

UNIVERSITA' DEGLI STUDI DI PAVIA

Department of Political and Social Sciences

Master in World Politics and International Relations



**THE SEXUAL EXPLOITATION OF CHILDREN IN
THE DIGITAL AGE
AN OVERVIEW OF A MAJOR PHENOMENON IN
SOUTHEAST ASIA**

Supervisor:

Professor Nevena Kulic

Co-supervisor:

Professor Enrica Chiappero

**Master's thesis by:
Ruellan Lisa Mélody**

Academic year 2023/2024

Acknowledgements

I would like to express my deepest appreciation to my supervisor, Professor Nevena Kulic, for her comments and correction throughout the research and writing of this thesis. From the very beginning of our exchange, she inspired and guided me, and with this support I knew I could bring the subject of this thesis to a successful conclusion. When I first started receiving feedback on my work, I was very disappointed with myself. I hoped it would be innate in me and that I would be able to write it to perfection in one sitting and on the first try. I certainly did not. After swallowing my pride and my illusions, I got back to work and my thesis was all the better for it. Without Professor Kulic's guidance and constant help, this thesis would not have the quality it has today.

I would also like to take a moment to thank the IT technicians who intervened to save the Chapter IV of this thesis. During one of my long working sessions, accompanied by my faithful friend the cup of tea, I accidentally knocked it over and it completely combusted my computer (lesson for the future: always turn off your computer after it has been drowned under a torrent of water). I was completely desperate because I had not made the last save and was about to lose all my work on my last chapter. After three seemingly endless and hopeless days, although my computer had perished, my memory card and with it all my work on my thesis were successfully recovered.

Special mention is due to my family, my parents and my sister, who had to endure me throughout the entire process of researching and writing this thesis. At my side through the sessions of doubt, questioning and anxiety, I promised that I would remember their efforts too, and to thank them duly when I was finally finished. Ultimately, I should be thanking them for the last five years, for completing this master's degree only became possible thanks to their support.

Before I close, I would like to say a few words about the subject I have chosen. When I first heard about this topic, I immediately knew that it was what I wanted to research and write about for my thesis. It has not been an easy subject to address and write about, especially when you read and hear testimonies. But hopefully I have done it justice. I am well aware that I have only had a glimpse of the horror of what the sexual exploitation of children represents, which is why I have a heartfelt empathy for the child victims and the dedicated people who work every day to attempt to curb the phenomenon and protect the victims.

Abstract. Since the beginning of the millennium, the world has been experiencing what some have termed the *Fourth Industrial Revolution*. This term is used to describe and highlight the rapid technological advances of the twenty-first century. Over the past two decades, the Internet has become an essential tool for virtually all daily activities, reshaping society as a whole. At the same time, this has also expanded the scope and possibilities for committing Internet-related crimes. There is a whole range of criminal behaviour perpetrated with the assistance of digital technologies. In this regard, the digital world is a particularly fertile area for the sexual exploitation of children. Compounded by almost complete absence of regulations and enforceable legislation on safe and equitable usage, the Internet has become a powerful vector for increasing the possibilities and facilities for producing and circulating illicit sexual content featuring children. The sexual exploitation of children is particularly prevalent in low- and middle-income countries (e.g. Southeast Asia). In these countries, as with most developing nations, child prostitution functions as a veritable underground economy. However, online threats to children have broadened and diversified over the last twenty years with the increasing expansion and availability of the Internet, digital devices and communication platforms. In addition to traditional forms of child sexual exploitation, such as child prostitution and child sexual abuse material, new forms have emerged, entirely designed around the Internet, such as online grooming, sexual extortion of children, livestreaming of child sexual abuse, artificial intelligence generated child sexual abuse material. Online child sexual exploitation is a criminal activity considered to be harmless and economically beneficial. Ultimately, the combination of low financial cost, high profitability and low risk has contributed to the rapid growth of OCSE crimes. Although child victims are often from economically disadvantaged countries, the commercial sexual exploitation of children exists because there is a demand for it. And this demand comes predominantly from perpetrators in wealthy, industrialised countries. In this sense, the problem of commercial sexual exploitation of children, both online and offline, represents a global problem that spares no country. Faced with this global problem, joint efforts to strengthen legislative frameworks, criminal justice capacities, international cooperation and multi-sectoral cooperation are necessary and are considered fundamental principles in the fight against OCSE crimes. In spite of the existence of several international prohibitions against sexual exploitation, it can hardly be contended that the international community has reacted appropriately. Nation states remain reluctant to intervene. Prior to the advent of the Internet, the transnational nature of child sexual exploitation was the exception; today it is the rule. Combating the sexual exploitation of children on the Internet requires a high level of harmonisation. In order to effectively prosecute and investigate online child sexual exploitation across national borders, it is necessary and essential that states apply and develop the appropriate international legal framework to protect children. Current efforts by countries, NGOs, the technology and private sectors, and international organisations to combat online child sexual exploitation are fragmented, overlapping and/or insufficient in some areas. As such, online child sexual exploitation is a relatively new form of crime against children that requires greater global attention.

Keywords: online child sexual exploitation, children's rights, virtual child sex trafficking, Internet, market system, legal framework, Internet regulation, child protection framework, rise of digitisation worldwide, Southeast Asia, the Philippines.

Table of contents

Acronyms.....	6
Introduction.....	8
Chapter I. Comprehensive research for effective action.....	11
1.1. What is online child sexual exploitation?.....	11
1.1.1. Defining the phenomenon of online sexual exploitation of children.....	11
1.1.2. A matter of terminology.....	13
a) Child pornography v. Child sexual abuse material / Child sexual exploitation material...13	
b) Livestreaming of child sexual abuse v. Webcam child sex tourism.....14	
1.1.3. Identifying and describing the phenomenon.....	17
a) Child sexual abuse material.....17	
b) Livestreaming of child sexual abuse.....19	
c) Online grooming of children.....21	
d) Sexual extortion of children.....23	
e) Mail-order (child) bride industry.....24	
1.2. Quantifying and profiling the phenomenon of online child sexual exploitation.....	25
1.2.1. Limited research and data on online child sexual exploitation.....	27
1.2.2. Can standard profiles of aggressors and victims be defined ?.....	27
1.3. International and non-governmental organisations as key sources of information on OCSE.....	31
1.3.1. International organisations.....	31
• United Nations Children's Fund.....	31
1.3.2. Non-governmental organisations.....	32
• ECPAT International.....	32
• Terre des Hommes.....	33
1.4. Why such focus on South-East Asia ?.....	35
1.4.1. The impact of (sexual exploitation) tourism.....	35
1.4.2. Southeast Asia as ‘hotspot’ for the sexual exploitation of children.....	36
Chapter II. Illicit supply and demand: A comprehensive assessment of the complex and interconnected ecosystem of online child sexual exploitation in Southeast Asia.....	38
2.1. Understanding child sex trafficking in cyberspace as a market system: The reasons why the industry flourishes.....	38
2.1.1. Supply for demand.....	40
2.1.2. Low risk and high profitability.....	41
2.2. The Internet, a vector for the sexual exploitation of children.....	44
2.2.1. Internet penetration in Southeast Asia.....	44
2.2.2. The darknet.....	46
2.3. Socio-economic factors as explanations of exploitation.....	48
2.3.1. Poverty.....	48
2.3.2. Education.....	50
2.3.3. Cultural traditions and social norms.....	51
2.4. Consequences of sexual exploitation for children.....	53
2.4.1. The culture of silence.....	53

2.4.2. Physical and psychological harm.....	52
a) Physical damages.....	55
b) Psychological impact.....	55
Chapter III. International action and cooperation on children's rights. Insights into the contribution of Southeast Asia and the Philippines to the global fight against online child sexual exploitation...	59
3.1. International legal standards in combating online child sexual exploitation.....	60
3.1.1. Recognition of children's fundamental rights: The United Nations Convention on the Rights of the Child.....	60
3.1.2. World Summits for Children.....	62
3.1.3. International treaties against cybercrimes.....	64
3.2. Critical constraints in the global fight against online child sexual exploitation.....	65
3.2.1. Jurisdictional issues: The question of criminal jurisdiction.....	65
3.2.2. The difficulty of cross-border investigations and prosecutions.....	69
3.2.3. Reactive versus proactive investigation in combating online child sexual exploitation.....	70
3.3. Building international capacity and cooperation against online sexual exploitation of children.....	73
3.3.1. International organisations as platforms for cooperation and coordination between nation states.....	73
a) INTERPOL.....	73
b) EUROPOL.....	74
c) ASEANPOL.....	75
3.3.2. The child protection framework: The role of non-governmental organisations.....	76
3.4. The value of stakeholder engagement in shaping the response to online child sexual exploitation.....	78
3.4.1. Lack of Internet regulation as leverage for online sexual exploitation of children.....	78
3.4.2. The private sector: The permissive role of financial institutions.....	81
3.5. The adherence of Southeast Asia and the Philippines to the global fight against online child sexual exploitation.....	82
3.5.1. Southeast Asia's evolving legal framework with regard to (online) child sexual exploitation: The case of the Philippines.....	82
3.5.2. Gaps and challenges in implementation of relevant laws in the Philippines.....	84
3.5.3. Global taskforce fighting child sex abuse in the Philippines.....	86
Chapter IV. The online sexual exploitation of children in the face of digitisation worldwide and in Philippines: the case of COVID-19 and the rise of artificial intelligence.....	90
4.1. The surge in online child sexual exploitation amid the COVID-19 pandemic.....	90
4.1.1. Global assessment of the impact of COVID-19 on the risk of online child sexual exploitation	
4.1.2. Ensuring the safety of children in online activities during the pandemic and beyond.....	90
4.1.3. The impact of COVID-19 on the Philippines labour market and its correlation with the increase in online child sexual exploitation.....	97
4.2. Online child sexual exploitation in the new era of artificial intelligence.....	101
4.2.1. The rise of artificial intelligence: A force for good or bad ?.....	101
4.2.2. AI-generated images of child sexual abuse material.....	105
4.2.3. Ethical concerns and legal constraints regarding artificial intelligence technology.....	109

4.2.4. Has the rise of artificial intelligence had an impact on the phenomenon of OCSE in the Philippines ?.....113
Conclusion.....114
Bibliography.....120

Acronyms

ACCP	ASEAN Cyber Capacity Program
AI	Artificial Intelligence
AiBA	Author input Behavioural Analysis
AI CSAM	AI-generated child sex abuse material
ASEAN	Association of South- East Asian Nations
ASEANPOL	ASEAN Chiefs of National Police
CSAM	Child Sexual Abuse Material
CSEM	Child Sexual Exploitation Material
CSE	Child Sexual Exploitation
EC3	European Cybercrime Centre
ECPAT	End Child Prostitution in Asian Tourism
EUROPOL	European Union Agency for Law Enforcement Cooperation
ICSE	International Child Sexual Exploitation Database
IDCC	INTERPOL Digital Crime Centre (
IGCI	INTERPOL Global Complex for Innovation
ILO	International Labour Organization
IMBs	International Marriage Brokerage firms
INTERPOL	International Criminal Police Organization
IP	Internet Protocol
ISPs	Internet Service Providers
IWF	Internet Watch Foundation
LSCSA	LiveStreaming of Child Sexual Abuse
MOBI	Mail-Order Bride Industry
MOBs	Mail-Order Brides
NCMEC	National Center for Missing and Exploited Children
NGOs	Non-Governmental Organisations
OCSE	Online Child Sexual Exploitation
PICACC	Philippine Internet Crimes Against Children Center
PrevBOT	Crime Preventive Robot
SECC	Sexual Extortion of Children in Cyberspace
SECTT	Sexual Exploitation of Children in Travel and Tourism
TdH	Terre des Hommes

TOR

The Onion Router

UNCRC

United Nations Convention on the Rights of the Child

UNICEF

United Nations Children's Fund

WCST

Webcam Child Sex Tourism

Introduction

'The commercial sexual exploitation of children is a fundamental violation of children's rights. [...] The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.' – The Stockholm Declaration and Agenda for Action, 1972

Since the turn of the millennium, the world has been experiencing what some have termed the *Fourth Industrial Revolution*, which describes and highlights the rapid technological advances of the twenty-first century. The Internet is one of the most influential and society-altering inventions of the modern era. It has played a crucial role in human society over the last few decades. In many ways, it has profoundly changed people's lives and shaped the future. Nowadays, the Internet is used every day for practically everything, to the point where it seems almost impossible to imagine life without it. Perhaps more than any other group, children are most affected from this change, for they have never lived in a world without technology and the Internet. Nevertheless, while the Internet and digital technologies have facilitated many activities, such as communication, access to information, access to education and remote working, it has a double-edged effect: for every positive opportunity, there is a negative implication. Indeed, there is a whole range of criminal behaviour perpetrated through digital technologies. Cybercrime encompasses a wide range of criminal activities that are carried out using digital devices and/or networks, including fraud, identity theft, data breaches, computer viruses, scams, and (child) sexual exploitation. Alongside all the benefits in terms of education, knowledge, socialisation and entertainment, technological progress has had adverse consequences on children's safety, insofar as the rate of online child sexual exploitation activities have increased dramatically and alarmingly worldwide. Indeed, the global characteristics of the Internet have influenced the globalisation of potential risks of sexual abuse and exploitation of children in cyberspace. The Internet has become a powerful vector for increasing the possibilities and capabilities of producing and disseminating illicit sexual content featuring children. As such, the digital world is a particularly fertile ground for the sexual exploitation of children. Online child sexual exploitation (OCSE) refers to situations involving digital, Internet and communication technologies at some point during the continuum of abuse or exploitation. There is no single definition of *child sexual exploitation* that could be used in an international multi-dimensional environment, for there is a clear knowledge gap in people as to what a child is. 'The temporal point at which childhood ends and adulthood begins varies as

between cultures and national legal systems'¹. Consequently, differing standards exist between countries concerning the age of consent. Although some countries distinguish between the age of consent (which is often lower) and the age of majority, these differences are not of concern for the purpose of this paper, as it will only focus on the distinction between childhood and adulthood on the basis of the eighteen-year criterion as set out in the *United Nations Convention of the Right of the Child*. Under this international convention, all children are entitled to rights and privileges befitting their human dignity. All girls and boys, everywhere around the world, have the right to survive, grow and to be protected from violence, exploitation and abuse in all settings. This includes online and offline environments. Sadly, however, untold numbers of children worldwide are being systematically deprived of their human rights, dignity, and childhood through various forms of violence. On a global scale, UNICEF estimated that one in five girls and one in thirteen boys have been sexually exploited or abused before reaching eighteen. Nevertheless, these estimates ought to be interpreted with caution, for it is virtually impossible to quantify the exact extend of (online) child sexual exploitation. To date, there are no precise statistics on the number of child victims of sexual abuse and exploitation. Undoubtedly, the statistics fall short of reality, given the sensitivity of the issue, the criminal and secretive nature of these offences and the limited research that has been carried out to date. What is definite, however, is that child sexual exploitation is a global problem, with every region of the world grappling with some aspect of it.

As it stands, this study presents the situation of online child sexual abuse and exploitation globally, with a particular focus on Southeast Asia, with the case study of the Philippines. This study does not draw an artificial distinction between online and offline child sexual exploitation. Instead, it focuses on how technology facilitates the sexual exploitation of children, and contributes evidence to understand the role that digital technology plays in the perpetration of sexual violence against children. Any characterisation of child sexual exploitation must recognise that the boundaries between online and offline behaviours and actions are increasingly blurred, and that responses need to consider the whole spectrum of activities in which digital technologies may play a part. Accordingly, this paper will aim to answer several crucial questions:

How does the sexual exploitation of children unfold in the digital age ? To what extent does the digital factor significantly differentiate child sexual exploitation from what predates the advent of the Internet ?

How do the dimensions and dynamics of the global child sexual exploitation market impact the phenomenon of online child sexual exploitation in Southeast Asia ? What are the distinct socio-

1 Hodgson, D. (1995). Combating the organized sexual exploitation of Asian children: Recent developments and prospects. *International Journal of Law and the Family*, 9(1): 31.

cultural circumstances which surround it, and how is it understood and conceptualised in the Philippines particularly ?

Given the transnational, and often intangible, nature of OCSE crimes, which entity can rightfully claim jurisdiction ? Where do international law and national jurisdictions stand with regard to the regulation of the Internet and digital technologies ?

To what extent is the digitalisation of everyday activities, particularly in the wake of the COVID-19 pandemic and the rise of artificial intelligence, contributing to the increase in the number of child victims of online sexual exploitation ?

This study is structured in four chapters. Firstly, a literature review will evaluate the current state of the literature on the subject of online child sexual exploitation and define the global conceptual framework of the phenomenon. Secondly, this study will address the socio-cultural circumstances surrounding this global phenomenon and how it is understood and conceptualised in the Philippines. Additionally, it will also examine how the dimensions and dynamics of the global child sexual exploitation market impact on the phenomenon of online child sexual exploitation in the country. In the third section, this study will consider international and regional cooperation, in conjunction with national and international legal mechanisms in the face of this global threat. This section will first provide a general framework, then elaborate further by considering the case study of the Philippines. The fourth and final chapter of this paper will explore the most recent consequences of digitisation, examining the impact of the COVID-19 pandemic and the advent of artificial intelligence on the sexual exploitation of children online, on a global level in general, and in the Philippines in particular.

Chapter I. Comprehensive research for effective action

1.1. What is online child sexual exploitation ?

1.1.1. Defining the phenomenon of online sexual exploitation of children

The *United Nations Convention on the Rights of the Child* (UNCRC) is, by definition, the starting point for research into the sexual exploitation of children. The UNCRC, which entered into force in 1990, was a landmark international treaty that recognises the human rights of children. It stands as the most complete statement of children's rights ever produced and is the most widely-ratified international human rights treaty in history. In the thirty years since the implementation of the UNCRC, considerable progress has been made. The Convention on the Rights of the Child has prompted governments to change their laws and policies, providing more children with better protection against violence and exploitation. While there has been a significant improvement, much remains to be done. In dealing with such a complex, global subject, where different perceptions, definitions and laws conflict, every term needs to be defined. Clearly defining terms and considering their various possible meanings can prevent any confusion or misinterpretation. The term *sexual exploitation of children* refers to the involvement of a child in sexual activity that he/she does not fully understand or for which the child is not developmentally ready and cannot give consent. While this definition may seem straightforward, in fact it is not. There is a clear knowledge gap in people as to what being a *child* is. There is no single definition, considering the differences between countries in defining the term *child* and the *age of consent* to sexual activity. As noted by Mahler (1997), the question of age has consistently been one of the most contentious issues in the field of children's rights. At the *First World Congress Against Sexual Exploitation*, it proved so controversial that it was not even included on the conference agenda. Throughout Asia and Africa, the legal age of sexual consent may be as young as twelve. These age differences are obstacles to the prevention of sexual abuse and exploitation against children, since the legal protection of children depends on the legal age of consent in each country. In an effort to bridge this variation, the UNCRC clearly defines *child* as any individual below the age of eighteen years, unless under national law the age of majority is attained earlier. Based on the fact that the UNCRC is one of the most ratified international treaties, with 196 countries party to the treaty as of 2022 (all members of the United Nations, with the exception of the United States), this is the customary definition.

Further complexities arise when it comes to formulating a definition of *sexual exploitation*. Typically *exploitation* and *abuse* are used synonymously. Gauvreau and Batard (2008) provide an explanation of this synonymous use, and how the two terms are in fact different, though complementary. Sexual exploitation of children is often confused with child sexual abuse. Sexual violence is a general term that refers to crimes such as sexual assault, rape and sexual abuse. These are crimes that refer to forced sexual contact or intercourse. Sexual violence against children covers various acts, in different contexts and relationships. While the sexual exploitation of children systematically involves sexual abuse, the reverse is not true. The sexual exploitation of children is committed for commercial objectives. It is a commercial transaction, wherein the child victim is treated as both a sexual and a commercial object. On the other hand, a child who is sexually abused is not always abused for commercial reasons. Sexual exploitation of children is a broad category that encompasses various forms of offences against children (online and offline alike), such as child prostitution, child sex trafficking, child sexual abuse material, child marriage, sexual exploitation of children in travel and tourism, phone sex lines, etc. The *online* dimension is the most recent. The Internet is one of the most influential inventions of the modern era, and one of the most socially transformative. Online child sexual abuse and exploitation refers to situations involving digital, Internet and communication technologies at some point along the continuum of abuse or exploitation. Indeed, online interaction is now so ubiquitous that it is likely to feature in one form or another in almost all cases of child sexual abuse and exploitation. As a result, cases of abuse and exploitation can occur entirely online, or through a mixture of online and offline interactions between perpetrators, traffickers and child victims. Consequently, among sources dealing with the subject, it is common to find *(online) child sexual abuse* (Ali, Haykal & Youssef, 2023), *(online) child sexual exploitation* (Baines, 2019), *(online) child sexual abuse and exploitation* (Quayle & Koukopoulos, 2019), *(online) child sexual exploitation and abuse* (Drejer et al., 2024), *commercial sexual exploitation of children* (which is a much older terminology) (McCoy, 2002; Ward & Roby, 2004), for the most part. When addressing a subject, it is important to define the terms under discussion. Unfortunately, this step is often omitted in sources that discuss the sexual exploitation of children online, perhaps because these authors assume that the concepts in question are generally accepted as self-evident. However, as has been pointed out, this is not necessarily true. As such, it is important to start from definitions as practices vary from one region to another, and what is accepted in one country and culture may be considered inadequate in others.

1.1.2. A matter of terminology

The first major problem affecting the development of research on the subject of online child sexual exploitation is the lack of coherence. Just as governments are criticised for inadequate legislation and lack of consistency and cohesion in defining key terms, researchers face a similar problem. Here, it is not such a problem of definition, where the same term has different meanings, but a problem of terminology, where the same definition is defined by different terms. This phenomenon is particularly obvious in two cases, where two forms of child sexual exploitation are defined in different combinations.

a) Child pornography v. Child sexual abuse material / Child sexual exploitation material

Firstly, there is the issue of *child pornography*. This term is widely used, both legally and conventionally, by academics, legal experts, government officials and the general public. In its common usage, *child pornography* refers to sexually-oriented material depicting minors. *Child pornography* is illegal and censored in most jurisdictions around the world, but definitions, categories, sanctions and interpretations of the laws vary considerably. As a definition, *child pornography* is not particularly controversial, for it is primarily a debate about the aforementioned problem of defining a *child* in legal terms, which differs between countries. While adults may choose sex work as an occupation, children are invariably its victims. Therefore, the main area of disagreement among states is the age limit at which victimisation becomes a matter of choice. Under international law, a child is defined as any person under the age of eighteen, which is the basis upon which this paper is written. The issue of concern in this case is the very terminology of the term *child pornography*, insofar as it is inadequate and incorrectly characterises the phenomenon. Pornography, that is adult pornography, can be defined as printed, audio and visual material containing the explicit description or presentation of sexual organs or activities intended to cause sexual excitement. In principle, although these activities may be carried out illegally (depending on national legislation), pornographic material is created between consenting adults (although in practice this may not always be the case). For Johnson (2014), when such material involves children who, by legal definition, cannot consent to sexual activity, sexually explicit imagery are considered abusive and exploitative. In other words, sexually-oriented material involving children cannot, and should not, be considered pornography. Law enforcement and children's rights advocates rightly argue that *pornography* is considered by many to be a legitimate

adult activity and that, therefore, the term *child pornography* is an oxymoron that does not reflect the fact that an image of a child engaged in sexual activity is in fact an image of a crime scene.

Following the first Internet revolution in the early 2000's, the term *child pornography* began to be reconsidered. Very recently, a new terminology has come into use, in reports by international and non-governmental organisations and in academic literature in particular, namely *child sexual exploitation material* (CSEM) or *child sexual abuse material* (CSAM). In a document as important as the Convention on the Rights of the Child, it is regrettable that the term *pornographic performances* has been used (Article 34 of the UNCRC). This clearly illustrates the discrepancies between recent developments and challenges as opposed to a document produced in 1989. The sources in which the terms *child sexual abuse material* / *child sexual exploitation material* are used, such as Dąbrowska (2021) and Gannon et al. (2023), which refer to CSAM, and Drejer et al. (2024) which use the term CSEM, all date from at least the 2020's. These terminologies, whichever ones may be used, are gradually entering the mainstream, as it has been recognised that the use of the term *child pornography* is problematic in that it is particularly misleading, especially as (adult) pornography is legal in most countries. It is preferable to avoid this terminology altogether and to use the terms CSAM or CSEM, which are much more appropriate for defining what is really at issue, and also for distinguishing between (adult) pornography, which may be legal, and sexually-oriented material featuring children, which should always be illegal. As regards the difference between *child sexual abuse material* and *child sexual exploitation material*, while semantics is important, it should be stressed that the behaviours associated with abuse and exploitation substantially overlap, as exploitation necessarily involves abuse. As for the author, to avoid unnecessary confusion and misunderstanding in this document, the term *child sexual abuse material* (or CSAM) will be used in place of other similar terms. The rationale for this decision comes from the fact that, in terms of the sources studied, it is more frequently used in comparison with the other. Therefore, even if this author relies on sources in which the expression *child pornography* is mentioned, it will be replaced by the more appropriate expression *child sexual abuse material* (or CSAM), or the expression will be italicised.

b) Livestreaming of child sexual abuse v. Webcam child sex tourism

A second similar situation may be found in the literature on OCSE, where the definition is similar but the terminology varies. This case is somewhat different from the one mentioned above, where it was more a question of the evolution of the designation of an old phenomenon towards a

better designation of it in the light of contemporary assessments. Whereas in the present case, it concerns the emergence of a new phenomenon for which there is no consensus on how to term it. There is a wide variation in the literature regarding the naming of this phenomenon. First and foremost, it would seem appropriate to define what it is that is under consideration. Technological expansion, growing Internet coverage and the widespread availability of mobile devices are increasingly digitising the global society. This has resulted in the digitalisation of everyday activities, including criminal activities. What might be considered a modern evolution of child sexual abuse material is the real-time producing, broadcasting, and viewing of child sexual abuse. This has been made possible through webcams and livestreaming technology. Livestreaming is an established technology and has been so for years. In this case, why is this a new phenomenon? As Drejer et al. (2024) explain, technological advances have not revolutionised the sexual exploitation of children online, but simply made it more accessible. Functionality has developed in terms of availability of production devices (cameras), consumption devices (screens), speed, quality, stability, and secure environments. The platforms are not technologically sophisticated and do not require specialised technical knowledge on the part of users. A key observation is the ease of use of these systems, where anyone with any type of device equipped with a camera and microphone can easily set up a service, and anyone with a simple video application can receive these streams. These developments became possible through technological advances introduced in the 2010's, rendering it a relatively recent phenomenon (as compared to CSAM). Only a limited number of studies have examined this phenomenon, although increasingly so in view of its growing occurrence. Running a keyword search revealed about four different terminologies. Terre des Hommes, which has conducted extensive research on the subject, uses the term *webcam child sex tourism*. Along the same lines, Masri (2015) termed the phenomenon *webcam child sex abuse*. A slightly rarer term is *webcam child prostitution*, as used by Açar (2017b). Drejer et al. (2024), by contrast, moved in a different direction and referred to something completely different, namely *livestreaming of child sexual abuse*. The two terms most frequently encountered were *webcam child sex tourism* (WCST) and *livestreaming of child sexual abuse* (LSCSA). These terms are very interesting, because each of them covets a different element of the phenomenon. Terre des Hommes Netherlands' report (2014) is the most comprehensive and informative account on webcam child sex tourism. TdH is the sole source to distinguish the three models of WCST operational structures in the Philippines: individual operations, family operations and larger-scale operations, presenting a case study for each category. This TdH report has proved to be an important point of reference for the study of the phenomenon, as evidenced by the fact that it is cited in other sources covering the subject, such as Drejer et al.

(2024). However, while Drejer et al. draws on the TdH article, it qualifies the phenomenon differently, which demonstrate the lack of consensus on the matter.

These two terminologies appear to be the most appropriate terms to describe this phenomenon, as they communicate the three constituent elements of this activity: the crime in question, the cross-border nature of the crime, the technology dimension, and the implicit promise of payment for a child to perform a sexual act. Johnson (2014) raises a point, however, suggesting a certain fatigue in the concept of *child sex tourism*. Following the same reasoning as previously mentioned, Johnson (2014) states that *sex tourism* is considered a legitimate adult activity in many destinations. However, the same does not apply to adults who engage in sexual activity with children. It is argued that associating *child sex* with *tourism* somehow legitimises the activity in the literal sense of the term. Consequently, Johnson (2014) proposes that the term *sexual exploitation of children in tourism* or *sexual exploitation of children in travel and tourism* be preferred to *child sex tourism* to better reflect its criminal and exploitative nature. Similarly, referring to *sex tourists* rather than *perpetrators* allows them to assume that their behaviour is somehow acceptable and legitimate. Consequently, the terminology *travelling child sex offenders* is better suited as a definitive term. On the basis of the arguments presented by Johnson (2014), the same reasoning can be applied to the terminology of *webcam child sex tourism*. For these reasons, this paper has preferred the term *livestreaming of child sexual abuse*.

There are challenges for researchers in the variety of definitions used, how they are operationalised, and how they are measured, which makes comparison between studies difficult. Research on the subject of online child sexual exploitation does not follow a single trajectory. On the one hand, this has a positive effect, as it tends to enrich research with different perspectives and thus varied knowledge. On the other hand, however, it hampers understanding of the subject and hinders effective action to combat the phenomenon. In developing future response, for both the two aforementioned phenomena, the importance of correct terminology cannot be exaggerated. According to Johnson (2014), insistence on appropriate terminology is a key element in building a protective environment for children. It serves a practical function for greater societal understanding and open dialogue on the different forms that child sexual exploitation can take. Furthermore, as with the definition of a *child*, Drejer et al. (2024) point out that the lack of consensus on the terminology of key terms complicates cross-border collaboration and affects scientific research, as many definitions are used due to the lack of agreement upon legal terms.

1.1.3. Identifying and describing the phenomenon of online child sexual exploitation

Online child sexual exploitation is an umbrella term that encompasses various forms of sexual crimes against children in cyberspace. OCSE can occur fully online or through a mix of online and in-person interactions between perpetrators, intermediaries, and child victims. The most prominent crimes categorised as OCSE are the following: child sexual abuse material, livestreaming of child sexual abuse, online grooming of children, online sexual coercion and extortion of children, and mail-order (child) brides. This section will address each of them hereinafter.

a) Child sexual abuse material

Child sexual abuse material (CSAM) is defined as sexually-oriented imagery that depicts persons under the age of eighteen – such as, photographs, audio files, videos, drawings, etc. Sexually-oriented imagery featuring children are considered exploitative material because, although the material itself depicts a child victim of sexual abuse, the subsequent activities of producing, distributing, disseminating, importing, exporting, possessing, offering and selling such material are all exploitative behaviours, and each of these acts must be criminalised as participating in the sexual exploitation of children. The production, distribution, dissemination, importation, exportation, possession, offering and selling of child sexual abuse material is an old phenomenon, very popular among child sex predators. Child sex predators almost always collect and treasure CSAM as it represents their most cherished sexual fantasies. The demand for child sexual imagery among these customers provides the impetus for its continued production. Without such demand, the online child sexual exploitation business could not be sustained. CSAM are either intended for the private consumption of the child sex predators who produce them, or published in magazines, posted on websites or sold on the black market. In the past, prior to the invention of the personal computer and the Internet, CSAM was mostly produced and distributed in magazines and photos. Since the late 1960's, child sexual abuse material was widely unheard of. In the beginning, pornographers only used young-looking adults to mimic the innocence of youth. However, this trend only served to create a market/demand for sexual imagery using youthful models. Hence, a phenomenon that started out as the mere mimicking of youthfulness ended up with children themselves becoming models in sexual imagery (Trinidad, 2005). In the 1970's and 1980's, those interested in child sexual abuse material could, albeit illegally, visit adult bookshops selling dedicated magazines, or order by mail periodicals containing sexually explicit images of under-age children. In the 1990's, in the wake of several high-profile cases of child sexual abuse, public opinion and law enforcement

authorities moved towards a less tolerant attitude, resulting in tighter surveillance (Gannon et al., 2023). However, digital technology and universal connectivity have changed the nature of child sexual abuse material, rendering the Internet a haven for the production and distribution of CSAM. Today, child sexual abuse material is accessible to everyone, everywhere. Essentially, people with access to the Internet may browse the *World Wide Web*, which is a collection of virtual websites containing information on just about any conceivable topic, including CSAM (Trinidad, 2005). Child sexual abuse material can be produced using a simple camera, smartphone or webcam; distributed across the multiple forms of communication and platforms available on the Internet (e-mail, websites, social media platforms, gaming platforms, etc.); and easily stored on individual hard drives or in cloud file storage services (Brown, 2022). Therefore, over the past two decades, the volume of online child sexual abuse material has increased dramatically worldwide (Açar, 2016). These advantages have contributed to the expansion of the online child sexual imagery trade into a multi-billion dollar global industry that is dominated by organised criminal syndicates (Terre des Hommes Netherlands, 2014). The Internet has become such a huge virtual library of sexually-oriented material, with about forty percent of the site available on the Internet devoted to this type of content. To get an idea of the extent of the phenomenon, a simple search using the keyword *porn* will yield thousands of sites offering imagery of sexual nature (Elshenraki, 2020). In this profusion of material, a variety of ranges are available to meet the different interests and fetishes of potential users, including sexually-oriented imagery featuring children (Trinidad, 2005). In its 2022 annual report, the Internet Watch Foundation stated that the Internet shows child sexual abuse imagery once every two minutes (which was once every three minutes in 2020).

Besides growing in scale, CSAM found online involves more severe violence and younger children than was the case with CSAM in the pre-Internet era, with babies and toddlers depicted in extreme sexual content (Uitts, 2022). This suggests that the Internet has not only made CSAM more accessible, it has also caused more serious harm than might otherwise have been the case without the Internet (Brown, 2022). According to Trinidad (2005), it would be erroneous to believe that viewers with access to sexual imagery were supposed to lose their predilections to committing sexual crimes (assuming that their access to sexual imagery would dissipate or satisfy their desire to commit sexual crimes). The consumption of sexual imagery is a progressive activity, as well as being addictive. People become desensitised by the imagery they see, and seek out more and more shocking material. The production of CSAM involves the overt of sexual abuse. Often, children are made to masturbate, have sex with an adult or with other children, or perform other illicit acts for photographs, videos, or audios. Sexual imagery featuring children stimulates rape-related fantasies

in perpetrators, influences the perpetration of sexual crimes on children, increases the acceptance of physical violence, and reduces the sympathy felt for victims. Child sexual abuse material and child prostitution are two intimately related issues, as the former is undertaken to promote the latter. Indeed, most of the victims of CSAM are themselves prostituted children. The implicit message that child sexual imagery brings to viewers is that children are valid objects of sexual desire, and that it is acceptable to have sexual relations with them. As a result, this creates a demand for young faces to be recruited in the sex industry. Child sexual imagery is also used to facilitate the prostitution of a child in the sense that this type of material may reduce the child's inhibitions or resistance to participation in sexual acts. In this context, the sexual initiation of children involves making them watch CSAM as examples to emulate. The aim is to normalise and trivialise the act, making them believe that sexual relations between children and adults are normal, and that other children do the same. In the Philippines, for example, there is extensive evidence of child prostitution and the production of CSAM, particularly in tourists destinations like Angeles City and Cebu. Encounters with travelling sex offenders can lead to children becoming victims of CSAM because of their exposure to child sex predators eager to document their sexual encounters with foreign children (Trinidad, 2005).

b) Livestreaming of child sexual abuse

In recent years, a new form of online child sexual exploitation has emerged, spreading at high speed and with devastating effects in the Philippines: the livestreaming of child sexual abuse. Livestreaming of child sexual abuse (LSCSA) involves the cyber trafficking of children, wherein a perpetrator offer payment, or other rewards, for the real-time producing, broadcasting, and viewing of child sexual abuse in front of a webcam in another geographic location (Ali, Haykal & Youssef, 2023; Drejer et al., 2024). While other forms of child sexual exploitation already existed to some extent before the advent of the Internet – CSAM and mail-order brides existed on a relatively small scale in printed form for a few decades – the particularity of this crime is that it is built around the Internet. The previously passive experience of images has been replaced by live videos and audio transmissions. Suddenly, live sex shows, virtual fantasies, and consumer-directed sexual scenarios are right in homes at the touch of a mouse (Pehar, 2003). The particularity of this form of child sexual exploitation lies in the fact that LSCSA always involves perpetrators that live outside the countries where the child victims are located. In this respect, while this is a new phenomenon relative to the advent of the Internet, it nevertheless appears to have an ancestor. The livestreaming of child sexual abuse is akin to the sexual exploitation of children in travel and tourism (SECTT), a

form of child prostitution in which foreigners travel to a country to engage in sexual encounters with children so as to avoid the laws of their own country or out of ethnic fetishism – a fairly common phenomenon also found in pornographic content and in CSAM, where there are categories of pornographic content and CSAM specific to racial/ethnic origins (Terre des Hommes Netherlands, 2014). The World Tourism Organization defines sex tourism as ‘trips organised from within the tourism sector, or from outside this sector but using its structures and networks, with the primary purpose of effecting a commercial sexual relationship by the tourist with residents at the destination’². The growing demand from foreign tourists has led to the development of prostitution in the regions where they are usually frequent. Over the past two to three decades, certain cities around the world have become notorious destinations for purchasing sex with children, many of which are in Southeast Asia. Indeed, the Asia-Pacific region has revolutionised itself into a beloved traveller hub for all types of tourists, including sex tourists (Johnson, 2014). The emergence of SECTT was partly the result of the implementation of stricter child protection policies in some countries and not in others. Indeed, the majority of tourists who solicit sex from minors are white males from wealthy, industrialised nations (Terre des Hommes Netherlands, 2014). In the 1980’s, some travel agencies started to organise sex tours to Asia catering to would-be sex tourists. These package tours are advertised on the Internet, wherein the price for children in prostitution, their location, and the means of finding them are explicitly stated (Johnson, 2014). For example, the *Philippine Adventure Tours* travel agency, based in the United States, was specialised in sex tours in the Philippines, assuring potential tourists that they would have sex with a different prostitute every night. While this agency closed in 1999, it is but one of many examples, most of which are unknown (Trinidad, 2005).

The emergence of live streaming of child sexual abuse – the virtual equivalent of child sexual exploitation in travel and tourism – is a threatening fact, in that it is a cheaper, easier and less risky method, all of whose advantages encourage perpetrators to engage in LSCSA far more frequently and with more child victims than they could (or would) under physical child sexual exploitation in travel and tourism. As a result, the number of perpetrators who engage in LSCSA is greater than the number of perpetrators who can afford the time and cost of travelling for physical SECTT. Livestreaming of child sexual abuse enables perpetrators to sexually abuse children in other countries easily, frequently, anonymously, and discreetly, using very basic technology, requiring only a webcam/camera and a network connection. The platforms are not technologically

2 World Tourism Organisation. (1995). WTO Statement on the Prevention of Organized Sex Tourism. *UNWTO Declarations*, 5(6): 1.

sophisticated and require no specialised technical knowledge for users. Indeed, almost every social media platform allows person-to-person livestreaming in one way or another, on message apps (e.g. Messenger, Whatsapp, etc.), specific services focused on livestreaming (e.g. Twitch, Omegle, etc.), and video call software (e.g. Zoom, Google Meet, Skype, etc.) (Drejer et al., 2024; Terre des Hommes Netherlands, 2014). All these platforms are available within the clear web (Gannon et al., 2023). While SECTT occurs mainly in urban areas, through LSCSA, the sexual exploitation of children can take place just as easily in rural as in urban areas. The children exploited through LSCSA sometimes live in places so desolate that foreign perpetrators would never go there (ARTE, 2023). An important aspect of LSCSA is that it commonly occurs in small-scale home operations. In most cases, children are coerced, manipulated, or encouraged by their parents, relatives, or other community members, to perform webcam sex shows. Once the intermediary has made contact with the perpetrator, the price of the show is negotiated and agreed. Money is transferred via standard bank channels, usually Western Union. Various factors determine the price: the victim's age, the extremity of the abuse, the length of the stream, and the number of children involved. The acts performed range from genital presentation, masturbation, to sexual intercourse with adults (usually parents or relatives) or other children. The complicity of relatives and the easy flow of money have contributed to the practice becoming more prevalent. This business is already transforming from a small-scale commercial practice into a criminal organisation, known as *cybersex dens*. These dens are buildings in which several women and children are employed, or held against their will, in window-less premises, where they perform sex shows on an adult webcam site. It might seem that this kind of activity is still at an embryonic phase, but in the Philippines, police raids on such establishments are becoming increasingly frequent. Capitalising on this opportunity to generate income, a growing number of child victims find themselves entangled in this illegal industry. The Philippines is considered the global epicentre of the LSCSA trade. The proliferation of LSCSA suggests that there is a large global demand, which is fuelling the growth in the number of child victims (Terre des Hommes Netherlands, 2014).

c) Online grooming of children

It is the norm for young people to form friendships online. However, connecting with strangers poses risks of online grooming. Online grooming refers to the 'technology-facilitated process of befriending a young and vulnerable person by an adult perpetrator for the express

purpose of sexual abuse and exploitation'³. What traditionally took place offline, with the perpetrators in close physical proximity, has changed radically with the Internet, which allows perpetrators to fully immerse themselves in the child victim's life by maintaining constant contact through multiple communication channels (Chiu & Quayle, 2022). Studies on the prevalence of online sexual conversations between adults and children show it to be of growing social concern. Online grooming is inherently predatory and manipulative in nature. The term *grooming* implies a preparatory act. Perpetrators are known to search for potential victims in chatrooms and instant messaging environments, and build rapport with their targets using personal information gathered, promises of love and compassion, and flattery. At the other end of the spectrum, a perpetrator may use intimidation and blackmail as a means of control (Chiang & Grant, 2017). Despite variations in grooming techniques, there are commonalities within the process. Initially, the perpetrator tries to establish a close relationship with the child by asking for personal details, inquiring about friends and hobbies, and sending non-sexual photographs. Sexualising the communication with the child is a key development within the grooming process. These include means of systematically desensitising the child until they are physically and psychologically groomed to the point of being more likely to engage in sexual activity. The perpetrator begins to introduce sexual language and topics to accustom the child to sexualised conversation. How and when this is introduced depends on the nature of the offender. Sexualisation may take various forms, including flirtation, sexually explicit conversation and sexually-oriented imagery, sometimes including nude pictures of groomers themselves. Perpetrators often synchronise their behaviour and style of communicating with the child, generating commonality, in order to best ensure the child's continued engagement. At this stage, the perpetrator has more control over the child, as they share intimate matters. Throughout the grooming process, the child's inhibitions are lowered through active engagement, desensitisation, power and control, all of which involve the offender's persuasion and manipulation of the child. In the final stage, the perpetrator attempts to entice the child to participate in online or offline sexual activities through persuasion, manipulation and coercion. Many grooming interactions include actual sexual acts. Groomers often attempt to evaluate their target's willingness to engage in sexual contact and maintain secrecy before arranging offline contact. It is worth noting, however, that not all groomers share the ultimate goal of meeting their victims offline. The interlocutors may discuss sexual fantasies and plans, it is also common in these conversations for the adult to order or request the child to perform sexual acts that will be viewed via webcam (Chiang & Grant, 2017; Chiu & Quayle, 2022; Whittle et al., 2013). Online grooming is

3 Chiu, J. & Quayle, E. (2022). Understanding online grooming: An interpretative phenomenological analysis of adolescents' offline meetings with adult perpetrators. *Child Abuse & Neglect*, vol. 128: 1.

multifaceted and complex. Recognising the process can be difficult and establishing where it begins and ends almost impossible. Because online groomers are not a homogeneous group, grooming varies considerably in style, duration (time frames vary from seconds, minutes, days, months, and even years) and intensity, often reflecting the perpetrator's personality and behaviour (Whittle et al., 2013). The accessibility of victims is a determining factor in whether or not an offender is likely to groom a child. Adolescence (classified by the World Health Organization of ages ranging from ten to eighteen years) as a transitional phase between childhood and adulthood presents heightened risks of grooming and unwanted sexual solicitations. During this formative period, young people often engage in online risk-taking behaviours. Intrapersonal factors such as self-esteem and psychological difficulties are important determinants, as are family factors such as single-parent or blended families, which significantly increase a young person's vulnerability, along with a lack of parental control over Internet use. Grooming techniques, such as regular or intense contact, sexualisation, kindness and flattery, draw parallels with relationship development in adolescence (Chiu & Quayle, 2022). As for other forms of child sexual exploitation, reporting rates for this type of crime are low (Chiu & Quayle, 2022; Whittle et al., 2013). The anonymity offered by chat rooms allows offenders to repeatedly change their identities in order to maximise their appeal to victims and initiate the grooming process with several potential victims at once (Chiang & Grant, 2017).

d) Sexual extortion of children

The sexual extortion of children in cyberspace (SECC) defines the act of blackmailing a child by using self-produced images of that child in order to extort sexual favours, money or other benefits from him/her, under the threat of sharing the material without the consent of the child depicted. Sexual extortion of children in cyberspace has very close ties with other forms of online child sexual exploitation. Visual materials obtained by perpetrators through SECC are also CSAM, and such materials might sometimes be put into circulation online. In this respect, SECC can be considered a new method of producing child sexual abuse material. Given that a live sexual performance is generally required in sexual extortion, it would be reasonable to assume that SECC perpetrators are potential customers of livestreaming child sexual abuse. In order to differentiate SECC from other forms of child sexual exploitation, the focus should be put on the elements which only and all SECC acts have. The most common method of obtaining self-produced images from the child in the context of SECC is for the perpetrator to establish a relationship by gradually increasing the child's trust and using this relationship to persuade the child to provide sexual content, such as images, videos, or perform obscene acts before webcam. Intuitively, this might be

thought to be the same as online grooming. However, only ‘if the abuser brings the online abuse to the physical world or attempts to do so by means of threatening the victim, the SECC turns into online grooming’⁴. Although relatively less used, there are also other ways of possessing the obscene material without building trust with the child victim, or even having any contact at all, such as hacking the child victim's computer or accidental/irresponsible sharing in online environments. At the phase of extortion, the victim primarily has three options: (i) complying with the demands of the perpetrator, (ii) refusing to comply with the demands of the perpetrator and informing the family or official authorities, and (iii) refusing to comply with the demands of the perpetrator and not mentioning this matter to anyone. Altogether, three recurring characteristics together constitute the offence of SECC: (i) the *cyberspace* component, wherein the interaction and abuse between the perpetrator and child victim is not transposed into the physical world; (ii) the *possession* component, wherein the perpetrator possesses obscene images of the child victim, regardless of the means of production and acquisition; and (iii) the *extortion* component, wherein the child is forced to perform certain acts on the basis of possession of these images. The absence of any of these elements completely prevents the crime or constitutes an offence other than SECC. The visibility of this crime is very limited for law enforcement agencies, as relatively few victims and perpetrators are reported or arrested. Unfortunately, it is only when high-profile cases make it to the headlines does the public learn about (new) online threats to children (Açar, 2016).

e) Mail-order (child) bride industry

‘The age-old concept of the mail-order bride hinges on the fantasy of a handsome western man playing saviour to a beautifully exotic Asian women by lifting her out of a world of poverty and destitution’⁵. But in reality, ‘the intersection of gendered, racial, economic, educational and generational inequalities keeps mail-order brides in subordinate positions to their consumer-husbands.’⁶

The history of mail-order bride stretches back centuries in world history. Quite literally, mail-order brides are adults (predominantly women) and teenage girls, who register or are registered (by their families) in catalogues of international marriage brokerage agencies in order to

4 Açar, K. V. (2016). Sexual extortion of children in cyberspace. *International Journal of Cyber Criminology*, 10(2): 112.

5 Sico, R. (2013). In the name of “love”: Mail-order brides – The Dangerous legitimization of sex, human and labor trafficking. *Public Interest Law Reporter*, 18(3): 199.

6 Brocato, V. (2004). Profitable proposals: Explaining and addressing the mail-order bride industry through international human rights law. *San Diego International Law Journal*, vol. 5: 239.

be selected by a foreign man, otherwise known as consumer-husband, for marriage (Branagan, 2019; Brocato, 2004; Pehar, 2003; Sico, 2013). Online international marriage brokerage firms (IMBs) act as intermediaries, facilitating the process of establishing a connection between the demand, that is consumer-husbands, and the supply, that is mail-order brides, sides (Branagan, 2019; Brocato, 2004). In the 1990's, the mail-order bride industry (MOBI) changed drastically, whereby the agents of the MOBI moved from print magazines to Internet catalogues as their preferred site of activity (Pehar, 2003). With the Internet providing an excellent marketing and advertising tool, as well as a linguistic and visual medium enabling agencies to publish high-quality photographs with minimum costs and efforts, the mail-order bride industry has experienced an explosion of supply and demand for women and teenage girls (while there have been instances of mail-order husbands, it was very few in comparison with women and girls) (Branagan, 2019; Sico, 2013). In terms of the demand side, the vast majority of mail-order bride purchasers are heterosexual, white men, between twenty and fifty years older than the brides, who hail from wealthy industrialised nations, that is the United States, Canada, Australia, Japan, and Western European countries (Branagan, 2019; Brocato, 2004). These consumer-husbands spend between three and ten thousand dollars to find a wife through a mail-order agency. Some agencies claim to serve up to fifteen thousand clients per year, making a huge profit while operating with minimal costs (Branagan, 2019). In the United States, approximately four to six percent of all women who receive residency via marriage are mail-order brides (Brocato, 2004). Brokers dehumanise the women and girls by displaying them on web pages and in catalogues like commodities. While purchasers remain anonymous and their communications are confidential, potential mail-order brides are featured in online catalogues with name, age, address, height, weight, education and hobbies. Some sites even offer breast, hip and waist measurements. What characterises these supply women is their youth, ethnicity and economic deprivation. Typically aged between thirteen and forty, they come from developing countries, mostly from Asia, with a staggering number coming from the Philippines, and Eastern Europe (Pehar, 2003). *Anti-Trafficking International* has identified some three thousand agencies as being behind this industry. Every year, between 100,000 and 150,000 women and teenage girls advertise themselves as mail-order brides (Branagan, 2019). Of the 6,000 women listed by *Cherry Blossoms*, one of the oldest and largest agencies, over 4,600 are from Asia, of which 3,050 are from the Philippines alone (Brocato, 2004). International marriage brokerage agencies amplify the most racialised and sexualised stereotypes about whichever *type* of woman they currently have *in stock*. On their websites, the IMBs project the stereotypical image of a young Filipino woman being sweet, submissive, traditional, virginal, Christian, and familiar with the English language in their ads, making them the most popular ethnic

group for mail order brides in the world (Brocato, 2004; Sico, 2013). Once again, we are reminded of the imperialist sexual fetishisation, in which Asian mail-order brides ‘are being positioned as exotic products to be trafficked via these newly established electronic commerce trade routes’⁷. As such, ‘the mail-order bride websites are now the contemporary virtual vehicles for re-enacting and re-ritualising the [Western] imperialistic fantasy of power and desire for seduction via a neocolonial cyberspace journey’⁸.

Many involved in the mail-order bride industry claim that women and girls wilfully choose to participate in the bride trafficking industry as a means to make money or improve their social status (Pehar, 2003). However, the motivations that drive many women and teenage girls to sign up as mail-order brides (by themselves or by their families) are similar to situations that makes victims of human trafficking more vulnerable to their traffickers. Driven by poverty and unemployment, fuelled by media images of Western lifestyles, brides leave their home countries in search of a better life. While the mail-order brides dream of a better life, the men who buy them tend to look for submissive, docile and subservient wives who they can dominate and control (Branagan, 2019). The danger of mail-order marriages lies in the unequal distribution of power (Branagan, 2019; Brocato, 2004; Sico, 2013). Mail-order brides are very vulnerable to physical, emotional, economic, and sexual abuse from their partners. MOBs are completely financially dependent on their consumer-husbands and have little legal recourse in situations of abuse (Pehar, 2003). Furthermore, cultural and linguistic isolation, the absence of a social network, and the fear of deportation are all additional circumstances that place them at a great disadvantage (Branagan, 2019). The commodification and portrayal of women as mere fungible goods contributes to the risk of domestic violence. Consumer-husbands expend large amounts of money throughout the process of (quite literally) *importing* a bride (Brocato, 2004). Once the transaction is complete, these consumer-husbands believe that they have bought and own a person (Sico, 2013). The mail-order bride industry thrives on unrealistic promises and a lack of information for potential mail-order brides. International marriage brokers act as human traffickers by offering victims marriage to Westerners as a viable path forward. In reality, mail-order bride agencies are criminal human trafficking organisations, in which women and teenage girls are presented to the public as brides, but privately sold into prostitution, forced into marriage and reduced to domestic slavery (Branagan, 2019). ‘This is one of the most open forms of trafficking women [and girls] into developed nations’⁹. The mail-

7 Pehar, J. (2003). e-brides: The mail-order bride industry. *Canadian Woman Studies/les cahiers de la femme*: 173.

8 Ibid., 174.

9 Branagan, M. (2019). Mail-order brides: A form of human trafficking ? *Anti-Trafficking International*, 9th November.

order bride industry is a unique form of sexual exploitation wherein women and girls are essentially sold as commodities in transactions that are legitimised through the recognition of the legal binding of marriage (Sico, 2013). In reality, the purpose is not to find lifetime loving partners for women but to supply foreign men with a wife to be treated as a sexual and domestic slave (Brocato, 2004). Yet, despite the horrifying risks of physical and sexual abuse that mail-order brides face, the hope for a better life in industrialised countries still encourages them to enter marriages of this pattern (Sico, 2013). It is also true that if women and girls were not disproportionately affected by economic deprivation then they would not be drawn to pursue such unattractive choices (Brocato, 2004).

1.2. Quantifying and profiling the phenomenon of online child sexual exploitation

1.2.1. Limited research and data on online child sexual exploitation

The issue of online child sexual exploitation is under-reported, under-researched and data deficient. Online sexual exploitation of children is a relatively new form of crime against children, only starting to be recognised as a critical national and international issue. For this reason, suitable actions have not been developed. It is impossible to respond effectively to a problem without understanding it, and this seems to be the case. And research is partly to blame, as the lack of substantiated research could not be factored into decision-making. Online child sexual exploitation involves the use of digital, Internet and communication technologies as a means to sexually exploit children. There are many sources, including academic articles, media coverage, law enforcement agencies' reports, and documentaries, that deal with the subject of (offline) child sexual exploitation. However, although the issue is sometimes raised, in particular to highlight how the Internet has amplified the phenomenon, few sources deal specifically with the sexual exploitation of children taking place online. With the digital revolution, this clandestine economic activity aimed at exploiting children has experienced unprecedented growth. This trend was not anticipated and is still greatly underestimated. Regrettably, the problem of OCSE only comes to public attention with high profiles cases appearing in media. When the cases are forgotten, the problem also disappears from the public awareness. As ECPAT's report on *The Sexual Exploitation of Children in Southeast Asia* (Davy, 2017) points out, another reason for such practices is that baseline data on OCSE is virtually non-existent, making comparisons and trend analysis essentially impossible. A critical challenge is that a significant amount of the available data is becoming quickly out-dated. 'Despite the worldwide attention being focused on the issue of sexual exploitation of children, little reliable, methodologically sound research documents its prevalence. Indeed, the figures cited by

governments, nongovernmental organizations and the media are typically “guesstimates” that through frequent repetition have attained the status of fact¹⁰. According to Trinidad (2005), the unavailability of reliable statistics on the extent of OCSE may lead some people to mistakenly believe that the problem does not require immediate attention. The devious and clandestine nature of these crimes implies that it will always be difficult to obtain accurate information, especially as the vast majority of cases are never reported. However, Johnson (2014) also attributes this scarcity of information on victims and perpetrators to a lack of understanding of the issue. This issue is particularly prevalent in certain regions where under-reporting is particularly high and awareness is therefore lower (e.g. Southeast Asia). For UNICEF (2020), closing the gap between the large number of child victims of sexual abuse and exploitation, online and offline alike, and the minority who benefit from effective support is an essential step towards ending these crimes. Research into the sexual exploitation and abuse of children online has recently received increased attention (mainly at the initiative of NGOs). In the wake of the COVID-19 pandemic and the measures taken to contain it (including travel restrictions, teleworking and home schooling), a number of reports, notably from international and non-governmental organisations, such as UNICEF, the Internet Watch Foundation and ECPAT, but also from press articles, have pointed to an increase in child sexual exploitation material and livestreaming of child sexual abuse. However, the information seems to stop there. More data is needed to quantify the impact of COVID-19 on online child sexual exploitation. If research on OCSE is scarce, the impact of COVID-19 on online child sexual exploitation is even more so. Although it has been identified that the COVID-19 pandemic has had an impact on OCSE, most sources do not explore the subject in greater depth. Therefore, updated research is essential if effective action is to be taken against online child sexual exploitation.

1.2.2. Can standard profiles of aggressors and victims be defined ?

In order to understand the sexual exploitation of children online, it is essential to consider both the victims and the perpetrators. This section explores the profiling of child victims and perpetrators of online sexual crimes against children, which represent respectively the supply side and the demand side. There is definitely a historical component to the child sex industry, online and offline, that is understated, with few sources even mentioning as to when, where, how and why the phenomenon began. As it turned out, only a few sources mention it, notably Trinidad (2005) and Johnson (2014). For instance, in Southeast Asia, the sexual exploitation of children in travel and

10 Mahler, K. (1997). Global concern for children's rights: The world congress against sexual exploitation. *International Family Planning Perspectives*: 79.

tourism (SECTT) emerged during the Vietnam War, when soldiers on temporary leave would visit bars, clubs and hotels opened throughout Southeast Asia specifically to provide sexual entertainment for American soldiers. This historical pattern has continued to shape the development of child sexual exploitation, both offline and online. According to Grouchy and Campus (2015), travelling child sex offenders are mainly white Western men who travel to developing countries in search of lust and sex. However, these information are contradicted by that given by Leheny (1995), which positions Japanese men, in their 30's and 40's, as the largest demographic segment of SECTT market in Southeast Asia. This argument is supported by ECPAT's report (Davy, 2017), which explains that although tourists from Western countries remain a major problem, it would be erroneous to assume that they account for the majority of sex offenders. In fact, most offences committed in Southeast Asia are committed by nationals of countries in the region or in other parts of Asia. From there, it is difficult to establish a more precise profile of the travelling sex offenders in Southeast Asia. This historical feature is not unimportant, given that similar profiles (men from industrialised countries) appear in the reports of sexual exploitation of children in travel and tourism and livestreaming of child sexual abuse. Unfortunately, the lack of official statistics makes it difficult to track accurately the patterns of abuse and exploitation of children. What is known is that the incidence is predominantly from industrialised countries, but which country nationals dominate is currently unknown, both for online and offline child sexual exploitation.

Moreover, child sexual abuse is gendered both from the side of child victims and perpetrators. Although women also sexually abuse and exploit children, the fact remains that the majority of perpetrators – at least ninety percent in most studies – are men. Furthermore, girls account for the majority of sexual abuse reporting rates and victims in online child sexual abuse documents. Yet, UNICEF (2020) warns against profiling too narrowly. The consequence is that, for example, the sexual exploitation of boys is a neglected issue in child protection policy and practice, with the result that responses aimed at identifying and addressing the particular needs of boys are rare. In recognition of this situation, ECPAT International has launched in 2019 the *Global Boys Initiative* to highlight an under-researched aspect of child sexual exploitation. Hence, despite increased research attention to the sexual exploitation of children, there remain significant gaps in knowledge that future research should address. It follows that a quantitative study of the issue of OCSE should also be complemented by qualitative studies on the problem. The objective is to explore the consequences of online sexual exploitation on child victims, not only at the time they are victimised, but also in terms of how it will affect their entire lives and their development into adulthood. Qualitative research reveals the human side of OCSE. This is a recurring theme in the

reports by Terre des Hommes in particular, and non-governmental organisations in general. In Terre des Hommes Netherlands' report (2014) on webcam child sex tourism, there are screenshots of conversations TdH researchers had when they were posing as a child to catch sexual predators, which give anyone who reads them a sense of the horror of these crimes (see Figure 1). It is easy, especially when the victims are in foreign countries, and even more so when the crimes are committed online, to forget that these are real people, most of whom are children. Academic articles miss the human side, which is paramount when addressing a topic such as this.



Figure 1: Screenshot of a conversion between the virtual avatar Sweetie and a potential perpetrator as part of the *Becoming Sweetie* project¹¹

Considering the existing literature on online child sexual exploitation, and more generally on child sexual exploitation, it is the supply side that emerges as the most studied. This observation is easy to demonstrate, as most articles focus on the countries supplying the child victims, that is developing countries for the most part, rather than on the countries from which the demand from sexual predators emanates, that is industrialised countries for the most part. As Davy (2017) rightly observes, the demand side of child sexual exploitation (child sex offenders, traffickers, and the range of other individuals that profit from or organise sexual contact with children) is essentially a hidden population that is unlikely to engage in research studies. As a result, there is insufficient information regarding the activities of OCSE offenders and facilitators, including their motivations, activities and profits generated from their crimes. The insidious and anonymous nature of predators' online crimes, and the under-reporting of these crimes, makes it difficult to investigate and inform on both the supply and demand sides. Targeting offenders originating from the more developed regions of the world (i.e. the demand side) is only part of the solution, as it must be accompanied by comprehensive efforts to address the inherent conditions that make children vulnerable in

11 Terre des Hommes Netherlands. (2014). *Becoming Sweetie: A novel approach to stopping the global rise of webcam child sex tourism*. Terre des Hommes Netherlands.

developing countries (i.e. the supply side). Indeed, there are links between online and offline vulnerabilities. For UNICEF (2020), the sexual exploitation of children does not take place in an isolated bubble, irrespective of the wider social context. Considering the socio-economic context in which child sexual exploitation exists is useful for understanding why children are at risk and how best to target prevention activities. To effectively combat violence against children, it is not simply a question of addressing the risks they face as individuals and in their personal relationships, but also of changing the environment in which they live and grow up. As suggested by Trinidad (2005), research should also be devoted to the psychosocial effects of victimisation on children. This would not only fill the gaps in the current literature on the subject, but would also ensure better and more appropriate psychosocial care for child victims of online sexual abuse and exploitation.

1.3. International and non-governmental organisations as key sources of information on OCSE

Reports from international organisations and non-governmental organisations are the most valuable sources to research on the sexual exploitation of children (online and offline alike). The following is an interesting selection of three of the most important international and non-governmental organisations working in the field of children's rights and children's protection, all of which this author has used extensively in this research.

1.3.1. International organisations

- United Nations Children's Fund

Firstly, it seems appropriate to mention the largest, most renowned and also most international organisation dedicated to the protection of children's rights: UNICEF. Created in 1946, the *United Nations Children's Fund* (UNICEF), is an agency of the United Nations dedicated to improving and promoting the welfare of children. When researching the online sexual exploitation of children, it was possible to find a vast amount of content produced (or financed) by UNICEF on the subject, including reports, which are longer and more concise, and also articles, which are shorter and more topical. Another interesting point is that, unlike the academic articles, because this is an international organisation, with constantly updated content, it keeps abreast of current trends and developments. When dealing with a phenomenon that is constantly evolving with technological advances towards new practices, it is useful to have a source that closely follows, processes and relays information in an expert manner (as opposed to the sensationalist approach of the media).

Furthermore, the UNICEF database is immense. It is a rich source of data on everything relating to children. UNICEF has estimated that one in five girls and one in thirteen boys worldwide have been sexually exploited or abused in general before reaching the age of eighteen. Although these statistics should be approached with caution, as pointed out previously, it is difficult to gauge the extent of OCSE given the way the Internet obscures it. However, UNICEF's figures are certainly the closest to reality. This is demonstrated by the fact that the figures most often used are those of UNICEF. These statistics are important to give, even if they underestimate the true scale of the problem, because they suffice to bear testament to its severity. Nevertheless, UNICEF has not been without its criticisms. As an international organisation, UNICEF has as much power as sovereign nations allow. The United Nations and its agencies have been criticised for their inefficiency and limited results in view of the sums devoted to their efforts. But its limitations must also be acknowledged. UNICEF cannot take active action against OCSE, the only actions it can currently take are passive, that is research, information sharing, and recommendations to governments who hold the power to act.

1.3.2. Non-governmental organisations

In contrast, non-governmental organisations have greater scope for action. Since 1980, the number of non-governmental organisations in developing countries has exploded.

- ECPAT International

ECPAT International (an acronym for *End Child Prostitution in Asian Tourism*) is a global network of 125 civil society organisations in 104 countries (including many Southeast Asian countries) that aims to end the sexual exploitation of children through research, advocacy and action. International attention was first drawn to the issue of child sexual exploitation occurring in developing countries in the early 1990's, primarily through the *End Child Prostitution in Asian Tourism* campaign. ECPAT denounced the thousands of Western men travelling from wealthy to low-income countries to have sex with children. The organisation also denounced the governments of these countries, which tolerate their actions with impunity. As of today, ECPAT International produces a variety of research and resources for use by governments, other NGOs, UN agencies, and researchers. These include regular regional reports, country reports and studies on specific forms of child sexual exploitation, such as the sexual exploitation of children in travel and tourism, or on deficiencies in legislation, such as the double criminality in international criminal jurisdiction. For instance, *Disrupting Harm* is a research project conducted in partnership with ECPAT

International and INTERPOL to generate high-quality evidence on technology-facilitated sexual exploitation and abuse of children. The project developed a new research methodology to study when and how digital technology might facilitate the sexual abuse and exploitation of children, both online and offline. The goal was to identify priority areas for interventions by governments and other organisations working to protect children from these crimes. The project has assessed the nature of this problem in thirteen countries across Eastern and Southern Africa and Southeast Asia, including the Philippines, using multiple data sources to triangulate evidence.

- Terre des Hommes

The Dutch children's rights organisation Terre des Hommes (TdH) was the first NGO to actively tackle the subject of *webcam child sex tourism* (as termed in its reports). In 2013, working with international specialists, Terre des Hommes launched the project *Becoming Sweetie*. The project consisted in the development of a software program whose avatar, *Sweetie*, was a virtual ten-year-old Filipino girl (see Figure 2). Her lifelike image, made entirely with artificial intelligence, appeared online in chat rooms and on dating sites. Sweetie was used worldwide to track down and combat webcam sex with children. As part of *Becoming Sweetie 1.0*, four Terre des Hommes Netherlands researchers spent a combined total of 1,600 hours over the course of ten weeks, posing as Sweetie – with username *10 f philippines* (see Figure 3). Over 20,000 predators from all over the world initiated contact, seeking webcam sex shows. When men started talking with Sweetie in a sexually suggestive way, she engaged back. All the information from their exchanges was stored and used to warn, track down or even arrest and convict perpetrators. *Becoming Sweetie* was a highly successful initiative. Over 20,000 predators from all over the world initiated contact, seeking webcam sex shows. This proactive investigation technique enabled to identify and locate 1,000 predators from 71 different countries. The ease with which the predators were identified (from five minutes to two hours) clearly indicates that law enforcement agencies could and should be arresting more predators who engage in WCST. However, *Sweetie 1.0* could be deployed only if a physical person participated in chats, and thus was limited in dealing with the large number of offenders. As a result, *Sweetie 2.0* evolved into a fully autonomous artificial intelligence that can engage in a meaningful conversation with a suspect. With *Sweetie 2.0*, the software could be deployed 24/7 to identify potential perpetrators in multiple chat rooms simultaneously, deter them or, if necessary, have them arrested and prosecuted by transferring suspect case files to the authorities. This project provided valuable insight into the size and nature of online child sexual exploitation. The result was so shocking that it caused outrage worldwide.

Although *Becoming Sweetie* program received a lot of media attention and acclaim around the world, the project has always sparked discussion.



Figure 2: The virtual avatar named Sweetie created as part of the *Becoming Sweetie* project¹²

According to Grouchy and Campus (2015), using artificial intelligence raises serious legal questions. *Sweetie* as an investigative tool is so innovative, that it is unclear whether it respects criminal procedural legality. However, the question of criminal procedural legality of Sweetie is preceded by a prior substantive criminal law question: is interacting with Sweetie in a sexually charged way a criminal offence in the first place, given that Sweetie is not a real person, but a virtual avatar? As far as this author is concerned, it is a non-issue, as there are already numerous examples of forgery being used to uncover real matter. When police officers go undercover, posing as clients to dismantle prostitution rings, they are not really clients. Although it is an avatar, the principle remains the same. It only matters what the intention was in the act of abusing a child, whether that child turned out to be real or not. The only thing of importance is that the perpetrator thought that the child was real. As a matter of fact, using an automated device helps to protect the people operating behind the screens, as one can only imagine how difficult it must be for a person to interact with online predators on a daily basis. A look at the screenshots of some of the conversations revealed in the report will give it a good idea (see Figures 1 and 3). In 2021, after a thorough evaluation of its activities, Terre des Hommes decided to end the project *Becoming Sweetie*. According to TdH, this program had strayed too far from their usual way of working. These undercover and investigative activities placed them in the role of investigator and prosecutor. This role falls to law enforcement authorities in the countries where the perpetrators come from and where the abuse takes place. During this project, TdH focused on the detection of abusers rather than the protection of (potential) victims. Consequently TdH has chosen to focus even more on preventing the (online) sexual exploitation of children and providing support to victims.

12 The image was found on Terre des Hommes website. At: <https://www.terredeshommes.nl/en/projects/sweetie>

Nonetheless, the efforts of this organisation over several years have resulted in the most comprehensive set of information and data on the WCST phenomenon compiled to date.



Figure 3: Screenshot of a conversation between the virtual avatar Sweetie and a potential perpetrator as part of the Becoming Sweetie project¹³

Many NGOs play a crucial role in providing resources for enforcement against (online) child sexual exploitation. Additionally, some NGOs rescue and care for those children exploited into the sex industry. Southeast Asian governments have relied heavily on foreign and domestic NGOs to manage the (online) child sexual exploitation phenomenon. However, Johnson (2014) cautions that these efforts, which are narrowly focused on the immediate situation of perpetrators and victims, are dependent on continued donor funding, and fail to establish long-term government mechanisms to prevent and respond to abuse. Whilst the efforts to disrupt aggressors and support victims must continue, they are insufficient and unsustainable on their own.

1.4. Why such focus on South-East Asia ?

1.4.1. The impact of (sexual exploitation) tourism

While the threat of online sexual abuse and exploitation is something faced by children around the world, the phenomenon is particularly prevalent in low- and middle-income countries. As Trinidad (2005) explains, in the wake of the globalisation of the modern world, people are travelling to and from other places to see and experience different cultures, particularly in developing countries, on account of the relatively low cost of living in such areas and the exotic

¹³ Terre des Hommes Netherlands. (2014). *Becoming Sweetie: A novel approach to stopping the global rise of webcam child sex tourism.* Terre des Hommes Netherlands.

appeal these countries offer. Tourism brings many benefits to a country, not least in terms of generating national income. Moreover, it has also created jobs for locals in hotels, resorts, restaurants, and in the transport industry. However, a growing number of tourists are travelling for more dubious reasons, namely to indulge in sexual exploitation of children in travel and tourism. The growing demand from these *tourists* has led to the development of prostitution in the regions where they are usually frequent. Over the past two or three decades, countries in Southeast Asia in particular, have become popular destinations for SECTT. Indeed, the growth of the prostitution industry coincided with the boom in the tourism industry in many parts of Asia. Where there are *tourists* seeking the services of prostitutes, children are no exception. In this region of the world, as in most developing countries, child prostitution operates as a veritable underground economy. According to Davy (2017), there are a number of complex, and often overlapping, factors that increase children's vulnerability to sexual exploitation. These factors tend to be grounded in the socio-economic context of Southeast Asian countries and the presence, or lack thereof, of child protection systems and a robust law enforcement response to this crime. In Southeast Asia, where poverty leads to prostitution, poor families will do anything to obtain money.

1.4.2. Southeast Asia as 'hotspot' for the sexual exploitation of children

With the advent of the Internet revolution, the Southeast Asian region has seen an impressive expansion in the accessibility and use of information and communication technologies. The ECPAT's report on the *Sexual exploitation of children in Southeast Asia* (Davy, 2017) revealed that the spectacular development of the Internet and communication technologies has multiplied and diversified the opportunities for sexually exploiting children or profiting from the sexual exploitation of children. It estimated that the production of CSAM in the Philippines alone now generates up to one billion dollars in annual revenue. TdH's recent studies reveal that technological advances over the last two decades, such as digital cameras, webcams, personal computers, smartphones and the like, have not only brought about significant changes in the production and distribution of CSAM, but also enable people to see each other through web cameras, thus facilitating what is known as *livestreaming of child sexual abuse* (or *webcam child sex tourism* as it is termed in TdH's work). Given all these reasons, many sources use a Southeast Asian country as a case study about online child sexual exploitation (and this author is no exception). In the research hamlet, the Philippines is the country most often used as an example of the phenomenon. According to UNICEF, online child sexual exploitation is comparatively higher in the Philippines than in other countries. There is a real acknowledgement that the Philippines is the place where the phenomenon

of OCSE is most predominant. Although many sources point out that several factors contribute to making Southeast Asia a predominant location for OCSE, including poverty, culture, Internet access, and more; the reality is that none of these factors are specific to Southeast Asia, but rather describe a situation similar to that of many developing countries. One factor that is not mentioned in any of the sources is the Asian fetish syndrome. This is a well-known societal phenomenon, which can be seen in everyday life, in dating sites, travel attractions, as well as in pornographic content and CSAM, and adult webcam sites that focus specifically on Asian women. Fetishisation serves to dehumanise individuals into mere sexual objects. This fetishisation may be one factor participating in the attraction of these sexual predators for Asian children, as demonstrated in the screenshots presented by TdH in its report, which clearly show that having a Filipino as a potential child victim represents a sexual attraction for the perpetrators (see Figure 4). That is certainly a subject that should be explored further. Furthermore, as most research has focused on Southeast Asia, and the Philippines in particular, there is a dearth of knowledge on the subject of online child sexual exploitation from a global perspective. Therefore, future research should address neglected geographies.



Figure 4: Screenshot of a conversation between the virtual avatar Sweetie and a potential perpetrator as part of the *Becoming Sweetie* project¹⁴

14 Terre des Hommes Netherlands. (2014). *Becoming Sweetie: A novel approach to stopping the global rise of webcam child sex tourism*. Terre des Hommes Netherlands.

Chapter II. Illicit supply and demand: A comprehensive assessment of the complex and interconnected ecosystem of online child sexual exploitation in Southeast Asia

'[...] The trafficking of persons, particularly women and children, for forced and exploitative labour, including for sexual exploitation, is one of the most egregious violations of human rights that the United Nations now confronts. It is widespread and growing. It is rooted in social and economic conditions in the countries from which the victims come, facilitated by practices that discriminate against women and driven by cruel indifference to human suffering on the part of those who exploit the services that the victims are forced to provide. The fate of these most vulnerable people in our world is an affront to human dignity and a challenge to every State, every people and every community.' – Kofi A. Annan, UN Secretary-General, 2004¹⁵

The sexual exploitation of children online is a multi-faceted phenomenon. There is no standard profile of child victim, intermediary/trafficker/facilitator, or perpetrator, nor is there a single pattern for how it will happen. It is possible, however, to identify certain main characteristics. The aim of this chapter is to outline these characteristics – both in terms of demand, which originates largely in industrialised countries, and in terms of supply, which is concentrated in developing countries (Southeast Asia will be used as an example, in particular the Philippines, considering the extent of the phenomenon in this region) – along with identifying the role of the Internet in this ecosystem of child sexual exploitation, in order to give a comprehensive assessment of the phenomenon of OCSE (in Southeast Asia more specifically), and essentially to answer the questions: how and why ?

2.1. Understanding child sex trafficking in cyberspace as a market system: The reasons why the industry flourishes

*'First, we were asked to stand and to turn around. He looked. After that, we were asked to go naked. He told us to hold that thing. It was a plastic thing. I don't know what it's called. It was like a plastic organ of a male! I just held it. That's it. After that, I was given drugs and drinks.'*¹⁶

15 United Nations Office on Drugs and Crime. (2004). United Nations Convention against transnational organised crime and the protocols thereto. *United Nations Office on Drugs and Crime*, Vienna: 4.

16 Excerpt from the testimony of a child victim (a fourteen-year old girl) of online sexual exploitation in the Philippines – Terre des Hommes Netherlands. (2013). An exploratory study on the background and psychosocial consequences of webcam child sex tourism in the Philippines. *Terre des Hommes Netherlands*: 23.

Is child sexual exploitation a demand-driven problem? Much like a legitimate market, supply and demand for commercial sexual services are correlated. Basic economics holds that demand for a product is fundamental for market survival. Without demand for services there would be no market for this particular product – that is, if consumers were not seeking commercial sexual services, then sex trafficking would cease to be a profitable venture. In this marketplace, buyers/consumers and traffickers/intermediaries view child victims as dehumanised products, sexual objects, for immediate consumption and disposal (Smith & Heavy Vardaman, 2010). According to Aronowitz and Koning (2014), the sex trade industry is similar to other illicit markets inasmuch as the trafficking business chain consists of three distinct groups:

i. sellers

This is the *derived demand*. The derived demand is created at the beginning of the trafficking chain by traffickers who facilitate the recruitment, harbouring and transportation of trafficked persons for commercial sexual exploitation. Traffickers, who are or may be assisted by parents, recruiters, travel agents, pimps, and so on, bring the victim-products to the markets. In other words, traffickers act as intermediaries between primary demand and supply, matching them together through a complex social network that operates for this purpose.

ii. victim-products

At the middle of the trafficking chain is the *supply side*. In the business of sexual exploitation, children are merchandise. Child victims are treated like commodities which are bought, sold, traded and used.

iii. customers or clients

The third level of the trafficking chain is the *primary demand*. In the case of online sexual exploitation of children, the demand is for content or activities of sexual nature with children or featuring children.

The trafficking business chain operates reciprocally. If the demand increases, traffickers must increase the supply of victim-products. Demand affects the market structure and the type of product made available. Children are more vulnerable to it because there is a greater demand for younger persons among perpetrators (Uitts, 2022). As such, the desire for sexual activity with younger children has led to large numbers of juveniles being sexually exploited around the globe (Smith & Heavy Vardaman, 2010).

2.1.1. Supply for demand

First of all, the sexual exploitation of children online exists because there is a demand for it. Indeed, the international demand is huge, which provides the impetus for continuation. Without such demand, the online child sexual exploitation business could not be sustained (Duerr, 2016). It is important to remember that there is no single profile of perpetrators. It is not a question of gender, social class or age. That being said, it remains true that there are some salient patterns that have been noted, and which should be addressed accordingly. A gendered picture is apparent with regard to the phenomenon of (online) child sexual exploitation, whereby the majority of perpetrators are men and the majority of victims are girls (United Nations Children's Fund, 2020). While this trend should not be interpreted as a general rule (in that women traffic and abuse children, and boys are also victims), it is equally important to recognise the most prevalent profile among both the demand and supply sides of OCSE. Traditionally, the age group of thirties and forties was considered to be the most prominent when it came to child sexual abuse and exploitation, whereas today, in the online world, perpetrators are much younger. Moreover, as a relatively inexpensive service (usually from high-income countries to middle- and low-income countries), it is available to a range of users, from the very rich to the much more modest (Gauvreau & Batard, 2008). The offences typically involve buyers in wealthy industrialised countries (Western European countries, the United States, Australia, Canada, Japan, etc.) and victims and sellers/facilitators in poorer ones (e.g. the Philippines, Cambodia, Thailand, etc.). However, this type of exploitation can also occur within any country in which there is economic disparity. According to Smith and Heavy Vardaman (2010), buyers of sexual services can be placed in three categories: (i) situational, (ii) preferential, and (iii) opportunistic.

i. situational buyers

Situational buyers are defined as those who engage minors in transactional sexual activity because they are available, vulnerable, and the practice is tolerated.

ii. preferential buyers

Preferential buyers, in other words paedophiles, have a sexual preference for children and buy specifically from markets providing the preferred victims and services.

Buyers in the market of sexual exploitation of children essentially consist of situational and preferential buyers. It is a known fact that sexual predators are lurking on the Internet, awaiting their prey (Trinidad, 2005). In a study carried out in the Czech Republic, in a matter of five minutes after creating a (fake) account for a twelve-year-old girl (played by an adult actress) on several

social networks, she had already been contacted by several potential (much older) sexual predators to start a discussion. In the documentary, she even received phone calls on the Messenger platform without having initiated any contact beforehand. During her first video call, in just a few minutes, as the girl/actress greeted him and chatted, the sexual predator on the other end of the video call started masturbating and filming himself doing it (ARTE, 2022).

iii. opportunistic buyers

Opportunistic buyers purchase sexual services with children indiscriminately because they deliberately ignore the child's age, or simply do not care about the difference between adults and minors.

The sexual exploitation of children is an industry of seemingly insatiable demand (Trinidad, 2005). The demand for sexually-oriented imagery featuring children leads to more content being created, which perpetuates the abuse and exploitation of children. A study released in 2006 by the *National Center for Missing and Exploited Children* about the online victimisation of youth reveals that children are receiving more unwanted and unsolicited sexual images via the Internet than ever before. The report states that more boys than girls receive unwanted exposure and most of this exposure involves teenage children between the ages of fourteen and seventeen. This invasive marketing technique is aimed at increasing the demand for sexual content among youth. This group already has been shown to possess tremendous buying power today, and is being groomed to produce the buyers of tomorrow (Smith Heavy Vardaman, 2010). Intensive marketing and the increasing normalisation of the sex trade in society encourage consumers and buyers, from an early age, to glorify the sex trade, dehumanise exploited women and children (especially when they are foreigners), and even to express their aggressivity towards victims through violent video games and extreme pornography and CSAM. Despite awareness of the prevalence of online child sexual exploitation, it remains impossible to fully identify patterns of predatory sexual activity against children. Throughout the process, offenders remain anonymous. As a result, they rarely get arrested and punished for their crimes (Ali, Haykal & Youssef, 2023).

2.1.2. Low risk and high profitability

The utility of analysing human trafficking as a market system is based on the assumption that traffickers primarily and most importantly engage in trafficking because it generates huge profits. Since the late 2000's, the illegal sex trade industry has overtaken the gun trade to become

the world's second largest black market (after drugs). The sex sector is estimated to account for anywhere from two to fourteen per cent of gross domestic product (GDP) (Lean, 1998). According to Aronowitz and Koning (2014), perpetrators tend to purchase sex in cities and countries where commercial sex is cheaper. As a result, developing countries are particularly vulnerable because they have made tourism one of their chief sources of revenue (Trinidad, 2005). The case of Southeast Asia is a prime example of this situation insofar as the region is globally renowned as a travel hub for prostitution. Lean (1998) explains that, in recent decades, prostitution in Southeast Asia has grown so rapidly that the sex business has assumed the dimensions of a commercial sector, one that contributes substantially to employment and national income in the region. Indeed, sex work yields significantly higher earnings than other forms of unskilled labour. Consequently, although prostitution is banned in the Philippines, it has become a multi-million dollar illegal industry and is the country's third-largest economic activity. The author also points out the correlation between the growth of the sex industry in the Philippines and the country's corrupted environment. Government authorities receive substantial indirect revenues from the sex industry: illegally, through bribes and corruption, but also legally, through licensing fees and taxes on the many hotels, bars, restaurants and gambling dens that flourish in the wake of prostitution. Perpetrators of child sexual abuse and exploitation engage in any scheme necessary, individually or in groups, to accomplish their exploitative goals. It therefore comes as no surprise that with the advent of Internet and digital technologies, part of the industry has been digitised – in other words, a form of virtual human trafficking. In the Philippines, where many are impoverished and nearly half of the population is connected to the Internet, numerous individuals in poor communities reportedly earn income from this type of activity. Financial transactions associated with online sexual exploitation usually involve sending relatively small amounts of money by traditional payment methods. Newer payment methods, such as cryptocurrencies, are not much utilised (Drejer et al., 2024). According to INTERPOL, a woman can generate between \$75,000 and \$250,000 a year from her sexual exploitation. For children, the figure is even higher, particularly because their virginity can be sold at a high rate (Cotter, 2009).

In addition, this criminal enterprise can be conducted at low financial cost, simply using an Internet connection and a webcam on a mobile device or computer. The invention of the personal computer revolutionised the cybersex industry, whereby enabling the production and distribution of child sexual content in a variety of formats – such as photographs, videos, audio files, livestreaming – in the privacy of the home, at low cost and with minimal risk of discovery by informers or public authorities (Aronowitz & Koning, 2014). Connections to prospective clients are made easily. The

apparent anonymity that users feel when communicating through a personal computer and the relatively small number of convictions globally help explain the relatively high levels of network traffic in OCSE (Doyle, 1999; Ali, Haykal & Youssef, 2023). For intermediaries, trafficking is a business aimed at increasing profits while reducing costs and risks. They capitalise on pervasive stereotypes about impoverished women and children from nations disadvantaged by global economic inequality (Brocato, 2004). Intermediaries do not necessarily have sexual relations with child victims, but they do participate in their exploitation. These people ignore the harmful consequences suffered by children and perpetuate the view that children are economic commodities (Doyle, 1999). They benefit from a vast, well-organised and highly profitable market, recruiting and supplying children to meet demand. The economic and social forces driving the sex industry show no signs of slowing down, particularly in light of rising unemployment in the region (Lean, 1998). The sexual exploitation of children is a criminal activity seen as harmless and economically beneficial. Ultimately, the combination of low financial cost, high profitability, and low risk nature has contributed to the rapid growth of online child sexual exploitation.

The market for child sex trafficking exists on the basis of three interrelated factors: the (seemingly) endless supply of children *available* for exploitation in the countries of origins, the unending and growing demand for the services they provide in the countries of destination, and finally the organised criminal networks that leverage this supply-demand situation to traffic and exploit children in order to generate enormous profits (Aronowitz & Koning, 2014). The stark reality is that the sex sector is a big business that is well entrenched in national economies and the international economy, with highly organised structures and linkages to other types of legitimate economic activity (Lean, 1998). As technology advances globally, each country faces the challenge of combating the sex trafficking markets that technology so readily enables (Smith & Heavy Vardaman, 2010). While it is true that child sexual exploitation does not exist without perpetrators and traffickers, there are other factors that appear to increase children's propensity to be entangled in the web of sexual abuse and exploitation. To better protect children, it is essential to consider the broader picture, going beyond the immediate situation and building a better understanding of the underlying and interdependent factors that contribute to children's vulnerability (Trinidad, 2005).

2.2. The Internet, a vector for the sexual exploitation of children

2.2.1. Internet penetration in Southeast Asia

According to the United Nations, more than one-third of the world population is now online. The increasing availability of Internet connectivity and platforms, particularly in countries and communities with fewer socio-economic resources, has contributed to the increasing volume and prevalence of online child sexual exploitation. The intention of this paper is not to claim that technology is at the root of online child sexual exploitation. However, it is no less true that the advent of the Internet has enabled and facilitated the sexual exploitation of children on a greater scale than ever before. Today, offenders are making the most of the Internet's affordance for their criminal activities (Pearce, 2019). The online availability of child sexual abuse material and easy access to vulnerable children are major concerns attributed to digital technology (Ali, Haykal & Youssef, 2023). In developing countries, such as the Philippines, where there are few opportunities to earn the necessary income, the attraction of commercial sex work and its promise of high wages is strong (Mahler, 1997). Rapid developments in information communication technology and increased global Internet penetration are providing increased situational opportunities for technology-facilitated child sexual exploitation and abuse (United Nations Children's Fund, 2021). Internet subscription fees are lowering, contributing to growing Internet usage rates, and connection speeds are increasing, enabling larger data transfers between users. The World Bank reports that South Asia is a booming digital economy, with 43% of the population using the Internet as of 2021 (up to 53% in the Philippines) (see Figure 5). According to the International Fund for Agricultural Development, seventy percent of the world's poorest people live in rural areas. As rural populations gain more and more access to the Internet, and as desperate and poor rural populations continue to be exposed to the global demand for child sexual exploitation, they will behold the opportunity to earn more money through OCSE than they would otherwise earn in other forms of labour (Terre des Hommes Netherlands, 2014).

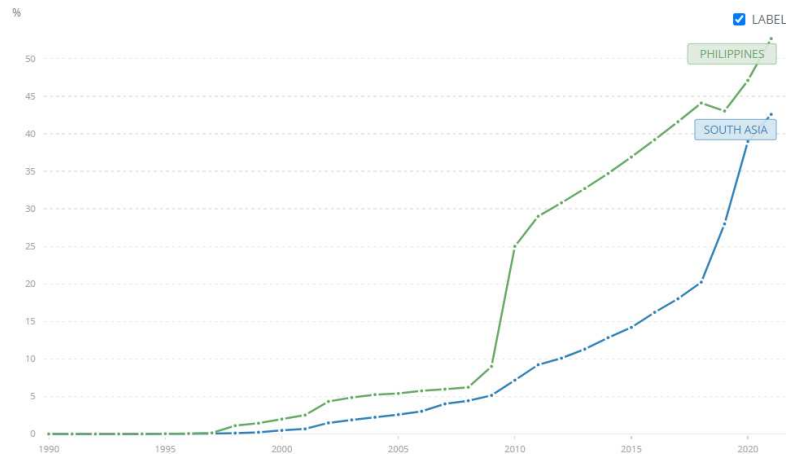


Figure 5: Graphic of Internet users (% of population) in South Asia and the Philippines¹⁷

The Internet is one of the most influential and society-altering inventions of the modern era (Elshenraki, 2020). It reaches a large global audience faster and more cheaply than any other medium, thereby serving as a global interconnection site (Altayyar, 2023; Pehar, 2003). On the one hand, increasing rates of Internet access are generally seen as a benefit for development, particularly as a means of widening access to commercial and educational opportunities for individuals and communities. On the other hand, however, increased Internet penetration and technological advances have multiplied the number of opportunities available to predators seeking to sexually abuse and exploit children, discreetly, anonymously, easily and cheaply (Terre des Hommes Netherlands, 2014). Therefore, the Internet creates a market where there is an insatiable demand for sexualised women and children, while simultaneously acting as an interface between supply and demand (Pehar, 2003). As such, the Internet facilitates access to vulnerable children and increases the number of cases of child sexual abuse and exploitation (Ali, Haykal, & Youssef, 2023). Consequently, online threats to children have grown and diversified with the increasing expansion and availability of the Internet, digital devices and communication platforms. For instance, a recent study estimated that, on average, one in five Filipino children has already been contacted on the Internet for sexual content (ARTE, 2023). Law enforcement operations and improvements in technological solutions have further changed the conduct of criminal activities involving children, including perpetrators and facilitators of online child sexual exploitation, forcing them to change their behaviour to increase their anonymity online. As such, many offenders have gradually moved from the surface web to the dark web (EUROPOL, 2020).

¹⁷ Data provided by the World Bank. At: <https://data.worldbank.org/indicator/IT.NET.USER.ZS?end=2021&locations=8S-PH&start=1990&view=chart>

2.2.2. The darknet

Law enforcement operations and improvements in technological solutions have further altered the conduct of criminal activities involving children, including perpetrators and facilitators of online child sexual exploitation, forcing them to modify their behaviour to increase their anonymity online. Consequently, many offenders have gradually moved from the surface web to the darknet (EUROPOL, 2020). What is the darknet? Gannon et al. (2023) delve into the subject of the darknet, a major aspect of cyberspace as regards to the child sex industry, in particular with respect to CSAM. Often considered a very high-tech and secluded place, accessible only to hackers and law enforcement experts, it is actually a lot simpler and open than most people tend to believe. The darknet (or darkweb) is an encrypted portion of the Internet that is not visible to the general public via a traditional search engine (such as Google) and requires the use of a specialised browser, called *TOR*, to be accessed. Historically, to protect military personnel, as well as journalists and representatives of political and religious minorities living under autocratic regimes, the US Navy developed the first prototypes of *The Onion Router* (TOR) in the 1990's to guarantee anonymous online interactions. TOR encrypts the online traffic, by re-routing the IP address of the user through randomly chosen servers making it nearly impossible to trace it back to its original address. In 2002, TOR became publicly available, providing a network of thousands of servers that can be used to obscure the identity of its users. The launch of its browser version in 2008, which can be downloaded on computers and smartphones, has made it easily accessible to the public at large. By its very nature, encrypted and anonymous, the darknet is the preferred playground for criminal activities. While the darknet was initially created to protect freedom of expression, particularly in areas of political conflict, law enforcement agencies are now confronted with online communities of unprecedented size and reach in which offending is facilitated through dedicated websites geared to the exchange of illegal goods. According to Gannon et al. (2023), the anonymity of TOR provides a safe haven for a wide range of criminal markets, where users sell and buy illicit products and services, such as weapons, drugs, pirated credit cards, human organ donors, child sexual abuse material, etc. As of 2022, the world wide web has 5.07 billion users per day. While the number of daily users on the darknet is estimated to account for only 0.04% of the total number of daily Internet users, this still amounts to around 2.5 million users per day. Tens of thousands of darknet forums serve the criminal needs of millions of users each day and hundreds of these darknet forums are especially dedicated to the exchange of child sexual abuse material. However, it has been argued, in particular by technology companies, that the darknet's prevalence rates for CSAM websites are similar to the prevalence volume of CSAM sites on the clearnet. But for the authors,

that is simply not true: CSAM websites are far more widespread and prominent on the darknet than on the surface web. The authors report that a study conducted in 2015 revealed that many popular sites on the darknet actively promote communities of users with a sexual interest in child abuse and exploitation (although the total number of active CSAM forum users is unknown).

The darknet reduces the worry of being exposed. It offers a new way of linking supply and demand on an unprecedented global scale. The growing availability of smartphones with ever better cameras also blurred the distinction between consumers and producers, further increasing the amount of CSAM circulating on the Internet. There is a misconception that CSAM forums are run by highly technical people, where in fact, most darknet CSAM sites do not have a high security technology. Security is afforded by the fact that the site is hidden from index search engines, the hosting location of the site is not easily identifiable, and the website address is rapidly modified to prevent law enforcement authorities from becoming aware of its existence. EUROPOL still identifies the darknet as a criminal threat. The anonymity provided by the darknet challenges law enforcement authorities in identifying both victims and perpetrators. Moreover, CSAM communities continuously monitor the actions and prosecutions that are taken by law enforcement authorities, especially when it comes to identifying darknet user. Users regularly publish information and safety manuals aimed at avoiding detection by law enforcement authorities. Some users are also attentive to law enforcement operations and regularly publish news articles or even summary reports of the techniques used by law enforcement in high-profile operations, resulting in updated security advice from forum administrators (see Figure 6) (EUROPOL. 2020; Gannon et al., 2023). This provides a prime example of how the Internet, as a means of communication, facilitates the networking of sexual predators who encourage and support each other in perpetuating sexual exploitation (Pehar, 2003).

I also find it alarming that this appears to be a case where showing the child's face is what lead to the conviction, unless I'm misunderstanding the story or something got lost in translation. They say that it happened at the same time they decided the girl lived in [REDACTED] so I don't know if that means they narrowed it down to the city and then checked social media photos, or if they identified her photo and also identified her location independently.

I have repeatedly told people that it's OK to show the child's face because you NEVER hear of that being the factor that gets people caught. Producer shows a face – they're done. Show something that gives away your location? Done. But never based on just the girl's face.

Figure 6: Excerpt from a darknet CSAM forum, discussing law enforcement agencies' investigative techniques¹⁸

18 Gannon, C. et al. (2023). Child sexual abuse material on the darknet. *Forensische Psychiatrie, Psychologie, Kriminologie*, 17(4): 361.

2.3. Socio-economic factors as explanations of exploitation

Sexual violence knows no boundaries. Sexual violence occurs everywhere – in every country and across all segments of society. While it is true that all children may one day fall victim to sexual exploitation, there are certain factors that increase their vulnerability (Gauvreau & Batard, 2008). Child sexual exploitation does not happen in an isolated bubble, unaffected by the wider socio-economic context. Most forms of interpersonal violence disproportionality affect groups in population who are disadvantaged as a result of interacting structural inequalities. The root causes in exploitative practices appear to be embedded within the broader socio-economic and cultural issues facing the developing world, where the problem is most widespread and the greatest number of young people are affected. Considering the broader context in which online child sexual exploitation exists is useful for understanding why children are at risk and how best to target prevention activities (Mahler, 1997; United Nations Children’s Fund, 2020). The literature on OCSE in Southeast Asia catalogues a host of economic, social and cultural factors believed to underlie the phenomenon, focusing specifically on four factors: (i) widespread poverty, (ii) unemployment, (iii) public tolerance, and (iv) a long history of sex tourism. The following sections explore how the factors of poverty, education and cultural norms in the Philippines directly affect the growth of OCSE in the country. The Philippines was selected as focus because it represents the most blatant and well-documented case of this assessment, while also illustrating the general situation in the Southeast Asian region.

2.3.1. Poverty

‘I wanted it but equally, not at all. I regret it. I only did it for the money.’¹⁹

Poverty and economic disparity appear to be associated with exploitative conditions (Mahler, 1997). The sexual exploitation of children has reached alarming levels in developing countries, severely affecting Southeast Asia, Africa, Eastern Europe and Latin America (Annan, 2001). Child sexual exploitation, both online and offline, flourishes mainly in impoverished regions of developing countries with weak child protection policies and lax law enforcement. Poverty is a persistent developmental problem facing the Philippine where 22,4% of the population (that is 25.24 million Filipinos) was reported to be living below the poverty threshold during the first half

¹⁹ Excerpt from a child victim’s testimony – ARTE. (2023). Child rape online. *ARTE*, 10th March. At: <https://www.arte.tv/en/videos/112457-000-A/arte-reportage/>

of 2023 (Philippine Statistics Authority, 2023). High levels of poverty in the Philippines are attributable to an inflated national debt, rampant corruption and government waste, compounded by the galloping population growth that aggravates the country's current financial situation. In addition, jobs and opportunities are scarce, and if jobs are available at all, they usually pay measly salaries (Trinidad, 2005). In poverty-stricken environments, poor families will do anything to obtain money. The highly impoverished status of Southeast Asian countries remains the primary reason for the growing number of child victims of sexual exploitation in these countries. Poverty may drive some parents to peddle their own children in exchange of compensation, financial or material. With the perpetrators giving them money, these families get a taste of a better life, with relatively easy money (for the parents, and obviously not for the child victim of the exploitation). For example, families usually get between ten and one hundred dollars per live show, which represents a substantial amount in a country where around sixty percent of the population earns only two dollars a day (Duerr, 2016). Parents may rationalise the abuse and exploitation of their children as a small price to pay for the cash they receive, which allows them to survive on a daily basis. Moreover, children in these environments are often expected to contribute to the family's income (Drejer et al., 2024). As is evident from the ARTE documentary (2023), however, when looking at the house that was built with the money earned from the sexual exploitation of the family's children, this is not just a matter of survival – or perhaps it was in the beginning – but eventually became a means of earning a (good) living and enriching with the money coming in from the sexual exploitation of their children. With easy money like this, it is not a question of survival but of insatiability. Indeed, according to Caleb Carroll, a former US police detective acting as advisor to the taskforce fighting child sex abuse in the Philippines, '[...] We need to be really careful when we say that poverty drives people to do this, because I don't think that's fair to the people of the Philippines. And I don't think that's fair to the millions of parents and family members in abject poverty around the world that would do everything other than harm their children'²⁰. Perpetrators and intermediaries (who may be relatives) exploit the vulnerabilities and the age of child victims, treating them as commodities or sexual objects (Uitts, 2022). While children living in low-income regions of the world, in conditions of insecurity, armed conflict, separated from their families, migrating, or displaced by humanitarian emergency are particularly vulnerable, it is important to note that all children are at risk of sexual abuse and exploitation (United Nations Children's Fund, 2020). Because the sexual exploitation of children is often portrayed as a phenomenon that predominantly affects poor countries, this crime is largely ignored in Western countries. Yet, it is these countries

20 March, S. (2023). Inside the global task force fighting child sex abuse in the Philippines. *ABC News*, 2nd March. At: https://www.youtube.com/watch?v=sYXgHV_SNeY&t=4s

that are the source of a large proportion of its perpetrators (McCoy, 2002). As such, every country appears as a possible country of origin, transit and destination for the sexual exploitation of children for commercial purposes (Gauvreau & Batard, 2008). The international community is in consensus that women's inequality facilitates poverty. States are responsible for rectifying the human rights violations underlying women's economic inequality and preventing exploitation of their increased vulnerability (Brocato, 2004).

2.3.2. Education

*'Education is a human right with immense power to transform. On its foundation rest the cornerstones of freedom, democracy and sustainable human development.'*²¹

Poverty has long been a pervasive and intractable problem in the Philippines, and education remains one of its main victims. Poverty can be cyclical. The cycle of poverty is created when families lack the resources to meet their basic needs. Consequently, education becomes an unaffordable luxury for many families. The high levels of educational poverty in the Philippines reflects the country's level of development. The lack of access to education, healthcare, and job opportunities are all factors perpetuating the inability to improve financial situations. Education and healthy growth of children are crucial both for future economic progress and to break the intergenerational cycle of poverty (Annan, 2001). Many studies have shown that vulnerability to child sexual exploitation increases if a child belongs to a disadvantaged socio-economic milieu and has a low level of education (Ali, Haykal & Youssef, 2023). Indeed, most child victims of commercial sexual exploitation are out of school (Mahler, 1997). At the same time, it also involved education about sex, sexuality, and sexual violence. Being a Catholic and conservative society, these topics are considered taboo in the Philippines. However, if sexuality were discussed more frequently and more freely, children would not see it as a sin, and they would not be so easily deceived. One of the most effective ways to prevent children from becoming exploited over the Internet is education. For young people, ignorance of the strategies used by perpetrators and intermediaries to manipulate and deceive them gives them an advantage. It is important to talk about cybercrime and sexual violence, in order to raise awareness – among children, parents, teachers, social workers, law enforcement authorities, judicial officials, government personnel, and Internet users in general – about child rights and the illegality and harmful impact of OCSE, and to help victims of crime (or potential witnesses) realise what is happening to them (Doyle, 1999; Lean,

21 Kofi Annan. (1999). In the foreword to State of the World's Children. *UNICEF Report*.

1998). The prevention efforts must target both the supply and demand sides of online child sexual exploitation (Mahler, 1997). To date, however, there are only limited formal, national education programmes. Most countries have some form of ad hoc awareness raising programmes on online child sexual abuse and exploitation in place, but these programs are limited in scope to only children and educators, often overlooking parents/guardians or the social service workforce, all of whom are critical in identifying and tackling OCSE. This is a significant challenge, especially as the lack of awareness on the subject is a substantial contributing cause to low reporting and prosecution of online child sexual exploitation and abuse-related offences. Fear of victim-blaming and widespread misconceptions about online child sexual exploitation are contributing to the reluctance of children and young people to report sexual abuse (United Nations Children's Fund, 2021).

2.3.3. Cultural traditions and social norms

The vulnerability of girls who are living in poverty is further heightened through cultural traditions and social norms that perpetuate stereotypic attitudes and discrimination toward women and girls (Rafferty, 2007). The origins of child sexual exploitation in Southeast Asia date back to the 1970's, during the Vietnam War, when American soldiers from war-torn Vietnam travelled to various countries in the region, including the Philippines, for rest and recreation (Trinidad, 2005). The presence of military troops and the accompanying ideology that soldiers need to have their sexual needs met, has contributed to the advancement of the sex trade industry in the Philippines, starting a tradition of sexual exploitation that continues today (Mahler, 1997). Moreover, the historical acceptance and trust given to foreigners, not only as tourists but also as intimate partners, is part of a unique set of converging risk factors that has led to the rampant sexual exploitation of children in Southeast Asia (Roche et al., 2023). There are several cultural ideas in the Philippines that contribute to the increased risk of sexual violence for girls. The devaluation of girls and women and their low social status, the limits imposed on their access to education and financial assets, their lack of power and influence in personal decision-making, have been repeatedly linked to the development of a climate that encourages and supports their sexual abuse and exploitation. In Southeast Asian culture, family norms dictate that daughters take substantial responsibility for their family's economic well-being, even in their childhood (Mahler, 1997). Children are deemed parental property, thereby contributing to the belief that it is normal for children to be objects of sexual desire, that it is normal to see children on sexual imagery, and that parents have the right to dispose of their children as they please because they gave them life and are their guardians (Trinidad, 2005). Issues of sexism and adherence to traditional gender normative behaviours have provided a basis for

much discourse on the subordinate role women and girls play in cyberspace (Pehar, 2003). In the overwhelmingly conservative and Catholic context of the country, it is very difficult to pass the slightest measure to protect the rights of children and women in the Philippines. It is even harder to talk about it. This presents a distressing paradox, given the extent to which the country is affected by this phenomenon (ARTE, 2023). Patriarchal structures that maintain prescriptive ideologies are all obstacles to the development and well-being of women and girls worldwide. Grossly unequal gender relations deny women and girls their rights, and directly undermine the growth and development prospects of children (Annan, 2001). For effective prevention and response strategies, it is important to take into account the gendered differences in the situational, organisational and relationship risks of sexual abuse and exploitation for children, online and offline alike (United Nations Children's Fund, 2020).

There are a number of complex, and often overlapping, factors that increase children's vulnerability to sexual exploitation, such as poverty, marginalisation, family dysfunction, low levels of schooling, and so on (Roche et al., 2023). These factors, when added to belonging to a category that is already subject to discrimination, such as girls, immigrant or indigenous children, increase the risk of becoming a victim of (online) sexual exploitation. Because of their age, degree of maturity and dependence, children are particularly exposed to sexual exploitation and therefore require special care. It is important to emphasise that events such as natural disasters, wars, massive population movements and, more recently, health crises are often synonymous with an increased risk of sexual exploitation of children (Gauvreau & Batard, 2008). It should be highlighted that no differentiation has been made between child sexual exploitation and online child sexual exploitation because, in the light of the factors described, the boundary between the physical and digital worlds, and between the online and offline vulnerabilities, is blurred. There are two tempos to the sexual exploitation of children, both of which must be balanced at the same time. While technology-facilitated child sexual exploitation poses crucial new challenges, it is not necessarily a distinct form of CSE. Indeed, online interaction is now so ubiquitous that it is likely to appear in some form in almost every case of child sexual exploitation. Furthermore, the children most vulnerable to online violence share common vulnerability factors with those who are vulnerable offline. There is much to be gained by considering online sexual exploitation within its broader offline contexts, as this is not a new behaviour arising solely due to the digital age (United Nations Children's Fund, 2020). In order to protect children better, the next generation response must place greater emphasis on preventing the abuse and exploitation from occurring in the first place, and look more towards addressing underlying vulnerabilities (Johnson, 2014).

2.4. Consequences of sexual exploitation for children

*'Rescue operations are often stressful for survivors, especially for very young survivors, who may not understand right away why they are being separated from their parents or family members. But we've also seen that some survivors are grateful, are relieved.'*²²

The commercial sexual exploitation of children has severe social (abandonment, family separation, school drop-out, stigmatisation, etc.), psychological (post-traumatic stress, loss of self-confidence, etc.) and physical consequences (sexually transmitted infections, pregnancies, etc.) for the children who are victims (Gauvreau & Batard, 2008). Sexual violence pose long-term harmful effects for all the child victims, which may vary in the extent or the degree of these effects (Trinidad, 2005).

2.4.1. The culture of silence

How big is the problem of child sexual exploitation globally ? In many parts of the world, child sexual abuse is still a taboo, hidden and stigmatising topic. Most of the children impacted by online sexual exploitation are truly *hidden victims*. According to data collected by the United Nations Children's Fund (2022), a staggering one hundred and twenty million girls worldwide were subjected to forced sexual acts during childhood. However, there is no doubt that the real ratio is much higher. The primary reason for this underestimation is that many child victims of sexual violence (including millions of boys) never tell anyone. This situation has been referred to by Roche, S. et al. (2023) as the *culture of silence*, to amplify the secrecy and fear of reporting that characterises the phenomenon of child sexual exploitation. There are several socio-cultural reasons behind unreported sexual abuse: confusion, shame, guilt, social stigma, lack of confidence in the judicial system, and fear of the consequences of telling anybody about the abuse can be considerable barriers to disclosure and help seeking (United Nations Children's Fund, 2020). Fear of reporting is particularly acute among boy victims, who tend to be more reluctant to report abuse for fear of having their sexual orientation questioned (United Nations Children's Fund, 2021). When sexual exploitation occurs within the family circle, children are even less inclined to reveal it, as they fear legal consequences for family members (Drejer et al., 2024). In most cases, family members justify facilitating the sexual exploitation of their children by claiming that it is not

²² Testimony of a social worker – March, S. (2023). Inside the global task force fighting child sex abuse in the Philippines. *ABC News*, 2nd March. At: https://www.youtube.com/watch?v=sYXgHV_SNeY&t=4s

harmful to them, especially when there is no direct physical contact with the child. However, all forms of child sexual abuse and exploitation have a profound and lasting negative impact on the child. Even when no parent is involved in the actual abuse, parents are often aware of it because they are benefiting financially from the crimes, and are therefore participating in the exploitation of the child (Trinidad, 2005). As noted by the United Nations Children's Fund (2020), because of this type of family involvement, the child is not necessarily physically forced to participate, but simply obeys the parent or is manipulated into participating. For a variety of reasons, including the emotional manipulation often involved in an abusive environment, a child victim may not even recognise its experiences as sexually exploitative. Experiences of victimisation and their consequences vary over the life course of child victims. According to Pearce (2019), younger children are most likely to be sexually abused by a family member, while older children and adolescents spend more time outside the home environment and are likely to be exposed to a greater number of perpetrators (in addition to risks within the family). Incidentally, self-reported rates of sexual victimisation increase with age, with higher reporting rates among adolescents. As noted by the author, the Internet is perceived by many online sex offenders as a place where usual moral does not apply. The online factor creates an invisible distance barrier between the actor and his actions. Moreover, the availability of child sexual abuse material in the mainstream may desensitise people to the phenomenon and makes them believe that CSAM is normal. Of grave concern is the possibility that people may become blind to the negative effects that online child sexual exploitation has on its victims (Trinidad, 2005). The harmful psychological, developmental and physical consequences of online child sexual exploitation are widely misunderstood and highly underestimated.

2.4.2. Physical and psychological harm

Sexual violence against children happens everywhere, across all social groups, and with the most violent acts carried out by people that children know or should be able to trust. Evidence shows that child sexual abuse and exploitation are associated with a range of negative outcomes that are both severe and enduring for a victim. The traumatic effects on victims may be worsened by the involvement of family members (Drejer et al., 2024).

a) Physical damages

According to Mahler (1997), many of the physical effects of sexual abuse on children are self-evident. Children's bodies are not yet developed to the point where they are prepared for sexual activity, which results in tearing, bleeding, permanent damage to sexual organs, and intense pain. A study carried out in 1997 by the Philippines government in collaboration with UNICEF revealed that some children involved in the sex trade have up to nine clients a day, working an average of seven hours a day, six days a week (Ward & Roby, 2004). Sexual abuse can lead to lasting conditions, such as sexually transmitted diseases and irritable bowel syndrome (Mahler, 1997; United Nations Children's Fund, 2020). Additionally, for girls, who represent the majority of child victims, there is always a risk of pregnancy. Indeed, they have little influence regarding condom use by their abusers. Besides, in the predominantly Catholic Philippines, birth control methods and condoms are very difficult to obtain. Abortion is illegal in the Philippines, with no explicit exception for high-risk pregnancies, fetal impairment, rape, and incest. The dangers associated with illegal and unsafe abortions are continual concerns for young victims (Mahler, 1997). Additionally, child victims exhibit self-destructive behaviour, including alcohol and drug addiction. Sexualised behaviour is a frequent occurrence among children who have been sexually exploited as part of human trafficking (United Nations Children's Fund, 2020).

b) Psychological impact

Psychological impacts of sexual exploitation are harder to measure, but no less painful for the child. Child victims of sexual abuse and exploitation are susceptible to a number of psychological effects, such as severe depression, low self-esteem, post-traumatic stress disorder, and attempted suicide (Flowers, 2001). The trauma caused by online sexual exploitation is compounded by the child victim's knowledge that material relating to the abuse suffered will remain on the Internet in perpetuity. Child sexual abuse material cannot be regarded as a lesser problem compared to other forms of CSE under the pretext that it is "only a visual representation" (Trinidad, 2005). A culture of tolerance surrounds the marketplace of online child sexual exploitation. Many parents involved in the production of CSAM and LSCSA trivialise cybersex and argue that posturing in front of a camera cannot be equated with real sexual activity as it does not involve physical contact. However, the psychological impact of cyber abuse is just as damaging as in cases of physical abuse. Abuse is abuse, whether or not committed through a screen (Duerr, 2016). Furthermore, child sexual imagery attest to the sexual abuse of a child offline, most often

perpetrated by someone within the child's circle of trust (United Nations Children's Fund, 2020). Children in all cases of sexual abuse and exploitation have encountered coercion, deception, or manipulation by an adult into engaging in sexual acts and permitting its documentation (Trinidad, 2005). Below is an excerpt from the testimony of a child victim in the Philippines that shows the extent of child manipulation:

*'I was the most popular [among the family's children]. Because I'm a girl. That's why I only got one day to rest. As soon as I'd sit down on the sofa, they'd call for me. They'd always say it wouldn't take long. They blackmailed me. If I didn't obey them, they'd send me out into the street naked.'*²³

In general, children are highly influenced and suggestible by their parents, especially so in a patriarchal society such as the Philippines. Children exploited in family-run LSCSA operations internalise more deeply the idea that it is acceptable, even necessary, to engage in sexual acts for money. Repeatedly told by their parents that this behaviour was harmless, such ideas were more deeply ingrained in the minds of these children than in those of children exploited in non-family operations. In addition to this, LSCSA operations are becoming increasingly common in many communities, so much so that OCSE is trivialised. Parents who exploit their children through LSCSA often appeal to the child's sense of duty to help the family. As a result, children exploited through family-run LSCSA operations are unaware that they are being victimised (Terre des Hommes Netherlands, 2014). The moment of rescue is often deeply traumatic for children. Rescue operations are stressful for survivors, especially when they are very young (March, 2023). Children who have been rescued from situations in which they were exploited in family-run operations often feel very disorientated because of the contradictory ideas they have about their parents. On the one hand, these children see their parents as people they can trust, the people they depend on most to keep them safe. On the other hand, they learn that their parents are guilty of abusing them, manipulating them and exploiting them to make money. These contradictory concepts are very difficult for children to negotiate rationally and emotionally (Terre des Hommes Netherlands, 2014). Following is the example of child abuse in the Philippines, with an excerpt from the testimony of a child victim:

23 ARTE. (2023). Child rape online. ARTE, 10th March. At: <https://www.arte.tv/en/videos/112457-000-A/arte-reportage/>

*'When I went to sleep, they'd often call for me again. Sometimes I would break down over the constant calling. They'd always say: "It won't take long and has to be done". To repair the roof, they'd say.'*²⁴

One person can put a photograph / video / audio file on the Internet that can be downloaded by any number of users repeatedly (Doyle, 1999). The biggest challenge in the fight against OCSE is the online distribution of CSAM. Once uploaded on the Internet, images are irretrievable. Even with colossal resources and the best of intentions, public authorities can never completely erase CSAM. And while on the surface it might appear that everything has been deleted, it is impossible to know how many times content has been downloaded and subsequently re-shared (or will be in the future) (Elshenraki, 2020). The child victims must live with this reality: once online, imagery exists outside the subject's control for the rest of its life (Drejer et al., 2024). This is an endless cycle of abuse, exploitation (especially as the material can continue to generate money), and victimisation. The cycle of abuse, exploitation, and victimisation goes on each time the material is perused by consumers. Each repeated viewing and/or sharing of such recorded material constitutes a new violation of the child's rights (United Nations Children's Fund, 2021). This has the potential to haunt the individual even through adult life. As such, child sexual abuse material stands as a permanent testament of their experience. There will always be the paranoia of their acts being discovered later on by loved ones or friends (Trinidad, 2005). Consequently, the victims' actions are often more visible than those of the perpetrators (Pearce, 2019). Difficulties in obtaining the cooperation of family members and others who facilitate the crime is a widespread challenge in these cases, as is the lack of specialised trauma-informed care and services for the child victims, especially boys. Victims should have access to psychotherapy with qualified counsellors to deal with the trauma they have suffered (Mahler, 1997). Children involved in online sexual exploitation suffer from high levels of emotional, physical, and psychosocial distress manifested in traumatic sexualisation, a sense of betrayal, social stigmatisation, and a sense of powerlessness. The perception of the value of the sexual behaviour that the children have been forced or coerced to adopt is reinforced by the positive comments of the adults running the operation and by the money that the children receive for their performance. The result is a distorted view of sexuality for these children, where sex and money become intertwined concepts (Terre des Hommes Netherlands, 2014).

24 ARTE. (2023). Child rape online. ARTE, 10th March. At: <https://www.arte.tv/en/videos/112457-000-A/arte-reportage/>

The global data on children's experiences of sexual violence has improved in recent years and several robust studies now exist using similar definitions and measures, all showing the widespread nature of physical, emotional and sexual violence in childhood. As such, in 2013, Terre des Hommes Netherlands published a report on the psychosocial consequences of *webcam child sex tourism* in the Philippines. To determine the psychosocial consequences of WCST, forty-four children (living in the province of Cebu) were interviewed about their lives, their experiences, their feelings and thoughts concerning their activities, and about the psychosocial difficulties they encounter. These interviews provided insight into the psychological effects of WCST. Among the children interviewed, all reported feeling dirty, ashamed and embarrassed, both during and after webcam sex shows. Many of the children declared being extremely afraid of both being arrested and having their images published on the Internet forever. After their initial experience, all of the children reported that webcam sex became emotionally easier, as they developed coping mechanisms that allowed them to escape most of the negative feelings they experienced when engaging in webcam sex shows. In addition, most children rationalised their behaviour by focusing on the money they received for the shows and on the benefits this money brought them. The research found that children involved in WCST suffer from high levels of psychosocial distress manifested in traumatic sexualisation, a sense of betrayal, social stigmatisation, and a sense of powerlessness. Such research contributes considerably to the understanding of the psychological damage that online sexual exploitation has on child victims, which is profound and permanent. These initiatives represent a major step forward in gaining knowledge on the subject. It is necessary to gain a better understanding of the issue and assess which tools are needed so that this abuse can be stopped or, in the best case, restricted from happening at all (Terre des Hommes Netherlands, 2013).

Chapter III. International action and cooperation on children's rights. Insights into the contribution of Southeast Asia and the Philippines to the global fight against online child sexual exploitation

*'[...] Shameful abuses of child rights, so long a dirty secret, must not be allowed to continue. It is up to all of us-including governments, law enforcement, international organisations and all levels of civil society-to see to it that the elimination of sexual exploitation and abuse is accorded the same sustained priority, with national actions to match. The world's children are entitled to no less.'*²⁵ – Carol Bellamy, UNICEF Executive Director

Historically, adults who have injured, abused, killed, trafficked and/or exploited children for profit or reward have rarely been held accountable. Developments in recent years, at both national and international level, offer hope that this contempt will cease, for they demonstrate the powerful role of independent and impartial judicial systems in the protection of human rights (Annan, 2001). Online child sexual exploitation is a complex phenomenon, which requires multiple, long-term and co-ordinated strategies underpinned by budgetary commitment to address its various dimensions. Efforts to combat the sexual exploitation of children online can be divided into four broad categories: (i) prevention, (ii) protection, (iii) prosecution, and (iv) recovery and reintegration – that is to say, prevention for victims and aggressors (such as prevention work on vulnerability reduction), protection for victims, prosecution of perpetrators, and recovery for victims. These strategies include, the law and its enforcement, the national and international cooperation of governments and law enforcement agencies, Internet regulation, the responsible involvement of governmental agencies concerned with the delivery of social, educational and health services. Every level of government and all societal institutional pillars must understand the selling of children's bodies as an affront to their fundamental human rights (Pehar, 2003). According to Açar (2017a), there are four layers in the complex structure of the global fight against OCSE: (i) governments and inter-governmental agencies, (ii) police and judicial bodies, (iii) non-governmental organisations, and (iv) the private sector. The appropriate child protection framework depends on establishing a cross-disciplinary, multi-stakeholder approach that would be effective in increasing awareness, limiting access, reducing content, and offering support to victims (Trinidad, 2005). For instance, in the Philippines, law enforcement resources dedicated to investigating this type of abuse and exploitation are woefully inadequate. While recognising the serious and insidious nature of these

25 Ward, M. & Roby, J. L. (2004). Commercial sexual exploitation of children in the Philippines. *Asia Pacific Journal of Social Work and Development*, 14(2): 27.

offences, national law enforcement units and international organisations are struggling to address the causes and find effective solutions to the problem (McCoy, 2002). Despite campaigns and other efforts, there remains limited awareness of the magnitude and devastating impact of online child sexual abuse and exploitation. This is resulting in a low sense of urgency and limited political will to put in place concerted and proactive efforts to tackle child sexual abuse and exploitation, manifested, for example, in the apparently weak status of some governance mechanisms and policies, such as exemplified in the Philippines (United Nations Children's Fund, 2021).

3.1. International legal standards in combating online child sexual exploitation

The sexual exploitation of children, in all its forms, constitutes a violation of a child's human rights under international legislation. The duty to provide children with effective remedy and reparations for human rights violations is a well-established obligation under international law, enshrined in the core international human rights treaties, international standards as well as regional human rights mechanisms. The fast development of the Internet and online social networks has added challenges in the protection of children from sexual violence, abuse, and exploitation. Therefore, it is paramount for governments to be in line with the pace of technological change and to modify their legislation to ensure that it remains relevant in the age of digital communications (Gillespie, 2012).

3.1.1. Recognition of children's fundamental rights: The United Nations Convention on the Rights of the Child

The international community's response to the sexual exploitation of children does not have a long history. For example, child prostitution was not an issue of major concern before the late 1980's, whether nationally or internationally. The phenomenon of child sexual exploitation has only recently been recognised as a significant social problem. The idea that children have fundamental rights was first formulated in 1959 when the United Nations General Assembly adopted the *Declaration of the Rights of the Child*, which promotes children's rights to protection, education, health care, shelter, and good nutrition. Following this momentum, the United Nations declared 1979 as the *International Year of the Child* to raise awareness of the conditions facing the world's children and to encourage action in favour of children's rights. The protection of children's rights was first incorporated into international law with the adoption of the *United Nations Convention on the Rights of the Child* in 1989. The *Convention on the Rights of the Child* (hereinafter UNCRC)

was drafted over a period of ten years. It was unanimously adopted by the United Nations General Assembly and entered into force on September 2, 1990. Consequently, the UNCRC established the creation of a *Committee on the Rights of the Child*, whose purpose is to oversee and review progress made by member states (Jullien, 2003). The UNCRC is a landmark international treaty, signalling the international community's recognition that protection from sexual abuse and exploitation is a fundamental human right (Levesque, 1994). It stands as the most complete statement of children's rights ever produced and is the most widely-ratified international human rights treaty in history (Jullien, 2003; Netkova & Mustafa, 2021). The UNCRC comprises fifty-four articles covering every aspect of a child's life, and sets out the civil, political, economic, social and cultural rights that all children in all parts of the world are entitled to, and the duties on states parties to respect, protect and fulfil those rights (United Nations, 1989). The UNCRC is a binding treaty of international law that has been ratified by all members of the United Nations, except the United States (McCoy, 2002). It was the first international treaty to expressly prohibit the sexual exploitation of children, thereby raising consciousness among both the general public and governments (Jullien, 2003). The UNCRC contains two provisions which pertain directly on child sexual exploitation (United Nations, 1989). Article 34 states that:

'States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;*
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;*
- (c) The exploitative use of children in pornographic performances and materials.'*

Article 36 of the UNCRC adds a further comment regarding the responsibility of states to enforce these rights by stating:

'States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.'

While the UNCRC commits member states to prosecuting adults involved in child exploitation, it also reinforces the fact that the child must be protected and treated as a victim (Jullien, 2003).

In the 1990's, following the establishment of the UNCRC, there was a wave of reform of legislation and codes relating to children in many countries. This gave considerable impetus to the empowerment of the public sector and to raising awareness on children's rights. The UNCRC provides a set of standards intended to guide all policies and actions in pursuit of the best interests

of the child (Annan, 2001). The implementation of the UNCRC has continued to progress through the adoption of legal and non-legal measures at national level. This demonstrates the significant impact that legal codification can have on raising national awareness of children's issues and on children's experiences of their rights (McCoy, 2002). The state's obligations under the UNCRC extend to every child within the state's territory, as well as to all other children subject to its jurisdiction. Consequently, the enjoyment of the rights stipulated in the UNCRC is not limited to children who are national citizens, but must also be accessible to all children, regardless of their nationality, immigration status, or statelessness (Netkova & Mustafa, 2021). The UNCRC represents an important basis for holding governments to the important obligations they have solemnly assumed (Hodgson, 1995). It imposes on signatories a high level of dedication and commitment to the protection of children from sexual exploitation and abuse. As such, it provides the basis, particularly for non-governmental organisations, for lobbying governments and the general public to take action against the commercial sexual exploitation of children (Jullien, 2003). However, the UNCRC has obvious and significant limitations. Not least, provisions designed to protect children from all forms of exploitation and abuse made more than thirty years ago are no match for the realities faced by children living in a highly digitised and globalised world (Witting, 2021). Indeed, the UNCRC makes no specific reference to the protection of children's rights online. At the time of its drafting and adoption, the UNCRC had not considered the rapid development of the Internet and digital technologies and their wider use as a threat to the sexual exploitation and abuse of children (Netkova & Mustafa, 2021). In light of these new circumstances, the *Committee of the Rights of the Child* formally recognised in 2021 that children's rights also pertain to the digital world (Catedral, 2022).

3.1.2. World Summits for children

One of the first global initiatives to shed light on the sexual exploitation of children was the *World Congress against Commercial Sexual Exploitation of Children*. In August 1996, in response to international concern about the commercial exploitation of children, the *First World Congress against Commercial Sexual Exploitation of Children* was organised in Stockholm, Sweden, to specifically address this issue and discuss solutions. For the first time in history, the commercial sexual exploitation of children was brought to the world's attention as a problem of global concern. With one hundred and twenty-two nations represented, the Congress sought to raise awareness about the global nature of the problem of child sexual exploitation and to mobilise international action. This gathering signalled the (official) commencement of a battle against a multi-faceted

international crisis (Mahler, 1997; McCoy, 2002). The growing international concern about the commercial sexual exploitation of children is largely due to the significant attention devoted to this issue by the non-governmental community (Doyle, 1999). The Congress formalised the myriad of issues and challenges raised by the sexual exploitation of children in the *Stockholm Declaration*, thereby calling for action at local, regional, national and international levels. At the national level, nation-states were urged to recognise and criminalise CSE, by enforcing, revising and/or creating laws against it. At the international level, the Declaration encouraged nation-states to interact to combat child trafficking, notably by relying on international organisations and non-governmental organisations working in the field of CSE, by developing programs to disseminate information on CSE, and by mobilising political and community leaders to contribute to the efforts to eliminate CSE. The *Agenda for Action*, which was developed concurrently with the Declaration, set forth guidelines for reaching the goals of the Congress. It was structured around three main pillars: (i) coordination and cooperation on the national and international levels, (ii) prevention and protection of children at risk, and (iii) rehabilitation and reintegration of child victims. The target time frame was set for the year 2000, date by which each country was to have developed national programs aimed at reducing the number of children vulnerable to commercial sexual exploitation. Laying a timeline was a way of gauging progress over a given period, but above all to hold countries accountable for the commitments they had made (McCoy, 2002). The First World Congress set the stage for a decade of high level commitment on issues concerning children around the world.

The *Second World Congress on the Commercial Sexual Exploitation of Children* was held in Yokohama, Japan, in December 2001. During the four-day conference, over three thousand participants attended, three times as many present as at the first Congress. During the gathering, participants reported on measures taken to achieve the objectives of the *Stockholm Agenda*, while reaffirming their commitment to the *Stockholm Declaration*. In addition, it was also an opportunity to raise new and serious concerns, namely the proliferation of child sexual abuse material and the practice of sexual exploitation of children in travel and tourism (respectively termed at the time *child pornography* and *child sex tourism*). The diversity of the Congress participants, including national governments, international rights organisations, law enforcement, academics, health professionals and the media, testifies to the global recognition of the need for an interdisciplinary approach to eliminating sexual exploitation in its many manifestation (McCoy, 2002). Clearly, no single intervention can adequately address the issues involved. In 2008, the *Third World Congress on the Commercial Sexual Exploitation of Children* was held in Rio de Janeiro, Brazil. The recurrence of these congresses over the years have consistently emphasised the seriousness of the

problem of CSE and the societal responsibility to confront it, testifying to the growing importance of children on the international agenda. Nevertheless, it is insufficient for leaders to make grand and ambitious promises if there is no genuine effort behind them to work towards fulfilling these promises, meaning the necessary human, financial and legal resources, as well as the mobilisation of society at large.

3.1.3. International treaties against cybercrimes

If laws are to be effective, they must keep pace with developments in crime. One of the first obstacles to prosecution is inadequate legislation. The existing international legislation is insufficient to combat the phenomenon of online child sexual exploitation. When national legislation and international instruments are not harmonised, legal loopholes arise. Additional legislation is particularly needed to specifically address the recent digital developments in the sexual exploitation of children, such as the crime of live-streaming of child sexual abuse. There is no legal definition for LSCSA, and it is not considered a stand-alone crime, which poses challenges in terms of criminalisation and victim protection (Drejer et al., 2024). The *Convention on Cybercrime*, also known as the *Budapest Convention*, is the first international treaty addressing crimes committed via the Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child sexual abuse material and violations of network security. The Budapest Convention aim at harmonising national laws, improving investigative techniques, and increasing cooperation among nations. It was elaborated by the Council of Europe in 2001, with the active participation of observer states, including the Philippines. The law is constantly evolving. Faced with the rapid development of the digital age, creating in its wake new threats to children, international law needs to be adjusted and modernised to effectively combat these threats, prompting the drafting of new international treaties. The *Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse*, also known as the *Lanzarote Convention*, is a multilateral treaty drafted by the Council of Europe in 2007, wherein states commit to criminalising certain forms of sexual abuse against children. It is the first international treaty that addresses online grooming, possession of child sexual abuse material, and child sexual abuse that occurs within the home/family. These two international treaties received particular mention, for the *Budapest Convention* is the most ratified cybercrime treaty, and the *Lanzarote Convention* is the most recent international agreement on child protection, with a specific focus on protecting children against online sexual exploitation and abuse. Unfortunately, their

support from the international community fall far behind that of the UNCRC (Açar, 2017a; Witting, 2021).

Together, ‘these international treaties provided the minimum requirements of a sufficient legal background for the countries to implement appropriate instruments into their judicial systems’²⁶. Since the *Convention on the Rights of the Child*, governments and intergovernmental organisations have solidified both the domestic and international legal basis for investigating and prosecuting online child sexual abuse and exploitation, notably through criminalisation (Açar, 2017a). International law confers on the global community the power to determine internationally recognised human rights standards. However, it would be imprudent to conclude that international law offers complete authorisation for intervention. International law is merely the first step on an ambitious path. It suggests that national conduct regarding the fundamental rights of children should be exposed to all members of the international community, so that children's rights can be properly examined, evaluated and, ultimately, affirmed. Ultimately, the next step is for nations to move beyond purely symbolic gestures and put their commitments into practice (Levesque, 1994).

3.2. Critical constraints in the global fight against online child sexual exploitation

*The sexual abuse of children exposes the persistent, yet often unacknowledged, uncertainty over what international law can do when there is no consensus about appropriate responses.*²⁷

3.2.1. Jurisdictional issues: The question of criminal jurisdiction

In the context of the Westphalian international legal order, the claiming of jurisdiction is tied to the territoriality principles, which aims to protect state sovereignty (Witting, 2021). There are, in essence, two forms of criminal jurisdiction: territorial jurisdiction and extra-territorial jurisdiction. Territorial jurisdiction is based on the territorial principle, which covers actions caused or done within the territory of a country. Extraterritorial jurisdiction is a discretionary response by sovereign countries to exercise jurisdiction outside of its territorial borders over acts relating to its citizens (Gillespie, 2012). The inherent architecture of the Internet has posed a number of challenges to the concept of jurisdiction with regard to many crimes. How can jurisdiction be ensured by national

26 Açar, K. V. (2017a). Organizational aspect of the global fight against online child sexual abuse. *Global policy*, 8(2): 259.

27 Levesque, R. J. (1994). Sexual use, abuse and exploitation of children: Challenges in implementing children's human rights. *Brooklyn Law Review*, 60(3): 998.

legislation when crimes are transborder, that is when the perpetrators and child victims are located in different geographical areas and therefore fall under different jurisdictions ? The most significant achievement in the fight against impunity for crimes relating to the sexual exploitation of children is the enactment of extraterritorial legislation enabling countries to prosecute offenders in their home countries for sexual offences committed against children abroad (McCoy, 2002). Ensuring that crimes against children have far-reaching consequences through extraterritorial legislation has also played an effective role in deterring potential offenders. In 1988, the Council of Europe was the first regional organisation to address the issue of the sexual exploitation of children in developing countries and the involvement of Europeans in this phenomenon. The Council recommended that all European countries establish extraterritorial jurisdictions to enable courts to prosecute their nationals for crimes committed outside their borders (Jullien, 2003). As of 2011, forty-four countries²⁸ had implemented extraterritorial legislation enabling them to prosecute their nationals for crimes against children committed abroad. The number of countries to incorporate into their national legislation the possibility of applying extraterritorial jurisdiction to offences relating to the sexual exploitation of children continues to increase (Johnson, 2014). However, there are numerous challenges, both at the practical and procedural levels, with implementing extraterritorial legislation.

According to ECPAT International (2022), the need for strong and constant international cooperation between law enforcement agencies and judicial authorities in different countries is faced with considerable practical problems, including language barriers; differences in organisation, legislation and culture between national forces; problems in identifying points of contact for information exchange and requests for evidence; delays in the transfer or exchange of documents; difficulties in gathering material evidence and testimony abroad; and so on. Additional challenges arise in cases of child sexual exploitation with an online element, whereby the inherently transnational nature of online evidence necessitates specific expertise and highly technical tools to effectively combat these crimes. Furthermore, ECPAT International notes that the implementation of extraterritorial jurisdiction is subject to a number of procedural conditions which further complicate its application. Among other things, the double criminality requirement is one of the most common conditions for extraterritorial jurisdiction. Dual criminality requires that an offence be considered a crime both in the state exercising extraterritorial jurisdiction (or the requesting state in cases of extradition) and in the state where the offence was committed (or the requested state in

28 Such as Australia, Canada, Israel, Japan, New Zealand, Russia, Switzerland, South Korea, United Kingdom, United States, (most) European Union member states.

cases of extradition). Applied to cases of (online) sexual exploitation of children, this requirement may render extraterritoriality and extradition inapplicable if the offences are not criminalised in one of the countries or if their definitions differ from one country to another – which is very common. As such, certain countries, particularly developing countries, where legislation is weaker and children are not sufficiently protected, are favoured by sex offenders in search to circumvent the law. Consequently, dual criminality may prevent other states from exercising extraterritorial jurisdiction or resorting to extradition. The exclusion of the double criminality requirement in national legislation would allow for more effective prosecution of a travelling child sex offender. The organisation reports the case of a French citizen arrested in Thailand in 2019 for sexually exploiting two children, respectively aged thirteen and fourteen, in his hotel room, where police also seized child sexual abuse material. The suspect was released on bail after a few days, recovered his passport and flew back to France. While he was in custody, the French authorities were alerted, leading to the issue of a search warrant, on the basis of French extraterritorial legislation. On arrival in France, the suspect was arrested and charged with rape, assault on a minor and possession of *child pornography*. The investigation revealed that he was suspected of having committed offences in various Asian countries, including Thailand, Malaysia, the Philippines and India. The case is still ongoing, and the offender remains in custody. ECPAT International stresses that the arrest was made possible because French law does not require double criminality to exercise active extraterritorial jurisdiction over offences relating to the sexual exploitation of children committed by French nationals or habitual residents abroad under the *Penal Code*. This removes a major obstacle to the exercise of extraterritorial jurisdiction over travelling sex offenders. In addition to dual criminality, a common limitation on extradition is the prohibition on states extraditing their own nationals. This principle could jeopardise the ability of states to prosecute foreign offenders for offences involving the sexual exploitation of children committed on their territory if the offender flees the country and returns to its country of origin after committing the offence. This is just one of few examples. Indeed, there have been few documented cases of the application of extraterritorial legislation (Davy, 2017). Nevertheless, by raising the profile of crimes against children and ensuring their prosecution, extraterritorial jurisdiction and extradition legislation have proved instrumental in deterring potential offenders (Johnson, 2014).

The question of jurisdiction has a significant impact on the effectiveness of any initiative to combat the phenomenon on OCSE (Witting, 2021). An offence may be committed in one jurisdiction in one part of the world, and then cross over to another jurisdiction (Doyle, 1999). Establishing a single location is not, in most cases, determinable. For instance, in the case of

CSAM, the material could be produced by nationals of country A over a child victim from country B in country C, uploaded onto a server that is located in country D, and downloaded by consumers in countries E and F. In such a scenario, how is jurisdiction to be determined, given that all states can make a legitimate jurisdictional claim? According to Witting (2021), this goes to show that there is a definite need for internationally-agreed factors to guide states in determining which state can best serve the interests of the child victim. As such, should *cyberspace* be recognised as a new jurisdictional area? The doctrine of jurisdiction is based on international law recognising the sovereignty of a state to exercise control over its own territory. The Internet is an immaterial, international network, universally accessible, meaning that operators have to comply with the laws of each country, which can be difficult – or advantageous – when they differ. Recognising cyberspace as a new jurisdictional area on the basis of international space would not be an unprecedented initiative. There are currently a number of areas recognised by international law as a form of international space, and therefore jurisdiction can only be exercised under the principles of international law (and not on domestic legislation). These existing zones are Antarctica, outer space and the high seas. The real problem with defining cyberspace as an international area is that, unlike other international areas, the Internet impinges on the national jurisdiction of sovereign states. Existing international spaces either cover territory that cannot be claimed by an individual state (the high seas and outer space), or territory over which states have claimed only partial sovereignty and have agreed to settle the issue through international treaties (Antarctica). Cyberspace, by virtue of its immateriality, is dissimilar to any of these situations. In much as it is impossible for a country to claim ownership of the cyberspace (because the network itself is hosted all over the world), the cyberspace cannot be declared an international space either, because the infrastructure (the servers) of the Internet and its users are located on the territory of individual – sovereign – countries. However, for Gillespie (2012), agreeing on universal rules for the Internet is probably unrealistic. Another approach would be to declare the commercial sexual exploitation of children, both online and offline, a crime against humanity. Crimes in this category would then fall under universal jurisdiction, in the same way as genocide, torture, the slave trade, piracy, aircraft hijacking and war crimes (Jullien, 2003). Although there are solutions to exist, which have their advantages and disadvantages, it remains unlikely for the time being that states will completely renounce their jurisdiction when it comes to crimes committed against children, online and offline alike.

3.2.2. The difficulty of cross-border investigations and prosecutions

*'I was invited to join a show. A man brought me to a private place. He said we will chat with Americans and we will do a show. We had to go nude, we removed our clothes, removed our shorts, removed everything. The man chatted with the American and told me what to do. Whatever the American dictated, I did. When I saw the American on the camera, I was shocked. I didn't know it would be like that. The man told me that I had to finish and that he would hit me if I didn't.'*²⁹

How to build an investigation and prosecution case when both the child victim and the perpetrator are in different locations and when the child victim and perpetrator do not have physical contact with each other ? Given the cross-border, distributed nature of online child sexual exploitation, collaboration across national, regional, and international law enforcement agencies is necessary in the investigation and prosecution of these cybercrimes. Due to the transnational nature of OCSE crimes, a state might be dependent on gathering evidence which is located outside its territory. Given the volatile nature of digital crime scenes, effective transnational law enforcement mechanisms are imperative to facilitate exchanges of evidence during investigations and prosecutions. Traditionally, such transnational collaboration is facilitated by mutual legal assistance and extradition requests. However, the capacity on national level to execute cyber-specific investigation and evidence collection varies greatly between countries and adds an additional barrier to transnational cooperation. The problem that often emerges subsequently is the slowness and inefficiency of transnational exchange procedures. Beyond traditional mechanisms, successful transnational investigations and prosecutions often result from informal and expedited means of obtaining extraterritorial evidence (Witting, 2021). In cases of online child sexual exploitation, there are several possible points of failure that could result in direct physical damage to the child. The child may not disclose and suffer in silence (or not know that what is happening is a violation of its fundamental human rights), the parent/guardian may not report the situation to the police or be involved in its exploitation, the local police may not understand the urgency of the matter, the country may not have a specialised unit with key contacts in other countries and with online providers, the online provider may not have the capacity or legal basis to respond to emergency requests from foreign authorities. In addition to gathering evidence, interviews with child victims are an important part of OCSE investigations, but present potential challenges for investigators and prosecutors. As offenders target younger victims, interviewing them necessitates specialised

²⁹ Excerpt from the testimony of a child victim (a seventeen-year old girl) of online sexual exploitation in the Philippines – Terre des Hommes Netherlands. (2013). An exploratory study on the background and psychosocial consequences of webcam child sex tourism in the Philippines. *Terre des Hommes Netherlands*: 23.

training and experience (Baines, 2019). Opportunities to provide help or support get lost due to poor collaboration, a lack of information exchange between different sectors and agencies, and a deficit of training tailored to these particular crimes and young victims (United Nations Children’s Fund, 2020). The difficulty is that, when intervention and risk reduction are effective, they rely more on interpersonal relationships than on a standard process (Baines, 2019). It is problematic that the lead responsibility for investigating technology-facilitated child sexual exploitation and abuse lies with unspecialised cybercrime units. Units responsible for crimes against children, including child sexual exploitation and abuse, tend to be understaffed and under-resourced, with high staff turnover. This situation is exacerbated by a tendency to implement ad hoc training initiatives on child sexual exploitation and related issues, instead of institutionalised and ongoing training. Because cases of OCSE are more complex and more difficult to investigate and prosecute than other types of crime against children, additional resources must be allocated to increase awareness and collaboration in the face of this global crime (Baines, 2019). Until such means are implemented, recourse to national legislation may be preferable to extradition agreements or the use of extraterritorial legislation in cases of OCSE, as it ensures better coordination in the conduct of investigations and prosecutions. In addition, this would prevent bearing the burden on child victims who, in the event of crimes being investigated and prosecuted in the perpetrator's country of origin, would be obliged to travel to a foreign country to testify, thereby being confronted with a place and people completely alien to them. As such, it is deemed important that foreign perpetrators be brought to justice in the countries where the crimes were committed, for symbolic, deterrent and logistical reasons (Hodgson, 1995).

3.2.3. Reactive versus proactive investigation in combating online child sexual exploitation

Despite a strengthened normative framework and operational initiatives being introduced in both demand-emitting and supply-providing countries (Johnson, 2014), ‘the majority of countries seem to be stuck in outdated approaches, methods and legal backgrounds’³⁰. At present, prosecutions do not match the scale of the crimes committed. However, moral authority can be tremendously powerful as an instrument of change (Mahler, 1997). Perpetrators and intermediaries of online child sexual exploitation go relatively unpunished (Smith & Heavy, 2010). Most law enforcement agencies around the world implement *reactive* investigation policies when it comes to investigating online child sexual exploitation. In other words, they wait to take action against predators until a child victim, a parent, or witness come forward to report a crime (Terre des

30 Açar, K. V. (2017a). Organizational aspect of the global fight against online child sexual abuse. *Global policy*, 8(2):261.

Hommes Netherlands., 2014). The limitations of reactive investigation techniques become clear with consideration of OCSE crimes. Such model of policing have proven to be ineffective against OCSE as the reporting rate for such crimes is very low (Davy, 2017). For instance, CSAM, unlike child prostitution, benefits from a certain degree of anonymity, largely provided by Internet. As a result, unless a victim (or a witness) comes forward and speaks out, the abuse and exploitation suffered by the child will remain unknown. On their own, CSAM are mute testaments to the abuses that cannot tell anything about the child victims except the act of abuse they suffered (Trinidad, 2005). The problem of heavy reliance on child victims to prosecute crimes can result in non-reporting of cases, withdrawal of complaints and retraction of statements (United Nations Children's Fund, 2016). In the Philippines for instance, many sexual exploitation cases are never referred to court due to the practice of out-of-court settlements. The volatile nature of virtual crime scenes renders OCSE cases even more vulnerable. Children do not report perpetrators because of several reasons, including the coercion and the economic dependency of the family on the income provided by the child's exploitation. Under-reporting, added to other factors – such as corruption, poor governance, insufficient qualified personnel, inadequate equipment, etc. – means that perpetrators and facilitators around the world are able to continue to abuse and exploit children with impunity (Davy, 2017). Consequently, this creates a climate that is hospitable to the rapid growth of new markets for online child sexual exploitation (Terre des Hommes Netherlands, 2014). Few campaigns aim to reduce the demand for victims, insofar as campaigns focus on prevention and warning potential victims. The knowledge that little will be done to prosecute the sexual crimes they commit against children, especially when these occur in cyberspace, draws perpetrators to developing countries (e.g. Southeast Asia). To reverse this trend, governments must rally significant political will and resources to hold perpetrators accountable, provide comprehensive services to child victims, and prevent the crime from occurring. Indeed, ending online child sexual exploitation will require stronger efforts to combat the demand in countries of provenance (Cotter, 2009).

Essentially, the demand for OCSE must be stemmed in order to reduce the supply of child victims exploited in this trade. This strategy centres on two components: (i) prosecution, arguably one of the most effective deterrents, and (ii) focusing on the structures that support the sexual exploitation of children, instead of just the child victims themselves. In cyberspace particularly, sexual predators do not perceive the risk of their crimes being observed by law enforcement authorities. For this reason, law enforcement agents should act as competent guardians of children in order to deter motivated offenders. The equation of fear can be reversed. Convictions, especially when they are carried out in the country where the child was victimised, send a clear message to all

criminals: breaking the law will not go unpunished. Criminals need to be afraid, so that victims and potential victims do not have to be. One example of such proactive investigation to find and identify online predators is to attract predators who seek to abuse and exploit children, and prompt them to provide information about themselves. This method does not involve any form of hacking, nor does it violate privacy standards (see Terre des Hommes' *Becoming Sweetie* project described in Chapter 1) (Terre des Hommes Netherlands, 2014). In parallel with the use of technology by predators and intermediaries to sexually exploit children, it can be equally used to detect them. Law enforcement agencies should support the development of new technological capabilities to detect the initial capture and redistribution of child sexual abuse broadcast live on the Internet (Terre des Hommes Netherlands, 2014). Secondly, the structure that sustains the sexual exploitation of children requires proactive initiative. For intermediaries, trafficking is an activity aimed at increasing profits while reducing costs and risks. In order to eliminate the demand for sex-trafficked children generated by this industry, it is essential that measures are taken to reduce the profits and increase the risks and costs of online sexual exploitation. The sex trade is a highly elastic product. In commercial terms, this means that if the price of an object or service increased, consumer demand will decrease. By heightening the risks for traffickers, this in turn raises the price of the services they provide, leading to lower demand and profits (Aronowitz & Koning, 2014). The deterrence theory postulates that crime occurs when the expected rewards outweigh the anticipated risks. Accordingly, increasing risk will prevent most crimes in most circumstances (Quayle & Koukopoulos, 2019). If perpetrators and intermediaries fear prosecution, they will certainly think twice before acting (Jullien, 2003). Past mistakes teach future decisions. Delayed and insufficient action by governments and law enforcement agencies against the online market in child sexual abuse material has allowed the phenomenon to proliferate and harden into a vast, multi-billion dollar industry that is now largely uncontrollable. Governments must act before they have to react. In other words, a solution must be adopted against the newest forms of OCSE, most notably LSCSA, and implemented urgently before these crimes are transformed from a small-scale commercial practice into an intractable global industry dominated by organised crime syndicates, as was the case with CSAM. The challenge lies in addressing both the supply side and the demand side at the same time (Terre des Hommes Netherlands, 2014). If more perpetrators and intermediaries of OCSE are to be identified and prosecuted, if fewer children are to be victimised, the culture of impunity must end. It is essential to get ahead of the problem, by adopting preventive and proactive measures, rather than waiting for it to happen and reacting accordingly.

3.3. Building international capacity and cooperation against online sexual exploitation of children

The sexual exploitation of children over the Internet is a global problem requiring a global solution (Doyle, 1999). Industrialised nations tend to blame developing governments for their laxism and failure to act against the sexual use of children, while developing countries blame industrialised governments for letting their nationals create a large demand (Jullien, 2003). However, the problem of online child sexual exploitation should be approached without regard to national boundaries, for the nature of the Internet is such that OCSE transcends them (Trinidad, 2005). In a world where child victims and perpetrators are not in the same geographic location and are highly mobile, each country, operating on its own, cannot eradicate this phenomenon (Davy, 2017; Doyle, 1999). According to Baines (2019), no single entity, whether it be the largest country or the wealthiest company, can address this problem alone. As such, international cooperation and coordination is perhaps the most important strategy in the fight against OCSE.

3.3.1. International organisations as platforms for cooperation and coordination between nation states

The current international efforts to combat online child sexual exploitation are fragmented, duplicated and insufficient. Considering the transnational aspects of OCSE, efforts to combat this phenomenon are contingent on regional and international cooperation and coordination between governments and government agencies, as well as with other relevant organisations (Davy, 2017; Hodgson, 1995).

a) INTERPOL

The *International Criminal Police Organisation*, commonly referred to as INTERPOL, is an inter-governmental organisation founded in 1923, which comprises 196 member states. INTERPOL is a reference point for international police cooperation. The organisation is renowned for issuing, among other things, international alert documents, which, once published, ensure the global tracking of wanted criminals. These documents significantly facilitate the work of national police forces, enabling them to identify, locate and arrest wanted individuals on the basis of any control for extradition purposes. Nevertheless, its range and scope of action goes further. It has established channels of communication and meeting places for law enforcement authorities, and has facilitated

the success of international operations. In 2001, INTERPOL developed the *Child Sexual Abuse Image Database* – renamed the *International Child Sexual Exploitation (ICSE)* database in 2009. This platform enables member states to submit new documents, thereby facilitating the identification of child victims, offenders and crime scenes in documents by means of this collaborative effort (Açar, 2017a). The ICSE uses sophisticated image and video comparison software to make connections between victims and places. According to INTERPOL, the ICSE database holds more than 4.9 million images and videos and has helped identify more than 37,900 victims worldwide. This database provides vital assistance in locating offenders, and is also an important tool in avoiding duplication of effort by police trying to identify victims who have already been rescued. In 2014, the organisation opened the *INTERPOL Global Complex for Innovation (IGCI)*, which is a dedicated centre for digital security and innovation research for police officers worldwide investigating cybercrime. That same year, INTERPOL coordinated the first operation of its kind – codenamed *Strikeback*. The operation – conducted jointly by the IDCC, Hong Kong Police Force, Singapore Police Force, and the Philippines National Police Anti-Cybercrime Group – targeted organised crime networks behind sexual extortion cases. It resulted in the identification of victims in Indonesia, the Philippines, Singapore, the United Kingdom and the United States, the arrest of 58 individuals and the identification of between 190 and 195 individuals working for organised crime groups operating from the Philippines. (INTERPOL, 2014; Netkova & Mustafa, 2021). Following this initiative, INTERPOL opened its first digital crime centre (IDCC) as part of the IGCI. The centre is dedicated to activities in cybercrime, research and development, and capacity building (Netkova & Mustafa, 2021). In April 2023, INTERPOL and UNICEF signed a cooperation agreement to coordinate efforts to support national governments in protecting children from sexual exploitation and abuse, including in digital environments (United Nations Children’s Fund, 2023).

b) EUROPOL

The *European Union Agency for Law Enforcement Cooperation*, commonly referred to as EUROPOL, is the European criminal police agency that facilitates the exchange of intelligence between national police forces on drug trafficking, terrorism, international crime, and cybercrime within the European Union. The agency is broadly based on the INTERPOL model, albeit created and managed by and for the community of European states. In January 2013, EUROPOL inaugurated the *European Cybercrime Centre (EC3)* to assume responsibility for investigating different areas of cybercrime and technology-facilitated crime committed by organised groups to

generate significant criminal profits (such as online fraud), causing severe harm to the victim (such as online child sexual exploitation), or affecting critical infrastructure and information systems in the European Union. Online crimes against children receive particular consideration, as EC3 maintains a specialised team, *Focal Point Twins*, dedicated to this issue. The accent is on all forms of crime, including the activities of criminal networks involved in the sexual exploitation of children and other associated forms of crime (Paavilainen, 2015). EUROPOL created a database in 2016, which holds 85 million photos and videos of children, many of which have been found on paedophile networks on the darknet (ARTE, 2022).

c) ASEANPOL

The *ASEAN Chiefs of National Police*, commonly referred to as ASEANPOL, was founded in 1981 and comprises ten Southeast Asian nations. The mission of ASEANPOL is to manage the preventive, repressive and operational aspects of cooperation against transnational crime in the region (Pushpanathan, 1999). There have been criticism levelled against ASEAN³¹, particularly as to the extent of its contribution. According to Cheok and Chen (2019), these criticism are not unfounded. It is difficult to perceive the achievements of this organisation, as its members tend to participate in other international organisations to achieve their objectives, rather than relying on the regional organisation. In contrast with INTERPOL and EUROPOL, there is little information available on ASEANPOL, on its activities, its scope of action, and even less on planned operations (if such exist). As mentioned previously, most of the transnational operations and actions undertaken by Southeast Asian nations have been through ad hoc alliances or through international organisations. There is an urgent need for ASEAN to strengthen cooperation and coordination between its member countries and with the international community in the fight against cyber-criminality, most notably through ASEANPOL, based on the INTERPOL and EUROPOL models. In an effort to address this deficit, ASEAN member states have intensified their commitment to confronting the challenge of cybercrime in recent years through a variety of means, including capacity building and enhanced collaboration among their respective countries and with extra-regional partners. The launch in 2017 of the new *ASEAN Cyber Capacity Program (ACCP)* provides a prime example of such efforts (Parameswaran, 2016; Parameswaran, 2017). Considering that ASEAN is an organisation of developing countries, some of which are relatively impoverished, ASEAN and its agencies certainly suffer from a deficit of capacity, both human and financial,

31 The *Association of Southeast Asian Nations*, commonly referred to as ASEAN, is a political and economic union of ten states in Southeast Asia (including the Philippines).

compared with their counterparts, to respond to threats such as cybercrime, which requires specialised personnel and sophisticated technology.

3.3.2. The child protection framework: The role of non-governmental organisations

*'Although I'm trained as a social worker, when you hear their stories, how they were livestreamed, how long did they stay in that kind of abuse, how their own mother abused them, exploited them, manipulated them, it's difficult.'*³²

Around the world, a number of non-governmental organisations are working to combat the sexual exploitation of children. Non-governmental organisations have a long history of effectively voicing public opinion on topical issues and providing expertise and recommendations to governmental and intergovernmental organisations. As such, NGOs play an important role in setting higher standards in the global fight against online child sexual exploitation and in holding governments accountable to the commitments they have made (Açar, 2017a). Evidence clearly illustrates that the relentless efforts of NGOs have yielded numerous positive examples of the practical application of children's rights principles, at both national and international levels. Civil society organisations represent critical independent stakeholders (Annan, 2001). Given their relatively limited resources and power compared to governments and intergovernmental organisations, NGOs have contributed to the global fight against OCSE to the best of their ability (Açar, 2017a). As Doyle (1999) points out, the legal system often appears as the child's enemy rather than his ally. Consequently, children who have been victims of virtual child sex trafficking need a robust and structured support system to help them navigate the trauma they have experienced and their role in subsequent legal processes. This type of support is not available in all countries. In fact, child victims of online and offline sexual abuse and exploitation often receive little or no support and assistance from public authorities. In developing countries, where this situation is most critical, assistance to victims is always complex and often made more challenging by the lack of sufficient resources to support them. In these instances, the child protection framework sometimes achieves its aims with the help of NGOs, collaborating with them as the investigation and prosecution progress. The Philippines is a prime example of this, whose child protection system has often proved to be incoherent, under-resourced and under-staffed (Roche et al., 2023). In the nearly complete absence of social welfare programs, the Philippines government continues to rely heavily

32 Testimony of a social worker – March, S. (2023). Inside the global task force fighting child sex abuse in the Philippines. *ABC News*, 2nd March. At: https://www.youtube.com/watch?v=sYXgHV_SNeY&t=4s

on NGOs and international organisations to provide services to child victims (Lean, 1998; United Nations Children's Fund, 2021).

Where abuse has been perpetrated and/or facilitated by family members, assisting minor victims on their journeys to recovery is even more difficult. The difficulty of obtaining the cooperation of family members and others who facilitate the crime is a widespread problem in cases of abuse and exploitation, as is the lack of specialised trauma-informed care and services for child victims, particularly boys. This is a significant deficiency, especially as the consequences of child sexual abuse and exploitation can be far-reaching, extending into all spheres of life and persisting into adulthood, with possible intergenerational impacts (United Nations Children's Fund, 2021). Public services cannot act on their own. Listening, exchanging and combining resources with community organisations working with children or to defend children's rights are essential to an effective fight against the commercial sexual exploitation of children, online and offline alike. In such a context, it often falls to NGOs to fill the gaps for victims. For instance, promoting access to education, improving care for children at risk of dropping out of school, changing ideas about what is considered acceptable behaviour, and raising awareness of the risks of online sexual exploitation are just some of the activities that can produce results in the future. With the appropriate support and funding, families and civil society organisations have shown that they can take a lead role in promoting and protecting the rights of children (Annan, 2001). However, support from international and non-governmental organisations in the form of ad hoc training or donation can only ever be a small part of a country's response to the problem (Baines, 2019). National child protection systems requires reinforcement, particularly in developing countries, if children are to be protected, which implies cooperation and coordination between various key actors, such as law enforcement agencies, civil society and government institutions tasked with the care of children. The appropriate framework for child protection depends on the implementation of an interdisciplinary and multi-stakeholder approach that would be effective in raising awareness, limiting access, reducing content and offering support to victims (Trinidad, 2005). Considering the wide range of OCSE activities, there appears to be merit in developing responses that combine public health and criminal justice approaches.

3.4. The value of stakeholder engagement in shaping the response to online child sexual exploitation

In developing a crime prevention strategy, it is almost impossible to exclude children from cyberspace entirely, and even if done, this would achieve more harm than good. Protecting them from online threats requires constant attention, time and money on the part of parents, law enforcement authorities, Internet service providers, and the private sector (Açar, 2016). There is agency, if not to make the Internet a safer space for children, at least to make it a space hostile to predators and the sexual exploitation of children (Pearce, 2019).

3.4.1. Lack of Internet regulation as leverage for online sexual exploitation of children

*'[...] When I received an online friend request from someone offering me work at an Internet shop, nearly 400 miles from my home, it felt like a godsend. This person offered me free food, lodging and told me I could take classes at night after work. When I arrived, I was expecting a computer shop with sleeping quarters for employees, but what was waiting for me was a house with three rooms. It felt like a bomb going off in my head when I saw half-naked girls coming out of one of the rooms. I was told I could not leave until I had paid off my travel fare debt – which I quickly realized was impossible, as all my earnings from every disgusting show were taken by my traffickers, which they claimed was to pay for accommodation and food. I lost my self-esteem, blaming myself for having become trapped. I became so desperate to escape that I would shout whenever I heard a police siren go by, hoping somebody would hear me. [...] When I was trapped inside that house, every day I waited to be found was a day too long.'*³³

Initially, the Internet was a limited resource, both in terms of geography and sector. Until the 1990's, the Internet was a network restricted to the United States, mainly used by the military and university laboratories conducting defence-related research. When the Internet became ubiquitous in human society during the 1990's-2000's, the question of its regulation became an integral part of discourse on the Internet (Altayyar, 2023). Are internet platforms properly regulated ? To what extent can and should the Internet be regulated by law ? Considering the interconnected nature of the digital environment, the greatest difficulty lies in finding a collective judgment on Internet

33 Excerpt from the testimony of a survivor of online child sexual exploitation in the Philippines (aged 15 at the time) – International Justice Mission. (2021b). Opinion: As a child I was sexually exploited online: Now I want tech companies and governments to take action. *International Justice Mission*, 22nd September. At: <https://news.trust.org/item/20210922121204-xq310/>

regulation (Altayyar, 2023; Pearce, 2019). Opinions are divided: as to whether this is a national or international issue, and whether Internet regulation would constitute an invasion of privacy (Doyle, 1999). In the following, both paradigms will be considered. Firstly, given the global character of the cyberspace, how could any state justifiably claim comprehensive law-making in this area (Altayyar, 2023) ? The particular architecture of the Internet, namely its intangible nature, the geographical distribution of users and the nature of its content, indicates that state regulation alone is inadequate. In fact, a global approach to Internet regulation through treaties and other international mechanisms would be more effective. However, agreeing on a global framework is difficult to implement, as countries often approach the implementation of international law in different ways (international conventions are ratified at the discretion of individual countries, which tend to make reservations or not ratify documents altogether, giving precedence to their national legislation). At the same time, the growing influence of the Internet requires some form of regulation to ensure that individuals, adults and children alike, are protected by law in their activities conducted on the Internet (Altayyar, 2023). Differences in legal conditions and procedures between countries regarding access to subscriber information from Internet Service Providers (ISPs) presents one of the greatest challenges to investigation and arrest (Ali, Haykal, & Youssef, 2023; Açar, 2017a; Smith & Heavy, 2010). Internet service providers are the backbone of the Internet, in that they manage the servers that compose it. ISPs assign a unique IP (Internet Protocol) address to all the individual computers that use their service to connect to the Internet. An IP address is a distinctive number that can be used to locate a particular computer on the Internet, and therefore its user. IP address registers are an important database for identifying perpetrators and intermediaries, in that they can trace telephone numbers and locations. However, ISPs are reluctant to disclose their customers' personal information for fear of compromising their reputation. They argue that customers have a right to privacy, and therefore only withhold such information to comply with the law (Trinidad, 2005). This raises the question of how regulations should be implemented to guarantee individual freedoms.

While the characteristics and architecture of the Internet are unique, the fact remains that the cyberspace hinges on several aspects of individual liberty. Altayyar (2023) introduces two very interesting theories on the cyberspace regulation paradigms that are cyber-paternalism and cyber-libertarianism, both of which offer contrasting views of Internet regulation. Starting from the same premise that the Internet is a unique form of communication, these two theories offer different answers to the question of how and to what extent the Internet should be regulated by (national and international) law. The cyber-libertarian perspective supports self-governance of the Internet.

Cyber-libertarianism argues that state regulation is inappropriate since there are no territorial boundaries on the Internet, and that instead of state regulation, it is more suitable for regulatory norms to be defined by the digital community. The problem with this approach is that the digital community has no incentive to regulate the Internet. The guiding principle of libertarianism is the freedom of individual, in particular from state interference. However, the right to privacy is not an absolute right and is usually constrained by other public policy consideration, including child protection. Beyond the alleged respect for users' rights, there is clearly a lack of will. Many technology companies have acted in ways that have directly or indirectly facilitated CSE, in that they have developed and profited from practices that directly fuel the sexual exploitation of children (Pearce, 2019). Given that these companies are running a commercial business, the most important consideration is to generate revenue. Consequently, under the guise of cyber-libertarian narratives, individuals and companies have conceived sites, applications and online tools without regard for the protection, welfare and rights of individuals (Altayyar, 2023). Some argue that the harm caused by technology can simply be explained by the profit motive, meaning that children's rights are ignored and denied by those who serve to gain the most. Although this is an important part of the picture, it is not satisfactory as a full explanation. Since there are no international restrictions or regulations governing the Internet, it is free to take any path it wishes, without impediment (Doyle, 1999). Therefore, it does not seem conceivable to imagine a digital environment that would regulate itself without external intervention to act as moderator. While cyber-libertarianism features prominently within the rhetoric of both legislators and technology sector representatives, it is also regularly drawn on by OCSE offenders as they rationalise and legitimise their behaviour in the libertarian terms of freedom of *sexual expression*, and they object to the illegality of CSAM as a form of totalitarian state *censorship* (Salter, Woodlock & Wong, 2023). For instance, the Philippines government stands among the few proponents of cyber-libertarianism in that it advocates minimal government intervention on the Internet (Doyle, 1999). This stance stems from a region where most countries have no specific legislation obliging ISPs to report or block detected sexual content involving children (Davy, 2017). On the other hand, the cyber-paternalistic approach argues that Internet can, and in fact should, be regulated on the basis of traditional jurisdiction and law (Altayyar, 2023; Pearce, 2019). Critics of legal regulation denounce the state's paternalistic attitude. The criticism is based on the argument that, in the case of children and the potentially harmful online environment, the responsibility for regulating children's activities lies with parents, not government. But this argument is hardly valid, since the state already regulates many aspects of a child's life, such as education. Optimally, Altayyar (2023) recommends an approach in which government and other stakeholders jointly assume leadership in the development of standards for

Internet regulation – that is to say, where some aspects of regulation are handled by national legislation and others by a method of self-regulation. This seems to be the most effective and nuanced response to the regulation of online platforms.

3.4.2. The private sector: The permissive role of financial institutions

‘For years, when their neighbourhood was asleep and much of the Western world was awake, all four children [a seven-year-old boy, his ten-year-old sister, and two older brothers] were forced to perform live sex shows for paedophiles around the world. They were raped and repeatedly sexually abused on camera by their mother. Their father, aunt and uncle also took part. It was the children's father who eventually reported his wife and her family to the police, allegedly after a dispute. Investigators traced payments to the family from accounts in the UK and Switzerland.’³⁴

A comprehensive understanding of the financial aspects of child sex trafficking is an essential component of strategies to disrupt the market. By virtue of its commercial nature, financial institutions are at the crossroads of child sex trafficking, particularly when committed over the Internet, whereby payments are processed on a dematerialised, virtual basis. Considering that most payments for online child sexual exploitation are made through regular financial channels, one of the most effective ways of deterring criminals who exploit children, and stemming the harm that results from their actions, is to follow the money. As such, financial institutions, such as banks and credit card companies, are crucial in identifying the perpetrators and intermediaries. Investigators often have to rely on peripheral or circumstantial evidence, such as written communications and financial transactions between the intermediary and the buyer, in particular in the absence of physical evidence typical of crimes committed in cyberspace, to prove what type of content was actually streamed and paid for. Such financial investigations require in-depth and extensive analysis and research. Therefore, the commitment of financial resources could contribute significantly to the investigation and prosecution of OCSE cases. Despite some modest efforts on the part of the private sector to support investigations, it is difficult to say that it has contributed enough to the fight against OCSE, given the considerable resources and power it wields. Nevertheless, it is not certain that the private sector is in a position to make a greater contribution, in terms of technical capacity and prospects. Even for the noble cause that is preventing online sexual exploitation of children, metadata analysis and de-anonymisation might not receive public approval and would certainly

³⁴ Excerpt from a case presented in: Bicker, L. (2022). Philippines sees a pandemic boom in child sex abuse. *BBC News*, Manila, 28th November. At: <https://www.bbc.com/news/world-asia-63658818>

arouse suspicion. Indeed, it is impossible to assert that the data collected would not be used for reasons other than the fight against the sexual exploitation of children online (Açar, 2017a).

3.5. The adherence of Southeast Asia and the Philippines to the global fight against online child sexual exploitation

3.5.1. Southeast Asia's evolving legal framework with regard to (online) child sexual exploitation: the case of the Philippines

Historically, Westerners have engaged in criminal acts in Southeast Asian countries that would win them a prison sentence if committed in their home countries. In response to the growth and highly exploitative CSAM industry in the 1960's-1970's in many Western countries, the American and several European governments started to enact and enforce stricter laws to curb the growing number of child sexual abuse material being produced and distributed in the market, as well as laws to ensure the prosecution of people possessing copies of such materials. With these government-imposed strictures, perpetrators were forced to move their operations to countries with lax laws and justice systems, such as Cambodia, Thailand, the Philippines, etc. (Trinidad, 2005). Although child prostitution is, theoretically at least, illegal in Southeast Asian countries, as Southeast Asian laws on the subject are not as severe or strictly enforced as in Western countries, perpetrators can be reasonably confident that they will manage to avoid the severe penalties meted out by the courts of their home countries (Hodgson, 1995). However, in recent years, Southeast Asian countries have succeeded in reducing the sexual exploitation of children by implementing a series of reforms aimed at combating the phenomenon. Perhaps this is merely because the traffic has moved online, where governments are struggling to assess its scale and eradicate it. ASEAN countries have been active in their efforts to combat child sexual exploitation. In each ASEAN country, there are a number of overarching programmes and policies that relate to child sexual abuse and exploitation (United Nations Children's Fund, 2016). For instance, in 2019, the Association of Southeast Asian Nations, with the support of UNICEF and ECPAT International, adopted two key documents that reflect ASEAN governments' commitment to combat online child sexual exploitation and abuse: the *Declaration on the Protection of Children from all forms of Online Exploitation and Abuse in ASEAN* and its subsequent *Regional Plan of Action* (ECPAT International, 2020). However, ASEAN countries are achieving moderate success in combating this phenomenon. Although it would appear that the laws of Southeast Asian countries concerning the sexual exploitation of children are provably adequate to deal with the problem, these mechanisms

operate in a fragmented and inconsistent manner (Davy, 2017). Local authorities are reluctant to enforce them rigorously, particularly against foreign nationals (Hodgson, 1995). Consequently, despite recent efforts, the difficulties associated with combating (online) child sexual exploitation persist, requiring new efforts and new solutions to prevent it (Davy, 2017).

Under the *Penal Code* first promulgated in the Philippines in 1930, an adult could legally have sexual relations with a child as young as twelve years old and claim consent. This twelve-year-old minimum age of sexual consent in the Philippines was the lowest in Asia and one of the lowest in the world, engendering devastating consequences for children. For instance, in 1987, Rosario Baluyot, aged twelve, died in the Philippines after an Austrian man named Heinrich Ritter forced an electric vibrator into her vagina, causing it to break. Rosario endured seven months of excruciating pain and infection before collapsing in the street, green bile gushing from her mouth. Doctors removed a nine-centimetre rusty screw from her vagina. She died shortly afterwards. After the Philippines Supreme Court overturned his life sentence, Dr. Ritter returned to Austria, where he never faced charges (Jullien, 2003). On July 16, 1991, the Philippines government signed and ratified without reservation the *United Nations Convention on the Rights of the Child*. In 2002, the Philippines became state party to the *Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography*, which requires to prohibit the sale of children, child prostitution and child sexual abuse material (termed *child pornography* in the treaty) (Catedral, 2022; Mahler, 1997). As one of the signatories of the UNCRC and its Optional Protocols, the Philippines government recognises the highest rights of children and the dangers to which they are exposed, and its commitment at the international level to safeguard these rights (Trinidad, 2005). Under the *Republic Act Number 7610*, enacted in 1996, the Philippines “prohibits the employment or coercion of children under eighteen years of age to perform in obscene exhibitions or indecent shows, whether live or video, or to model in obscene publications or pornographic materials” (Doyle, 1999). The *Anti-Child Pornography Act* of 2009 makes *child pornography* (as termed in the act) in all its forms illegal in the Philippines. Subsequently, an *Inter-Agency Council Against Child Pornography* was appointed to coordinate, monitor and oversee the implementation of the 2009 law. In addition, with the support of UNICEF, the Council developed the *National Response Plan to Address Online Sexual Exploitation and Abuse 2016–2022* (United Nations Children’s Fund, 2021). The *Cybercrime Prevention Act* of 2012 is one of the first Philippines laws to specifically criminalise computer crimes, such as cybersquatting, cybersex, child sexual abuse material (termed *child pornography* in the act), and identity theft, which, prior to the law's adoption, had no solid legal precedent in the Philippines jurisprudence. However, the law has been criticised for some of

its provisions, which are perceived as a restriction on freedom of expression in a form of cyber-authoritarianism (Heffron, 2014). On March 4, 2022, President Rodrigo Roa Duterte signed into law a bill raising the age of sexual consent from twelve to sixteen. Under the new law, perpetrators of sexual intercourse with a child under the age of sixteen will automatically be charged with rape (Parrocha, 2022). Furthermore, by contrast with the previous law, no reference is made to a particular gender, thereby ensuring that boys and girls are equally protected against rape (United Nations Children's Fund, ECPAT International & INTERPOL, 2022). The most recent statute, which was enacted in July 2022, is also the most specific to the phenomenon under study in that it directly addresses it, namely the *Republic Act 11930*, also known as the *Anti-Online Sexual Abuse and Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act* (Rosa, Lopez & Manapol, 2023). In this respect, the findings demonstrate that the Philippines has a solid, albeit imperfect, legal basis for combating the phenomenon of child sexual exploitation, both online and offline (Trinidad, 2005). However, economically strapped countries such as the Philippines are adopting laws and statutes to guarantee the protection of children's rights, but are facing several persistent impediments, often deeply rooted in the countries, all of which unwittingly serves to create a permissive environment for sex offenders (Davy, 2017; Jullien, 2003). Therefore, it is necessary for the Philippines government to realise its essential role in going beyond drafting laws and become proactive in their implementation (Rosa, Lopez & Manapol, 2023).

3.5.2. Gaps and challenges in implementation of relevant laws in the Philippines

The biggest challenge in combating the sexual exploitation of children, both online and offline, is the lack of enforcement of the relevant laws. In fact, setting up mechanisms and developing policies does not equate to their effective functioning or implementation (United Nations Children's Fund, 2021). In the Philippines, and among its Southeast Asian neighbours, three major problems persist that are undeniably hampering the fight against the sexual exploitation of children, online and offline alike (Duerr, 2016). These three problems bear essentially on the enforcement of the law, rather than on the law as such, although the latter constitutes the first level of action in the fight against this phenomenon (Mahler, 1997). Firstly, implementation of the relevant legislation is compromised by corruption among law enforcement and criminal justice officials (Davy, 2017). Indeed, 'laws are only as effective as the police and judges who enforce

them³⁵. Law enforcement and judiciary officials profit from the country's illegal sex trade, and therefore have little incentive to enforce the law (Mahler, 1997). In this respect, the persistence and pervasiveness of corruption constitutes an almost insurmountable obstacle to the fight against (online) child sexual exploitation in the country in particular, and the region in general (Cotter, 2009; Davy, 2017). Legislation cannot stand alone. Unless the police and other law enforcement agencies act with integrity and compassion to protect child victims and punish the perpetrators of child sexual exploitation, legislation will never have a grip on reality (Mahler, 1997). Secondly, Philippines law enforcement agencies do not have the financial and material capacity to deal with this already significant and growing phenomenon (Trinidad, 2005). Investigating crime cases in cyberspace can be extremely costly, often stretching the limited budgets of law enforcement agencies. Most developing countries, such as the Philippines, lack the political and economic stability to pay sufficient attention to child sexual exploitation, least of all when these crimes occur in cyberspace (Jullien, 2003). Thirdly, Philippines public service agents often desperately lack the appropriate training and tools to deal with such delicate situations (Gauvreau & Batard, 2008). While many countries have law enforcement units dedicated to the protection of children and victims of sexual exploitation, most do not have personnel specialised in dealing with the digital aspect of the situation. Successful detection and prosecution of perpetrators requires advanced cybercrime investigative skills, criminal laws and procedures that allow for prosecution of crimes committed online, specialised training for public service officers, cross-border law enforcement cooperation, and specialised care for child victims (United Nations Children's Fund, 2023). Another challenge that bears addressing, albeit to a lesser extent than those mentioned above, is the difficulty government agencies have in maintaining the issue of online child sexual exploitation high on the national agenda, which is no straightforward matter given an already saturated environment where child protection is just one of many issues competing for government attention and funding (Davy, 2017). Consequently, the delay in translating political consensus into effective action is one more element widening the gap between promises and action (Annan, 2001). These considerations, combined with existing weaknesses and gaps in legal frameworks, inadvertently contribute to a permissive environment for perpetrators of sexual offences against children in Southeast Asia in general, and in the Philippines in particular (Davy, 2017). In this respect, international cooperation would bridge the gap for a number of countries by relying on international agencies and better-equipped countries. There is an undeniable need for deeper harmonisation of laws and their application between countries for a more concerted global action (Açar, 2017a).

35 Cotter, K. M. (2009). Combating child sex tourism in Southeast Asia. *Denver Journal of International Law and Policy*, 37(3): 497.

3.5.3. Global taskforce fighting child sex abuse in the Philippines

*'For three years, the children did as they were told. In the privacy of their home in the Municipality of Cordova they stripped and posed naked in front of a webcam. They also performed lewd acts, as directed by their parents. The parents were arrested by the National Bureau of Investigation in Central Visayas on June 2011, while six of their children were rescued, including a 4-year old girl. [...] Except for the eldest child, the other children were all naked when agents found them on the ground floor of their two-story house. The youngest was getting ready with her siblings to "perform" live in front of a webcam. Her mother was supervising them. The three boys and three girls were aged 15, 13, 11, 9, 7, and 4. When NBI agents entered the house, they found the children inside a room. The father was transacting online with a client. The mother was supervising her naked children.'*³⁶

Online child sexual exploitation remained largely invisible until 2011, when the Philippines successfully prosecuted the first LSCSA case against two Swedish nationals and three Filipinos (Terre des Hommes Netherlands, 2013). Since then, the Philippines government has declared war on online sexual abuse and exploitation of children. However, the scale of the battle ahead is staggering. Although the efforts of national law enforcement agencies to combat online child sexual exploitation are compromised by a lack of capacity in terms of skills, experience and financial and technical resources, progress is nevertheless possible even when resources are limited (Davy, 2017; United Nations Children's Fund, 2020). For instance, in 2019, the *Philippine Internet Crimes Against Children Center* (PICACC) was created. The centre is composed of national law enforcement agencies and foreign law enforcement collaborating to work on specific cases of technology-facilitated child sexual exploitation³⁷. The collaborative international effort is a significant step in their mission of combatting online exploitation of children through an enhanced global response (United Nations Children's Fund, 2021). Within two years after its inauguration, the PICACC made possible the rescue of 373 child victims from online sexual exploitation and the arrest of 84 offenders. According to International Justice Mission (2021a), an anti-human trafficking

36 Excerpt from a case study presented in Terre des Hommes Netherlands. (2013). An exploratory study on the background and psychosocial consequences of webcam child sex tourism in the Philippines. *Terre des Hommes Netherlands*: 29.

37 The PICACC is a collective effort to combat child exploitation across the Philippines by law enforcement – the Philippine National Police Women and Children's Protection Center (PNP WCPC), the National Bureau of Investigation Anti-Human-Trafficking Division (NBI AHTRAD), the Australian Federal Police (AFP), and the United Kingdom National Crime Agency (UK NCA); in partnership with a non-governmental organisation, International Justice Mission (IJM).

NGO and founding member of the centre, 'PICACC has truly set the gold standard for international law enforcement collaboration'³⁸.

In 2023, *ABC News* reported from the Philippines³⁹ to provide an insight into the ongoing efforts of the global taskforce to combat child sexual abuse and exploitation in the country. Considering that OCSE cases are very sensitive, they require patience and commitment on the part of the officers, many of whom work around the clock on these cases. Although each case is different, the report indicates that there is a standard investigation procedure which involves several stages. An investigation always begins with in-depth research. Investigators conduct months of online surveillance of open sources – that is to say, analysing videos and images from the Internet. The PICACC operates very basic investigation equipment, consisting mainly of computers. In the case mentioned during the media coverage, a police officer told the journalist that, in the videos they had seen, the girl was constantly crying and begging for the abuse to stop. This is followed by ground surveillance to locate the residence where the child is being sexually abused. Once they have gathered sufficient evidence, PICACC agents complete the paperwork for a search warrant application, which usually takes several hours. The officers then go to court to request a judge's approval of the search warrant needed to proceed with the search of the identified premises. On the condition that the judge approves it, the police can be deployed to the location, arrest the alleged offender(s) and rescue any children they may find inside. The likelihood of judges agreeing to the application is very uncertain, however, and is dependent on the evidence that police officers have submitted. In some cases, hearings can extend for hours before judges decide on whether to issue the search warrant, stalling the case in the meantime. In the case examined in the news report, it lasted eight hours for the judge to grant the warrant application. Startled by how long this process could take, the reporter commented: 'Every moment that ticks by is another moment that this child is potentially vulnerable to abuse'⁴⁰. If the warrant is accepted, the police launch the raid operation. The most important objective of these operations is primarily to rescue the child victim(s), which unfortunately is not always successful. Once they have found the offender(s), there is further investigation to carry. In order to arrest the suspect, the police need to find child sexual abuse material in his possession. To this end, they examine his telephone(s) and computer(s). If evidence

38 International Justice Mission. (2021a). Philippine Internet Crimes Against Children Center marks second anniversary by celebrating 373 rescues, 84 arrests. *International Justice Mission*, 28th April. At: <https://www.ijm.org.ph/articles/philippine-internet-crimes-against-children-center-marks-second-anniversary-by-celebrating-373-rescues-84-arrests>

39 March, S. (2023). Inside the global task force fighting child sex abuse in the Philippines. *ABC News*, 2nd March. At: https://www.youtube.com/watch?v=sYXgHV_SNeY&t=4s

40 March, S. (2023). Inside the global task force fighting child sex abuse in the Philippines. *ABC News*, 2nd March. At: https://www.youtube.com/watch?v=sYXgHV_SNeY

is found, only then can the suspect be arrested and detained. At the moment of the coverage, the PICACC had between fifty to sixty active cases. These cases can be lengthy to resolve, some more easily than others. The cooperation aspect is decisive to the success of the detection, investigation and prosecution of perpetrators and facilitators in cases of online child sexual exploitation. In almost every study, the most sexually motivated online offenders originate from the United States, followed by Australia. Consequently, American and Australian police officers represent an integral part of the task force. According to the news report, in one case, a single lead provided by foreign law enforcement authorities led the task force to find five facilitators and fifteen child victims. The case originated in Australia, whereas the local police officers stopped Ian Schapel and identified that he had child sexual abuse material on his phone. Upon such discovery, they executed a search warrant on his home, wherein they found more than 55,000 images and videos, among which more horrifying footage of sexual acts involving children. Schapel communicated with Filipino facilitators through Skype chat logs. In one of the conversations, it was discovered that Schapel paid forty Australian dollars to watch a five years old being sexually abused and exploited. The perpetrator was arrested in the Philippines and landed in jail for fifteen years on the charges of offences related to sexual activity on the Internet. Schapel youngest victim was barely three years old. International Justice Mission (n.d.) provides another insightful example of international cooperation, the case of Nelson Siacor Torayno, Europol's number one on the wanted sex offenders list who was a man originally from the Philippines. On April 12, 2019, Torayno, 32 years-old, was arrested in Cebu City for producing and distributing child sexual abuse material on the darkweb. Upon his apprehension, the police found in his room thousands of images and videos showing children being sexually abused by an adult. The investigation into the suspect began when Australian authorities informed the Philippines that sensitive photos of Filipino children were circulating in the country. The Philippines National Police received assistance from the International Justice Mission's *Criminal Analysis Center* to identify the suspect, which uncovered a sophisticated network of false online identities and digital security measures installed to conceal his criminal activities. Altogether, eight of Torayno's victims, aged between three and eleven, were rescued. The suspect is charged with violating the *Anti-Trafficking in Persons Act*, *Cybercrime Prevention Act* (2012), *Anti-Child Pornography Act* (2009), and the *Child Abuse Law*. As the news report reveals, for the police officers who compose the task force, addressing cases of online child sexual exploitation is a constant wave of successes and setbacks. As one police officer reports: 'The really hard thing is that you leave work everyday knowing there are still more children out there that you

know about. And it's heartbreaking because they may not know that anybody's even out there looking for them, even though we're trying'⁴¹.

41 March, S. (2023). Inside the global task force fighting child sex abuse in the Philippines. *ABC News*, 2nd March. At: https://www.youtube.com/watch?v=sYXgHV_SNeY

Chapter IV. The online sexual exploitation of children in the face of digitisation worldwide and in Philippines: the case of COVID-19 and the rise of artificial intelligence

*'Year on year, there are increases in reports of online child sexual abuse content. As digital technology becomes more ubiquitous, it is increasingly connected with cases of child sexual abuse and exploitation.'*⁴²

Since its inception in the 1980's, the digital revolution has been both a negative and positive force. While the digital world has undeniably become central to the functioning of society, it has also created increasing exposure to online risks and opportunities (Hantrais et al., 2021). While the rapid evolution of the digital world is extremely promising, it also paves new avenues for criminal activity and violence that jeopardise children's safety (Rosa, Lopez & Manapol, 2023).

4.1. The surge in online child sexual exploitation amid the COVID-19 pandemic

4.1.1. Global assessment of the impact of COVID-19 on the risk of online child sexual exploitation

On March 11, 2020, the World Health Organization declared the highly infectious respiratory disease that is known today as *COVID-19* a pandemic (Dąbrowska, 2021). The COVID-19 crisis prompted governments around the world to issue guidelines to slow the spread of the disease, such as confinement, social distancing, travel restrictions, massive closing of schools, and switching (when possible) to teleworking, etc. (Uitts, 2022). Consequently, patterns of study, labour, socialisation and leisure have shifted online to accommodate the disruption caused by the pandemic (Salter, Woodlock & Wong, 2023). The adoption of digital solutions at unprecedented pace has created unforeseen opportunities to develop alternative approaches to social and economic life. As such, the world's society became *digital by default* (Hantrais et al., 2021). According to the United Nations, Internet user numbers swell due to pandemic, whereas an additional 782 million people came online in just two years since 2019. As everyday activities shifted online during the COVID-19 pandemic, the same occurred with illegal activities. The area of cybercrime is one of the crime areas most affected by the COVID-19 crisis, which includes online child sexual abuse and exploitation. As both children and perpetrators have been forced to stay home and spend more time on the Internet, the threat stemming from online child sexual abuse and exploitation has increased

42 United Nations Children's Fund. (2021). Ending online child sexual exploitation and abuse: Lessons learned and promising practices in low- and middle-income countries. *UNICEF*, New York: 2.

(Europol, 2020; Salter, Woodlock & Wong, 2023). Children have experienced confinement in the home bringing challenges for their safety online and offline (EUROPOL, 2020). The COVID-19 crisis triggered an unprecedented rise in online child sexual exploitation, particularly the production and distribution of child sexual abuse material, live streams of child sexual abuse and, especially, self-generated sexual content involving children, all of whose were already of particularly high levels prior to the pandemic (Dupont, 2021).

How can online sexual exploitation of children during the pandemic be measured in comparison with other periods ? Although the data is still fragmented and incomplete, there are strong indications that there has been an increase in the number of cases of child sexual abuse and exploitation during and after the COVID-19 pandemic. While it is impossible to measure the entire volume of CSAM available online and others OCSE crimes, Dąbrowska (2021) observes that there are some indicators that can be used to assess the scale of online CSAM and whether there was an upward or downward trend in OCSE crimes over the pandemic time. Such indicators include the number of reports to hotlines combating CSAM, the number of criminal investigations and reported cases, and the measurements of the perpetrators' online activity monitored by law enforcement and other entities on the surface web and dark web. From the outset of the COVID-19 pandemic, EUROPOL had been monitoring the impact of the pandemic on the serious and organised crime landscape. In particular, EUROPOL reported a significant increase in activity relating to child sexual abuse and exploitation on both the surface web and dark web during the COVID-19 confinement periods. Indeed, the increased activity of CSAM interested perpetrators on the surface web was accompanied by an increase in their activity on the darknet forums. *Web-IQ*, a private-sector company that monitors dark web and other online activity, has indicated increasing levels of activity on dark web child sexual abuse forums since the beginning of the COVID-19 crisis (EUROPOL, 2020). In these forums, some of the topics discussed included the COVID-19 situation and its possible effects on the availability of CSAM, as well as enthusiastic messages about the opportunities provided when children will be online more than before (see Figure 7) (Dąbrowska, 2021; EUROPOL, 2020).

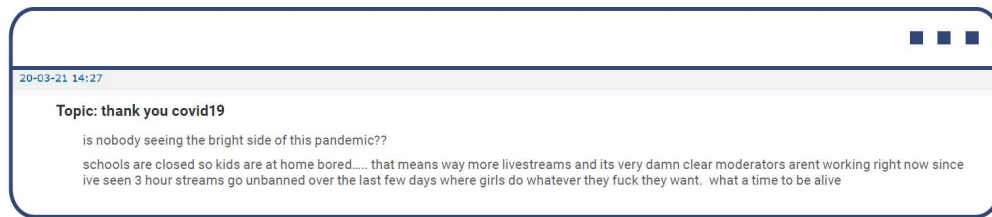


Figure 7: Excerpt from a dark web forum discussion extracted by EUROPOL in June 2020⁴³

Commonly, online platforms providing social media and messaging services refer CSAM and other OCSE crimes detected on their platforms to the *National Center for Missing and Exploited Children* (NCMEC) (EUROPOL, 2020). The *CyberTipline* is a hotline receiving reports about multiple forms of online child sexual exploitation, operated by the NCMEC. Dąbrowska (2021) reports that, in March 2020 alone, the NCMEC had recorded a 106% increase in CyberTipline reports of suspected child sexual exploitation – rising from 983,734 reports in March 2019 to over two million the next year. The number of reports was even higher in April 2020 – with 4.2 million reports. The majority of reports received in 2020 in general were related to suspected CSAM and included 65.4 million images, videos, and other files, including 33.6 million images, of which 10.4 million were unique, and 31.6 million videos, of which 3.7 million were unique. According to EUROPOL (2020), there has also been an increase in the amount of material appearing to be produced by children themselves. Indeed, the ability of perpetrators to deceive, coerce and sexually extort children into producing sexual images without ever meeting them online has also been evidenced in recent cases. From a global perspective, INTERPOL noted that 2021 had been “the worst year on record” with regards to online child sexual abuse (Catedral, 2022). However, it bears mentioning the limitations of these findings. Reports and other publications available are usually based on fragmented data collected in different periods of time and different locations, whereas online child sexual exploitation is a global issue. Drawing conclusions from the scattered data available on CSAM volume reported to hotlines proves difficult. It is also important to note that the hotlines operate in different legal systems, and the legal definition of CSAM varies from country to country. Despite the common interest, the reports are based on divergent indicators, measured differently, and obtained from multiple sources. As UNICEF stresses, the lack of representative data to determine the scale of any form of violence against children is a ‘critical barrier to making an efficient investment and prioritizing a comprehensive child protection response’⁴⁴.

43 Europol. (2020). Exploiting isolation: Offenders and victims of online child sexual abuse during the COVID-19 pandemic. *European Union Agency for Law Enforcement Cooperation*: 12.

4.1.2. Ensuring the safety of children in online activities during the pandemic and beyond

Who bears responsibility for protecting children online? The COVID-19 pandemic was a defining moment for global society. It enabled digital technologies to extend their reach, almost uncontrollably, to all aspects of life. The pandemic and subsequent confinement periods have fundamentally altered the way people live, work and relate to each other. The rapid pace of digital transformation not only revolutionised public communication, it also transformed the potential scope of criminal behaviour (Hantrais et al., 2021). As a result, children were more exposed to risks and vulnerabilities of being victimised by perpetrators both online and at home (Rosa, Lopez & Manapol, 2023). The global impact of COVID-19 resulted in increased risks of sexual and gender-based violence, coupled with challenges for prevention and response. The onset of the pandemic coincided with an increase in reports of online child sexual exploitation to national and international law enforcement and online safety agencies. While demand for online child sexual exploitation soared, the fallout from the pandemic affected law enforcement's ability to investigate such cases. The COVID-19 pandemic presented an unprecedented challenge to national and global child protection responses, at a time of disrupted law enforcement capabilities (Salter, Woodlock & Wong, 2023). Indeed, child victimisation increased as law enforcement and other resources were diverted to managing public health measures at the height of the pandemic (Jakes, 2021). Ultimately, the pandemic exposed the inadequate crisis-preparedness of child protection systems. The requirement for social distancing translated into reduced team numbers and shorter office hours for law enforcement personnel, disrupting case management and the transfer of responsibilities. For many professionals, their role involves dealing with child sexual abuse imagery and sensitive data that can only be stored and accessed in the workplace (Salter, Woodlock & Wong, 2023). The COVID-19 pandemic exposed the limited and highly volatile capacity of social welfare systems, including child protection systems, across the world, particularly in resource-constrained contexts. Indeed, services, including violence prevention and response services, have been disrupted in many countries during the pandemic, leaving children with limited support. Fragmented, under-resourced and understaffed systems, already under strain before the pandemic, struggled to cope with the increase and urgency of requests for support, leaving countless vulnerable children without adequate protection. As such, the COVID-19 pandemic has further accentuated the critical need to adopt a systemic approach to any type of child protection issue, and to invest in a strong, comprehensive and well-integrated social welfare and child protection system (United Nations

44 Dąbrowska, M. (2021). The unclear picture of child sexual abuse material (CSAM) online volumes during the COVID-19 pandemic. *Białostockie Studia Prawnicze*, 6(26): 122.

Children's Fund, 2021). Most crucially, the pandemic exposed the technological sector's insufficient commitment to ensuring children's safety in their online activities. It pointed to the role and moral, even legal, responsibility of technology companies in preventing and responding to the sexual exploitation of children online. Prior to the pandemic, governments, and the general public, were largely sympathetic to arguments that the Internet could not, and should not, be regulated, justifying the exclusion of technology companies from the child protection obligations imposed on other sectors. However, the consequences of digitisation for children, particularly since the COVID-19 pandemic, saw the technology industry's failure to prioritise child protection become increasingly disturbing to the general public (Salter, Woodlock & Wong, 2023). As such, the global transition to online working, learning and socialising has brought the issue of online child safety to the forefront of debate and action. Moreover, it also highlighted the responsibilities devolving on the technology industry (United Nations Children's Fund, 2021).

Escalating rates of online child sexual exploitation during the COVID-19 global pandemic revealed fundamental flaws in the construction of the Internet in general, and in the culture of major technology companies in particular (Salter, Woodlock & Wong, 2023). As a consequence of the largely unregulated nature of online content, no technology company is currently required to proactively investigate and remove online sexual content from its platform or network (Keller, 2024). At the outset of the pandemic, the number of reports to the police relating to social media plummeted, despite the increased prevalence of online child sexual exploitation. The technology sector (such as Facebook, Twitter, Instagram, Google, Microsoft, Apple, etc.) justified this observation by the reduced capacity of social media security teams (Keller, 2024; Salter, Woodlock & Wong, 2023). According to Salter, Woodlock and Wong (2023), this drop in police reporting has had significant implications for child protection, as OCSE perpetrators actively took advantage of technology companies' failings during the pandemic and exploited loopholes and gaps in the industry's responses. The technology sector was unable – or unwilling – to innovate and adapt to the challenges by OCSE during the COVID-19 global pandemic. As such, the technology industry is complicit in child sexual abuse and exploitation, for the design of online infrastructure and the absence of child protection measures contribute to children's vulnerability. As Terre des Hommes Netherlands (2014) stresses, simply instituting age policies on online platforms is highly insufficient, for it is well known that enforcing age policies online is virtually impossible. Chat rooms are the most frequently reported online setting for initial interaction between perpetrators and child victims (or facilitators). Other reported venues are gaming platforms and social networks. Indeed, CSAM and LSCSA are increasingly disseminated via social media applications, whose

anonymising features and encrypted messaging further complicate investigations (EUROPOL, 2020; Sunde & Sunde, 2021). According to Salter, Woodlock and Wong (2023), criticism of the technology sector expanded further during the COVID-19 pandemic, driven by the involvement of social media in the spread of medical misinformation and OCSE. As a result, government and public concern about the practices and culture of the technology industry gained momentum, giving impetus to large-scale reform efforts focused on user safety in general and child protection in particular. This governmental and social movement has highlighted the legal impunity granted to technology companies whose services are misused for the abuse and exploitation of children. The relative freedom of technology companies from state control is connected to the freedom of Internet users to engage in a range of online sexual behaviours, including the sexual exploitation of children. However, fundamental design flaws do not explain why social media companies did not match the commitment and initiative displayed by online safety and law enforcement agencies that sought to maintain their level of service and commitment throughout the pandemic. As the authors observe, the lack of resources allocated to online safety by social media companies during the pandemic suggests a broader culture of disinterest and disengagement from child protection concerns. The absence of commitment from the technology sector caused an increase in workload and stress for professionals trying to investigate OCSE during the pandemic, bearing witness that the burden of protecting children in their online activities is unevenly distributed (Brown, 2022). For Salter, Woodlock and Wong (2023), the escalation of online child sexual exploitation during the COVID-19 pandemic is the most recent and compelling illustration of the dangers and hypocrisies of cyber-libertarianism. The lack of priority and urgency given to child protection issues reveals the sexual politics of cyber-libertarianism that dominate industry decisions and attitudes towards OCSE. The global business model and consumerist culture of social media companies and Internet service providers prompts them to ignore OCSE and fosters a culture of neglect and arrogance wherein the sexualised display of the body is normalised as a potential source of revenue. Ultimately, this leaves the impression that children's needs and rights are subordinated to the interests of the private sector, attesting to the sexual-economic logic of libertarianism embedded into the architecture of the Internet, wherein commercial prerogatives take precedence over the protection of users' rights. The framework of sexual politics recognises that the sexual-economic logic of cyber-libertarianism reflects broader power structures of sexual and gender inequality. As such, the authors call for a rejection of the politics of cyber-libertarianism. 'The cyber-libertarian goal of online freedom is only achievable at the cost of mass online child sexual exploitation'⁴⁵.

45 Salter, M., Woodlock, D. & Wong, T. (2023). The sexual politics of technology industry responses to online child sexual exploitation during COVID-19: "This pernicious elitism". *Child Abuse & Neglect*, 106559: 9.

Where do parents stand in this scenario ? COVID-19 and its impact on child protection also highlighted the critical role of parents and caregivers to support children's safety online (United Nations Children's Fund, 2021). The role of parental supervision in preventing online harm for children is unquestionable. The difficulty lies in finding a balance between the benefits of using the Internet and protecting children from the dangers associated with being online. A combination of excessive parental protection through restrictions, and a dearth of support for children's online use, could in fact result in higher levels of harm when the risk is encountered, because it is done in secret (Quayle & Koukopoulos, 2019). The threat posed by cybercrime requires parents to address the very real challenges posed by technology in their children's lives, as abuse can take place in the child's bedroom, while parents are at home and unaware of the offence in progress (Hantrais et al., 2021; Sunde & Sunde, 2021). Sexual abuse and exploitation of children online will continue to be a significant menace as long as children spend significant amounts of time online unsupervised, whether in their free time or while receiving education via remote learning arrangements (EUROPOL, 2020). However, what happens when the parents represent the greatest threat to their children ? In principle, that is when the protection and prevention measures provided by both the technology sector and law enforcement agencies are activated.

Social scientists recognise that technological development do not necessarily result in social progress (Hantrais et al., 2021). Nowadays, children are spending more time online than ever before. As a consequence of this significant rise in the amount of time spent on the Internet over a long period of time, technology has gradually become a normal part of children's lives (Dąbrowska, 2021). This ubiquity of communication technologies has blurred the distinction between *online* and *offline* in young people's interaction (Chiu & Quayle, 2022). Technology has become the means by which children habitually interact with the world: playing, seeing their families, doing their schoolwork, connecting with friends. In this way, much of childhood's infrastructure – education, social services, recreation, civic and cultural institutions – has moved online (Hantrais et al., 2021). Although the pandemic has now ended, online traffic has not fallen back. The whole structure of child sexual abuse on the Internet has survived (ARTE, 2023). UNICEF expressed fears that the COVID-19 pandemic could reverse years of progress achieved in the fights against (online) child sexual exploitation. In that sense, the COVID-19 pandemic exacerbated pre-existing technological industry and government failures to comprehensively address the sexual exploitation of children online (Salter, Woodlock & Wong, 2023). Research on children's experiences in a digital society following the COVID-19 pandemic has grown apace around the world, responding to the multiple challenges to their well-being posed by socio-technological transformation and isolation (Hantrais

et al., 2021). There is now, more than ever, a need for a complete reassessment of the understanding of what constitutes a safe and effective cyberspace (Salter, Woodlock & Wong, 2023).

4.1.3. The impact of COVID-19 on the Philippines labour market and its correlation with the increase in online child sexual exploitation

*'It began during lockdown. During COVID-19. When I could no longer go to school. This was in July. My parents lost their jobs. Instead, they did this. They exploited us. Initially, our uncle downloaded an app. And then the whole family did the same.'*⁴⁶

As one example, the changes brought by the COVID-19 pandemic have had a significant impact on the sexual exploitation of children online occurrence and victimisation in the Philippines. The COVID-19 pandemic led the government to impose policies ordering community confinement quarantines, stay-at-home policies which, compounded by heightened emotional vulnerability, economic hardship and surges in unsupervised time spent online by children, caused a socio-economic crisis which exacerbated the existing stark inequalities of vulnerable children, resulting in the amplification of their risks to sale, trafficking, sexual exploitation and abuse on the Internet (United Nations Children's Fund, 2021). The community quarantines imposed to stem the spread of the coronavirus have exacerbated the conditions of poverty in the Philippines. Widespread poverty was already prevalent in the country, and has been exacerbated by the restrictive confinement, which has resulted in the loss of employment for some individuals and income for some families (Rosa, Lopez & Manapol, 2023). According to the International Labour Organization (2020), the outbreak of the pandemic rapidly transformed into an unprecedented global economic and labour market crisis, with severe impact in the Philippines. In the country, immediate effects on sectors, businesses and workers were felt after the implementation of confinement measures. Only businesses or sectors considered essential to the proper functioning of the economy were allowed to remain open (including food, medicine, logistics, telecommunications, media, airline and aircraft maintenance, etc.). As expected, strict confinement arrangements have disrupted the livelihoods of many workers who are not employed in essential sectors, or who are unable to perform their duties remotely. In April 2020, the Philippines recorded its worst-ever unemployment rate of 17.7%, equivalent to around 7.3 million unemployed Filipino (see Figure 8). From the outset of the pandemic, the effects had manifested across the labour market, with a rise in the unemployment

46 Excerpt from a child victim's testimony – ARTE. (2023). Child rape online. ARTE, March 10. At: <https://www.youtube.com/watch?v=zz0cOJE9E7s&t=221s>

rate, a fall in labour force participation rate, a significant reduction in working hours, and a large increase in the proportion of workers who are currently employed but are absent from work. By August 2020, around two million workers in over 83,000 establishments in the country had already been affected by temporary business closures. The International Labour Organization stresses that a substantial proportion of the Philippines labour force was already engaged in the informal economy or in precarious employment. Indeed, approximately one-third of the total Philippines workforce is believed to be engaged in some form of *vulnerable* employment. Altogether, it is estimated that a quarter of total employment in the Philippines is susceptible to have been disrupted by the impact of COVID-19 on the economy and labour market, either through reduced earnings and working hours, or through complete job loss. This represents around 10.9 million workers. As the ILO observes, this situation demonstrates the disproportionate impact of COVID-19 on vulnerable population groups.

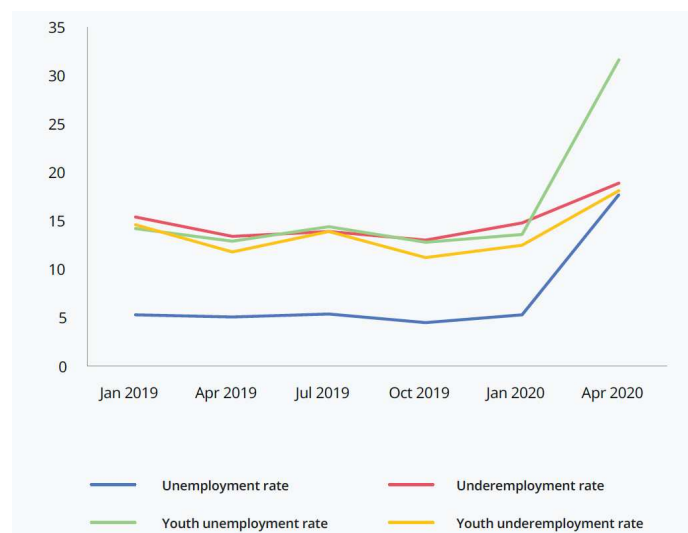


Figure 8: Unemployment and underemployment rates in the Philippines (in percentage) from January 2019 to April 2020⁴⁷

According to the World Tourism Organization (2023), prior to the COVID-19 pandemic, tourism was the world's largest service sector – providing one in ten jobs worldwide. While few industries have been spared the impact of the COVID-19 pandemic, even fewer have been hit as hard as the tourism sector. From March 2020 onwards, the COVID-19 pandemic caused unprecedented disruption to tourism, resulting in a massive drop in international travel following a global confinement and a fall in demand, amid widespread travel restrictions put in place to stem the spread of the coronavirus. On the one hand, it translated in the Philippines into a massive decline in income or employment for workers in the tourism industry. Indeed, as pointed out

47 Gutierrez, J. & Bilefsky, D. (2021). With schools closed, COVID-19 deepens a Philippine education crisis. *The New York Times*, 15th September. At: <https://www.nytimes.com/2021/09/13/world/asia/philippines-students-remote-covid.html?searchResultPosition=1>

previously in this paper, the tourism industry, in Southeast Asia in general, and in the Philippines in particular, represents a significant proportion of national income and an important sector of employment. On the other hand, travel restrictions and other measures adopted during the pandemic probably prevented perpetrators from travelling, thereby relocating their criminal activities online (EUROPOL, 2020). In (physical) tourism, most foreign tourists who sexually exploit children tend to travel from wealthy, economically developed Western countries to poorer countries such as those in Southeast Asia, where the sex tourism industry is well established and commercialised (Flowers, 2001). A similar situation emerged during COVID-19, only this time in cyberspace, between interposed screens, kilometres apart (EUROPOL, 2020). Considering the severe economic downturn hitting many families, reported cases of online sexual exploitation of Filipino children have ballooned (Rosa, Lopez & Manapol, 2023). When parents lost their jobs, being forced to stay at home with no way of earning money, it was their children they chose to exploit (ARTE, 2023). Rosa, Lopez and Manapol (2023) report the finding of Save the Children, a non-governmental organisation dedicated to improving the lives of children worldwide, which found that forty percent of the facilitators involved in OCSE were immediate family members of child victims who had resorted to this practice to help them cope with the debilitating economic impact of the pandemic. Prior to the pandemic, the Philippines was already infamous for online child sexual exploitation. Indeed, UNICEF had already described the country as the “global epicentre of the live sexual abuse trade” in 2016. Accordingly, the authors conclude that the onset of the pandemic has only aggravated an already critical situation. From the start of the pandemic, in April 2020, the NCMEC announced that the number of cases related to OCSE has increased by 264% in the Philippines. NCMEC reported that the number of cases in the Philippines was the second highest in the world after India – with some 3,188,793 reported cases in the Philippines in 2021 (Roche et al., 2023; Rosa, Lopez & Manapol, 2023). At the same time, demands for investigations into online sex trafficking grew by nearly three hundred percent over a two-month period in spring 2020, when the country was under stringent travel restrictions. (Jakes, 2021). Documented evidence across Southeast Asia countries indicates an increase of OCSE in the region, particularly livestreaming of child sexual abuse and self-generated images (Davy, 2017). Indeed, some teenagers have chosen voluntarily to engage in online prostitution, with their parents having knowledge of their children's transactions and of the money sent in exchange for sexual favours. In other cases, children have been pressured by their parents to engage in online sexual activities, or outright abused and exploited by their parents, in the hope of providing for the family's economic needs. Seeing the changes in the economic situation of those who have already engaged in online sexual transactions, others were convinced to engage in this type of activity (Rosa, Lopez & Manapol, 2023). From a

legal point of view, it makes little to no difference whether the child participated voluntarily, or was forced or persuaded to do so. As a minor, the law recognises that a child cannot consent to a sexual act (because they lack the maturity and hindsight to evaluate and understand how this act will adversely affect them). The only difference is that, in the second scenario, the prosecution is no longer limited to the aggressor, but also includes the intermediaries (Terre des Hommes Netherlands, 2014). As a consequence, the rise in the number of perpetrators exchanging CSAM online and requesting LSCSA during confinement has impacted and stimulated demand for this type of online material beyond confinement. The circumstances around the pandemic, that is increasing digitalisation of everyday life, have given existing perpetrators access to a broader group of potential child victims. As such, the consequences of this may have a long-term impact on child sexual exploitation in general (EUROPOL, 2020). After years of progress in the fight to reduce the sexual exploitation of children, the COVID-19 pandemic has led to a regression.

Children were the primary victims of the consequences of the pandemic. The effects have been most damaging for children in the poorest countries and most disadvantaged neighbourhoods, as well as for those who were already in an unfavourable or vulnerable situation (Kishore, Gaggar & Jitender, 2020). In recent years, there has been an increase in child sexual abuse material and livestreaming of child sexual abuse. This coincides with an accelerated use of digital technology worldwide as a result of the COVID-19 pandemic. With travel restricted and borders closed, it came as no surprise that CSAM and LSCSA increased in frequency and prevalence during the pandemic (Drejer et al., 2024). However, the focus in public discourse on digital technology risks under COVID-19 obscured the influence of other important changes on family life: transformations in family structure, job insecurity, welfare provision, to name but a few (Hantrais et al., 2021). Noting that the pandemic has accelerated digitalisation initiatives in many businesses, the results of the impact assessment are connected to the potential destructive and transformative effects of digitalisation on employment opportunities. The pandemic has severe implications for current and future labour market outcomes in the Philippines, which prompts reflection over the future of work and the impact that the economic crisis will further have on online child sexual exploitation (International Labour Organization, 2020).

4.2. Online child sexual exploitation in the new era of artificial intelligence

'It is clear that this is no longer an emerging threat – it is here, and now. We are seeing an impact on our dedicated victim identification officers, who seek to identify each and every real child that we find in this abhorrent material. We are seeing children groomed, we are seeing perpetrators make their own imagery to their own specifications, we are seeing the production of AI imagery for commercial gain – all of which normalises the rape and abuse of real children.' – Ian Critchley, National Police Chief's Council Lead for Child Protection (United-Kingdom)⁴⁸

4.2.1. The rise of artificial intelligence: A force for good or bad ?

What is the nexus between artificial intelligence and the online sexual exploitation of children ? Artificial intelligence (abbreviated AI) is a branch of computer science aimed to replicate human intelligence and behaviour (Ratner, 2021). Artificial intelligence is a decades-old field of computer science research. It reached a turning point at the end of 2022 with a dramatic increase in public and media attention following the release of the text-generating program *ChatGPT*. Simplistically, the aim of artificial intelligence is to create intelligent computer programs. This is achieved by training AI systems on massive data from which they can draw connections and search for patterns. This involves an iterative learning process, guided by a combination of human feedback (supervised machine learning) and/or algorithmic feedback (unsupervised machine learning) (ARTE, 2024; Singh, & Nambiar, 2024). Artificial intelligence has opened a gateway for a greater digital revolution (Singh & Nambiar, 2024). The COVID-19 pandemic and the subsequent shift to online lifestyle have made companies and individuals more dependent on the use of AI-based systems, technologies and applications to perform their activities, including teleworking, distance learning, online payments, access to entertainment options such as streaming and video-on-demand services. Unfortunately, these circumstances have also driven criminals to reconsider and reorganise their criminal activities in order to adapt to the new realities (Ratner, 2021). Technology has been characterised by consistent evolution. There is an ever increasing need to use technological innovations in resolving problems, which produces the tendency for heightened dependency on them (Singh & Nambiar, 2024). The average technology user comes into contact with artificial intelligence on a nearly daily basis (Ratner, 2021). Artificial intelligence technology can be deployed extensively and in a variety of forms. There is widespread potential for benefits from AI

48 Internet Watch Foundation. (2023b). International collaboration vital as “real world” abuses of AI escalate. *Internet Watch Foundation*, 25th October. At: <https://www.iwf.org.uk/news-media/news/worst-nightmares-come-true-as-predators-are-able-to-make-thousands-of-new-ai-images-of-real-child-victims/>

across society, from applications in science, research, healthcare, communication, transportation, entertainment, and also in the fight against (cyber)criminality (Hantrais et al., 2021). Considering that the amount of online content relating to the sexual exploitation of children is increasing, which complicated manual filtering, this calls for more automatic methods (Singh & Nambiar, 2024). In this context, AI holds considerable potential to contribute in the fight against this global threat by improving law enforcement's ability to identify victims, facilitators and perpetrators efficiently, rapidly and accurately. For example, Western countries have managed to develop software programmes to identify child victims by facial recognition, to evaluate CSAM to determine whether they have been created recently, and to experiment with computer viruses that destroy CSAM websites on the Internet (McCoy, 2002). The project *Becoming Sweetie* (discussed in Chapter 1) is the most successful example of the application of artificial intelligence to combat the sexual exploitation of children online. Developed in 2013 by the non-governmental organisation Terre des Hommes, the project *Becoming Sweetie* consisted of a software program whose avatar, *Sweetie*, was a virtual ten-year-old Filipino girl (see Figure 1 in Chapter 1). Her lifelike image, made entirely with artificial intelligence, appeared online in chat rooms and on dating sites. While *Sweetie* was initially manually operated by TdH researchers, the later version called *Sweetie 2.0* was an automated program with AI-capabilities that operated on a much greater scale and required less human direction. With *Sweetie 2.0*, the software could be deployed around the clock to identify potential perpetrators in multiple chat rooms simultaneously, deter them or, if necessary, have them arrested and prosecuted by transferring suspect case files to the authorities. As Urbas (2021) explains, the *Becoming Sweetie* project was developed by leveraging three main artificial intelligence technology modules: (i) three-dimensional imagery, (ii) a chatbot facility, and (iii) an underlying software framework.

- i. three-dimensional imagery

Three-dimensional imaging provided a realistic representation of a little girl of around ten years of age. The realistic animations of *Sweetie* were designed to convince suspects that they were in contact with a real girl, without resorting to photos of real people, as is the case in some projects such as the one featured in the ARTE documentary (2022), where young women posed as teenage girls. For *Sweetie*, this is the representation of a girl who does not exist. It is also important to mention that the animations of *Sweetie* do not depict any nudity or images of sexual nature. In fact, regardless of whether the image is virtual or of a real person, in this line of investigation aimed at catching sexual predators online, the images are never of sexual nature.

ii. chatbot facility

In order to remove the need for human intervention (which can be very psychologically burdensome), Sweetie was improved to a version 2.0 that used AI technology. Based on the experiences, guidelines and conversation logs of the initial Sweetie project, a chatbot was designed, following a conversation model that simulates a fictitious ten-year-old child as realistically as possible.

iii. software framework

In order to use the chatbot functionality for various communication platforms, a framework was developed to interconnect all the software components. These components include, for example, management functionality for the chatrooms, personas, chat structure and corresponding question/answer combinations; storage of all chats and related details; processing of identifiable chat material for each chat partner; detection functionality to recognise repeating chat partners, indecent proposals/or explicit materials; dashboard for graphical presentation of all required actions, chat results, as well as statistics for operational, tactical and strategic insight; etc.

Sunde and Sunde (2021) provide further examples of the use of artificial intelligence to fight OCSE, which, albeit based on similar models of operation, are nevertheless different in some respects. The software *AiBA* (Author input Behavioural Analysis) applies linguistic and behavioural patterns, such as the use of words and writing patterns, to predict the gender and age of participants of online conversations. The purpose of AiBA is to warn children if the software detects that their interlocutor is an adult pretending to be a child. The technology of *PrevBOT* is inspired by the Sweetie 2.0 and AiBA concepts, which use automation and machine learning for their predictions. *PrevBOT*, which denote *crime preventive robot*, is an automated tool supporting the police in preventing child sexual abuse and exploitation in online chat rooms. *PrevBOT* is modelled after Sweetie 2.0 in the sense that it can observe open conversations and interact automatically in chat rooms. In addition, *PrevBOT* also includes elements of machine learning and a forensic linguistics algorithm inspired by AiBA technology. These features provide *PrevBOT* with the predictive and computational intelligence to generate information relevant to the prevention of online child sexual abuse and exploitation. *PrevBOT* is able to apply *linguistic fingerprints* calculated from past conversations with known sex offenders, to compare with future online conversations. If *PrevBOT* does not classify the user as a known sex offender, a next consideration is to analyse whether current chat conversations can be classified as *sexualised speech*. On this basis, *PrevBOT* can label certain chat rooms as *Problematic Spaces* (PS), and certain participants as *Problematic Persons*

(PPs) (see Figure 9). PrevBOT is capable of accessing several chat rooms simultaneously and generating predictions and calculations to determine whether the chat room is classified as a problematic space where potential PPs are present. While PrevBOT is merely a concept at the moment, the authors claim that if developed, it may be used by law enforcement authorities to prevent OCSE initiated in a chatroom environment.

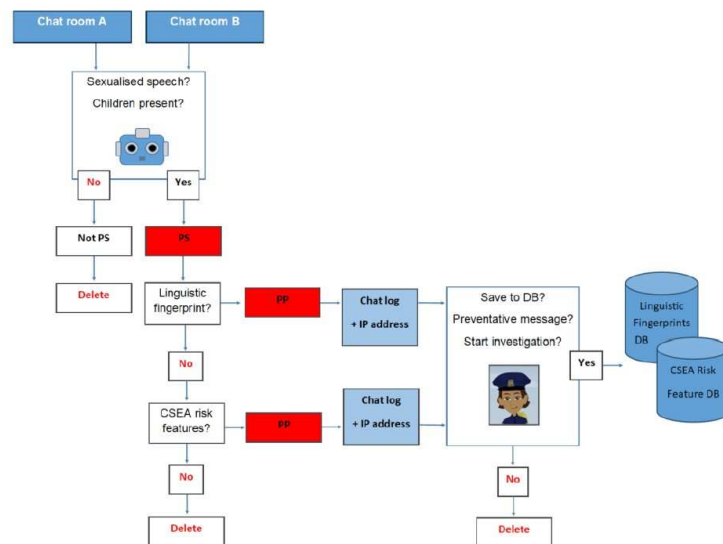


Figure 9: Overview of the police decision-making process for classification of Problematic Spaces (PS) and Problematic Persons (PP) as devised by the PrevBOT program⁴⁹

Automated robots are developed in recognition of the shortcomings of current police strategies against online child sexual exploitation (Sunde & Sunde, 2022). Autonomous AI software programs are capable of operating on a much larger scale than human investigators (Urbas, 2021). All these AI programs can be used by national and international law enforcement and online security agencies for patrolling online spaces. By making use of automation and current machine learning technology trained to recognise OCSE offenders' behavioural and linguistic patterns, law enforcement authorities may more efficiently and accurately identify online spaces where children are at risk of sexual exploitation and abuse (Sunde & Sunde, 2021). The use of automated robots facilitate implementation over a large number of digital platforms, reaching a wide range of audiences and thereby increasing the possibility of early intervention (Singh & Nambiar, 2024). AI is characterised by intelligent learning, which means that it is designed to learn how to progressively improve at performing tasks without being explicitly programmed by a human (by using artificial neural networks – that is, huge datasets scraped from the Internet) (Ratner, 2021). The paradox with new technologies is that they bring as many positives as they bring negatives

49 Sunde, N. & Sunde, I. M. (2021). Conceptualizing an AI-based police robot for preventing online child sexual exploitation and abuse: Part I – The theoretical and technical foundations for PrevBOT. *Nordic Journal of Studies in Policing*, 8(2): 7.

(Internet Watch Foundation, 2023a). Suppose now that the same type of technology is used to create a virtual child for the purpose of abusing children, rather than trying to prevent it. Although abhorrent, this situation is realistic. In this scenario, artificial intelligence technologies would be employed to create child sexual abuse images and videos of children, without children ever being recorded in a sexually explicit way (Ratner, 2021). Media attention on such websites and services is increasing with a growing number of stories about production of non-consensual AI imagery of adults and children (Internet Watch Foundation, 2023a). In other words, artificial intelligence has provided cybercriminals with a new avenue for their illicit activities, thereby opening up new front lines in the fight against online child sexual exploitation (Ratner, 2021).

4.2.2. AI-generated images of child sexual abuse material

*'If AI models can now generate photorealistic images, they can generate photorealistic images of children. If AI models can generate pornographic images, they can generate photorealistic CSAM.'*⁵⁰

According to the Internet Watch Foundation (2023a), the year 2023 heralded a leap in the level of detail and realism in AI-generated imagery. Perhaps the most insidious technological development in the production of child sexual abuse material is the creation of AI-generated child sexual abuse material (AI CSAM). Child sexual abuse imagery generated through artificial intelligence is a very recent and increasingly popular phenomenon, which is causing growing concern (Internet Watch Foundation, 2023a; Ratner, 2021; Kang, 2024). There are two different types of AI-generated child sexual abuse material. Firstly, artificial intelligence technology may be leveraged to *nudify* children whose clothed images have been uploaded online (Internet Watch Foundation, 2023a). This type of child sexual abuse material is produced by using an innocent photo of a real child, scanning it and transforming it into something sexual. For this purpose, the faces of well-known children (such as child celebrities or children of celebrities) are used, as are those of ordinary children. In fact, according to a recent British study, images as simple as ordinary school photos have been modified so that all the children are naked. The horror faced today is that someone can take an image of a child on social media, on a high school page or at a sporting event, and engage in what has become known as *nudification* (Sullivan, 2024). Evidence demonstrate a tendency among perpetrator communities to collect content featuring their preferred child victims.

⁵⁰ Internet Watch Foundation. (2023a). How AI is being abused to create child sexual abuse imagery. *Internet Watch Foundation*: 15.

With AI technology, perpetrators can train a model to generate as many new imagery of that victim as desired. With such a tool, it becomes apparent how any content can be manipulated for sexual purposes, and even commercialised. For the authorities, differentiating between modified and unmodified images has proved to be a difficult endeavour (Internet Watch Foundation, 2023a). Secondly, there is another AI-generated variant of child sexual abuse material, where artificial intelligence creates a child that does not exist. In such case, however, images of real children are often used to train the data (Kang, 2024). The process employed to produce entirely AI-generated children whose models may have been trained on real children but do not resemble any actual children is referred to as *deep learning* or *fine-tuned*. *DeepFakes* is the commonly-used term to define fabricated videos, images, and other media created by AI that appear to be real (Ratner, 2021). Once generated, technology and techniques are also available to refine the image as desired (Internet Watch Foundation, 2023a). Along with exploiting imagery of children to train the software, AI CSAM increased the potential for re-victimisation of victims of child sexual abuse. This is further damaging to child victims in that their images are often used to generate alternative images of them in new scenarios (EUROPOL, 2020; Internet Watch Foundation, 2023a). Assessing artificial imagery that do not feature real people is more complicated, for the legal statute of such content is unclear (Kang, 2024). For this purpose, irrespective of which type of AI CSAM is involved, all users need to do is write a message and realistic images, videos and text will be generated in a matter of minutes (Sullivan, 2024). This technology is fast and accurate, in that numerous images can be generated simultaneously in a single click. ‘All you need is the language to tell the software what you want to see’⁵¹. Essentially, artificial intelligence is paving the way for a world of text-to-image capability (Internet Watch Foundation, 2023a; Sullivan, 2024). Crucially, perpetrators can legally download everything they need to generate AI CSAM. Additionally, the AI technology can be operated on the device offline. Consequently, once the technology has been acquired, perpetrators can produce as many images of child sexual abuse as desired, with little or no risk of detection. Another route to generating this type of AI CSAM is via websites dedicated to this service. The number of such websites on the market has increased recently. Typically, they offer a selection of options for image characteristics: age, body features, position or activity, setting, etc. (see Figure 10) (Internet Watch Foundation, 2023a).

51 Internet Watch Foundation. (2023a). How AI is being abused to create child sexual abuse imagery. *Internet Watch Foundation*: 4.

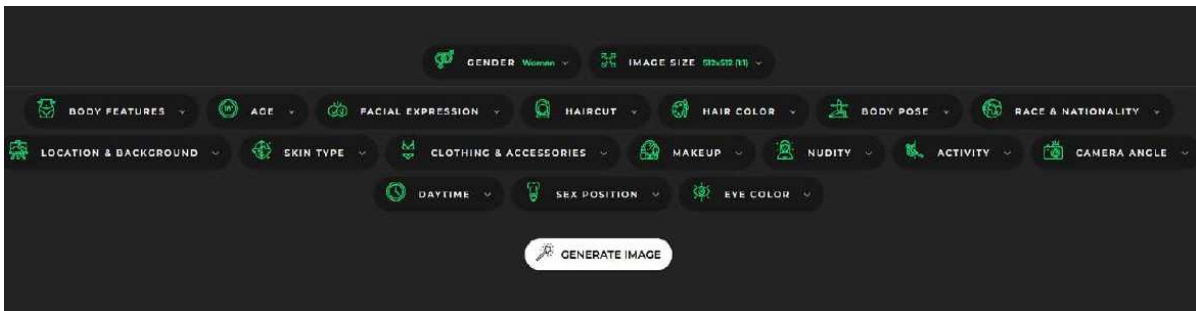


Figure 10: Options of an online AI pornography generation tool that allow customisation of various elements of the generated image – extracted from from the website Pornderful⁵²

Artificial intelligence technology has the capability to create realistic visuals of people, including children, without any human intervention or control (Ratner, 2021). According to the Internet Watch Foundation (2023a), the level of realism of AI CSAM varies according to the people generating the content, depending on technical expertise, computer size and time invested, all of which are variables that affect the level of realism. This is complemented by other factors improving the realism of AI CSAM: upgraded AI models; increased sharing of AI content, tools and advice; and broader technical capabilities in general among communities sharing AI CSAM. Law enforcement professionals have been finding *guides* on how to generate AI CSAM on dark web forums. For instance, in early 2023, a guide to generating AI CSAM with one particular model widely circulated on dark web forums. The IWF stresses that the creation and distribution of guides for generating AI CSAM is not currently considered an offence, which underlines the complex status of those who enable the creation of AI CSAM. Therefore, there is considerable concern that AI technology will lower the barrier to entry for sex offenders and impede the response of the international community to this crime. In fact, discussions among perpetrators on CSAM forums reflect a growing enthusiasm for advances in this technology (see Figure 11).

“I just can't get my head around that these boys are not real!”

“Are you sure these are CGI?”

“Congratulations on hitting photo realism. This is insane. How much better does it get from here?”

Figure 11: Comments from a dark web forum user on the realism of AI CSAM⁵³

52 Internet Watch Foundation. (2023a). How AI is being abused to create child sexual abuse imagery. *Internet Watch Foundation*: 19.

53 Internet Watch Foundation. (2023a). How AI is being abused to create child sexual abuse imagery. *Internet Watch Foundation*: 32.

Perhaps the most alarming aspect is the pace of development and improvement of artificial intelligence. When it first appeared, the Internet Watch Foundation (2023a) records that artificially generated material was easily identifiable: backgrounds were misaligned, the proportions of body parts were inaccurate, missing or maladjusted. Within a short period of time, however, the imagery became so realistic that even highly skilled analysts have considerable difficulty in distinguishing between the two (*real* CSAM and AI CSAM – although the term *real* should not be taken to diminish the severity or criminality of AI CSAM). The quality of AI CSAM has improved very rapidly in a relatively short timespan. One Internet Watch Foundation analyst commented: ‘We have a good idea of the common glitches and features of AI-generated images. Armed with that knowledge and assessing images that I know are AI-generated, there are still images that I would struggle to distinguish from real photos. Near flawless, photo realistic pictures of the worst kind of child abuse you can image. And this is with AI in its infancy’⁵⁴. The majority of AI CSAM uncovered by law enforcement authorities are considered sufficiently realistic to be treated as *real* CSAM. Currently, AI-generated CSAM represents a small proportion of the vast numbers of available CSAM, both on the surface web and on the dark web. Nevertheless, the Internet Watch Foundation reports that a number of long-standing forums have started adding new AI-related sections to their sites – and that these sections are growing in popularity. Within a month, the IWF found that 20,254 AI-generated images had been posted on a CSAM forum on the dark web. Of these, 11,108 images were judged most likely to be criminal by IWF analysts (the remaining images either did not contain children or contained children but were clearly non-criminal in nature). These images most often depicted children between the ages of seven and thirteen. The majority (99.6 percent) of these images depicted female children, and a diversity of ethnicities, both of which mirror *real* CSAM in which these features are typically depicted. Most of the AI-generated imagery that was examined by IWF analysts was sufficiently realistic to reach the realism threshold for them to be considered pseudo-photographs of children. Although AI-generated content currently represents a small proportion of child sexual abuse content available on the Internet, the Internet Watch Foundation warns that this should not be underestimated, in light of its principal characteristics and potential for rapid growth. Perpetrators may choose to turn to AI-generated CSAM rather than *real* CSAM for many reasons, including the possibility of creation on a personal device, customisation and modification to specification, security and anonymity, etc. Demand for high-quality AI-generated images of children and AI CSAM made to specification is growing. Consequently, this demonstrate the growth of brands that advertise this service and are careful about

54 Internet Watch Foundation. (2023a). How AI is being abused to create child sexual abuse imagery. *Internet Watch Foundation*: 32.

hiding most or all criminal content behind a payment barrier. Another notable aspect is that these services are international. For the IWF, the most alarming feature of artificial intelligence is that the technology has the potential to outperform. In fact, at present, artificial intelligence is the worst it will ever be. Therefore, as the technology continues to improve, and perpetrators generally get better at generating realistic images, this challenge will only intensify. While text-image technology will continually advance over time, this will raise greater challenges for law enforcement agencies to distinguish photorealistic AI CSAM from *real* CSAM. In this respect, investigators may devote time and resources to finding children who turn out to be virtual characters (Internet Watch Foundation, 2023a). A new flood of child sexual abuse material created by artificial intelligence is threatening to overwhelm the authorities already held back by outdated technology, investigative techniques and laws (Kang, 2024). AI-generated imagery appears so realistic because the human eye is ill-equipped to determine as to whether it is real or virtual, and for this reason, it suggests that the only viable approach to differentiating AI-generated media is to employ artificial intelligence technology itself (Ratner, 2021).

4.2.3. Ethical concerns and legal constraints regarding artificial intelligence technology

Technological extensions of human capabilities engender many opportunities both for crime and crime prevention (Sunde & Sunde, 2021). Governments around the world are considering the deployment of AI systems and methods to support their activities and, more concretely, to facilitate the identification and prediction of cybercrimes (Ratner, 2021). In the case of OCSE, AI technology offers opportunities to significantly improve systems for child abuse detection, response, and assistance (Singh & Nambiar, 2024). Faced with the high frequency of sexualised content online, the limitations of human cognition preclude addressing the problem of online child sexual abuse and exploitation without the support of adequate tools (Sunde & Sunde, 2021). According to Singh and Nambiar (2024), artificial intelligence has the potential to be the ‘next best solution to overcoming online child sexual exploitation’⁵⁵. Indeed, automated robots afford the police capabilities that are not available through personal faculties (Sunde & Sunde, 2022). Through the deployment of advanced algorithms, AI systems are capable of analysing massive volumes of online content and identifying cases of child sexual exploitation with a high level of precision. Therefore, AI-powered predictive analytics ensure that suspicious activity can be identified and reported instantly, increasing the probability that inappropriate content will be detected and processed

55 Singh, S. & Nambiar, V. (2024). Role of artificial intelligence in the prevention of online child sexual abuse: A systematic review of literature. *Journal of Applied Security Research*: 37.

immediately (Singh & Nambiar, 2024). As such, the automation of the identification process enabled by AI technology holds great promise for investigating online child exploitation (Singh & Nambiar, 2024; Urbas, 2021). Therefore, the use of innovative investigative techniques is both necessary and justifiable (Urbas, 2021). Nevertheless certain limitations have been observed about the implementation of AI models in preventing online child sexual exploitation (Singh & Nambiar, 2024). Although the urgency stemming from the COVID-19 pandemic can be seen as a positive force stimulating the development and adoption of new digital technologies at incredible scale and pace, their unfettered implementation in some areas raises legal, ethical and privacy concerns, along with intensified risks for disadvantaged communities and vulnerable individuals. According to Hantrais et al. (2021), the ethical, political and legal issues raised by the use of artificial intelligence have long been examined by social scientists. These include addressing the fundamental dilemma of moral agency in cyberspace, which involves balancing the efficient management of information with intellectual freedom. As such, legality, social acceptance, trustworthiness, accountability and ethics are important concepts to consider when harnessing AI technologies to investigate OCSE crimes. While artificial intelligence holds considerable potential, the use of this technology by law enforcement agencies raises tangible and serious concerns. Artificial intelligence requires extreme caution. Consequently, the question is not whether law enforcement agencies should use artificial intelligence, but precisely how they can most responsibly and appropriately do so (Urbas, 2021). This leads to consideration of how the police can operate automated robots within the legal framework of the fundamental rights to data protection, privacy and a fair trial (Sunde & Sunde, 2022).

Insofar as artificial intelligence could detect crimes that would otherwise pass undetected and contribute to greater public safety by investigating potential criminal activity, artificial intelligence holds to become a permanent feature of today's criminal justice ecosystem. Accordingly, increasing human decision-making through AI applications requires careful consideration of how these strategies apply to the rules and procedures of the criminal justice systems, or can be adapted to apply in AI-enhanced criminal justice contexts (Urbas, 2021). With an instrument as powerful and independent of human agency as artificial intelligence, how to guarantee efficiency, accountability and transparency ? In the case of artificial intelligence, establishing a legal framework is proving challenging. Among the various AI approaches to combating OCSE, the following stand out: chatbots, natural language processing, machine learning model, automatic speech and audio-visual recognition (Singh & Nambiar, 2024). The example of the Sweetie project is perhaps the most illustrative of the dilemma that (might) exist between the

fight against OCSE in the context of protecting children's rights, and the need to respect an ethical and legal framework regarding interventions with artificial intelligence technology. Considering that Sweetie (as part of Sweetie 2.0) was an avatar chatbot, it has been questioned whether interacting with Sweetie in a sexually charged manner constitutes a criminal offence (Schermer et al., 2019). Although the results of the Sweetie project (along with other models) indicate that AI technology could, in principle, be adopted by law enforcement agencies, considering the automated and human-independent nature of Sweetie 2.0, projects such as this have not been accepted as a legal instrument against the sexual exploitation of children in the online environment (Singh & Nambiar, 2024). However, artificial intelligence should not be discarded altogether in the fight against OCSE, but rather integrated within the requirements and limits of national and international criminal justice systems (Urbas, 2021). There are two separate issues to consider with regard to the legal and ethical constraints associated with artificial intelligence. When AI-generated CSAM images contain real children, or when images of real children are used as training data, the verdict is simple: this is illegal. The verdict is more difficult, however, in the case of artificial images that do not contain real images, as this type of content could be protected as freedom of expression (Internet Watch Foundation, 2023a; Kang, 2024; Sullivan, 2024). It has been argued that computer-generated of child sexual abuse material does not infringe *child pornography* laws, as no children are abused or exploited in the process. The most troubling aspect is the perception that this type of child abuse content is somehow *ethical*. As the Internet Watch Foundation (2023a) observes, this is simply not the case. AI-generated child sexual abuse material is criminal, and should be actionable under the same laws as *real* CSAM. For the Internet Watch Foundation (2023a), proving whether an image is AI-generated is not an evidential requirement for prosecution – it only needs to look like a photograph and be an indecent image of a child.

Besides the freedom of expression associated with the creation of AI CSAM, there is also the issue of user privacy, as the investigative techniques deployed using artificial intelligence technology may appear intrusive. In general, companies specialised in text-to-image AI technology seek to prohibit their models from generating restricted content, such as violent or sexual content. This is part of self-regulatory efforts or pre-emptive measures to prevent the industry from being further regulated (Internet Watch Foundation, 2023a). However, these efforts are largely insufficient. As perpetrators persist in developing more creative and innovative techniques to produce and conceal images of child sexual abuse on the Internet, law enforcement agencies are forced to employ more invasive methods, and governments to enact more restrictive laws to apprehend them (EUROPOL, 2020). Indeed, one of the most effective ways in which AI may assist

in the fight against OCSE is through the monitoring of web usage, wherein AI algorithms can detect and identify suspicious online content. This in turn raises the question of the right to privacy. Given that AI systems constantly analyse users' activities in virtual space, the protection of privacy rights poses a problem (Singh & Nambiar, 2024). The widespread use of technologies based on facial recognition systems also deserves greater attention in the international political arena. While facial recognition may be of great interest to some governments in order to improve certain aspects of public safety and security, this technology also raises pertinent and controversial questions concerning the protection of fundamental rights, including privacy and data protection under current international law (Ratner, 2021). While protecting children in their online activities is of primary concern, the privacy rights of other users must also be respected. This represents a delicate balancing act that technology companies and authorities have to strike in order to achieve a proper equilibrium between privacy rights and children's safety (Sullivan, 2024). Such a balance can only be achieved within a regulatory framework of mandates and authorisations under judicial control. Such an automated surveillance device should be used by law enforcement authorities, subject to the legal and procedural rules of the jurisdiction in which this covert investigative activity occurred (Urbas, 2021). The widespread use of automated robots requires the creation and maintenance of comprehensive laws, regulations and guidelines (Singh & Nambiar, 2024). Furthermore, governments should also provide for the training and monitoring of these systems to ensure their effectiveness while guarding against unintended consequences (Singh & Nambiar, 2024; Urbas, 2021). The ethics and legal constraints of artificial intelligence have become a primary concern for government legislation at both national and international levels (Hantrais et al., 2021). As with many other aspects, there are different international attitudes to non-photographic and computer-generated imagery, which greatly complicates the intervention process (Internet Watch Foundation, 2023a). The fragmentation of the ethical and legal governance of AI impedes its secure and rational deployment. This new technology is highly problematic and requires legislative adaptation. The ease with which computer-generated child sexual abuse material can be produced represents a significant new challenge to international efforts to stop the exploitation of children (Doyle, 1999). Considering the complexity of the subject and the different legal approaches to liability around the world, agreeing on a harmonised and uniform response to AI technology will be a complex endeavour. Nonetheless, the current and future dangers of unregulated technologies suggest that this is a critical requisite (Ratner, 2021).

4.2.4. Has the rise of artificial intelligence had an impact on the phenomenon of OCSE in the Philippines ?

The danger associated with artificial intelligence is not currently experienced by all countries to the same degree. At present, the industrialised nations are the main engines of this new technology, and therefore its use remains within the reach of few, whether for legitimate or criminal purposes. In the case of the Philippines, the Philippines National Police's Center for the Protection of Women and Children indicated that no cases of AI-generated child sexual abuse material had been reported in the country as of January 31, 2024. However, with reports of AI being used for child sexual exploitation already emerging in other countries, the country is preparing for similar developments (Montemayor, 2024). Particularly this comes at a time when the Philippines Department of Trade and Industry has launched the *National Artificial Intelligence Roadmap*, which focuses on how artificial intelligence can be used to improve the lives of Filipinos, enhance the productivity of local businesses, advance industrial development and strengthen the competitiveness of the country's economy. With the National AI Roadmap, the Philippines aims to establish itself as an AI centre of excellence in the ASEAN region. For the Philippines government, technological advances are not part of the problem; there are the solution (OpenGov Asia, 2021). Although there are currently only a small number of cases involving AI-generated CSAM, this number is expected to grow exponentially and highlight new and complex issues about the adequacy of existing international and national laws to prosecute these crimes (Ratner, 2021). Indeed, the prospect of prosecuting that type of crime raises delicate questions of whether such material is illegal and what kind of recourse there may be for victims (Sullivan, 2024). Effectively articulating the criminality of AI CSAM can be a challenge – there are groups who seek to lessen the severity of these images who claim that AI CSAM is more ethical than real CSAM and use this claim to justify the creation and publication of AI CSAM. Undoubtedly, left unchecked, this technology will cause harm to children (Internet Watch Foundation, 2023a). It is the common obligation of governments, technology corporations, law enforcement agencies, and society at large to harness the potential of artificial intelligence to safeguard children and prevent the catastrophic effects of online child sexual exploitation (Singh & Nambiar, 2024). For Singh and Nambiar (2024), AI technologies are the key to creating a safe digital world for future generations, but this can be questioned.

Conclusion

This research thesis focused on how technology facilitates the sexual exploitation of children. In a rapidly changing technological world, children are increasingly connected as they navigate the online environment. However, while providing unprecedented positive opportunities, this technological revolution also poses major challenges, insomuch as this increased exposure and presence on the Internet gives sexual predators an easy way to reach children. For the purpose of this research, I have reviewed the literature on the subject of online child sexual exploitation to assess the current state of knowledge, to provide a comprehensive framework of the complex and interconnected ecosystem of OCSE, particularly in Southeast Asia, to explore international action and cooperation in the field of children's rights, in particular the contribution of Southeast Asia and the Philippines to the global effort against OCSE, and finally to examine the impact of digitisation worldwide and in the Philippines, especially in light of the global pandemic of COVID-19 and the rise of artificial intelligence. Firstly, the paper described in detail how the sexual exploitation of children unfolds in the digital age, notably by highlighting the degree to which the Internet and digital technologies facilitate the sexual exploitation of children. A comprehensive analysis of the literature revealed that the subject of online child sexual exploitation is proving difficult to address. Online child sexual exploitation is a relatively new form of crime against children, academic research in this field is still in its infancy. In this respect, the sources approaching the subject of OCSE are either very general, introducing the phenomenon of online child sexual abuse and exploitation, without going into the specifics, or the sources are very specific, describing a particular form of online child sexual exploitation, but neither manages to comprehensively describe the full scope and scale of the phenomenon. There is a legitimate reason for this: owing to its secretive and criminal nature, the phenomenon of online child sexual exploitation is inherently difficult to quantify, qualify, study, investigate, prosecute and, overall and for all these reasons, put an end to it. Additionally, accounts on the topic of OCSE have been marred by definitional problems and methodological complexities. Consequently, as awareness of the scale and urgency of online child sexual abuse and exploitation remains generally limited, even among law enforcement officials, OCSE is underestimated to the detriment of other crimes perceived as more important. The ability to review progress and adapt responses to changes in the operating environment is just as important at international level, than it is at national level. This requires the highest possible quality of knowledge and evidence to inform government decisions and guide targeted actions and activities. For this reason, it is imperative that further research on OCSE be pursued.

The second part of the research aimed to assess in which way the dimensions and dynamics of the global child sexual exploitation market influence the phenomenon of online child sexual exploitation in developing countries, looking in particular at the example of Southeast Asia. In addition, the research considered the distinct socio-cultural circumstances surrounding the phenomenon of online child sexual exploitation, exemplifying this by discussing the extent to which it is understood and conceptualised in the Philippines. A significant proportion of the money generated on the Internet comes from sexual content. While sexual violence is fundamentally a crime of power, economic motives also play an important part and, as with any commercial trade, the demand for a product or a service will influence its supply. Essentially, the problem of online child sexual exploitation consists of three components: demand, intermediary and supply. Considering that OCSE is an economic market, these three aspects operate in correlation. The growing number of willing buyers increases the demand for both sellers and the children they abuse, creating a vicious cycle. As such, targeting perpetrators (demand) in the more developed regions of the world represents only part of the solution, as it must be accompanied by comprehensive efforts to prevent the continued exploitation (wherein facilitators/traffickers generate profit) of child victims (supply) from developing countries, and conversely. As for the Internet, it serves as the nexus between foreign solicitors and their victims. Yet, possible national and international initiatives constitute only one, albeit important, component of a more comprehensive campaign which must necessarily draw from a wide range of interventions. The strategies must go beyond the symptoms and address the root causes of the problem while appreciating the wider socio-economic context in which it arises. Indeed, it is not in the intention of this paper to draw an artificial distinction between online and offline child sexual exploitation. It focuses on how technology facilitates the sexual exploitation of children, and contributes evidence needed to understand the role digital technology plays in perpetrating sexual violence against children. Any characterisation of child sexual exploitation must recognise that the boundaries between online and offline behaviour and actions are increasingly blurred, and that responses need to consider the whole spectrum of activities in which digital technologies may play a part. As such, it must be acknowledged the unique context from which the online sexual exploitation of children emerges, at the intersection of multiple oppressive conditions in the global marketplace. Indeed, there is a critical linkage between child sexual abuse and structural drivers, such as gender inequalities and social norms around masculinity, sexuality and male sexual entitlement. If women and girls were not disproportionately impoverished then they would not be trapped into making such unattractive choices. Therefore, the ultimate solution to the elimination of the (online) sexual exploitation of children modern involves the elimination of patriarchy and the creation of economic

parity between nations. These factors which influence the supply of, and demand for, child victims must be confronted simultaneously and jointly by the demand-emitting and supply-providing countries.

This leads to consider, thirdly, the transnational and often intangible nature of OCSE crimes. Indeed, the new modalities of crime demonstrate a vast and complicated problem that affects all countries. This context raised the question of legitimacy and jurisdiction in the investigation and prosecution of OCSE crimes whose implications often concern several countries. Moreover, given the central role of the Internet in OCSE cases, consideration had to be given to the position of international law and national jurisdictions in regulating the Internet and digital technologies. Child's rights within the context of sexual exploitation has secured a prominent position in the international legal and political agendas over the past decade. However, in spite of the existence of several international prohibitions against sexual exploitation, it can hardly be contended that the international community has reacted appropriately. Besides nations states reluctance to interfere with other states, it seems they are not even willing to adopt responsible laws in their own countries. In addition, the visibility of OCSE crimes remains very limited for law enforcement agencies and the public at large, as relatively few victims and perpetrators are reported or arrested. The challenge lies in proactively addressing both the supply and demand sides, thereby necessitating a coordinated global response. This entails a strengthened international normative framework, enhanced criminal justice capacity (through judicial cooperation between states, including extraterritorial legislation, extradition agreements, denial of departure rights), extended inter-institutional collaboration to ensure the apprehension, prosecution and conviction of perpetrators, counselling for child victims (i.e. identification, rehabilitation and reintegration of child victims), implementation of uniform rules to regulate the Internet, mobilisation of the private sector and the public. It behoves all governments to assume their responsibilities in the fight against online child sexual exploitation by assuming a proactive role in identifying sexual predators and rescuing child victims in their own countries, which respectively sustain the global demand and supply for OCSE. Otherwise, the phenomenon of online child sexual exploitation will continue to spread and victimise a growing number of children in Southeast Asia and in developing countries where Internet access rates are increasing and poverty rates remain high.

Lastly, attention was devoted to the most recent developments affecting the sexual exploitation of children online, with a particular focus on how the digitisation of everyday activities, particularly in the wake of the COVID-19 pandemic and the rise of artificial intelligence, has

contributed to the increase in the number of children being sexually abused and exploited online. The global pandemic of COVID-19 and the measures implemented to contain it have triggered an unprecedented rise in children's vulnerability to violence, and in particular to technology-facilitated sexual exploitation and abuse. Indeed, the increased danger of children falling victim to online sexual exploitation was an unintended consequence of the technological advances introduced to adapt everyday life to the reality of the COVID-19 crisis. Besides, this surge occurred at a time when child protection capacities were being disrupted by the pandemic, thereby exposing the lack of commitment on the part of social networking platform companies to protecting children in their online activities. Today, the COVID-19 pandemic has passed, but the concern it raised about the sexual exploitation of children online has every reason to persist. Indeed, there is no evidence that the phenomenon has diminished since the end of the pandemic crisis. In a hyper-connected world where children are encouraged to interact directly with others on global technology platforms, the Internet has become an integral part of their lives. The technological advances of recent years demonstrate that the trajectory of digital technology is impossible to predict, insofar as the creation/invention/innovation of a tool can have unforeseen consequences, as is illustrated by the rise of artificial intelligence. With the advent of artificial intelligence, the effectiveness and accessibility of automated robots in the fight against online sexual exploitation of children responds to the imperative of rapid action in a constantly evolving online sphere, providing an essential tool for reviewing human action and improving prevention strategies. On the other hand, however, it holds the power to become a danger for children all over the world. Indeed, in the years to come, national and international law enforcement and online safety agencies will be flooded with highly realistic-looking AI content, therefore, making even harder for law enforcement authorities to identify real child victims who need to be rescued. The speed and scale of potential AI CSAM generation, as well as the lack of oversight inherent in the open-source technology, should concern governments. It would be illusionary to believe that AI-generated sexual imagery of children in any way represent the expected solution to overcoming and curbing the sexual exploitation of children online. It is actually the epitome of it. With this technology, the possibilities are limitless and to a point, staggering and unimaginable. Moreover, it is worth re-emphasising that this is the worst, in terms of image quality, that AI technology will ever be. The mere consideration of what it will look like in another year, or, five years, is concerning. There is urgent need for alignment internationally on how this content is treated in different jurisdictions and secure commitment to ongoing collaboration from international governments and stakeholders. Increasingly, governments are realising that when it comes to the sexual exploitation of children online, this is no longer an

isolated problem. Online child sexual exploitation is a collective problem, and one that can only be confronted collectively.

For the purpose of providing the most comprehensive assessment of this phenomenon, the author selected Southeast Asia, and in particular the Philippines, as a case study, inasmuch as OCSE is a prominent phenomenon in this region, and the Philippines represents the most thoroughly documented case to date. According to global law enforcement agencies, non-government organisations and researchers, the Philippines is a global hotspot for online child sexual exploitation. Indeed, evidence suggests that OCSE in the Philippines has reached epidemic levels, sustained by global demand, and a permissive and conducive environment on the ground. The emergence of online child sexual exploitation, particularly in low- and middle-income countries such as those in Southeast Asia, is consistently attributed to social, cultural and economic determinants and vulnerabilities, including poverty, English language proficiency, educational deficit, the availability and ease of access to the Internet and information and communication technology, well-established financial transaction facilities, as well as a tolerant normative and operational framework. While national legislation supports in theory the fight against online child sexual exploitation, multiple factors hinder efforts to curb the phenomenon in the Philippines, notably limited sources of sustainable funding, corruption, fragmentation of services and limited capacity of local authorities. Consequently, intervention strategies in the Philippines have often proved inconsistent, ineffective and insufficient. Furthermore, prevention efforts are undermined by social-cultural determinants, most particularly family dysfunction. Indeed, what comes as the most appalling finding is that, in the case of livestreaming of child sexual abuse, the intermediaries are essentially the parents of the sexually exploited children, who consider their children as parental property. Although child protection efforts and social services have expanded, the rates and harms of OCSE in the Philippines are soaring, and difficulties remain in responding to the needs of survivors and their families, thereby limiting the reach and effectiveness of prevention programs. Behind these shortcomings lies a still limited understanding of the main drivers of OSEC in the Philippines and the consequences for the many local children who are the victims. The sexual abuse and exploitation of children rob the victims of their childhood, irrevocably interfering with their emotional and psychological development. Indeed, evidence of the impact on child victims of OCSE in the Philippines reveals high levels of post-traumatic stress, sexually transmitted diseases, suicidal behaviour, lower self-esteem, significant educational delay and increased risk of prostitution. More recently, findings have raised concerns that increasingly more children are at risk of online sexual abuse and exploitation in the context of the COVID-19 pandemic and its far-

reaching impact on digitisation, with families resorting to easy money as poverty deepens and Internet access expands. The practice is spreading rapidly and alarmingly throughout the Philippines in particular, and the Southeast Asian region in general, and there are compelling reasons to believe that it will spread further abroad, severely impacting developing countries primarily. While the example of Southeast Asia, and the Philippines in particular, is the most demonstrative, given the extent of online child sexual exploitation in this region, and this country most notably, it is important to reaffirm that this is not an isolated case, and that children in developing countries, because of their vulnerability due to the economic, social and political situation in their country, are more likely to be victims of sexual exploitation, both online and offline. In this respect, efforts to raise public awareness and engage public authorities must continue, which starts with thorough and exhaustive research.

Bibliography

Açar, K. V. (2016). Sexual extortion of children in cyberspace. *International Journal of Cyber Criminology*, 10(2): 110-126

Açar, K. V. (2017a). Organizational aspect of the global fight against online child sexual abuse. *Global policy*, 8(2): 259-262

Açar, K. V. (2017b). Webcam child prostitution: An exploration of current and futuristic methods of detection. *International Journal of Cyber Criminology*, 11(1): 98-109

Ali, S., Haykal, H. A. & Youssef, E. Y. M. (2023). Child sexual abuse and the internet – A systematic review. *Human Arenas*, 6(2): 404-421

Altayyar, A. I. (2023). The concepts for better regulation of Internet platforms. *Academic Journal of Research and Scientific Publishing International peer-reviewed*, 4(48): 41-53

Annan, K. A. (2001). We the children: meeting the promises of the World Summit for Children. *United Nations Children's Fund*

Aronowitz, A. & Koning, A. (2014). Understanding human trafficking as a market system: Addressing the demand side of trafficking for sexual exploitation. *Revue internationale de droit pénal*, 85(3): 669-696

ARTE. (2022). Pédoprédateurs piégés sur Internet. *ARTE*

ARTE. (2023). Child rape online. *ARTE*, 10th March

At: <https://www.arte.tv/en/videos/112457-000-A/arte-reportage/>

Baines, V. (2019). Online child sexual exploitation: Towards an optimal international response. *Journal of Cyber Policy*, 4(2): 197-215

Bicker, L. (2022). Philippines sees a pandemic boom in child sex abuse. *BBC News*, Manila, 28th November.

At: <https://www.bbc.com/news/world-asia-63658818>

Branagan, M. (2019). Mail-order brides: A form of human trafficking ? *Anti-Trafficking International*, 9th November

At: <https://preventht.org/editorial/mail-order-brides-a-form-of-human-trafficking/>

Brocato, V. (2004). Profitable proposals: Explaining and addressing the mail-order bride industry through international human rights law. *San Diego International Law Journal*, vol. 5: 225-265

Brown, R. (2022). Eliminating online child sexual abuse material. *Taylor & Francis*

Catedral, R. V. G. (2022). The best interest of the child in the Philippines: Lessons from Supreme Court decisions and their potential application in online sexual exploitation of children cases. *Queen Mary Law Journal*, vol. 3: 28-48

Cheok, C. K. & Chen, Y. C. (2019). Assessing ASEAN's relevance. *Journal of Southeast Asian Economies*, 36(1): 11-24

Chiang, E. & Grant, T. (2017). Online grooming: moves and strategies. *Language and Law / Linguagem e Direito*, 4(1): 103-141

Chiu, J. & Quayle, E. (2022). Understanding online grooming: An interpretative phenomenological analysis of adolescents' offline meetings with adult perpetrators. *Child Abuse & Neglect*, vol. 128: 105600

Cotter, K. M. (2009). Combating child sex tourism in Southeast Asia. *Denver Journal of International Law and Policy*, 37(3): 493-512

Dąbrowska, M. (2021). The unclear picture of child sexual abuse material (CSAM) online volumes during the COVID-19 pandemic. *Białostockie Studia Prawnicze*, 6(26): 109-125

Davy, D. (2017). Regional overview: Sexual exploitation of children in Southeast Asia. *ECPAT International*

Doyle, M. (1999). Bad apples in cyberspace: The sexual exploitation and abuse of children over the Internet. *Whittier Law Review*, 21(1): 119-146

Drejer, C. et al. (2024). Livestreaming technology and online child sexual exploitation and abuse: A scoping review. *Trauma, violence, & abuse*, 25(1): 260-274

Duerr, R. I. (2016). Philippines' booming cybersex industry. *DW*, 2nd April
At: <https://www.dw.com/en/the-philippines-booming-cybersex-industry/a-19026632>

Dupont, J. (2021). COVID-19 and the sexual exploitation of children online. *ACAMS Today*, 20th May
At: <https://www.acamstoday.org/covid-19-and-the-sexual-exploitation-of-children-online/>

ECPAT International. (2008). Combating child sex tourism: Questions & Answers. *ECPAT International*, Bangkok

ECPAT International. (2020). Summary Paper on Online Child Sexual Exploitation. *ECPAT International*, Bangkok: 1-23

ECPAT International. (2022). Extraterritorial jurisdiction and extradition legislation as tools to fight the sexual exploitation of children. *ECPAT International*, Issue papers: 1-11

Elshenraki, H. N. (2020). *Combating the exploitation of children in cyberspace: Emerging research and opportunities*. IGI Global

EUROPOL. (2020). Exploiting isolation: Offenders and victims of online child sexual abuse during the COVID-19 pandemic. *European Union Agency for Law Enforcement Cooperation*

Flowers, R. B. (2001). The sex trade industry's worldwide exploitation of children. *The Annals of the American Academy of Political and Social Science*, 575(1): 147-157

Gannon, C. et al. (2023). Child sexual abuse material on the darknet. *Forensische Psychiatrie, Psychologie, Kriminologie*, 17(4): 353-365

Gauvreau, C. & Batard, S. (2008). L'exploitation sexuelle des enfants à des fins commerciales, au-delà du mythe, une réalité. *Les Cahiers de PV – Antenne sur la victimologie*, Association québécoise Plaidoyer-Victimes

Gillespie, A. A. (2012). Jurisdictional issues concerning online child pornography. *International Journal of Law and Information Technology*, 20(3): 151-177

Goujard, C. (2023). Inside the police force scouring the Internet to save abused children. *Politico*, 19th December

At: <https://www.politico.eu/article/inside-europe-police-force-scour-internet-save-abuse-children/>

Grouchy, J. & Campus, G. (2015). The global impact of the sex tourism industry: Issues of legalization. *Memorial Libraries University*

Gutierrez, J. & Bilefsky, D. (2021). With schools closed, COVID-19 deepens a Philippine education crisis. *The New York Times*, 15th September

At: <https://www.nytimes.com/2021/09/13/world/asia/philippines-students-remote-covid.html?searchResultPosition=1>

Hantrais, L. et al. (2021). Covid-19 and the digital revolution. *Contemporary Social Science*, 16(2): 256-270

Heffron, J. K. C. (2014). The Philippine cybercrime prevention act of 2012: To protect or destroy. *De La Salle University Business & Economics Review*, 24(1): 96-103

Hodgson, D. (1995). Combating the organized sexual exploitation of Asian children: Recent developments and prospects. *International Journal of Law and the Family*, 9(1): 23-53

International Justice Mission. (n.d.). Media release: Australian police help arrest EUROPOL's most wanted for cybersex trafficking. *International Justice Mission*

International Justice Mission. (2021a). Philippine Internet Crimes Against Children Center marks second anniversary by celebrating 373 rescues, 84 arrests. *International Justice Mission*, 28th April

At: <https://www.ijm.org.ph/articles/philippine-internet-crimes-against-children-center-marks-second-anniversary-by-celebrating-373-rescues-84-arrests>

International Justice Mission. (2021b). Opinion: As a child I was sexually exploited online: Now I want tech companies and governments to take action. *International Justice Mission*, 22nd September

At: <https://news.trust.org/item/20210922121204-xq310/>

International Labour Organization. (2020). COVID-19 labour market impact in the Philippines: Assessment and national policy responses. *International Labour Organization*: 1-89

Internet Watch Foundation. (2022). The Annual Report 2022. *Internet Watch Foundation*

Internet Watch Foundation. (2023a). How AI is being abused to create child sexual abuse imagery. *Internet Watch Foundation*: 1-49

Internet Watch Foundation. (2023b). International collaboration vital as “real world” abuses of AI escalate. *Internet Watch Foundation*, 25th October

At: <https://www.iwf.org.uk/news-media/news/worst-nightmares-come-true-as-predators-are-able-to-make-thousands-of-new-ai-images-of-real-child-victims/>

INTERPOL. (n.d.). International Child Sexual Exploitation database. *INTERPOL*

At: <https://www.interpol.int/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database>

INTERPOL. (2014). INTERPOL coordinated operation strikes back at ‘sextortion’ networks. *INTERPOL*, 2nd May

At: <https://www.interpol.int/News-and-Events/News/2014/INTERPOL-coordinated-operation-strikes-back-at-sextortion-networks>

Jakes, L. (2021). Pandemic lockdowns aided predators worldwide, especially online, U.S. says. *The New York Times*, 1st July

At: <https://www.nytimes.com/2021/07/01/us/politics/coronavirus-lockdown-online-exploitation.html>

Johnson, A. K. (2014). Protecting children’s rights in Asian tourism: Reflecting on progress and the way forward. *The International Journal of Children's Rights*, 22(3): 581-617

Jullien, K. (2003). The recent international efforts to end commercial sexual exploitation of children. *Denver Journal of International Law and Policy*, 31(4): 579-606

Kang, C. (2024). A.I.-generated child sexual abuse material may overwhelm tip line. *The New York Times*, 22nd April

At: <https://www.nytimes.com/2024/04/22/technology/ai-csam-cybertipline.html>

Keller, M. H. (2024). How much child sexual abuse content is online ? *The New York Times*, 31st January

At: <https://www.nytimes.com/live/2024/01/31/technology/child-safety-senate-hearing#how-much-child-sexual-abuse-content-is-online>

Kishore, J., Gaggar, M. L. & Jitender. (2020). Child sexual abuse during COVID-19 pandemic. *International Journal of Preventive, Curative & Community Medicine*, 6(1): 30-36

Lean. L. L. (1998). The sex sector: The economic and social bases of prostitution in Southeast Asia. *International Labour Office*, Geneva

Leheny, D. (1995). A political economy of Asian sex tourism. *Annals of Tourism Research*, 22(2): 367-384

Levesque, R. J. (1994). Sexual use, abuse and exploitation of children: Challenges in implementing children's human rights. *Brooklyn Law Review*, 60(3): 959-998

Mahler, K. (1997). Global concern for children's rights: The world congress against sexual exploitation. *International Family Planning Perspectives*, 79-84

March, S. (2023). Inside the global task force fighting child sex abuse in the Philippines. ABC News, March 2nd

At: https://www.youtube.com/watch?v=sYXgHV_SNeY&t=4s

Masri, L. (2015). *Webcam child sex abuse*

McCoy, A. (2002). Children playing sex for money: Brief history of the world's battle against the commercial sexual exploitation of children. *New York Law School Journal of Human Rights*, 18(3): 499-506

Montemayor, T. (2024). Filipinos cautioned vs. AI-generated child sexual exploitation materials. *Philippine News Agency*, 7th February

At: <https://www.pna.gov.ph/articles/1218385>

Netkova, B. & Mustafa, A. Q. (2021). International legal standards in combating child online sexual abuse and exploitation. *Journal of liberty and international affairs*, 6(3): 111-122

OpenGov Asia. (2021). The Philippines launches National AI Roadmap. *OpenGov Asia*, 10th May

At: <https://opengovasia.com/2021/05/10/the-philippines-launches-national-ai-roadmap/>

Paavilainen, A. (2015). Expert paper. Europol approach to transnational child sexual exploitation. *EUROPOL*:1-3

Parameswaran, P. (2016). Singapore unveils new ASEAN cyber initiative. *The Diplomat*, 14th October

At: <https://thediplomat.com/2016/10/singapore-unveils-new-asean-cyber-initiative/>

Parameswaran, P. (2017). ASEAN cyber challenge exposed in new INTERPOL probe. *The Diplomat*, 25th April

At: <https://thediplomat.com/2017/04/asean-cyber-challenge-exposed-in-new-interpol-probe/>

Parrocha, A. (2022). Duterte signs bill raising age of sexual consent to 16. *Philippine News Agency*, 7th March

At: <https://www.pna.gov.ph/articles/1169147>

Pearce, J. (2019). Child Sexual Exploitation: Why Theory Matters. *Policy Press*

Pehar, J. (2003). e-brides: The mail-order bride industry. *Canadian Woman Studies/les cahiers de la femme*: 171-175

Philippine Statistics Authority. (2023). Preliminary 2023 First Semester Official Poverty Statistics.

Philippine Statistics Authority, 22nd December

At: <https://www.psa.gov.ph/content/preliminary-2023-first-semester-official-poverty-statistics>

Pushpanathan, S. (1999). Managing transnational crime in ASEAN. Association of Southeast Asian Nations, 1st July

At: <https://asean.org/managing-transnational-crime-in-asean-by-s-pushpanathan/>

Quayle, E. & Koukopoulos, N. (2019). Deterrence of online child sexual abuse and exploitation. *Policing: A Journal of Policy and Practice*, 13(3): 345-362

Rafferty, Y. (2007). Children for sale: Child trafficking in Southeast Asia. *Child Abuse Review*, 16(1): 401-422

Ratner, C. (2021). When “Sweetie” is not so sweet: Artificial intelligence and its implications for child pornography. *Family Court Review*, 59(2): 386-401

Roche, S. et al. (2023). Online sexual exploitation of children in the Philippines: A scoping review. *Children and Youth Services Review*, vol. 148: 106861

Rosa, M. T. C. D., Lopez, S. R. & Manapol, M. L. (2023). Experiences of female adolescent on online sexual abuse and exploitation of children during community quarantine in Davao City, Philippines. *Asean Social Work Journal*: 74-91

Salter, M., Woodlock, D. & Wong, T. (2023). The sexual politics of technology industry responses to online child sexual exploitation during COVID-19: “This pernicious elitism”. *Child Abuse & Neglect*, 106559: 1-11

Sico, R. (2013). In the name of “love”: Mail-order brides – The Dangerous legitimization of sex, human and labor trafficking. *Public Interest Law Reporter*, 18(3): 199-206

Singh, S., & Nambiar, V. (2024). Role of artificial intelligence in the prevention of online child sexual abuse: A systematic review of literature. *Journal of Applied Security Research*: 1-42

Smith, L. & Heavy Vardaman, S. (2010). The problem of demand in combating sex trafficking. *Revue internationale de droit pénal*, vol. 81: 607-624

Sullivan, E. (2024). Law enforcement braces for flood of child sex abuse images generated by A.I. *The New York Times*, 30th January

At: <https://www.nytimes.com/2024/01/30/us/politics/ai-child-sex-abuse.htm>

Sunde, N. & Sunde, I. M. (2021). Conceptualizing an AI-based police robot for preventing online child sexual exploitation and abuse: Part I – The theoretical and technical foundations for PrevBOT. *Nordic Journal of Studies in Policing*, 8(2): 1-21

Sunde, N. & Sunde, I. M. (2022). Conceptualizing an AI-based police robot for preventing online child sexual exploitation and abuse: Part 2 – Legal analysis of PrevBOT. *Nordic Journal of Studies in Policing*, (1): 1-15

Tanielian, A. R. (2013). Illicit supply and demand: Child sex exploitation in South East Asia. *National Taiwan University Law Review*, 8(1): 97-140

Terre des Hommes Netherlands. (2013). An exploratory study on the background and psychosocial consequences of webcam child sex tourism in the Philippines. *Terre des Hommes Netherlands*

Terre des Hommes Netherlands. (2014). Becoming Sweetie: A novel approach to stopping the global rise of webcam child sex tourism. *Terre des Hommes Netherlands*

Trinidad, A. (2005). Child pornography in the Philippines. *Psychosocial Trauma and Human Rights Program*, UP Center for Integrative and Development Studies and UNICEF Manila

Uitts, B. S. (2022). *Sex Trafficking of Children Online: Modern Slavery in Cyberspace*. Rowman & Littlefield Publishers

United Nations Children's Fund. (2016). Child protection in the digital age: National responses to online child sexual abuse and exploitation in ASEAN Member States. *UNICEF, Strengthening Child Protection Systems Series*, no. 6: 1-108

United Nations Children's Fund. (2020). Action to end child sexual abuse and exploitation. *UNICEF*

United Nations Children's Fund. (2021). Ending online child sexual exploitation and abuse: Lessons learned and promising practices in low- and middle-income countries. *UNICEF*, New York

United Nations Children's Fund. (2022). Sexual violence against children. *UNICEF*, 23rd June

At: <https://www.unicef.org/protection/sexual-violence-against-children>

United Nations Children's Fund. (2023). INTERPOL and UNICEF sign cooperation agreement to address child sexual exploitation and abuse. *UNICEF*, 13th April

At: <https://www.unicef.org/press-releases/interpol-and-unicef-sign-cooperation-agreement-address-child-sexual-exploitation-and>

United Nations Children’s Fund, ECPAT International & INTERPOL. (2022). Disrupting Harm in the Philippines. Evidence on online child sexual exploitation and abuse. *UNICEF Philippines*

Urbas, G. (2021). Legal considerations in the use of artificial intelligence in the investigation of online child exploitation. *Australian National University College of Law Research Paper*, (21.44)

Velasco, C. (2022). Cybercrime and artificial intelligence. An overview of the work of international organizations on criminal justice and the international applicable instruments. *ERA Forum*, 23(1): 109–126

Ward, M. & Roby, J. L. (2004). Commercial sexual exploitation of children in the Philippines. *Asia Pacific Journal of Social Work and Development*, 14(2): 19-31

Whittle, H. et al. (2013). A review of online grooming: Characteristics and concerns. *Aggression and violent behavior*, 18(1): 62-70

Witting, S. K. (2021). Transnational by default: Online child sexual abuse respects no borders. *The International Journal of Children's Rights*, 29(3): 731-764

World Bank. (n.d.). Individuals using the Internet (% of population) – Philippines, South Asia. *World Bank Open Data*, World Bank

At: <https://data.worldbank.org/indicator/IT.NET.USER.ZS?end=2021&locations=8S-PH&start=1990>

World Tourism Organisation. (1995). WTO Statement on the Prevention of Organized Sex Tourism. *UNWTO Declarations*, 5(6): 1

World Tourism Organization. (2023). International Tourism Highlights, 2023 Edition – The impact of COVID-19 on tourism (2020–2022). *UNWTO*, Madrid