



Legal perspectives

Contribution by TaC
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TaC - Together against Cybercrime International

is a non-profit making organisation against cybercrime.

We work worldwide in the field of:

- Cybercrime
- Cybersecurity
- Child online protection

We provide legal assistance, research & capacity building



Topics to be discussed today:

- I. Need for a legal response**
- II. Importance of harmonised legal approach**
- III. Legal aspects as part of the Pillar**
- IV. Next steps**



I. Why is legal response necessary in the field of COP?

- COP is a global issue
- International community agrees that legal measures need to be undertaken to fight cybercrime
 - Pedo pornographic content is generally covered by cybercrime legislations

Without legal measures – impossible to prosecute crimes related to child abuse online and bring to legal responsibility authors of illegal activities online

Definition of illegal activities is important and needs to be harmonised and discussed at regional level



1. Children are increasing users (today aged of 3years old)
2. Technology is in constant development and new threats appear (grooming a new/old threat, use of webcam, harassment, juvenile liability (child victim-child author))
3. The existing legal instruments represent a starting point, but are ineffective, as need to be up do date



II. Why to speak about a harmonised legal approach?

- Online threats are a global issue
- COP is a cross-border issue
- To allow an effective investigation of online crimes



Case scenario 1

1. Child solicitation was made (where victim is situated) in country X of the region called Paradise

In country X, online sexual solicitation of minors is partly covered by national legislation (e.g. Only solicitation with the purpose of developing pedopornographic content)

Minor is defined as a person under 18 years old

2. Author is located in country Y of the region called Paradise

Minor is defined as person under 13 years old. Only dissemination of pedopornographic content is covered at national level

Difficulties: Prosecution is impossible



Investigation of case scenario 1

During the solicitation, a couple of photos were taken of the minor and posted on the blog by the author in country Y.

- **Liability of ISPs**

Legal liability to remove the content after notification (criminal responsibility of Internet Access provider) is present in country X, but not in country Y.

After notification about the content, the content is still available in country Y.

- **Electronic evidence**

In country X electronic evidence (eg. Recorded chat between the minor and author) is admissible to the Court.

In country Y, after the dissemination was made, the recorded message can't be brought as an evidence - no legislation.



III. Legal measures

- Need to go with cybercrime & cybersecurity strategy
- Need to be harmonised and answer national & regional priorities
- Need to have a balanced approach/empowerment
- Need to be part of the Framework on COP

Different aspects to take into account from child abuse to the liability of ISPs

Legal approach on COP is broader than what we have today



Legal approach to develop in the field of:

1. Child pornography & Abuse material (production, dissemination, facilitation, possession, parents as facilitators etc.)
2. Pornography (production, access, sharing of information, etc.)
3. Grooming, Solicitation (to commit sexual crime, to meet, to involve in illegal activity, etc.)
4. Sexual exploitation
5. Sexual abuse (involve in the production of child pornography)
6. Harassment (to cause a distress, etc.)

Juvenile liability: child author and victim



Case scenario 2

Mr John runs a blog with pornographic content, hosted in country X

In country X dissemination of pornographic content is authorized

One of his chapters is child pornographic comics and sound files in Arabic language

Dissemination of child pornography is a criminal offense

Definition of child pornographic content in national legislation doesn't include sound files & comics



Other aspects to be considered by national legislations:

Procedural Law

Reporting

Electronic evidence

Liability of ISPs

Victims assistance

Advertising/provisions in legislation on electronic transactions



Children as consumers

Case scenario 3

Karim, 14 years old, has his credit card

Was offered to buy a software online

Received, non functional, didn't pay attention to the delay for sending back

Was never reimbursed/Advertising material target children/
Evidence

Do we need specific provision protecting children?



IV. What's next?

- National assessment of existing legal texts, policies & recommendations
- Regional legal perspective
- Consultation & recommendations for amendments
- Development of Legal Pillar and consultation



Let's work together TaC

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