studied of production and distribution of real-time child pornography videos, the offenders were fined 16,000 MDL (approximately \$US 1,400) under Article 220 of the Criminal Code for pimping committed against a minor, whereas the applicable sentence for this offence under the Code is four to seven years' imprisonment.<sup>112</sup> It was reported that the victim's alleged consent and her physical appearance ("she didn't look like a child") contributed to this light sentence.

Based on the information available, enforcement is generally limited. In some cases, the applicable sentences are low which makes convictions difficult to procure. Even when stricter sentences are provided for by law, they may be contingent upon establishing the existence of aggravating circumstances, such as the existence of 'criminal networks'. This can be challenging in practice, as perpetrators often interact via ICT without knowing each other.

### **Four to 12 years' imprisonment for organising child pornography production in studios**

In 2006, a photo studio producing child abuse materials and operating agencies in northwest Russia and Moscow was uncovered and the criminals convicted in 2006 for violent sexual actions, production and dissemination of materials with pornographic content, sexual intercourse and other sexual actions with a person under sixteen years of age and debauchery. Despite an appeal to the Supreme Court, the sentences were maintained. The main organiser of this activity, in which approximately 70 girls were exploited, was sentenced to 10 years' imprisonment, and the adult who was sexually abusing the children was convicted to 12 years. Other accomplices received four and five-year prison sentences.<sup>113</sup>

The fact that criminals had been in contact only through the Internet was not sufficient to qualify the organisation as a "criminal society" under Article 210 of the *Criminal Code*<sup>114</sup> (which punishes the creation and operation of criminal organisations). The related charges thus had to be dropped.

In Ukraine, Article 301 of the *Criminal Code* related to the import and production of child pornography provides for three to seven years' imprisonment. In two cases, the offenders were sentenced to three and three and a half years' imprisonment, respectively. However,

the offenders were discharged from serving their sentence and given a probation period of one year pursuant to Article 75 of the *Criminal Code*.<sup>115</sup>

Considering the grave nature of the violations against the child and contemplating the financial gains generated by the distribution of child abuse images nowadays, victims should be allowed to claim compensation through the justice system.

Nonetheless, there are signs of improvement: since the enactment of Article 242.1 of the Russian *Criminal Code* there has been a considerable increase in convictions for child pornography-related offences (from 30 in 2004 to 359 in 2006 (25% of cases involving the net))<sup>116</sup>. Belarus has seen 10 convictions related to distribution and promotion of child pornography, under Article 343 Part 2 of the *Criminal Code*.<sup>117</sup> In Moldova, however, only a limited number of cases reach court, as before the Ministry of Internal Affairs enacted Article 261/4 "Child Pornography through Information Systems" of the *Criminal Code* in March 2007, there were no specific laws governing child pornography. Prior to that, cases tended to be heard only when the accused was charged with other related offences. In Ukraine, there were 19 cases of child pornography offences reported in 2004-2006, 15 of which were sent to court.<sup>118</sup>

## Summary of key provisions of national laws addressing child pornography

	Belarus	Moldova	Russia	Ukraine
Mere Possession	No	No	No <sup>119</sup>	No
Production	Yes <sup>120</sup>	Yes <sup>121</sup>	Yes <sup>122</sup>	Yes <sup>123</sup>
Distribution/ Dissemination	No <sup>124</sup>	Yes <sup>125</sup>	Yes <sup>126</sup>	Unclear <sup>127</sup>
Penalties	Up to five years for inducing a minor into producing pornography <sup>128</sup>  One-year imprisonment for producing pornography <sup>129</sup>	Up to three years for producing, distributing, diffusing, importing, exporting, offering, selling, exchanging, using or possessing child pornography <sup>130</sup>	6-8 years	3-7 years

As the above analysis illustrates, much remains to be done in order to bring the laws of the four studied countries in compliance with international and regional standards. Below is a checklist of

essential provisions that should ideally be part of any national legal framework aimed at eradicating child pornography.

## Essential elements of national laws against child pornography:

- A clear definition of ‘child pornography’ based on the OPSC, excluding vague terms such as ‘obscene’ or ‘indecent’ and encompassing a broad spectrum of depictions, whether fixed in visual, audio or electronic support;
- The inclusion of ‘virtual child pornography’ in criminal law (it should not be necessary to prove that a ‘real’ child has been used in producing the materials);
- The criminalisation of a broad range of activities, including mere possession, procuring, accessing and viewing, producing and making, distributing, disseminating, importing, exporting and offering child pornography – general criminal provisions on pornography are not sufficient. The law must contain provisions specific to child pornography as a distinct issue;

- Provisions addressing the use of ICTs to perpetrate child pornography offences. For example, individuals and professionals who may be exposed to child pornography because of the nature of their work, ISPs and financial companies should be subject to reporting obligations as well as to monitoring obligations, pursuant to which they must verify the content of the pages hosted by their services;
- Severe criminal/penal sanctions that reflect the gravity of child pornography as one of the worst forms of human rights violations (administrative sanctions such as fines are insufficient) and strict enforcement of child pornography laws; and
- Child-friendly procedures throughout the justice system, including special measures for child victims and witnesses of child pornography crimes.

Other elements which may need to be considered are mentioned in the Conclusion and Recommendations section.

### 3. Analysis of some specific cases of child abuse images

This section draws on the analysis of 15 cases identified in Moldova, Russia and Ukraine specifically examined by the local researchers, and on the literature reviews conducted in all four countries. The information collected on these cases is mainly factual but considers some important elements of the cases that can lead to further interpretation in relation to potential patterns and challenges faced in the region.

#### 3.1 Key aspects of the crimes

Several aspects of the crimes of producing and distributing child abuse images which have been studied through these literature reviews and analyses of cases shed some light on the forms of offences encountered in the region and the ways in which offenders operate to entrap children into sexual exploitation.

Child abuse images can be produced for various reasons, such as a source of profit or for sexual arousal, but they can also be used for grooming a child and overcoming his/her resistance or for blackmailing the victim and prolonging the abuse. These various functions have been explored in this report.

#### ***Various forms of child abuse materials***

In the cases studied, the child abuse materials showed a variety of sexual abuses of children. Child sexual abuse (CSA) could be described as “the involvement of a child in a sexual activity that s/he does not fully comprehend, is unable to give informed consent to, or is not developmentally prepared for. This includes contact abuse (from kissing or holding in a sexual manner to sexual intercourse) and non-contact abuse such as obscene remarks on a computer, online sexual solicitation or using a child to make pornography imagery such as posing naked or simulated sexual activities”.<sup>133</sup>

The cases identified ranged significantly from sexually suggestive images of clothed children or pictures of naked children (especially in modeling agencies in Ukraine and Russia), to sexual contact between children and adults or among children (one case in Russia) and online real-time sexual abuse of children filmed in Moldova.

A Belarusian man was arrested in 2006 for distributing materials containing abuse images of children. Thirty-two thousand pictures of children were found stored on his computer. Some of them were compiled from the Internet and others were lewd photographs of

children in municipal kindergartens that he had taken with his digital camera. About 80 clients are suspected to have bought these materials in six months, from Russia, Ukraine, Poland, Australia and among them five clients in Belarus. The Belarusians who accessed these materials should not be prosecuted according to the national legislation as there is no sentence for merely viewing these types of images.<sup>134</sup>

Even if the child is not abused by direct physical contact with the offender, victimisation must be the central topic to focus on when analysing the content of an image. Whether a picture is accidental or deliberate, each time a picture is accessed for sexual purposes it victimises (if only by proxy) the individual concerned through fantasy.<sup>135</sup> If the function of the image is to victimise the child for the offender, it is important to acknowledge that actual abuse is conducted, further exaggerated by the permanence of the image and its circulation. Once the images enter cyberspace, they may remain there indefinitely. Children who have been victimised in the production of such images risk fearing throughout their adult life that the images may resurface. This long-term impact on the victims needs to be investigated further and more resources have to be made available to explore and generate appropriate therapeutic strategies and contexts in which they can be used.<sup>136</sup>

If the distribution of the images has a significant impact on the child, it may be helpful for his/her healing process to know if the images were widely distributed. When the distribution of the images can

be stopped, the servers shut down and the offenders arrested, it can help the child find some level of control over the abusive experience. This highlights the need for collaborative efforts between the police, the private sector and the support services and a strong commitment to ensure that the actions which will follow the disclosure will be properly fed back to the victim to support his/her recovery.<sup>137</sup>

### ***Children victimised in the production of abuse images suffer anxiety – professionals are ill-equipped to respond***

In Ukraine, it was reported that, among child survivors of abusive images produced by a model agency and distributed over the Internet, many suffered from anxiety, refused to go to school, meet friends or even answer phone calls, fearing that their friends and acquaintances had seen their pictures on the Internet. The psychologists who worked in support of the victims also felt inexperienced and disarmed in these particular situations.<sup>138</sup>

### ***Places where child abuse images are produced***

Cases of child abuse image production have been identified in all the four countries studied. More information is available from Ukraine and Russia, whereas the problem still appears to be limited in Moldova and Belarus (or is still much hidden). It should be noted that it is also probable that the problem is more acute than known in all the countries



studied, considering the illegality of the activity, the absence of reporting and the lack of adequate legislation to prosecute these crimes.

The filming and photography can be organised from different settings: photo and modeling studios, private establishments, such as apartments and summer houses (dachas) which are rented for this purpose. It was reported that the production of child abuse

materials also takes place in popular tourism and entertainment locations, such as hotels and saunas. Children on the beach or in kindergartens were also used for the production of abusive images.

It appears that reports of child abuse images by model agencies and photo studios mainly came from bigger cities in Ukraine and Russia, but cases were also identified in small villages.

*The victimisation of children in the production of abuse images first occurs at the local level, involving various stakeholders. In the CIS region, this is very often under the guise of the entertainment sector, the tourism industry or modeling business, before moving to the international scene.*

### ***A widespread criminal business***

In Ukraine, one of the first high-profile cases of production of child abuse images by a modeling agency was found to involve as many as 500 girls. The criminals had rented offices and premises for the 'photo sessions' in downtown Kiev as well as in Kharkiv and Simferopol.<sup>139</sup>

In Russia, a photo studio was running agencies producing child abuse images in several areas across the country. About 70 girls, from six to 14-years-old, were used in the production of child abuse images organised by a University student and 11 other accomplices in Archangelsk, St. Petersburg, Sakhalin and Moscow. This criminal activity started in Ukraine and later moved to Russia following some suspicion from the Ukrainian police. The offenders, one of whom had already been convicted for producing and distributing child pornography, had established a model agency where girls were first photographed as models and then gradually used in more sexually explicit images, to the point where they were paid for sexual intercourse with adults.<sup>140</sup>

Some of the girls recruited their friends into this exploitative business while other victims were randomly identified, as in the case of a six-year-old girl who was seen on the beach and coerced to an apartment where her sexual abuse was recorded after she was given alcohol.

The materials produced would be put on CDs and delivered from St. Petersburg and Archangelsk (mainly) to Moscow, where the distribution was organised through an English-speaking website. The offenders were making \$US 120,000 a month. Individuals from Italy, Germany, USA, Hungary, UK and Sweden were found paying with their credit cards to access these materials. Law enforcement agencies from Germany and Israel cooperated in the collection of evidence against the offenders, including by accessing the website with their credit card.

In Belarus, law enforcement authorities discovered photo studios producing materials of sexual abuse involving young boys in Minsk. The victims were 16 to 21 years old and the Ministry of Internal Affairs suspects that several hundred of them were used in the production of pornographic images circulated on the Internet.<sup>141</sup>

### ***Organising the production and distribution of child abuse images for profit***

The studies in Belarus, Moldova, Russia and Ukraine revealed different forms of production of child abuse images. The predominant form featured organised criminal networks using children in the production of abuse materials for immediate financial profit.

This fact is being corroborated by reports to hotlines: in 2007, the Internet Watch Foundation (IWF) reported that 80 per cent of child sexual abuse domains known to them are commercial operations and they often originate from Eastern Europe and Russia.<sup>142</sup> Clearly, there is a large market for child abuse images and it appears that more individuals are organising to move into it.

### ***Internationally organised networks***

In Russia, in a case of production and distribution, funds were transferred from a bank based in Latvia to Azerbaijan and finally to Moscow, where the criminal network was established to avoid detection.<sup>143</sup>

In Moldova, three foreigners collaborated with a Moldovan citizen to establish a pseudo 'model agency' in Chisinau, where they produced and distributed child abuse images on the Internet through various websites they had set up.<sup>144</sup>

In another case investigated by the US police, a Moldovan man was the intermediary involved in the distribution and transfer of funds for child abuse images as part of a network established in Russia and Belarus, disseminating the materials in Europe and North America through emails and websites.<sup>145</sup>

In Ukraine in 2006, a 43-year old man and his wife (33) produced pornographic images of their daughter,

who was 6-years-old at that time, including simulated sexual intercourse with her father. They progressively abused several more girls of the same age and older and distributed the abusive materials online for \$US 24 to 59 per 90 days. The materials were accessed by citizens from Scandinavian countries, USA, Portugal, Uruguay and others.<sup>146</sup>

Law enforcement agencies uncovered a married couple who was filming pornographic videos involving children in Simferopol, Ukraine. An Israeli citizen, a member of this criminal group, was placing the videos on websites for viewing, including in real-time for an additional fee.<sup>147</sup>

In Belarus, one case of production of child abuse materials was identified in 2004 of a 23-year-old man who had established a photography agency in Minsk where he produced and duplicated child abuse images. This activity was supported by the billing company Regpay.

This underlines the complexity of the nature of this crime in which criminals are well structured, highly organised and connected at the international level to respond to and generate more demand for new images.

Although the links between these criminal networks and other forms of organised crimes already existing in the CIS region are not proven, they still constitute a major area of concern.

Fraudulent modeling agencies seem to be playing an important role in the 'mass' production of child abuse images, especially in Ukraine and Russia, where several cases were identified. The distribution and payment of the materials produced also received support from international partners in some of the cases studied.

### ***The Aphrodite School***

The Aphrodite School in Russia was operating in Vladivostok and Khabarovsk as a school for future models which provided professional skills training, fitness, music, and science. The 12 to 14 year-old students were actually prepared for use in the production of pornographic films. The selection process for entering the school included a casting where the girls had to pose naked and were interviewed on issues related to their sexuality.<sup>148</sup>

Model agency advertisements are posted on the Internet and in the mass media. In several cases in Ukraine and Russia, parents would take their children to the photo studio thinking their children were just having their picture taken; some were even paying to get these pictures, without knowing that their children were being abused. In one case, the model agency sent cars to pick up the girls from their homes. The agencies also offered contracts abroad and promised

rewards, attractive offers to trick the children and their parents.

***Producing and trading child abuse images in a 'domestic' context***

Another form of child abuse material production identified in the region still involves “domestic

production”, where offenders are familiar with the child, a person from the immediate family circle (a father) or acquainted in some way (through a neighbour).

New technologies facilitate the production and distribution of sexual abuse materials in a domestic context. This was particularly well documented in Ukraine where in some cases the offenders used the images produced to blackmail their victims and prolong the abuse.

***The child victims were blackmailed for months before the abuse was discovered***

In Lviv, Ukraine, a man was convicted to 10 years' imprisonment for sexually abusing four boys. He tricked his first victim, an 11-year-old boy, at the time that the sexual assault was committed, into his apartment by offering to show him his miniature car collection. After raping the boy, he threatened to disclose the abuse to his family, supported by the video recording he had made, and continuously forced the child to come back to him for over one year, until his father finally discovered what was happening and reported the man to the police. Three other victims, one of them a family friend of the offender, were also identified. The offender was incriminated under numerous counts, including Article 301 part 3: creation of child pornography. In this case, the images produced were used to coerce children into the abuse and it was mentioned by the offender that he chose the boy purposely to ensure that the pressure would be strong enough to ensure silencing over his victim, as opposed to children in the streets who may have not been manipulated in this way.<sup>149</sup>

There seems to constitute an element of silencing of the child victim, which is over and above that of the perpetrator/victim dynamic when photography is not involved,<sup>150</sup> thus another dimension is introduced with the recording of the abuse.

Based on existing knowledge, it is often recognised that in addition to the trauma of the abuse, the child victims fear they will not be understood, they may be embarrassed over their victimisation or feel guilty for what happened. The humiliation regarding who may have seen their images and the fear of being recognised are probably the greatest inhibitors to disclosing what has occurred. The children feel that they have literally been ‘caught in the act’.<sup>151</sup> When the recording of the abuse is fixed on a material, this may greatly impede the recovery process, exacerbated by the fear that others may see the images.<sup>152</sup>

**While it may be useful for intervention strategies to differentiate these forms of child abuse images between the one highly organised for direct financial profit and the more “amateur-like”, it is essential to highlight that both types are commercial in essence, as they can be produced for profit, or for trading for other images of child abuse.**

Domestically produced child abuse images can also serve as a vehicle for interacting with other individuals with similar criminal interests, whose connection is facilitated by the Internet. Whereas in the past, individuals with sexual interests in children may have been isolated and/or ostracised, the Internet now provides a space for them to interact and justify their deviant sexual attraction by sharing it with others.

Quite often, the child abuse materials will also be used in exchange for other images, to add to the collection of the offenders or for the offender to remember and show the crime committed.

### ***Relatively young people as child sex exploiters***

During an international conference, “Child trafficking and child pornography on the Internet” organised in Russia in September 2005, it was mentioned that websites containing child abuse images in Russia are often developed and run by relatively young people, 25 to 30 years old. They do not necessarily produce the images themselves but they copy and disseminate existing materials.<sup>153</sup> The fact that young people are also involved in child abuse images should be taken into consideration when designing

information campaigns to ensure that offenders are not ‘stereotyped’ and at-risk children are properly targeted.

In several cases examined, offenders and accomplices, under 25 years old, were involved in various ways:

- As child sexual offenders: A 23-year-old man raped a 17-year-old girl in Ukraine and recorded the abuse; a minor was also involved in reproducing the abuse materials on CDs.<sup>154</sup> In another case reported in Ukraine, six students were involved in producing pornographic video of their female classmate and distributed it on the Internet;<sup>155</sup>

- *As producers and/or distributors:* In Moldova, a 23-year-old boy and his mother were producing and distributing real-time pornographic videos of young people, including a minor.<sup>156</sup> In Irkutsk, Russia, five youths aged between 21-22 years old organised the production and distribution of child abuse images of about one hundred boys from 12-18 years old. In Ukraine, 16-year-old children from an elite school in Cherkassy produced a 13-minute pornographic film of themselves which they then distributed through their local Internet network, in Internet clubs and on CDs. Based on psychological reports, the children were under the effects of drug substances or alcohol;<sup>157</sup>
- *As photographers:* In Russia, an organised group was using a 17-year-old photographer in their illegal photo studio to make the girl victims more comfortable for undressing and posing in sexually suggestive ways. In Ukraine, a photo studio was used to victimise 500 children from 8 to 16 years old and young girls from 18 to 20 years old were recruited as photographers;<sup>158</sup> and
- *As recruiters:* Young people are used by offenders to attract and recruit their peers: in Russia, some of the girls photographed in the photo studios were enticed to bring their friends.

### 3.2 Investigations

Some elements related to the investigation process and the judicial proceedings can give an overview on the interventions and strategies needed to better

protect and support child victims of sexual crimes.

#### ***Discovering the crime***

In several countries, law enforcement agencies use the web to track down offenders, undercover officers may also pose as minors online to dig out potential sexual offenders. There have been several documented cases where the police from various countries collaborated in dismantling criminal networks identified through Internet connections and credit card payments.

#### ***An international network of criminals arrested***

The network established in Russia and Belarus was distributing child abuse images through email addresses established in Russia, to clients from USA, France, Norway and Canada. Money for viewing the child abuse images online was transferred to the middle-man in Moldova. The victims were all girls apparently from 10 to 14 years old. The case began in the USA, and cooperation between law enforcement agencies led to the arrest of seven persons apparently involved in the distribution. Due to a lack of proper legislation, the middleman in Moldova was heard as a witness in the court case in the US but was never prosecuted in Moldova.<sup>159</sup>

Policing the Internet can be very difficult, time- and resource-consuming and in most successful cases will result in the arrest of the offenders, whereas

the victims often remain unidentified, without any support or protection. In Belarus, Moldova, Russia and Ukraine, law enforcement agencies suffer from a lack of resources, both technical and human. While it is important to pursue efforts to overcome these constraints, two other elements for uncovering cases need to be taken into account: the way investigations

are conducted in relation to child abuse cases and the opportunity to act on citizen's reports.

The following table examined a US national sample of cases (122) from 2000-2001, in which offenders who were arrested for Internet-related crimes produced child pornography.<sup>160</sup> It clearly shows the links

The fact that a significant number of child sexual abuse cases seem to involve digital recordings needs to be reflected in the police investigations of child sexual abuse cases and in particular to guide the forensic interviews of children. It is essential for questions about the presence of a camera to be systematically put to the victim, especially as he/she may not mention this spontaneously, because s/he may be reluctant to disclose this, or the abuse itself is so traumatic that the child does not consider the presence of the camera to be worth noting.

Child pornography (CP) production cases: How cases became known to the criminal justice system	
Characteristics	CP Production cases % (N=122)
Case began as...	
- <i>Child sexual abuse case</i>	87%
- <i>Solicitation to undercover investigator</i>	3%
- <i>Possession or distribution of child pornography</i>	10%
Cases where produced CP was distributed began as	
- <i>Child sexual abuse case</i>	89%
- <i>Solicitation to undercover investigator</i>	2%
- <i>Possession or distribution of child pornography</i>	9%
How case originated	
- <i>Citizen report</i>	91%
- <i>Law enforcement activity</i>	9%
Note: some categories may not add up to 100 per cent because of missing data or rounding. Also, percentages and numbers may not be proportionate because weighted data but unweighted counts were used to avoid any confusion about the number of cases upon which the findings are based	

between sexual abuse cases and the production of child abuse images and how these may be discovered. Though this table presents the situation in the American context and it may have evolved over these past years, it appears from the cases studied in Belarus, Moldova, Russia and Ukraine, that in many instances, the production of child abuse images was revealed through cases of child sexual abuse reported by the parents or legal guardians of the victims, through a neighbour's concern or upon acting from a school director or through a citizen's tip rather than the initial discovery of online images of child sexual abuse.<sup>161</sup>

**An avenue for reporting sexual exploitation of children is much needed. At the time of writing this report, there were no hotlines dedicated to reporting child abuse materials in any of the countries studied.**

The following case illustrates how the private sector and the ICT industry, including the hardware repair companies, have a major role to play in reporting the sexual exploitation of children. Had the reporting of child abuse images been mandatory, the offender may have been stopped earlier.

### ***Citizen reports on the distribution of child abuse materials in Russia***

In St. Petersburg, a tip from a citizen who had discovered that abuse was taking place by talking to children on the streets, led to the arrest of a man who was producing child abuse images and distributing them near metro stations.

Similarly, a network operating in three cities in Russia was discovered on an anonymous report and the members arrested. Further research would be needed to identify more specifically the patterns of arrest in child abuse image cases in the region. However, this highlights the role of the community in reporting cases of child abuse.

### ***Repeated abuse could have been stopped earlier***

A five-year-old mentally disabled girl who was living with her aunt while her parents were working in Russia, was repeatedly sexually abused by her neighbour, who filmed the abuse and blackmailed the child. The abuse stopped for three years when it was discovered by the grandmother of the victim, but was not apparently reported to the police. When the abuse began again (in 2005), the offender used the Internet to exchange his child abuse materials with two people from St. Petersburg. The case was discovered after a computer maintenance company reported the materials to the police while repairing his computer. The employees had previously seen child abuse material on the computer but had not reported the case to the police as mere possession of child abuse images downloaded from the Internet was not perceived as illegal and no reporting obligation seems to exist.



### ***The proceedings***

Court proceedings can have a significant impact on the child victim and for the healing process. Many aspects should be considered: the disclosure of the abuse, the interviewing process, and the persons assisting the child in this process.

As in any other case of sexual exploitation of children, it is essential to ensure that **child-friendly procedures** are put in place to avoid re-victimisation of the child during the judicial proceedings. Some of the main issues in cases of child abuse images are the limited skills, experiences and services available for child victims of pornography, which are further exacerbated when ICTs and the Internet are involved. Specific ethical considerations regarding the particular aspect of sexual victimisation through the use of ICTs and the grave nature of this type of crime committed against children should be reflected when interviewing the victim of sexual abuse images:

- A child victim has the right to decide if s/he **wishes to disclose** the abuse and to whom s/he may choose to do so. When images of the abuse are found and the child is confronted with them, in particular as the child knows that many people have seen the images, this may intensify the feelings of shame and humiliation. The child may also fear being perceived by his/her interviewers as consenting or being an active participant and this can cause further distress and feelings of guilt.

- The **recording** is also a particularly sensitive element and there is a need to ensure minimal harm to the child. Though it is often recommended to video tape the interview to prevent the child from repeating his/her testimony several times, it may be necessary in cases of recorded abuse to check with the child what his/her wishes are in order to avoid secondary victimisation linked with the presence of the camera, object of the abuse, and recording in writing may be needed. Special care must be also taken to ensure accuracy by checking with the child's testimony.

### ***Evidence of child abuse image production***

Social workers and police officers who interview victims of child abuse image production are in a situation where firsthand evidence of what has happened to the child exists.<sup>162</sup> It would then be necessary to reconsider practices and procedures to address these changes through a more child-friendly approach and to especially consider if the child's testimony is still necessary when the evidence is provided by the images.

### ***Collaboration among law enforcement agencies and other stakeholders***

The international nature of this crime against children has required enhanced collaboration among law

enforcement agencies throughout the world and the role of Interpol in facilitating this collaboration should be noted. Despite various signs of improvement, efforts are still required to ensure collaboration is systematic and that effective mechanisms are in place and fully implemented to assist this process.

- Attention was drawn to child pornography in Ukraine for the first time in 2002 when the Department for Fighting Human Trafficking of the Ministry of Internal Affairs discovered a studio in Odessa producing child abuse images. The

investigation began after the Department received a photo from Interpol with a child holding a magazine in Ukrainian.<sup>163</sup>

- In a case involving a Moldovan citizen, investigations were initiated by law enforcement in the USA and prosecution extended to France, Norway, Belarus, USA and the Republic of Moldova. Seven persons were arrested.<sup>164</sup>

***There are many cases however, where a lack of collaboration led to the offenders not being prosecuted.***

The major difficulties faced by law enforcement include:

- Agencies may not specialise on child pornography (unless there is a special unit, as is the case in Russia and Ukraine), and therefore may lack the knowledge to identify these crimes;
- Child pornography may not be considered a major problem and is often not regarded as a priority;
- Due to the international nature of this crime, authorities may be reluctant to take ownership of the cases, especially when trying to identify victims;
- In all the countries, the law enforcement personnel reported a lack of necessary equipment and technical skills;
- There is a lack of collaboration with other law enforcement agencies and an absence of communication on information passed to other foreign colleagues; and

### ***International collaboration leads to arrest of Belarusian child sex exploiters***

Zalatarou and Buchnev, two Belarusians named in a Superseding Indictment, were arrested in a Paris hotel restaurant on July 30, 2003, after they were persuaded to travel to France in a ruse arranged by federal agents investigating them in Regpay's international pornography operation. Boika, another accomplice, was arrested in Tarragona, Spain on July 31, 2003, while vacationing and was extradited.

Several international law enforcement agencies contributed to the case, including the National High Tech Crime Unit in London, England; the Ministère de l'Intérieur in Paris, France; law enforcement in Spain and Germany. The cooperation of MasterCard, VISA and the National Center for Missing and Exploited Children also played a role in the success of the case.<sup>165</sup>

- Collaboration with other partners, such as NGOs is often very limited, potentially due to a lack of understanding of the different roles of the agencies

and sometimes a critical approach to each other's work.

### ***Role of the media in exposing cases of child sexual abuse materials***

In general, the media exposure of cases of child sexual abuse images contributed to raising awareness of the public on this issue. This was particularly mentioned in Ukraine, where media reports played a great role in bringing the problem of children used for the production of abuse images in studios to the public scene. The media attention can play a significant role in raising awareness on the issue, generating empathy for the child victims, educating the public and informing about the consequences, including the punishments linked with these types of crimes against children.

The media can also aid in promoting protection mechanisms and lobbying for improved policies and services for children. While there are many positive examples of constructive media reports, they can also create the wrong perception and forge incorrect and distorted public opinions on commercial sexual exploitation of children, especially in relation to putting blame on the child victim for his/her own exploitation. It would therefore be important for the media to take up their social responsibility to inform the public on critical issues such as the sexual exploitation of children and report on the cases, including on the sentences given to offenders, in order to shed light on this problem. As was previously noted, in most of the cases examined in this project, the media only reported the case when it was discovered, but very rarely about the sentences applied.

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## **3.3 The child victims in abuse images**

### ***Profiles of the child victims***

Extremely scarce information is available on the children seen in abuse images, as most victims are not identified and therefore cannot receive any support or appropriate care.

Both **girls and boys** have been made the subjects of child abuse image production in Russia and Ukraine.

In Belarus, the law enforcement authorities arrested five suspects, three of whom were from Russia and were producing abuse materials with boys from 16-21 years old. The images were produced in apartments in Minsk. Based on information from the

Ministry of Internal Affairs, more than fifty people were identified, but several hundred children and youth are believed to have been engaged in the production of these abusive materials. The case was reported to the authorities by a Belarusian citizen living in Germany who discovered abusive images of one of his young, male relatives on the Internet. The boy's passport and personal information was also available on the Internet. He was born in 1992. The boy victims identified in this case appear to be from boarding schools and families in difficult situations, but not exclusively. Children

### ***Adolescents' attitudes toward sexual life and sexual abuse***

In 2004, research was carried out in countries of the Baltic Sea region with support from the World Childhood Foundation on "Adolescents' attitudes toward sexual life and sexual abuse". The Regional Public Organization of Social Projects in Sphere of Population's Well-Being "Stellit" conducted a survey among 1,515 adolescents and youth in four cities in North-West Russia (St. Petersburg, Kaliningrad, Murmansk and Archangelsk). Adolescents and youth in difficult life situations took part in the research, including adolescents who live in shelters and social and rehabilitation centers, those who are under criminal investigation or those who study in vocational schools (mainly children from low-income, single parent homes). Among them, 10% of boys and 6.7% of girls declared to have been involved in pornographic filming in exchange for money, and 15-20% stated that they would be inclined to take part in the filming of commercial pornography. Though these data cannot be regarded as representative for the entire country nor for the North-West region of Russia, they could be used to describe the situation among adolescents and youth.<sup>167</sup>

The detailed analysis of cases seems to suggest that in the case of victimisation of children in the production of abuse images through ICTs, boys are sexually exploited just as much as girls. This may differ from other forms of commercial sexual exploitation, however, as girls are more often victims of prostitution or trafficking for sexual purposes than boys.

from more wealthy families were also involved in this exploitation.<sup>166</sup>

Teenagers from 12-18 years old seem to remain the major target group of child sex exploiters. However, young children have also been victims of the production of abuse images, some as young as five years old, as in a case of child sexual abuse in Ukraine, and from 8-10 years old in the case of false model agencies.

Limited information is available on the level of education of child victims but schools should remain one of the preferred venues for prevention activities.

The child victims who have been identified were local children (though few instances showed children who had been trafficked for the purpose of production of child abuse images), from urban centres and also recruited from small towns and villages in Russia, supposedly in a search

for “models”. According to the Russian report, the amount of money offered to the children and their families by the recruiters is very attractive, especially in the difficult living conditions in rural areas, but remuneration for the children victimised can also be in kind.

The number of child victims in identified cases of production varies greatly from one or two victims to several hundred. It is not known and difficult to estimate how many children are victims of this exploitative business, but considering that it appears to be a growing and lucrative activity, and that offenders are constantly looking for new images with new children, it can be expected that the number of victims is already high and likely on the increase.

Children are also used by offenders to recruit other children in the production of child abuse images. According to information collected from Russia, in some cases the criminals who organise the production of child abuse images rent apartments where the children live together and their expenses are taken care of. They can be used for sexual purposes. They are apparently rarely victims of physical abuse due to the possibility of body marks, unless they are used for the production of violent images of sadism.

Some cases reviewed involved particularly vulnerable children:

- Based on information related to an investigation in 1998 in Perm, Russia, where 400 boys were made subjects of child abuse images, many of the boys

were from families in difficult situations, most of whom had run away.<sup>168</sup>

- In a case in 2003 where children were used in the production of abuse images under the cover of model agencies established in St. Petersburg, Archangelsk, and Zhitomir in Ukraine, the children were mainly selected (but not exclusively) from street children.<sup>169</sup>
- In St. Petersburg, a child sex offender was exploiting homeless boys found near metro stations and producing child abuse images in exchange for kind or money.<sup>170</sup>
- In Ukraine, a dance teacher and a photographer were sexually exploiting girls from a boarding school to produce child abuse materials. The youngest was 10 years old.<sup>171</sup> Children from boarding schools are particularly vulnerable as they are often without parental care and some institutions provide limited life skills and opportunities.

### ***Children victimised as part of the mainstream adult prostitution business***

Abuse images of children can also be taken in the context of the adult prostitution business. Two types of scenarios have surfaced:

- Children are exploited in prostitution in parallel to the adult prostitution ring and child abuse materials are offered almost as a ‘derived product’ – in Moscow, in a brothel established

by an American citizen, virgins were exploited in prostitution and images of the abuse could be recorded upon the client's request; and

- Children are mixed indiscriminately among adults, and the demand does not appear to be expressly for children but for young women - in Moldova, a 17-year-old girl was involved in the production of child abuse images among four other girls who were over the age of 18.

The issue of age in child abuse imagery can be complex, as it may be difficult to distinguish between minors of 17 and young people of 20 years old in images based on physical appearance. In order to prove the offence, it would therefore be necessary to identify the victim, which is often not the case.

### ***Unaware victims***

Children may be unknowingly used in the production of what may be inappropriately called "soft-core pornography" or "child erotica". This would include images of nude children or images obscenely focusing on specific parts of a child's body. Cases of children being photographed in pools or at the beach have been discovered and a high-profile case in Ukraine revealed 1,500 girls from eight to 16 years old photographed in the changing rooms and showers of a fraudulent model agency operating in Kiev, Kharkiv and Simferopol. The images were taken with hidden cameras and distributed on the Internet.<sup>174</sup>

Photographs of this type are used for sexual purposes and distributed extensively throughout the Internet. In this sense, they are clearly abusive, even if a particular child has no knowledge of the event. The impact on the victimised child would be different from a case where the child is more engaged in the abuse, and disclosure of the existence of the photographs must be done sensitively and carefully. Support should also be envisaged for the child and his/her parents and siblings as the trauma of such disclosure should never be underestimated.<sup>175</sup>

## 4. Conclusion and recommendations

This regional report, based on the collection of secondary data in Belarus, Moldova, Russia and Ukraine provided an overview of the issue of child sexual abuse images through the use of the information and communication technologies in the region. Information related to child abuse images in the countries studied remains scarce and difficult to access, which led this project to be developed around literature reviews and analyses of specific cases. The challenges faced in conducting this study, including the lack of available data regarding cases of child pornography, the absence of comprehensive research conducted on the issue, the limited number of experts and specialists dealing with this subject, highlights important elements of child abuse imagery in general and in particular in the region: it is a complex and hidden problem that requires further investigation and particular attention to capture the various aspects of the problem, especially regarding the children victimised in this specific form of sexual exploitation and the role that new ICTs play in its development.

In Belarus and Moldova, the issue remains largely uncovered and only a few cases were identified, most related to the production and dissemination of child abuse images.

**In Russia and Ukraine, the issue reached a different level, and several cases surfaced in relation to the abuse of a large number of children for the production of materials sold online and for generating immense profits for the criminals.**

**The role of the private sector has been underlined throughout the report, in particular model agencies disguised as pornography studios victimising children, especially in Ukraine and in Russia, and to a lesser extent in Belarus and Moldova, but also the entertainment sector and the tourism industry.**

The use of ICTs, in particular the Internet, the mobile phone industry and the financial institutions to facilitate the production and distribution of child abuse materials is also explicit to some extent, in the cases analysed.

The distribution of child abuse images has benefited from the rapid development of the Internet in the region, which provides opportunities for wider dissemination of these materials with limited risk due to the relative anonymity, legal vagueness and difficulties in enforcing the laws linked with the extreme volatility of cyberspace.

The high profits generated by the exchange of child abuse materials and facilitated by the financial institutions attract many individuals, well-organised locally and internationally, and structured around this lucrative criminal activity.

In addition to the main challenges already identified in this report, such as the link between victimisation of children and mobile phone usage as a means for distributing child abuse images or controlling and manipulating children into sexual exploitation, new dangers can be foreseen, especially as the convergence between the Internet and mobile phones through third generation (3G) technology develop.

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The rapid expansion of Internet connectivity and ICTs in the region supported by governmental policies is likely to increase the risks for more children to become victimised online. This is especially acute considering that no mechanisms to mainstream child protection in this development have been planned.

Despite efforts by States in the region and some private sector initiatives, a more collaborative approach between the various stakeholders, governments, the private sector including Internet service providers, mobile phone operators, banks and financial institutions, NGOs, civil society and communities, is crucial to ensure that children everywhere will be protected, including in cyberspace.

Limited information is available on the

children victimised in the production of abuse images and it is now essential to put the victimised child at the centre of activities aimed at reducing and ending the use of online technologies to abuse children.

Boys appear to be as much at risk as girls to be victimised in the production of sexually abusive materials.

Children and young people are also reported to be increasingly involved in their own victimisation and as sexual offenders. Strategies must be developed to combat the issue of child abuse images while keeping the best interests of the child at the core of these activities as well as involving the children as active participants in preventing this problem.

Prevention and support services for child victims of abuse images are still very limited in Belarus, Moldova, Russia and Ukraine. Some initiatives to raise the awareness of children and other partners on this issue have been conducted by governments and some NGOs, most notably the ECPAT network, but these remain limited considering the potential risks of fast escalation. Some governmental social rehabilitation centers and asylums provide services supporting children and adults who suffered from violence, however no special centres for working with children victimised in sexual exploitation have been established

This is particularly concerning when it appears that the recording adds another dimension to the sexual abuse of the child and constitutes an added element of silencing and potential trauma for the victim.



and therefore the victims cannot yet receive adequate services from specifically trained staff.

Mechanisms and procedures need to be developed and adapted in the region in order to respond to the specific needs of the child victimised in the production of sexual abuse materials.

**Specific hotlines and mechanisms for reporting cases are also needed and it is important for new procedures to be introduced in police investigations to ensure that in the presence of a camera is systematically considered in cases of sexual abuse of children.**

The complexity of the issue of child sexual abuse images is made evident by its various linkages with the other forms of commercial sexual exploitation of children, such as child prostitution, child sex tourism and trafficking in children for sexual purposes, and by the roles that various stakeholders may play in facilitating the production, distribution and viewing of the images and the victimisation of children online. These factors have implications for strategies to be developed and ECPAT International would like to recommend the following:

***Develop policies to ensure the protection of children from sexual exploitation through the use of ICTs:***

- It is important for all States to pay more attention to addressing the issue of child abuse images and the sexual exploitation of children online;
- The interlinks between the different forms of commercial sexual exploitation of children: child trafficking, child-sex tourism, child prostitution and the sexual exploitation of children in the production of abusive materials and through the use of ICTs should be investigated further and systematically considered in developing intervention strategies;
- States in the countries studied should develop comprehensive national plans of action that encompass all forms of CSEC, including the victimisation of children through the use of ICTs, to address the various elements of sexual exploitation and their interrelations through prevention, protection, coordination and rehabilitation strategies;
- Considering the increasing involvement of criminal organisations in this illegal activity, it is also becoming a security concern for the countries in the region and this should be further investigated and reflected in the attention paid to the problem and the resources allocated to prevent and combat it;
- Systematically include and implement child protection policies in the context of the rapid increase of ICTs in the region; and

- Child protection policies should be developed by governments in collaboration with all relevant partners of the ICT sector in order to prevent individuals from producing, distributing and accessing child abuse images.

### **ISPs blocking access to sites containing child pornography**

In countries such as Sweden and the UK, ISPs have implemented systems of blocking known sites containing child abuse images. The law enforcement works with hotlines, for example Internet Watch Foundation in the UK and the ECPAT national group in Sweden, to generate the blacklist of sites, which are then passed on to the ISPs to implement blocking.<sup>177</sup> In Sweden, the major ISPs signed an agreement with the National Criminal Investigation Department and the police estimates that 80 to 90 per cent of the traffic of child abuse materials is blocked and that approximately 30,000 attempts to access child pornography websites are halted daily.<sup>178</sup>

In the UK, British Telecom launched their “Cleanfeed”<sup>179</sup> system to fend off people who wanted to visit child abuse websites. Though not foolproof, these systems provide a first hurdle for the public who do not have the technical know-how to access and download or purchase child abuse images. Currently these systems will only prevent casual access to the websites and not work on FTP<sup>180</sup> downloads, newsgroups or P2P exchanges. More robust systems need to be built that can effectively prevent anyone looking for these images to be stopped.

### **Involve the private sector in combating the sexual exploitation of children in abuse images and online victimisation of children**

- Efforts should be made to raise awareness of the private sector, including ISPs and the mobile sector as well as the banking system and all financial institutions and the new forms of technology which facilitate the development of child abuse images to accept their responsibility for implementing

### **Working with the private sector to combat online child abuse – an example from the UK**

*John Carr. Advisor to NCH Action for Children and representative of CHIS – the UK Children’s Charities Coalition on Internet Safety*

When problems of online child abuse, grooming or dealing in child pornography online first started to emerge in the UK, important elements of the Internet industry were extremely resistant to the idea that they had any direct responsibility for addressing any of the issues.

This was not a good start to the relationship between child protection agencies and the Internet industry. The police and different parts of central government had always been broadly supportive but there was no systematic way of showing that or organising it.

The UK children's charities called for the creation of a new national forum and lobbied intensely for it. What eventually emerged was the Home Secretary's Internet Task Force. The Task Force has completely changed the atmosphere within which policy discussions take place on Internet issues. Not only between child protection interests and the private sector, but also between child protection interests, the private sector, the different arms of the police and security services, and the many different parts of central government that have an interest. By having all the relevant players present, by sitting together on working parties and committees, a new sense of trust and confidence began to build up between the children's organisations and key parts of the private sector. From early 2002, the first fruits of this new era of collaboration were seen, with the industry contributing their technical knowledge and experience and often their resources, and with the children's organizations doing likewise.

There have been three major public awareness campaigns on chat room abuse. Another major piece of work has been the development of a "Good Practice Guide" for the providers of web based services.

The search engine companies and the credit card and payment industries have also joined the work of the Task Force. The mobile phone industry has already been proactive in adopting a code of self-regulation in 2004.

There are many other concrete examples of how joint working has paid dividends. However, joint working is only possible if each side accepts the legitimacy of the other's contribution, and also accepts and acknowledges their expertise. None of that is possible unless there is also some degree of trust.<sup>181</sup>

actions to protect children and combat the sexual exploitation of children in all their activities.

- Active partnerships should be developed among the various stakeholders, especially private sector representatives, i.e. ISPs, mobile phone companies, financial institutions, law enforcement agencies, local authorities and NGOs to combine their expertise and identify specific forms of collaboration with a view of creating preventive and support mechanisms to enhance the protection of children online. Good partnership examples exist throughout the world and could be used as examples for development in the region:
- Considering the rapid expansion of the new mobile phone technologies, it would be very helpful if the telephone companies could develop and integrate prevention strategies from the very early stage of programming, based on experiences from other countries and considering the high potential risks for children.
- The banking institutions play a major role in facilitating payments for accessing child sexual abuse images. They could contribute to fighting this problem by putting mechanisms in place to stop the use of their services for these criminal activities and remove the possibilities to make profits out of the production and distribution of child sexual abuse images in order to disrupt this criminal business.

## **Mobile operators to prevent access to child sexual abuse websites**

The GSM Association (GSMA),<sup>182</sup> the global trade association for mobile operators, launched the Mobile Alliance against Child Sexual Abuse Content to obstruct the use of the mobile environment by individuals or organisations wishing to consume or profit from child sexual abuse content.

The Alliance was founded by the GSMA, Hutchison 3G Europe, mobilkom austria, Orange FT Group, Telecom Italia, Telefonica/O2, Telenor Group, TeliaSonera, T-Mobile Group, Vodafone Group and dotMobi to create significant barriers for the misuse of mobile networks and services for hosting, accessing, or profiting from child sexual abuse content. These companies have mobile operations across the world, ensuring that the Alliance will have a global impact.

The Alliance aims to stem, and ultimately reverse, the growth of online child sexual abuse content, maintaining a safer mobile environment for all of our customers. Members of the Alliance will, among other measures, implement technical mechanisms to prevent access to Web sites identified by an appropriate agency as hosting child sexual abuse content. Members will also implement Notice and Take Down processes to enable the removal of any child sexual abuse content posted on their own services, while supporting and promoting 'hotlines' or other mechanisms for customers to report child sexual abuse content discovered on the Internet or on mobile content services.

"As our industry rolls out mobile broadband networks that provide quick and easy access to multimedia Web sites, we must put safeguards in place to obstruct criminals looking to use mobile services as a means of accessing or hosting pictures and videos of children being sexually-abused," said Craig Ehrlich, Chairman of the GSMA. "We call on governments across the world to support this initiative by providing the necessary legal clarity to ensure that mobile operators can act effectively against child sexual abuse content and to step up international enforcement against known sources."<sup>183</sup>

### ***The European Banking Federation commits to fight against child pornography***

The European Banking Federation and its 30 national banking associations committed in 2007 to fight against child pornography on the Internet by supporting its members' activities in their fight against

child pornography; cooperating with national associations where they exist with the aim of combating this crime; and supporting initiatives that raise awareness on the issue.<sup>184</sup>

The Moldovan Banks Association, the Association of Russian Banks and the Association of Ukrainian Banks are associates of this Federation.

- The entertainment sector and modeling business also play major roles in the sexual exploitation of children, particularly in the production of abuse images. There is a need to develop a child-safe framework in these industries. Such a framework would also need close monitoring and regulation.
- Considering the links between the sexual exploitation of children in travel and tourism and the development of ICTs in the region, special

attention should be paid to approach the travel and tourism industry and encourage them to adopt the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*.<sup>186</sup>

- Codes of conduct for the media on dealing with children's issues and reporting on crimes involving children should be developed and implemented, focusing on the social responsibility of the media to protect children.

The Financial Coalition against Child Pornography was formed in 2006 to address the alarming growth of commercial child pornography over the Internet. Its members include some of the world's most prominent financial institutions and Internet industry leaders as well as the National Center for Missing & Exploited Children (NCMEC) and its sister organization, the International Centre for Missing & Exploited Children (ICMEC). One of the Coalition's charters is to prevent child pornography merchants from entering the payments system. NCMEC is working as the clearinghouse for reporting and acting on child abuse images.

Members of the Coalition include America Online, American Express Company, Authorize.net, Bank of America, Capital One, Chase, Citigroup, Discover Financial Services LLC, First Data Corporation, First National Bank of Omaha, Google, HSBC - NA, JP Morgan Chase, MasterCard, Microsoft, North American Bancard, Nova Information Systems, PayPal, First PREMIER Bank/PREMIER Bankcard, Standard Chartered Bank, Visa, Washington Mutual, Wells Fargo, and Yahoo! Inc.

Coalition members aim to be vigilant and look proactively for and report child pornography to the clearinghouse. The Coalition plans to ensure that information derived from proactive efforts is reviewed by the clearinghouse, that information is shared with Coalition companies, and that a tracking and feedback system is developed to ensure that broad based action is taken to eradicate illegal practices.

In addition, FCACP members have been focusing on leveraging their collective expertise and developing best practices to deter the online exploitation of children. For example, in 2007, the FCACP published its first best practices document addressing the methods used by the financial industry to research, verify, and monitor merchants who want to join the payments system in order to detect criminals distributing child pornography materials and prevent them from obtaining access to services offered by Coalition members.<sup>185</sup>

### ***To implement prevention activities***

- It would be extremely valuable to establish reporting hotlines in all the countries to ensure that these crimes against children are adequately reported.
- Awareness-raising campaigns on the risks for children to be victimised through new information and communication technologies should be conducted at different levels, addressing the general public and also specifically targeting parents, teachers, caregivers, the media, social workers, group leaders, local authorities and local businesses to ensure that a shared responsibility for child protection is created.

### ***International Association of Internet Hotlines***

The International Association of Internet Hotlines (INHOPE), represents and coordinates a global network of Internet hotlines around the world, supporting them in their aim to respond to reports of illegal content to make the Internet safer.

Internet hotlines have proven to be an effective first line of defence against illegal activity online. Through a hotline, Internet users can report something they suspect to be illegal on the Internet – mainly via an online report form. The hotline will investigate the content reported to determine if it is illegal, and if so, trace the origin of the content. If the content is illegal, the hotline will refer this to law enforcement agencies in the country and sometimes to the Internet service provider for action. Hotlines have the support of their national government, Internet industry, law enforcement, and Internet users in the countries of operation and offer effective transparent procedures for dealing with reports.

INHOPE was founded in 1999 under the European Commission's Safer Internet Action Plan to combat the growing concern of illegal content. INHOPE has members in almost 30 countries throughout the world.

### **make-IT-safe Campaign and Code of Conduct for Internet Cafés in the Philippines**

In the Philippines, reports suggest that sexual exploitation of children with webcams takes place in private cubicles within Internet cafés. In order to address this issue, UNICEF and ECPAT joined forces to make Internet technology safe for children by co-organising a national consultation with young people in 2006 and launching the make-IT-safe campaign, which had three components: reaching out to Internet café owners, advocacy among schoolchildren in pilot projects and awareness-raising among community leaders.

ECPAT opened a child-friendly Internet café that promotes guidelines to protect children from harmful material and offenders, in partnership with Everything Online (EOL), a Filipino corporation involved in the franchising of Internet cafés. ECPAT and EOL further signed a Memorandum of Agreement to protect children against child pornography by keeping Internet technology safe.

While the make-IT-safe campaign was first misconceived by some in the private sector as anti-technology and therefore detrimental to businesses, this challenge was overcome during a conference for the ALL EOL I-Café Owners, which was accompanied by the adoption of the Code of Conduct for EOL I-café shop franchises signed by 59 I-café owners. They further issued recommendations on means of using technology to develop and disseminate online safety reminders, games and web streams promoting safety online.

The campaign currently reaches close to 600 franchises covering 49 provinces servicing the needs of micro-, small- and medium-sized entrepreneurs nationwide. EOL promotes child-friendly Internet cafés as its corporate social responsibility, including by posting the child-friendly Internet cafés logos in each workstation of its franchise. It also added a new clause to its contract that prohibits franchises from accessing pornographic material.



- We have specified areas for use by children and youth.
- We discourage viewing of pornographic images and pornographic websites.
- We keep a protective watch over children and youth who communicate online in the café and we offer our assistance if an unusual situation occurs.
- We advise children and youth not to trust anyone they meet online and to be wary of giving out personal information.
- We provide awareness raising materials with information about young people's safety and protection issues.
- We will refer suspicious activities of potential abusers to child rights organisations or to a hotline.
- We report or block all websites that we are aware of that contain sexual images of children, hate or racial content.

**Postcards developed by young people in Ukraine on Internet safety tips**



**USE INTERNET SAFELY  
PROTECT YOURSELF**

**from sexual exploitation**  
Safety Tips for children and youth in online communication

- Keep your identity private- do not reveal personal information such as phone numbers, school details, your age and places where you hang out
- As in the physical world, there are also bad people using the Internet – be careful and don't be tricked! They use fake identities and try to win your trust
- Bad people can try to exploit children and young people on the Internet. Be careful of sharing photos or when using webcams. Remember, there is great danger in physically meeting people you first get to know on the Internet
- Be careful who you communicate with. Be selective when you let some one else into your network of friends.
- You may receive unpleasant emails or messages when you are on-line. Do not reply to those messages.
- Do not use the Internet to take advantage or abuse other people.
- If you see some content on the web site that is upsetting, tell an adult you trust or report it to a hotline.



For more information please contact:  
WAO-AFRIQUE Rue des \_\_\_\_\_  
E-mail : \_\_\_\_\_ Tel \_\_\_\_\_ / fax \_\_\_\_\_



**Posters in schools in Togo**

**PROTECT YOURSELF from Sexual Exploitation**

**Safety tips for children and youth in online communication**

- Keep your identity private - do not reveal personal information such as phone numbers, school details, your age and places where you hang out.
- As in the real world, on the Internet there are some people that do harm – be careful and do not be tricked! They use fake identities and try to win your trust.
- Bad people will use the Internet to exploit children and young people.
- Be careful of sharing photos or when using webcams.
- Remember, there is great danger in physically meeting people you first get to know on the Internet.
- Be careful who you communicate with and be selective when you accept someone into your network of friends.
- You may receive unpleasant emails or messages when you are online.
- Do not reply to those messages.
- Do not use the Internet to take advantage of or abuse people.
- If you see some content on the website that is upsetting, tell an adult you trust or report it to a hotline



- Prevention measures would need to be introduced early on in schools, including training modules to be systematically incorporated in school curricula. It would be very helpful to support and build the capacity of teachers in implementing these modules and addressing this issue.
- Campaigns should focus more particularly on:
  - Raising awareness on the criminal aspect of child abuse images and the potential dangers for children through their use of online technologies;
  - Especially mentioning the potentially harmful use of mobile phones;
  - Building the capacity of children and young people for safe use of ICTs;
  - Empowering children and young people to identify risky situations and develop safe behaviours; and
  - Building the capacity of parents to adequately inform and protect their children.
- Prevention and protection strategies also need to take into consideration the number of boys who are victimised in the production of sexual abuse images, as often services target mainly girls.

#### ***To develop care and support services for child victims***

- Long-term support is needed for the victims to rebuild self-esteem and confidence. It would be useful for support services or programmes in the existing care centers for children to be developed

in all the four countries to respond to the specific needs of child victims of commercial sexual exploitation, taking the specific aspects of recorded abuse into consideration.

- Experiences on working with victims of abuse images should be shared at the regional level to develop expertise.
- In cases where child abuse image production is established, it is particularly important to determine whether pictures were distributed and to make all possible efforts to recover images that could cause embarrassment to victims in the future if at all possible. Close collaboration among the various stakeholders is in this case essential.

### ***A specialised psychotherapeutic unit in Sweden***

BUP Elefanten is a child psychiatric unit specialised in the treatment of children and adolescents who have been sexually and/or physically abused. The unit is located in Linköping, Sweden and works with research and methodology development in the fields of aggression, sexuality and abuse.

In January 2006, the Online Project started at BUP Elefanten with the purpose of gaining knowledge about child victims of online sexual abuse. Through this project, it is expected to learn more about the values of adolescents in relation to ICTs and how children and adolescents are affected when they suffer abuse online. This project aims to provide new and better tools and methods for professionals working to support children so that they can better protect children from abuse and, if abuse has already occurred, know how adequately

### **To reinforce the legal framework and law enforcement**

- The legal framework should be reviewed to ensure compliance with the international standards and that essential provisions to combat child pornography are included in the national laws.
- Specific elements should also be considered:
  - The “appearance” of the child should not be used as a defence to justify a lower sentence. The laws should protect all children up to the age of 18;
  - The child’s consent should never be relevant in cases of sexual exploitation of minors;
  - Offenders should not be discharged of serving their sentence, especially considering the high risk of recidivism, and regular support and monitoring should accompany released offenders; and
  - The national legislations should include provisions to enable the prosecution of criminal organisations involved in the commission of any child pornography offences.
- Bearing in mind how crucial cross-sectoral and international collaboration is to arrest offenders and identify victims of child abuse images, it is important that collaboration is formalised through specific protocols and mechanisms implemented to facilitate the sharing of information and coordination of activities at all levels.
- Resources should also be allocated for the specific implementation of these mechanisms.

and correctly to receive them.

The further strengthening of BUP Elefanten’s preparedness to assist children and adolescents with correct prevention and competent support is of the utmost concern. The report “Abused Online” is the first report resulting from the Online Project.<sup>189</sup>

### **The British Child Exploitation and Online Protection Centre**

The Child Exploitation and Online Protection Centre (CEOP) was established in 2006 to forge strategic partnerships and provide a single point of contact for public, law enforcers and the communications industry to report cases of children exploited online. The Centre is responsible for investigating large scale, organised child exploitation and works with police forces around the world.<sup>190</sup>

## **The Virtual Global Taskforce**

The Virtual Global Taskforce (VGT) is made up of law enforcement agencies from around the world working together to fight child abuse online. The aim of the VGT is to build an effective, international partnership of law enforcement agencies that helps to protect children from online child abuse. The VGT works to make the Internet a safer place; to identify, locate and help children at risk; and to hold perpetrators appropriately to account.

The VGT is made up of the Australian Federal Police, the Child Exploitation and Online Protection Centre in the UK, the Italian Postal and Communication Police Service, the Royal Canadian Mounted Police, the US Department of Homeland Security and Interpol.<sup>191</sup>

- It is crucial to focus on the victims and make all the necessary efforts to identify them and provide them with the special care and support they need. More research is also needed on this regard.

### ***To ensure child-friendly procedures particularly tailored for cases of child abuse images***

- It is important to implement child-friendly procedures into the justice system, taking into consideration the specificities of child abuse materials. .
- Considering the nature of child pornography crimes through ICT, the processes of collecting evidence and giving testimony may need to be reviewed to avoid further unnecessary harm to the child.
- Interviews with children victimised in the production of abuse images should only be conducted by specially trained officers, in a child-friendly environment and with the support of a third person, while respecting the rights and specific needs of the child victims.

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- <sup>32</sup> Wi-Fi is a trade name for a popular wireless technology.
- <sup>33</sup> ADSL is a data communications technology that enables faster data transmission over copper telephone lines than a conventional voiceband modem can provide.
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- <sup>49</sup> The Public Opinion Foundation. *Children and teenagers - Internet users*. Accessed on 2 April 2007 from: [http://bd.fom.ru/report/map/projects/dominant/dom0650/domt0650\\_3/d065027](http://bd.fom.ru/report/map/projects/dominant/dom0650/domt0650_3/d065027)
- <sup>50</sup> Peer-to-peer (P2P) software allows the transmission of data directly from one computer to another without needing to involve a third party. Peer-to-peer software became popular as a means of allowing computer users to share music files and other materials.
- <sup>51</sup> Instant messaging (IM) is a text-based communications service similar to a chat room.
- <sup>52</sup> Voice over Internet Protocol technology allows people to make telephone calls using a broadband connection instead of a regular phone line.
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- <sup>63</sup> A social network service focuses on building online communities of people who share interests and activities, or who are interested in exploring the interests and activities of others. Most social network services are web based and create powerful new ways to communicate and share information by providing a variety of ways for users to interact, such as e-mail and instant messaging services.
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- <sup>71</sup> Saint-Petersburg business news. *The network 3G is ready to grasp Russia*. Accessed on 21 March 2007 from: <http://www.dp.ru/msk/news/communication/2007/03/02/117599/>
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- <sup>73</sup> Third generation of mobile phone networks: it allows users to share a much wider range of information and materials including videos, pictures and music.
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- <sup>89</sup> Art. 2(c) OPSC
- <sup>90</sup> Art. 3(1)(c) OPSC
- <sup>91</sup> Art. 3(3) OPSC

- <sup>92</sup> The term ‘without right’ allows a Party to the Convention to provide a defence in respect of conduct related to “pornographic material” having an artistic, medical, scientific or similar merit. It also allows activities carried out under domestic legal powers such as the legitimate possession of child pornography by the authorities in order to institute criminal proceedings. Furthermore, it does not exclude legal defences or similar relevant principles that relieve a person of responsibility under specific circumstances. For reference, please see the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse CETS 201. Explanatory Report at para. 141. Accessed from : <http://conventions.coe.int/Treaty/EN/Reports/Html/201.htm>
- <sup>93</sup> See online for the state of ratifications (consulted as of February 5, 2007): <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=201&CM=8&DF=&CL=ENG>.
- <sup>94</sup> The various Conventions are also open to adoption by those non-member States having participated in their elaboration, see Art. 36 of the Convention. Belarus is not one of those States.
- <sup>95</sup> Art. 1 CSEA
- <sup>96</sup> Art. 20(2) CSEA Convention
- <sup>97</sup> “Solicitation of children for sexual purposes” - Art 23 CSEA
- <sup>98</sup> As of May 2008.
- <sup>99</sup> Belarus is not a member state of the Council of Europe.
- <sup>100</sup> *Ibid.*
- <sup>101</sup> The analysis provided in this section is based on the information that was made available to ECPAT International by its partners and on desktop research. ECPAT International makes no representation or warranty that it is free of error or omission. Readers should further be aware that laws may have been amended or repealed since the time of writing. The information is sometimes linked to external sites over which ECPAT International has no control and for which ECPAT International assumes no responsibility. The information provided herein does not constitute professional or legal advice.
- <sup>102</sup> Art. 301 of the Criminal Code of Ukraine (Importation, making, sale or distribution of pornographic item provides as follows:
1. Importation into Ukraine for sale or distribution purposes, or making, transportation or other movement for the same purposes, or sale or distribution of pornographic images or other items, and also compelling others to participate in their making, - shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years, with the forfeiture of pornographic images or other items and means of their making and distribution.  
[...]
  3. Any such acts as provided for by paragraph 1 [or 2] of this Article, if repeated, or committed by a group of persons upon their prior conspiracy, and also compelling minors to participate in the making of pornographic

works, images, motion pictures, video films, or computer programs, - shall be punishable by imprisonment of three to seven years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of pornographic items, motion pictures, video films, computer programs, and means of their making, dissemination and showing. Accessed from <http://www.legislationline.org/upload/legislations/2e/4b/e7cc32551f671cc10183dac480fe.htm>

<sup>103</sup> ECPAT International was not able to obtain a copy of the Criminal Code of Belarus. However, according to ECPAT Europe Law Enforcement Group (I. Alkhovka). *Trafficking in Children for Sexual Purposes. Country Report Belarus* at p. 6: "A person over the age of 18 deliberately involving a minor in activities connected to the manufacture of pornography attracts a criminal penalty and is covered under Part 1, Art.173 of the Penal Code ("Involving a minor in anti-social behavior"). The same deed, if committed with the use or threat of violence, or if committed by a parent, tutor, or other person in charge of the education of the minor, is covered under Part 2, Art.173 of the Code. The penalty under Part 1 is detention for up to 6 months, or imprisonment for up to three years and under Part 2 the penalty is imprisonment for from one to five years, with or without deprivation of the right to hold certain positions and exercise certain responsibilities.

The manufacture or storage for the purpose of distribution or advertising, or the distribution or advertisement itself, of pornographic materials, including printed materials, images, or any other objects of a pornographic character, if committed within one year of the original offence, are punishable as well under Article 343 of the Penal Code. The penalties provided in the article include community service, a fine, or correctional for up to 2 years, or detention for 3 months, or imprisonment for up to 1 year.

<sup>104</sup> Added by law #235 – XVI forced since 07/12/2007

<sup>105</sup> L. Lööf. *Global issues and regional co-operation fighting child exploitation*. In E. Quayle and M. Taylor (Eds), *Viewing child pornography on the Internet – Understanding the offence, managing the offender, helping the victims*, Russell House Publishing. UK. 2005. pp.151-160.

<sup>106</sup> That is when the offence is committed with the use of threat of violence, or when it is committed by a parent, tutor or other person in charge of the education of the child. See Art. 173 of the Criminal Code of Belarus. Also mentioned in Interpol. *Legislation of INTERPOL member states on sexual offences against children*. Accessed on 12 May 2008 from: <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/CsaBelarus.pdf>

<sup>107</sup> Interpol. *Legislation of INTERPOL member states on sexual offences against children*. Accessed on 12 May 2008 from: <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/CsaBelarus.pdf>

<sup>108</sup> Law# 235 – XVI from 08/11/2007 and entered into force since 07/12/2007.

<sup>109</sup> The commission of these acts by a parent or guardian or by an organized group are also considered aggravating factors. See Article 242.1 of the Criminal Code of the Russian Federation. June 13, 1996. Accessed on 14 May 2008 from: <http://www.legislationline.org/upload/legislations/d1/>

a1/0cc1acff8241216090943e97d5b4.htm

- <sup>110</sup> In the latter cases, provisions on sexual offences were used to prosecute a case of child pornography.
- <sup>111</sup> In Sweden, nearly all forms of association with child pornography images, even simple possession, constitute a criminal offence. For possession, penalties can range from a simple fine to two years imprisonment, or six, if certain aggravating factors are present. However, the Courts usually only apply the minimum penalties in cases of child pornography. In Poland, child pornography laws don't encompass as much. Producing child pornography can result in a prison sentence between six months and eight years, while possession is punishable between three months' and five years' imprisonment, but only if the child is under the age of 15. Australia's laws are far more comprehensive, criminalizing a wide range of acts related to child pornography. Possession or production of child pornography is punished by ten years' imprisonment.
- <sup>112</sup> Article 220. Pimping
- (1) Encouraging or forcing to prostitution or advantaging of practicing the prostitution, or making profits out of practicing prostitution by a person, as well as recruiting a person for prostitution,  
Shall be punished by fine in the amount of 200 to 800 conventional units or by jail sentence of between 2 and 5 years.
- (2) The same acts:
- a) committed in regards to a minor;  
b) committed by an organized criminal group or a criminal organization;  
c) that resulted in serious consequences,  
Shall be punished by jail sentence of between 4 and 7 years.
- Accessed from <http://www.legislationline.org/upload/legislations/e3/eb/0e3bf0290e9b404cb57debe4ebc4.htm>
- <sup>113</sup> Expert interview with Mr. Alexey Rodin, detective officer, Intentional Crime Disclosure Department, Bureau of Criminal Investigation, Main Department of Internal Affairs of St. Petersburg and the Leningrad region. September 2007. St Petersburg, Russia.
- <sup>114</sup> Article 210 of the Criminal Code of the Russian Federation. June 13, 1996. Accessed on 14 May 2008 from: <http://www.legislationline.org/upload/legislations/d1/a1/0cc1acff8241216090943e97d5b4.htm>
- <sup>115</sup> Article 75. Discharge on probation: 1. Where, in imposing a punishment of correctional labor, service restriction for military servants, restraint of liberty, or imprisonment for a term not
- <sup>116</sup> S. Kushnirenko, B. Gavrilov, M. Klimova. Reports from the Conference *National and international experiences of prevention of trafficking of children and distribution of pornographic materials with depiction of minors through Internet*. St. Petersburg, 20-22 June 2007
- <sup>117</sup> Igor Parmon, Department "K", Representative of the Ministry of Internal Affairs. *Personal Communication*. Minsk, Belarus. February 2007.

- <sup>118</sup> 'Official information of the Ministry of Internal Affairs'. Information collected by La Strada Ukraine upon request on 30 January 2007
- <sup>119</sup> Art. 242.1 of the Criminal Code punishes the "keeping" of child pornography for distribution and other similar purposes.
- <sup>120</sup> Art. 173 of the Criminal Code 18 establishes an offence of deliberately involving a minor in activities connected to the manufacture of pornography
- <sup>121</sup> Criminal Code as amended by Law #235 –see section entitled "Sentencing" above.
- <sup>122</sup> Art. 242.1 Criminal Code
- <sup>123</sup> Art. 301(3) Criminal Code
- <sup>124</sup> Art. 343 of the Criminal Code addresses the distribution of pornographic materials but makes no mention of child pornography.
- <sup>125</sup> Criminal Code as amended by Law #235 –see section entitled "Sentencing" above.
- <sup>126</sup> Art. 242.1 Criminal Code
- <sup>127</sup> It is unclear whether art. 301 of the Criminal Code on the distribution of pornographic materials would apply to child pornography materials, or if this provisions applies only to the compelling of children into producing pornographic materials.
- <sup>128</sup> Art. 173 Criminal Code
- <sup>139</sup> Art. 343 Criminal Code
- <sup>130</sup> Criminal Code as amended by Law #235 –see section entitled "Sentencing" above
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notes

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