

# Online Grooming of Children for Sexual Purposes:

Model Legislation & Global Review

2017 ♦ 1st Edition



**International Centre**  
**FOR MISSING & EXPLOITED CHILDREN**

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International Law & Policy*

Online Grooming of Children for Sexual Purposes:  
Model Legislation & Global Review

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First Edition

*Points of view and opinions presented in this publication are those of the author and do not necessarily represent the views of the International Centre for Missing & Exploited Children.*

*ICMEC extends its continuing gratitude to Jeff and Justine Koons for their unwavering support for our mission.*

# About Us

The International Centre for Missing & Exploited Children (ICMEC) works around the world to advance child protection and safeguard children from abduction, sexual abuse and exploitation. Headquartered in Alexandria, Virginia, USA, ICMEC also has regional representation in Brazil and Singapore. Together with an extensive network of public and private sector partners, ICMEC's team responds to global issues with tailored local solutions.

The Koons Family Institute on International Law & Policy (The Koons Family Institute) is ICMEC's in-house research arm. The Koons Family Institute combats child abduction, sexual abuse and exploitation on multiple fronts by conducting and commissioning original research into the status of child protection laws around the world, creating replicable legal tools, promoting best practices, building international coalitions, bringing together great thinkers and opinion leaders, and collaborating with partners in the field to identify and measure threats to children and ways ICMEC can advocate change.

## Our Mission

For almost 20 years, ICMEC has been identifying gaps in the global community's ability to properly protect children from abduction, sexual abuse and exploitation, and expertly assembling the people, resources, and tools needed to fill those gaps.

ICMEC works every single day to make the world safer for children by eradicating child abduction, sexual abuse and exploitation. We focus on programs that have an impact on addressing these complex issues, and we offer support to governments, policymakers, law enforcement, prosecutors, industry, civil society, and many others across the globe.

**We ADVOCATE for children around the world** by proposing changes to laws, treaties, and systems based on rigorous research and the latest technology.

**We TRAIN partners on the front lines** by providing tools to professionals who interface with children to improve prevention, facilitate treatment for victims, and increase the efficacy of the identification and prosecution of people who victimize children.

**We COLLABORATE with key stakeholders** by building international networks of professionals across disciplines to anticipate issues, identify gaps, and develop crosscutting solutions.

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# Foreword

Over the past decade, The Koons Family Institute on International Law & Policy has worked to address numerous child protection issues through the development of tools and resources that facilitate greater awareness and improved capacity of policymakers, child-serving professionals, and the public worldwide. *Child Pornography: Model Legislation & Global Review*, first released in 2006, has become ICMEC's long-running rule of law project. We are currently working on the 9<sup>th</sup> Edition, which, when released will have a slightly new title: *Child Sexual Abuse Material: Model Legislation & Global Review*. This shift in terminology is consistent with the evolution of the global discussion surrounding these issues and more accurately reflects the true nature of the crime that is committed against the child. The report laid the groundwork for our approach to gaining a better understanding of the global legislative landscape as it relates to child sexual abuse material. From the beginning, the report noted the connection between the production of child sexual abuse material and sexual grooming of children, though grooming was a little-known issue then. In recent years, there has been an increasing number of reports related to online grooming of children for sexual purposes – when an adult communicates online with a child under the age of 18 in order to establish an emotional connection or relationship with the child and gain their trust for the purposes of sexual abuse or exploitation.<sup>1</sup> This growing trend prompted us to undertake a new global review, using the same approach, focused on online grooming.

While child grooming takes place both face-to-face as well as online, the Internet poses a particular challenge, as those seeking to victimize children take advantage of the relative anonymity online interaction provides. Children may be unsupervised or minimally supervised when online and are generally more willing to share information and trust that the person with whom they are interacting is a friend. Once a trust relationship has been established, children may be pressured and manipulated into engaging in sexual activities like sexual conversations, creating sexual images and videos, or interacting over webcam with the groomer.<sup>2</sup> Children may not even understand that they are being groomed for future sexual abuse until it is too late. The grooming process can happen quickly, within a matter of minutes in some cases,<sup>3</sup> but the negative impact on the victim is often long-lasting.<sup>4</sup>

It is therefore imperative that parents/guardians and children alike have access to information about the risk of online grooming, and that resources be available to support victims and their families when such abuse occurs. To curtail this growing phenomenon, policymakers, law enforcement agencies, and child-serving professionals must work to take legislative action to prevent, identify, and prosecute online grooming of children.

Realizing the importance of considering various cultural, religious, socio-economic, and political norms, our model legislation resembles more of a menu of concepts that can be applied in all countries throughout the world as opposed to actual statutory language. The model legislation consists of a number of fundamental topics/provisions that are essential to a comprehensive legislative strategy to combat online grooming. It is divided into three parts: (1) Definitions; (2) Offenses; and (3) Sanctions

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<sup>1</sup> National Society for the Prevention of Cruelty to Children (NSPCC), *Grooming: What it is, signs and how to protect children*, at <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/grooming/> (last visited Jun. 30, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>2</sup> Helen Whittle et al., *Victims' Voices: The Impact of Online Grooming and Sexual Abuse*, UNIVERSAL JOURNAL OF PSYCHOLOGY 1(2): 59-71, 2013, at <http://www.hrpub.org/download/201308/ujp.2013.010206.pdf> (last visited Jun. 27, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>3</sup> Dr. Rowenna Baldwin, *Children at risk of grooming in as little as 18 minutes*, British Science Association, at <http://www.britishsociety.org/news/children-at-risk-of-grooming-in-as-little-as-18-minutes> (last visited Sep. 5, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>4</sup> Helen Whittle et al., *supra* note 2, at 59-60.

and Sentencing. This is followed by an overview of related regional and international law, as well as a discussion of implementation and good initiatives. The final section contains a global review of country-specific legislation.

It is important to note that the legislative review accompanying the model legislation is about assessing the current state and awareness of the problem, and learning from one another's experiences. Additionally, a country's lack of legislation specific to online grooming of children for sexual purposes does not mean that other forms of child sexual exploitation and child abuse are not criminalized.

We hope that this report, like *Child Sexual Abuse Material: Model Legislation & Global Review*, will be studied and used towards the goal of making the world a safer place for all children and that it will inspire progress similar to what we have seen with regard to child sexual abuse material. As a global community, we must strive together to ensure that children are better protected from sexual exploitation and abuse.



Ambassador Maura Harty, *ret.*  
*President and Chief Executive Officer*  
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*The findings contained in this report are current and verified as of 15 February 2017.*

# Executive Summary

## *Introduction to the Issue*

The grooming of children for sexual purposes through the Internet and related technologies is a growing problem worldwide, putting countless children at risk for sexual abuse and exploitation.<sup>5</sup> Grooming is the process by which an adult establishes or builds a relationship with a child, either in-person or through the use of the Internet and related technologies, to facilitate online or offline sexual contact with the child.<sup>6,7</sup> Online grooming can be connected with a variety of different forms of sexual exploitation of children, such as the creation of child sexual abuse material and sexual assault.<sup>8</sup> The National Society for the Prevention of Cruelty to Children (NSPCC) reported that in England and Wales the Internet was used to commit an average of eight sexual crimes against children, including rape, grooming, and live streaming of abuse, every day in 2015.<sup>9</sup>

Each year, Internet availability and accessibility continues to improve, and in turn the number of Internet users globally grows steadily – more than 50% of the world’s population now actively uses Internet services.<sup>10</sup> There are more than 3.8 billion Internet users worldwide today<sup>11</sup> with 70% of the world’s Internet users ages 15-24<sup>12</sup> and an estimated 750,000 predators online at any given moment<sup>13</sup>. Easy access to information and communication technologies (ICTs) together with a growing population of young people online makes apparent the need for comprehensive legislation and other tools to help protect children from the risk of sexual abuse.<sup>14</sup>

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<sup>5</sup> According to the BBC, the term “grooming” was first used in the context of sexual exploitation in 1985 by the Chicago Tribune in an article regarding methods used by pedophiles. In the 1990s, the term became more mainstream and has become more widely used with the increased use of the Internet. The term has since been incorporated into numerous dictionaries including the Cambridge Advanced Learner’s Dictionary and Oxford English Dictionary. The Cambridge Advanced Learner’s Dictionary defines grooming as “the criminal activity of becoming friends with a child, especially over the internet, in order to try to persuade the child to have a sexual relationship.” The Oxford English Dictionary defines the verb ‘groom’ as “(of a paedophile) prepare (a child) for a meeting, especially via an Internet chat room, with the intention of committing a sexual offence.” See, *When did ‘grooming’ become a dirty word?*, BBC News, Dec. 1, 2008, at <http://news.bbc.co.uk/1/hi/magazine/7758292.stm> (last visited Aug. 22, 2017). See also, *Cambridge Advanced Learner’s Dictionary*, Cambridge University Press, 2003, at <http://dictionary.cambridge.org/us/dictionary/english/grooming>; *OED Online*, Oxford University Press, Jun. 2017, at <https://en.oxforddictionaries.com/definition/groom> (last visited Aug. 22, 2017).

<sup>6</sup> *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, Terminology and Semantics Interagency Working Group on Sexual Exploitation of Children, at <http://luxembourgguidelines.org/> (last visited Jul. 7, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>7</sup> In the context of this report, “online” refers to some act that has taken place on the Internet or by way of some form of information and communication technology and is non-contact in nature; “offline” refers to some act that has occurred face-to-face that increases the risk of a contact (physical) offense.

<sup>8</sup> C. Emmanuel Ahia et al., *Protecting Children from Online Sexual Predators: Technological, Psychoeducational, and Legal Considerations*, 35 PROFESSIONAL PSYCHOLOGY: RESEARCH AND PRACTICE 68 [hereinafter *Protecting Children from Online Sexual Predators*] (on file with the International Centre for Missing & Exploited Children).

<sup>9</sup> Sandra Laville, *Internet used in eight cases of child sex abuse every day, NSPCC finds*, Jun. 20, 2016, THE GUARDIAN, at <https://www.theguardian.com/society/2016/jun/21/internet-used-in-eight-cases-of-child-sex-abuse-every-day-nsppcc-finds> (last visited Sep. 15, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>10</sup> Internet World Stats, at <http://www.internetworldstats.com/stats.htm> (last visited Sep. 15, 2017).

<sup>11</sup> *Id.*

<sup>12</sup> International Telecommunication Union, *ITU Facts and Figures 2017*, at <http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2017.pdf> (last visited Sep. 16, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>13</sup> *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development*, Report of the Special Rapporteur on the sale of children, child prostitution and child pornography 9, Najat M’jid Maalla, UN Special Rapporteur 2009 A/HRC/12/23, at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/146/27/PDF/G0914627.pdf?OpenElement> (last visited Sep. 14, 2017); See also Henry, S., *Video: Shawn Henry on Cyber Safety*, Federal Bureau of Investigation (FBI), May 2011, at [https://www.fbi.gov/news/videos/henry\\_051611](https://www.fbi.gov/news/videos/henry_051611) (last visited Sep. 14, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>14</sup> *Id.*



Technology gives offenders access to children around the clock.<sup>15</sup> A 2010 study found that US children between the ages of 8-18 spend an average of 7.5 hours each day on the Internet.<sup>16</sup> An even earlier study of Swedish children's media habits found that 82% of children ages 9-11 and 95% of children ages 12-16 use the Internet; 28% and 54% of those same age groups respectively use the Internet daily.<sup>17</sup> These reports demonstrate that children around the world have integrated the Internet into their lives in a way that may still be incomprehensible to many adults. Children today use the Internet every day not only to communicate with one another, but also to establish and maintain relationships with others, their social spheres often spanning both online and offline without any clear separation between the two.<sup>18</sup>

Some studies show that children who have experienced negative life events or maltreatment may be more vulnerable to online grooming.<sup>19</sup> However, research from various industrialized countries shows that some children who have been victimized online “shared no apparent negative prior life circumstances and appeared to have been randomly targeted...,” demonstrating that “there is no typical victim and the most striking thing about children abused online is their heterogeneity.”<sup>20</sup> Victims are most often between the ages of 13-15.<sup>21</sup> Some groomers communicate with many children simultaneously as they develop relationships and, in 2012, the European Online Grooming Research Project found that “girls seem to be at greater risk than boys.”<sup>22</sup> Boys are shown to constitute a “substantial group of the victims,”<sup>23</sup> but are generally less willing to report instances of abuse.<sup>24</sup> Thus, the gap in confirmed victimization between boys and girls may be smaller than some reports indicate.

Online grooming occurs via email, instant messaging apps, social networking sites, chatrooms, online gaming sites, photo sharing sites, and dating apps,<sup>25</sup> which can be accessed through personal computers and laptops, tablets, and mobile phones. A 2012 UK-based survey of 1,718 children aged 11-16 years old revealed that 42% received online attachments by email from strangers, 37% added a stranger to their instant messaging contacts, and 35% added a stranger to their social networking friends group.<sup>26</sup> These technologies are not only popular amongst younger generations, but they also

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<sup>15</sup> The terms *offender*, *groomer*, and *predator* are used interchangeably throughout this report.

<sup>16</sup> Victoria J. Rideout, et al., *Generation M2: Media in the Lives of 8- to 18-Year-Olds* 2, 11, Jan. 2010, The Henry J. Kaiser Family Foundation, at <http://www.kff.org/other/report/generation-m2-media-in-the-lives-of-8-to-18-year-olds/> (last visited Sep. 14, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>17</sup> Medierådet, *Ungar och media 2006, Fakta om barns och ungas användning och upplevelser av medier*, (Facts about Children's Use and Experience with the Media) Stockholm: Swedish Media Council, Ministry of Education and Culture (on file with the International Centre for Missing & Exploited Children).

<sup>18</sup> *English summary of Brå report No 2007:11, The online sexual solicitation of children by adults in Sweden* (2007), Brottsförebyggande rådet, at [https://www.bra.se/download/18.cba82f7130f475a2f1800024473/1371914733988/2007\\_11\\_online\\_sexual\\_solicitation\\_of\\_children.pdf](https://www.bra.se/download/18.cba82f7130f475a2f1800024473/1371914733988/2007_11_online_sexual_solicitation_of_children.pdf) (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>19</sup> Dr. Mike McGuire and Samantha Dowling, *Cyber crime: A review of the evidence – Research Report 75 – Chapter 3: Cyber-enabled crimes – sexual offending against children 10-11*, Home Office, Oct. 2013, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/246754/horr75-chap3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/246754/horr75-chap3.pdf) (last visited Jul. 5, 2017) (on file with the International Centre for Missing & Exploited Children). See also, Helen Whittle et al., “*Under His Spell: Victims' Perspectives of Being Groomed Online*,” Child Exploitation and Online Protection Centre, Soc. Sci. 2014 404-426 (on file with the International Centre for Missing & Exploited Children).

<sup>20</sup> *Child Safety Online: Global challenges and strategies - Technical Report 41*, May 2012, UNICEF Innocenti Research Centre, at [https://www.unicef-irc.org/publications/pdf/ict\\_techreport3\\_eng.pdf](https://www.unicef-irc.org/publications/pdf/ict_techreport3_eng.pdf) (last visited Jun. 26, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>21</sup> Steven Webster et al., *European Online Grooming Project: Final Report 51*, European Commission Safer Internet Plus Programme, Mar. 2012, at <http://natcen.ac.uk/media/22514/european-online-grooming-projectfinalreport.pdf> (last visited Jul. 23, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>22</sup> *Id.* at 13.

<sup>23</sup> Renée Kool, *Prevention by All Means: A Legal Comparison of the Criminalization of Online Grooming and its Enforcement* 50, 7 UTRECHT L. REV. 48 (2011) (on file with the International Centre for Missing & Exploited Children).

<sup>24</sup> Kimberly Mitchell et al., *Trends in Youth Reports of Sexual Solicitations, Harassment and Unwanted Exposure to Pornography on the Internet* 120-122, JOURNAL OF ADOLESCENT HEALTH 40 (2007), at <http://www.unh.edu/ccrc/pdf/CV135.pdf> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>25</sup> Childline, *Online Grooming*, at <https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/online-grooming/> (last visited Jun. 9, 2017).

<sup>26</sup> Steven Webster et al., *supra* note 21.

provide offenders with a platform to create a persona and, in some cases, to mask their true age and identity.<sup>27</sup> In doing so, they are better able to connect with children and more easily gain their trust and cooperation, ultimately introducing a sexual element into the relationship.<sup>28</sup>

In particular, social networking sites are widely used for online grooming.<sup>29</sup> Offenders can use the Internet and related technologies to find vulnerable children who meet their preferred sexual interests by scanning such sites to find a young person's personal information before contacting them.<sup>30</sup> For example, offenders can use such sites to access profile pictures, demographic information, interests, and communications with others (*i.e.*, news feed, status posts, comments on posts) to target victims.<sup>31</sup> Offenders thus can identify the children in whom they are interested so they may contact and eventually sexually exploit them. Child Internet users are particularly open to interacting with strangers because they use social media and social networking sites as a way to meet new people, rather than solely as a way to keep in touch with people they already know.<sup>32</sup> Given such openness with strangers, a cybercrime study conducted in the UK estimated that "850,000 cases of unwanted online sexual approaches were made in chat rooms during 2006 and that 238 offences of meeting a child following sexual grooming were recorded."<sup>33</sup> A 2005 US study showed that one in 25 children ages 10-17 had received aggressive sexual solicitations<sup>34</sup> that included attempts to contact them offline, and one in 25 were solicited by an online offender to take sexual pictures of themselves.<sup>35</sup> Just five years later, another study reported that one in 11 US children aged 10 to 17 reported receiving an unwanted sexual solicitation online.<sup>36</sup>

Over the last two decades, online gaming has similarly grown into a worldwide activity for adults and children alike.<sup>37</sup> The functionality of online gaming platforms (computers, video game consoles, or hand-held gaming systems) has evolved and expanded to include Internet access, messaging platforms, and photo and video sharing, thus enabling people around the world to communicate and play games with each other in real-time.<sup>38</sup> Sexual predators increasingly use online games as a means to easily gain access to and connect with children.<sup>39</sup> Subsequently, as more and more children play video games online, the risk of children coming into contact with sexual predators has grown.<sup>40</sup> The unique capabilities of video games often enable video and voice communications between a child and

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<sup>27</sup> Kim-Kwang Raymond Choo, *Online child grooming: A literature review on the misuse of social networking sites for grooming children for sexual offenses*, Australian Government, Australian Institute of Criminology, Research and Public Policy Series 103 (2009) (on file with the International Centre for Missing & Exploited Children).

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> Steven Webster et al., *supra* note 21.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 106.

<sup>33</sup> *Id.*

<sup>34</sup> The terms *sexual solicitation* and *sexual grooming* are used interchangeably throughout this report.

<sup>35</sup> Janis Wolak et al., *1 in 7 Youth: The Statistics about Online Sexual Solicitations*, Crimes Against Children Research Center, at <http://cyber.harvard.edu/sites/cyber.harvard.edu/files/1in7Youth.pdf> (last visited Sep. 10, 2017). See also, Janis Wolak et al., *Online Victimization of Youth: Five Years Later*, 2006, Crimes Against Children Research Center, at [http://www.missingkids.com/en\\_US/publications/NC167.pdf](http://www.missingkids.com/en_US/publications/NC167.pdf) (last visited Sep. 14, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>36</sup> Lisa M. Jones, Ph.D. et al., *Trends in Youth Internet Victimization: Findings from Three Youth Internet Safety Surveys 2000-2010*, Crimes Against Children Research Center, University of New Hampshire, *JOURNAL OF ADOLESCENT HEALTH* (on file with the International Centre for Missing & Exploited Children).

<sup>37</sup> Thomas-Gabriel Rüdiger, *The Real World of Sexual Predators and Online Gaming*, Oct. 21 2015, BeAKidsHero, at <http://www.beakidshero.com/posts/the-real-world-of-sexual-predators-and-online-gaming/> (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>38</sup> Calin Ciabai, *Naked Pictures via Xbox and PS3, Children and Parents Shocked*, Softpedia (Mar. 23, 2017), at <http://news.softpedia.com/news/Naked-Pictures-via-Xbox-and-PS3-Children-and-Parents-Shocked-80505.shtml> (last visited Jul. 11, 2014); See also, Phil Rogers, *Predators Using Gaming Systems' Live Video Features to Find Kids*, Oct. 9, 2012, NBC, at <http://www.nbcchicago.com/investigations/unit-5-video-games-internet-devices-child-predators-173429241.html> (last visited Jun. 19, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>39</sup> Thomas-Gabriel Rüdiger, *supra* note 37. See also, Steven Webster et al., *supra* note 21.

<sup>40</sup> Victoria Baines, *Online Child Sexual Abuse: The Law Enforcement Response*, ECPAT International (2008), at [http://www.ecpat.org/wp-content/uploads/legacy/Thematic\\_Paper\\_ICTLAW\\_ENG.pdf](http://www.ecpat.org/wp-content/uploads/legacy/Thematic_Paper_ICTLAW_ENG.pdf) (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

an offender.<sup>41</sup> Online games automatically give the offender and child a common interest, bypassing some of the child's fears of establishing a relationship with a stranger.<sup>42</sup> In addition, children often spend time on the gaming platforms with little or no adult supervision, thus increasing an offender's ability to build and progress a relationship.<sup>43</sup> Once a trust-relationship has been established, the offender may encourage the child to communicate on other platforms like private chatrooms, instant messengers, and social media apps, further facilitating the exchange of sexual conversations and images/videos, and even live-streaming sexual acts.<sup>44</sup>

While the grooming process can occur in-person, online grooming often progresses more rapidly, and the offender may use a variety of techniques to persuade, pressure, and manipulate the child to cooperate, all while taking advantage of the anonymity the Internet provides. Online groomers can persuade a child to meet in less than half an hour and, according to the findings of a UK-based research team, in some cases it can take as little as 18 minutes to convince a child to meet.<sup>45</sup> Likewise, a Middlesex University (London) study found that offenders, when chatting online with children, often introduce sexual topics after just three minutes, and a bond can be formed with a child after only eight minutes.<sup>46</sup> The grooming process is complex and involves "trust-building, isolation and desensitization towards sexual behavior...a network of processes and strategies that do not follow always the same order."<sup>47</sup> As there is no single method of grooming children, there is also no single profile of online groomers.<sup>48</sup>

However, there are some common tactics employed to groom children online. For instance, in 2012 the Canadian cybertipline Cybertip.ca examined 264 grooming cases of children who averaged 13 years of age, finding that suspects requested sexual images in 93.4% of cases; in 24% of the cases the young person was threatened with the distribution of existing images or other harm; the young person actually sent sexual images in 30% of the cases; and in 35.5% of cases the suspect sent the victim sexual images of themselves or requested the young person to interact by webcam.<sup>49</sup>

The ultimate goal of grooming is to sexually abuse a child, either through a physical meeting or solely online.<sup>50</sup> The Internet provides a mechanism through which minors can be manipulated and eventually victimized, exploited, and abused through the online transfer of sexually explicit information or images – all without the relationship ever moving offline.<sup>51</sup> The many advantages the Internet can offer its users have helped cause the shift in grooming from offline to online.<sup>52</sup> The Internet breaks down the

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<sup>41</sup> *Child Predators*, Federal Bureau of Investigation (2011), at <https://www.fbi.gov/news/stories/child-predators> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>42</sup> *How Predators "Groom" Children While Gaming Online*, 2016, TeenSafe, at <https://www.teensafe.com/blog/predators-groom-children-gaming-online/> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>43</sup> Joy L. Daggs et al., *Entrapping the Innocent: Toward a Theory of Child Sexual Predators' Luring Communication* 240, 17 COMMUNICATION THEORY 231 (2007) (on file with the International Centre for Missing & Exploited Children).

<sup>44</sup> Thomas-Gabriel Rüdiger, *supra* note 37.

<sup>45</sup> Nicola Davis, *Online grooming of children often 'alarming fast', researchers find*, THE GUARDIAN, Sep. 7, 2016, at <https://www.theguardian.com/society/2016/sep/08/online-grooming-of-children-often-alarming-fast-researchers-find> (last visited Sep. 9, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>46</sup> *Paedophiles "Internet Groom" Minors for Sex in Just 8 Minutes*, INHOPE, (Mar. 30, 2012) at [http://inhope.org/tns/news-and-events/news/12-03-30/Paedophiles\\_internet\\_groom\\_minors\\_for\\_sex\\_in\\_just\\_8\\_mins.aspx](http://inhope.org/tns/news-and-events/news/12-03-30/Paedophiles_internet_groom_minors_for_sex_in_just_8_mins.aspx) (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>47</sup> Nicola Davis, *supra* note 45.

<sup>48</sup> *Id.*

<sup>49</sup> Cybertip.ca, *Luring Prevention Sheet*, at [https://www.cybertip.ca/pdfs/CTIP\\_LuringPrevention\\_InterventionSheet\\_en.pdf](https://www.cybertip.ca/pdfs/CTIP_LuringPrevention_InterventionSheet_en.pdf) (last visited Sep. 11, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>50</sup> *Online Grooming: How does it work?*, THINKUKNOW.co.uk, at <https://www.thinkuknow.co.uk/parents/articles/Online-grooming/> (last visited Sep. 11, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>51</sup> Ilene R. Bersen, *Grooming Cybervictims: The Psychosocial Effects of Online Exploitation for Youth*, JOURNAL OF SCHOOL VIOLENCE, VOL. 2(1), 2003 (on file with the International Centre for Missing & Exploited Children).

<sup>52</sup> Stefan Fafinski, *UK Cybercrime report* 15, Garlik: powerful stuff (2007) (on file with the International Centre for Missing & Exploited Children).

boundaries of geographic location giving people access to a wider range and number of contacts.<sup>53</sup> The online environment's anonymity enables users to hide their true identities, often emboldening offenders to maintain and even escalate their offending behaviors.<sup>54</sup> A child's inhibitions may also be lower in online interactions due to this same sense of anonymity, leading some children to share personal information involuntarily.<sup>55</sup> Children are increasingly being coerced or deceived into participating in sexual activity on webcam or into sending sexual images, which can be equally as harmful as "contact" sexual abuse.<sup>56</sup> Online offenders may seek to achieve more immediate sexual gratification by persuading the child to send sexually explicit photographs, to pose in front of a webcam, or to participate in cybersex.<sup>57</sup>

Despite the growing frequency of online sexual abuse, the online grooming laws that do exist predominantly require that communication with the child be followed by a meeting or a clear plan to meet, such as traveling or making arrangements to travel to meet the child. However, the online grooming process often includes sexual conversation, showing adult pornography and/or child sexual abuse material to the victim, and pressuring or coercing the child to create and share sexual images of him or herself. Ireland's Explanatory Memorandum for the Criminal Law (Child Grooming) Bill 2014,<sup>58</sup> passed and enacted in February 2017,<sup>59</sup> noted:

*The concern arises that if a meeting or steps towards a meeting is required, it may be too late to avert the threat to the child in question, even though grooming has already occurred. Furthermore, it is in the nature of information and communication technology that it is possible for non-contact sexual abuse to occur even without a face-to-face meeting.*<sup>60</sup>

Recent reports underscore that an increasing number of grooming cases take place completely online; the offender has no intention to meet the child offline.<sup>61</sup> Therefore, it is imperative that online grooming legislation criminalize all types of child grooming, regardless of whether the offender intends for the relationship to progress to an offline setting.

### *The Report*

In an effort to understand how countries are addressing this issue and to make recommendations for the development of new laws, ICMEC conducted a review of existing international and national law. It is important that national legislation distinguish between online and offline grooming behaviors to ensure adequate investigation and prosecution of Internet-facilitated grooming of children. The Convention on the Protection of Children Against Sexual Exploitation and Abuse (also known as the Lanzarote Convention) is the only international legal instrument that specifically addresses online

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<sup>53</sup> Sebastien Wachs et al., *Cybergrooming: Risk factors, coping strategies and associations with cyberbullying* 628-29, 2012, PSICOTHEMA Vol. 24, n°4, p. 628-633, University of Bremen (Germany) (on file with the International Centre for Missing & Exploited Children).

<sup>54</sup> *Id.*

<sup>55</sup> Steven Webster et al., *supra* note 21, at 61.

<sup>56</sup> Online Grooming: How does it work?, *supra* note 50.

<sup>57</sup> Rachel O'Connell, *A typology of child cybersexexploitation and online grooming practices*, Preston: University of Central Lancashire, Cybersex Research Unit (2003); Rachel O'Connell et al., *Cyber stalking, abusive cyber sex and Online grooming. A programme of education for teenagers*, Preston: University of Central Lancashire, Cybersex Research Unit (2004) (on file with the International Centre for Missing & Exploited Children).

<sup>58</sup> *Explanatory Memorandum, Criminal Law (Child Grooming) Bill 2014, Ireland*, Houses of the Oireachtas, at <http://www.oireachtas.ie/documents/bills28/bills/2014/8914/b8914d-memo.pdf> (last visited Sep. 15, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>59</sup> Criminal Law (Sexual Offences) Act 2017 of Ireland, at <http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/print#part2> (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>60</sup> Explanatory Memorandum, Criminal Law (Child Grooming) Bill 2014, *supra* note 58.

<sup>61</sup> Dr. Mike McGuire and Samantha Dowling, *supra* note 19, at 4 and 9.

grooming.<sup>62</sup> The Lanzarote Convention explicitly defines grooming (*i.e.*, solicitation of children for sexual purposes), but requires that the proposal to meet be followed by material acts leading to a meeting.<sup>63</sup> While this is an important first step, international instruments must also address grooming in situations when the offender does not intend to meet the child in person, as in many cases sexual abuse begins prior to meeting or remains solely online.

Developing and championing model legislation on child sexual exploitation is crucial to effectively combat these crimes and protect children around the world. ICMEC's research encompasses 196 countries and includes current online grooming legislation as well as a sampling of the services and resources available for addressing online grooming in various countries.

The research specifically evaluates whether national legislation:

- (1) exists with regard to the online grooming of children for sexual purposes;
- (2) provides a definition of (or describes) grooming, including online grooming, and utilizes computer- and Internet-specific terminology;
- (3) criminalizes online grooming, with the intent to meet the child offline;
- (4) criminalizes online grooming, regardless of the intent to meet the child offline; and
- (5) criminalizes showing pornography to a child.

Realizing the importance of considering various cultural, religious, socio-economic, and political norms, our model legislation resembles more of a menu of concepts that can be applied in all countries throughout the world as opposed to actual statutory language. The model legislation consists of a number of fundamental topics/provisions that are essential to a comprehensive legislative strategy to combat online grooming. It is divided into three parts: (1) Definitions; (2) Offenses; and (3) Sanctions and Sentencing. This is followed by an overview of related regional and international law, as well as a discussion of implementation and good initiatives. The final section contains a global review of country-specific legislation.

It is important to note that the legislative review accompanying the model legislation is about assessing the current state and awareness of the problem, and learning from one another's experiences. Additionally, a country's lack of legislation specific to online grooming of children for sexual purposes does not mean that other forms of child sexual exploitation and child abuse are not criminalized.

### *Methodology*

Research into national online grooming legislation initially began in the spring of 2012. Primary sources of information include: Westlaw; the Council of Europe publication *Protecting children against sexual violence: The criminal law benchmarks of the Budapest and Lanzarote Conventions*<sup>64</sup>; the *European Online Grooming Project*<sup>65</sup>; the US State Department's Human Rights Report; and other similar works.

Once the relevant information was assembled, legal analysis was conducted and preliminary results were compiled. Letters then were sent to the attention of Chiefs of Mission of each country's Embassy

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<sup>62</sup> *Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse (CETS 201) Article 23*, Oct. 25, 2007, at <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680084822> entered into force Jul. 1, 2010 (last visited Sep. 15, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>63</sup> *Id.*, See also, *Explanatory Report to the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse* 23, Jul. 12, 2007, C.E.T.S. No. 201, at <https://rm.coe.int/16800d3832> (last visited Sep. 18, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>64</sup> *Protecting children against sexual violence: The criminal law benchmarks of the Budapest and Lanzarote Conventions*, Global Project on Cybercrime, Council of Europe Data Protection and Cybercrime Division, Dec. 4, 2012, at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802fa3e2> (last visited Sep. 18, 2017).

<sup>65</sup> Steven Webster et al., *supra* note 21.

in Washington, DC; if no Embassy listing was available, a letter was sent to the Chiefs of Mission at the Permanent Mission to the United Nations in New York. All letters consisted of a summary of the model legislation project, and country-specific results, as well as a request for confirmation or correction of our research results. Upon receipt of new or corrected information, the information was reviewed and, if warranted, inserted into the report. In some cases, the response and text or an excerpt may be included in the footnotes of the global review portion of the report to ensure that the information is available even when ICMEC determined that the criteria had not been met.

## Results

This report looks at the existing national legislation in 196 countries.

1 <sup>st</sup> Edition (2017)	
Legislation regarding the online grooming of children for sexual purposes	63 countries have <b>some</b> legislation, of which 24 countries meet <b>all 5</b> criteria
<b>No legislation</b> at all specifically addressing online grooming	133 countries have <b>no</b> such legislation, of which: <ul style="list-style-type: none"> <li>• 51 have legislation criminalizing showing pornography to a child</li> <li>• 82 meet none of the 5 criteria</li> </ul>
Define/describe “online grooming” to include computer- and Internet-specific terminology	51 countries
Criminalize online grooming regardless of the intent to meet the child offline (non-contact abuse)	34 countries
Criminalize showing pornography to a child	106 countries

## Topics Addressed

Fundamental topics addressed in the model legislation portion of this report include:

- (1) Defining “child” for the purposes of online grooming as anyone under the age of 18, regardless of the age of sexual consent;
- (2) Defining/describing the act of “grooming,” including “online grooming,” and ensuring that the definition includes computer- and Internet-specific terminology;
- (3) Creating offenses specific to the online grooming process in the national penal code, including criminalizing online grooming with the intent to meet the child, as well as regardless of the intent to meet the child;
- (4) Criminalizing the act of showing pornography to a child as a means of grooming;
- (5) Penalizing parents/guardians who participate in the grooming of a child under their care;
- (6) Providing extraterritorial jurisdiction for sexual offenses committed against children;

- (7) Providing services for victims of grooming and child-friendly processes during investigation and prosecution of grooming offenses; and
- (8) Enhancing penalties for repeat offenders and other aggravated factors (*i.e.*, threats, sexual extortion, age of victim) considered upon sentencing.

# Model Legislation

A comprehensive legislative strategy designed to combat online grooming must be established. This legislation should not only prevent the commission of non-contact sexual offenses and the graduation to contact sexual abuse but also should equip law enforcement agencies with the authority to aggressively investigate and prosecute offenders. In order to do so, legislation must adequately define “online grooming” in national penal codes, recognize related yet distinct contact and non-contact sexual offenses against children, criminalize the intent to exploit children through the use of the Internet or other technologies, and strengthen sentencing provisions.

The model legislation component of this report is broken down into three parts:

- (1) Definitions;
- (2) Offenses; and
- (3) Sanctions and Sentencing.

## Definitions

### *Define “child” for the purposes of online grooming.*

The legal age at which a person is able to consent to sexual activity varies between and among countries, and sometimes from state to state within a country. This poses a challenge to consistent and harmonized protection of children from sexual exploitation on a global level. While a person under the age of 18 may be able to legally consent to sexual relations, a “child,” for the purposes of online grooming legislation, should be defined as “any person under the age of 18.” This is consistent with other international agreements on child protection and accounts for the inherently exploitative nature of online grooming.<sup>66</sup>

### *Define/describe the act of “grooming,” including “online grooming.”*

In the context of sexual abuse and exploitation, grooming (or “sexual grooming”) is the act of befriending and influencing a child, and sometimes the child’s family as well, for the purpose of preparing the child for sexual activity.<sup>67</sup> Online grooming refers to the use of the Internet or other digital technologies to establish or build a relationship with a child under the age of 18 in order to facilitate either *non-contact* (online) or *contact* (offline) sexual interaction with that child.<sup>68</sup>

These definitions illustrate that grooming can take place online, offline, or through a combination of the two.<sup>69</sup> Grooming involves “psychological manipulation that is usually very subtle, drawn out, calculated, controlling, and premeditated,” with the goal of establishing an emotional connection with

<sup>66</sup> See Convention on the Rights of the Child G.A. Res. 44/25, 61<sup>st</sup> plen. Mtg., UN Doc. A / RES/ 44/ 25 (Nov. 20, 1989), *entered into force Sep. 2, 1992*. Article 3 (a) defines “child” as “any person under eighteen years of age”.

<sup>67</sup> Trisha Randhawa and Scott Jacobs, *Child Grooming: “Offending all the way through from the start” - Exploring the call for law reform* 11, Dec. 2013, Child Wise, at <http://childwise.blob.core.windows.net/assets/uploads/files/Grooming%20-%20Exploring%20the%20call%20for%20law%20reform%20-%20Child%20Wise%20%28Web%29.pdf> (last visited Sep. 15, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>68</sup> *Id.* at 4 (emphasis added). See also, Terminology Guidelines for the Protection of Children from Sexual Exploitation and Abuse, *supra* note 6.

<sup>69</sup> *Protecting Children from Cybercrime: Legislative Responses in Asia to Fight Child Pornography, Online Grooming, and Cyberbullying*, The World Bank and International Centre for Missing and Exploited Children (A Joint Report) (2015), at <https://openknowledge.worldbank.org/handle/10986/21566> (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).



a child in order to lower the child's inhibitions.<sup>70</sup> Through the grooming process, an offender seeks to gain the child's compliance to maintain secrecy, and to avoid detection and punishment.<sup>71</sup> Some offenders focus on one or a few children at a time and slowly establish a relationship; other offenders use a "scattergun" approach and contact hundreds of children at once to identify those most receptive to grooming.<sup>72</sup> Offenders often identify victims in public forums, such as chatrooms, social networks, or online gaming sites, and then move the communication to a private online setting.<sup>73</sup> Once contact has been established, the online grooming process can proceed via mediums such as private chatroom, email, text and instant messages, and other apps on mobile phones.<sup>74</sup>

An offender may manipulate a child by misrepresenting his or her age, offering gifts, befriending the child by sharing common interests, or empathizing with problems with family or friends, thus convincing the child that the offender is their friend.<sup>75</sup> This approach helps the offender gain the child's trust, break down the child's defenses, and manipulate the child into performing or permitting the desired sexual exploitation.<sup>76</sup> The offender then shifts the online relationship to be more sexual in nature and in some cases may suggest an offline meeting to continue the sexual exploitation in person.<sup>77</sup> Offenders use the trust they have built to desensitize the child to sexual abuse. They may send sexually graphic, suggestive, or explicit images to the child – including adult pornography and child sexual abuse material – to persuade the child to reciprocate this behavior.<sup>78</sup> The offender initially requests photographs of the child in ordinary settings and progressively pressures the child to send more sexually explicit images of him or herself.<sup>79</sup> As mentioned earlier, a Middlesex University study found that offenders often introduce sexual topics with children after just three minutes of chatting online, and can form a bond with a child after just eight minutes.<sup>80</sup>

Legislative provisions must incorporate terms that adequately address the various stages and techniques used during the online grooming process to sexually abuse children while considering the significant physical and emotional harm that the child suffers as a result. At a minimum, a definition of "online grooming" should address the communication, enticement, luring, proposal, solicitation, or similar action by an adult with respect to a child via the Internet or other ICTs to coerce the child into sexual activity, either online or offline. Some terminology that may be used includes: grooming, online

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<sup>70</sup> *Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations* xxxvii, Parliament of Victoria Family and Community Development Committee (2013), at [https://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse\\_Inquiry/Report/Inquiry\\_into\\_Handling\\_of\\_Abuse\\_Volume\\_1\\_FINAL\\_web.pdf](https://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Report/Inquiry_into_Handling_of_Abuse_Volume_1_FINAL_web.pdf) (last visited Aug. 23, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>71</sup> Dr. Zsuzsanna Rutai, *Online Grooming of Children: Experiences to be used in Cyprus* 8, 2013, Hope for Children UNCRF Policy Centre, at [http://www.uncrcpc.org/assets/images/Online-Grooming-of-Children\\_final.pdf](http://www.uncrcpc.org/assets/images/Online-Grooming-of-Children_final.pdf) (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>72</sup> Claire Lilley, *Do You Really Know Who Your Children Are Talking To Online?*, THE HUFFINGTON POST, Apr. 30, 2015, at [http://www.huffingtonpost.co.uk/claire-lilley/children-online-safety\\_b\\_7177968.html](http://www.huffingtonpost.co.uk/claire-lilley/children-online-safety_b_7177968.html) (last visited Sep. 15, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>73</sup> Rachel O'Connell, *supra* note 57.

<sup>74</sup> Dr. Zsuzsanna Rutai, *supra* note 71.

<sup>75</sup> *Id.* at 7.

<sup>76</sup> *Grooming Cyber victims: The Psychosocial Effects of Online Exploitation for Youth* 11, 2003, at <http://www.cs.auckland.ac.nz/~john/NetSafe/I.Berson.pdf> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children). See also, Tony Krone et al., *Online child sexual exploitation offenders: A study of Australian law enforcement data*, Report to the Criminology Research Advisory Council, Jan. 2017, at <http://crg.aic.gov.au/reports/1617/58-1213-FinalReport.pdf> (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>77</sup> C. Emmanuel Ahia, *supra* note 8.

<sup>78</sup> David Finkelhor et al., *Online "Predators" and their Victims: Myths, Realities and Implications for Prevention and Treatment*, 63 AMERICAN PSYCHOLOGIST 111 (2008), at <http://www.apa.org/pubs/journals/releases/amp-632111.pdf> (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>79</sup> Deon Minnie, *The Grooming Process and the Defence of Consent in Child Sexual Abuse Cases* 46, Master of Laws in the Faculty of Law at the Nelson Mandela Metropolitan University (on file with the International Centre for Missing & Exploited Children).

<sup>80</sup> *Paedophiles "Internet Groom" Minors for Sex in Just 8 Minutes*, INHOPE, Mar. 30, 2012, at [http://inhope.org/tns/news-and-events/news/12-03-30/Paedophiles\\_internet\\_groom\\_minors\\_for\\_sex\\_in\\_just\\_8\\_mins.aspx](http://inhope.org/tns/news-and-events/news/12-03-30/Paedophiles_internet_groom_minors_for_sex_in_just_8_mins.aspx) (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

grooming, sexual grooming, luring, solicitation, enticement, incitement, manipulation, sexual communication, contact sexual offense, and non-contact sexual offense.

Justin Bloxom, a 12-year-old boy, was spending the night at his friend's house. He received a text message at 11:00 pm that night from "Amber," who appeared to be teenage girl. Justin responded and "Amber" sent a nude photograph. Justin replied, "You gotta remember, I'm only 12," trying to change the topic of conversation. "Amber" continued to text Justin for four hours and by 3:00 am had manipulated Justin into believing they should meet in person. A taxi soon arrived at the friend's house to pick up Justin. In reality, "Amber" was 34-year-old taxi driver Brian Horn. Justin was found on 30 March 2010 smothered to death and left alongside the highway. The events leading to Justin's death happened so quickly; there was no ongoing relationship between the two; Justin did not lie or conceal the online interactions. "It was four hours," Justin's mother Amy said. "Four hours, from the first text that night. It was not an online relationship."

\*Lex Talamo, *Kids interact at home with predators - via social media*, THE TIMES, May 25, 2017, at <http://www.shreveporttimes.com/story/news/investigations/2017/05/25/kids-interact-predators-home-via-social-media/101801508/> (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

## Offenses

### *Incorporate grooming and online grooming offenses into the penal code.*

National legislation broadly banning child sexual exploitation is insufficient to address online grooming if it does not contain specific provisions detailing criminal offenses and corresponding sanctions and sentencing. Similarly, legislation inadequately protects children when it includes sexual grooming of children in its definition of "sexual exploitation," but fails to provide specific language regarding ICT-facilitated sexual grooming with prescribed penalties. Implementing legislation expressly criminalizing the grooming process is important as this process can lead to other offenses such as rape, assault, molestation, child sexual abuse material, sexual degradation, and abduction.<sup>81</sup>

While legal provisions that include offline/contact grooming may provide some of the necessary protections, the intricacies of online grooming must also be addressed. Online grooming allows an offender constant and continuous contact with a child, often over a long period of time.<sup>82</sup> An offender may be in contact with numerous unsupervised/under-supervised children, simultaneously allowing the offender to target those who are more vulnerable.<sup>83</sup> An offender may alter their personal information in online profiles, such as age or appearance, to appear more trustworthy to children as well as to maintain anonymity.<sup>84</sup> Online grooming also allows an offender to manipulate a child to engage in sexual acts more rapidly than might be possible with offline grooming.<sup>85</sup>

A clear legal definition with a specific provision for the offense of online grooming can help ensure effective implementation of the legislation as well as prevent further exploitation of the child.

### *Criminalize the process of online grooming.*

Until recently, much of the research conducted about Internet-facilitated sexual offenses has regarded sexual grooming as an element of offending behavior and focused on explaining the relation of specific offenses to child sexual abuse material, rather than viewing online grooming as an "offense-specific process."<sup>86</sup> This also is largely true of legislation, in which grooming is addressed as an element of

<sup>81</sup> C. Emmanuel Ahia, *supra* note 8.

<sup>82</sup> *Online grooming and UK law: A submission by Childnet International to the Home Office 4*, at <http://www.childnet.com/ufiles/online-grooming.pdf> (last visited Aug. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>83</sup> *Id.*

<sup>84</sup> Explanatory Memorandum, Criminal Law (Child Grooming) Bill 2014, Ireland, *supra* note 58.

<sup>85</sup> Online grooming and UK law, *supra* note 82.

<sup>86</sup> Juliane Kloess et al., *Online Child Sexual Exploitation: Prevalence, Process, and Offender Characteristics* 127, TRAUMA VIOLENCE & ABUSE (Apr. 2014) (on file with the International Centre for Missing & Exploited Children).

another offense rather than as a standalone offense. It is crucial that both research and legislation recognize online grooming as criminal conduct that is intended to lead to sexual activity with a child, whether online or offline, that can itself be harmful and exploitative of children. Currently, however, numerous countries only criminalize a meeting with a child following grooming, and the act of grooming is seen only as a preparatory process.<sup>87</sup> If the offender intends to use the meeting to commit sexual abuse, an attempt to meet a child also may be criminalized.<sup>88</sup> Non-contact sexual abuse is detrimental to children causing serious harm; thus, national legislation that criminalizes the process of online grooming, regardless of the intent to meet the child, must be enacted.

Online offenders may be characterized as either “contact-driven” or “fantasy-driven.”<sup>89</sup> The ultimate goal of the contact-driven offender is to meet the child offline, while the fantasy-driven offender is satisfied with the grooming process itself and confines communication to the online sphere.<sup>90</sup>

Online groomers meet children through various mediums, including chatrooms, social media, and online gaming platforms.<sup>91</sup> The online grooming process gives an offender the possibility of regular, daily contact with a child, a level of contact that is unusual in the real world unless the offender is the child’s family member or caregiver.<sup>92</sup> The grooming process may occur over an extended period of time, or it may become sexual in just minutes, hours, or days, depending on the goals and desires of the particular offender.<sup>93</sup>

In the UK, 15-year-old Kayleigh Haywood was contacted by Luke Harlow, 28 years old, on Facebook. He wrote: “Hey, how are you?”, to which she replied: “Fine – who are you?” Within 10 minutes, they swapped mobile phone numbers, the starting point of an exchange of more than 2,600 messages. Two weeks later, Kayleigh met with her groomer at his apartment, where she was given substantial amounts of alcohol, and was subsequently raped and killed. Harlow and his neighbor, 29-year-old Stephen Beadman, complicit in the crime, were arrested and jailed for a combined total of 47 years. The case, which received significant media attention, raised concern over online safety of children and young adolescents. The UK’s NSPCC called Kayleigh’s death “sad and tragic” and a “stark reminder about the dangers of social media as far as children are concerned.” With the support of Kayleigh’s family, the Leicestershire Police Department made a movie showing the last two weeks of her life, raising awareness of the dangers of online grooming. After showing the movie to a great number of schoolchildren, more than 20 children came forward to report possible cases of grooming.

\*Leicestershire Police, *Kayleigh’s Love Story*, at <https://leics.police.uk/categories/kayleighs-love-story>; *Kayleigh Woodward: How murdered schoolgirl was groomed online*, Jul. 1, 2016, BBC NEWS, at <http://www.bbc.com/news/uk-england-leicestershire-36606210>; Ben Russell, *Chilling film about murdered schoolgirl Kayleigh Woodward’s last moments has SAVED 20 children from groomers*, Nov. 19, 2016, MIRROR, at <http://www.mirror.co.uk/news/uk-news/chilling-film-murdered-schoolgirl-kayleigh-9289226> (last visited Aug. 24, 2017).

Numerous studies suggest that the grooming process consists of various stages. These stages, generally include friendship and relationship-forming stages, risk assessment, exclusivity/isolation, and the sexual stage.<sup>94</sup> Some grooming behaviors seen in the early stages when an offender is building rapport and establishing trust with the child may “appear to be innocent in nature and typical of adult

<sup>87</sup> Deon Minnie, *supra* note 79.

<sup>88</sup> Renée Kool, *supra* note 23.

<sup>89</sup> Ian A. Elliott and Anthony Beech, *Understanding Online Child Pornography Use: Applying Sexual Offence Theory to Online Sex Offenders* 29, Ministry of Justice, UK (May 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>90</sup> *Id.*

<sup>91</sup> Dr. Mike McGuire and Samantha Dowling, *supra* note 19, at 4.

<sup>92</sup> Online grooming and UK law, *supra* note 82.

<sup>93</sup> Steven Webster et al., *supra* note 21, at 42. See also, Child Safety Online: Global Challenges and Strategies Technical Report, *supra* note 20.

<sup>94</sup> Rebecca Williams, et. al, *Identifying Sexual Grooming Themes used by Internet Sex Offenders*, Feb. 2013 (on file with the International Centre for Missing & Exploited Children). See also, Georgia M. Winters and Elizabeth L. Jeglic, *Stages of Sexual Grooming: Recognizing Potentially Predatory Behaviors of Child Molesters*, *DEVIANT BEHAVIOR* 38:6 724-733 (2017) (on file with the International Centre for Missing & Exploited Children).

child interactions” when viewed independently.<sup>95</sup> However, coupled with the elements of coercion and manipulation and the introduction of sexual themes/content into communications, the intent to commit a serious offense against the child/sexually exploit the child is apparent.<sup>96</sup>

After establishing first contact, the groomer may invite the victim to a private chatroom where they can exchange messages without others knowing.<sup>97</sup> Commonly, the sexual stage of the relationship begins here, during which the offender initiates sexually explicit conversations, sends pornographic content to the child, persuades the child to send sexually explicit images or videos to the offender, or to perform sexual acts via webcam.<sup>98</sup> The ability of the groomer to manipulate their victim into sending this sexually explicit content is achieved through tactics such as flattery, blackmail, threats, sexualized games, deception, and bribery.<sup>99</sup> Sexual abuse of the child occurs at the moment of exposure to sexual content; thus abuse can occur without the offender ever meeting the child offline.<sup>100</sup>

### *Criminalize online grooming with the intent to meet the child.*

As part of the grooming process, offenders may try to arrange private, in-person meetings in order to sexually abuse a child.<sup>101</sup> As the groomer gains their victim’s confidence and trust, they may convince the child to agree to a face-to-face meeting,<sup>102</sup> allowing the groomer to sexually abuse the child physically.<sup>103</sup> The process of persuading a child to meet in real life can vary depending on how long it takes the child to feel comfortable.<sup>104</sup> It is important to recognize that the grooming process itself commonly involves some degree of sexual exploitation, whether by showing sexualized images to the child, engaging in sexualized conversations with the child, or asking the child to send sexually explicit photographs or videos of to the offender. It is after this online exploitation that some offenders will seek to meet the child in real life, furthering the exploitation via more physical acts.<sup>105</sup>

The Canadian Criminal Code addresses online grooming or child luring in Section 172.1(1). Since the legislation’s enactment, there have been various examples of individuals prosecuted for child luring. One such example was Sean Palylyk, a 41-year-old man, who was arrested in 2014 and found guilty for luring a 13-year-old child, possession of child sexual abuse material, and sexual contact with a minor. The victim met Sean Palylyk through Tagged, a social media website. According to the investigation, he sent sexually explicit messages to the girl for two years before they met in person. She was 15 years old at the time of their eventual meeting.

\*Strathcona County man accused of luring teen pleads guilty, Apr. 6, 2016, CBC NEWS, at <http://www.cbc.ca/news/canada/edmonton/strathcona-county-man-accused-of-luring-teen-pleads-guilty-1.3523634> (last visited May 24, 2017).

<sup>95</sup> Georgia M. Winters and Elizabeth L. Jeglic, *Stages of Sexual Grooming: Recognizing Potentially Predatory Behaviors of Child Molesters* 725, *DEVIANt BEHAVIOR* 38:6 724-733 (2017) (on file with the International Centre for Missing & Exploited Children).

<sup>96</sup> The National Center for Victims of Crime, *Useful Definitions for Reporting on Child Sexual Abuse*, at <http://victimsofcrime.org/media/reporting-on-child-sexual-abuse/useful-definitions> (last visited Aug. 2, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>97</sup> Online grooming and UK law, *supra* note 82, at 3.

<sup>98</sup> Rachel O’Connell, *supra* note 57, at 4.

<sup>99</sup> Helen Whittle et al., *supra* note 19, at 405.

<sup>100</sup> Helen Whittle et al., *supra* note 2, at 60.

<sup>101</sup> Jo Bryce, *Online Sexual Exploitation of Young People*, Cyberspace Research Unit, 15 (on file with the International Centre for Missing & Exploited Children).

<sup>102</sup> Rachel O’Connell, *supra* note 57, at 10.

<sup>103</sup> Steven Webster et al., *supra* note 21.

<sup>104</sup> Online grooming and UK law, *supra* note 82, at 3-4.

<sup>105</sup> *Threat Assessment of Child Sexual Exploitation and Abuse 10*, Child Exploitation and Online Protection Centre (CEOP), Jun. 2013, at [http://ceop.police.uk/Documents/ceopdocs/CEOP\\_TACSEA2013\\_240613%20FINAL.pdf](http://ceop.police.uk/Documents/ceopdocs/CEOP_TACSEA2013_240613%20FINAL.pdf) (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

### *Criminalize online grooming regardless of the intent to meet the child.*

Some countries criminalize meeting children as a result of online grooming but lack legislation preventing sexual exploitation occurring solely online.<sup>106</sup> It is equally important to criminalize sexual exploitation that occurs only in the online environment. Although some online solicitations are designed to lead to an offline sexual encounter, many offenders obtain sexual gratification through non-contact offenses without meeting the child in-person.<sup>107</sup>

Online grooming includes a range of sexual acts, such as requests to engage in sexual activity, talk about and provide personal sexual information, or other sexual advances that occur as a result of online interaction.<sup>108</sup> For example, an offender can send or receive sexually explicit photographs, perform sexual acts or observe sexual acts committed by the child via webcam, and participate in sexually explicit conversations through chat, text, or email. Waiting until there is a clear intent to meet the child may be “too late” to protect the child, as they likely already have been groomed and suffered non-contact sexual abuse online.<sup>109</sup>

In the case of *R (Cth) v Poynder* [2007], in the New South Wales Court of Criminal Appeal, Judge Rothman made the following observation regarding the legislative purpose behind the new online grooming provisions raised on appeal: “The legislature, with this provision, is seeking to implement society’s abhorrence of the practice of inducing children to engage in inappropriate sexual behaviour. That process includes not only the direct and physical abuse of children but the “grooming” of children to accept more readily inappropriate sexual activity. Even though a perpetrator of an offence of this kind may have no intention of acting out the fantasy or fantasies in which she/he is indulging, the conduct has a significant deleterious impact upon any child participating in it.”

\*Trisha Randhawa, *Child Grooming: Offending All the Way From the Start*, Childwise, Dec. 2013, at [http://childwise.blob.core.windows.net/assets/uploads/files/Grooming%20-%20Exploring%20the%20call%20for%20law%20reform%20-%20Child%20Wise%20\(Web\).pdf](http://childwise.blob.core.windows.net/assets/uploads/files/Grooming%20-%20Exploring%20the%20call%20for%20law%20reform%20-%20Child%20Wise%20(Web).pdf) (last visited Sep. 15, 2017). See, *R (Cth) v Poynder* [2007] NSWCCA 157 (Jun. 14, 2007), at <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/nsw/NSWCCA/2007/157.html> (last visited Sep. 15, 2017).

The Child Exploitation and Online Protection Centre (CEOP) in the UK found that online sexual offending has evolved in recent years to focus more on web-based actions, such as coercing children to take indecent photos or participate in sexual conversations or video chats.<sup>110</sup> Figures from the NSPCC in 2015 show that more than 3,000 offenses in the UK were perpetrated against children following the use of Internet technology.<sup>111</sup> This equates to about one child being sexually abused online every three hours.<sup>112</sup>

According to CEOP, of the 1,145 online grooming (online child sexual exploitation) cases investigated in the UK in 2012, the intention to meet a child offline was apparent in less than 7% of the cases, while the majority of cases were confined to the online environment.<sup>113</sup> For example, CEOP directed

<sup>106</sup> *Enhancing Child Safety & Online Technologies: Final Report of the Internet Safety Technical Task Force* 20-22, Dec. 31, 2008, at [https://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/ISTTF\\_Final\\_Report.pdf](https://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/ISTTF_Final_Report.pdf) (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children). See also, Juliane Kloess et al., *supra* note 86, at 131.

<sup>107</sup> Jo Bryce, *supra* note 101, at 15.

<sup>108</sup> David Finkelhor et al., *Online Victimization: A Report on the Nation’s Youth*, National Center for Missing and Exploited Children, Jun. 2000, at <http://www.unh.edu/ccrc/pdf/ivq/CV38.pdf> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>109</sup> Explanatory Memorandum, Criminal Law (Child Grooming) Bill 2014, Ireland, *supra* note 58.

<sup>110</sup> Threat Assessment of Child Sexual Exploitation and Abuse, *supra* note 105.

<sup>111</sup> Tom Pettifor, *Paedophiles using the internet to commit child sex crimes every three hours*, MIRROR ONLINE (2016), at <http://www.mirror.co.uk/news/uk-news/paedophiles-using-internet-commit-child-8242065> (last visited Sep. 15, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>112</sup> *Id.*

<sup>113</sup> *Alarming New Trend in Online Sexual Abuse*, CEOP Command, Feb. 4, 2013, at <http://ceop.police.uk/Media-Centre/Press-releases/2013/ALARMING-NEW-TREND-IN-ONLINE-SEXUAL-ABUSE/> (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children). See also, Dr. Mike McGuire and Samantha Dowling, *supra* note 19, at 9; Threat Assessment of Child Sexual Exploitation and Abuse, *supra* note 105, at 11.

an inquiry in 2010, known as “Operation Hattie,” which led to the arrest of two brothers from Kuwait who had forced 78 children in the UK to commit sexually abusive/exploitative acts online.<sup>114</sup> The two offenders never intended to meet their victims offline.<sup>115</sup> The Lanzarote Committee, in their Opinion on Article 23 of the Lanzarote Convention, reiterated that “the solicitation of children through information and communication technologies does not necessarily result in a meeting in person. It may remain online and nonetheless cause serious harm to the child.”<sup>116</sup>

In some cases, online grooming leads to another alarming trend: that of sexual extortion, or “sextortion,” which is when an offender persuades a child to send sexually explicit material of themselves to the offender, who then uses that material to blackmail the child into sending progressively more explicit material.<sup>117</sup> In extreme cases, the victim is blackmailed into paying the offender to prevent the material from being sent to friends and family.<sup>118</sup>

*A typical scheme of sexual extortion involves a number of elements that may include:*

- *Contact between the suspect and the minor, usually via the Internet or mobile messenger applications;*
- *The creation of images depicting the minor engaging in sexual activity, recorded by the minor or by the offender via webcam or smartphone cameras;*
- *The distribution of those images;*
- *Attempts by the offender to convince the minor to create more images;*
- *Using images to force and/or facilitate offline contact;*
- *Threats by the offender to post existing images of the minor on the Internet or to disclose them to friends or family unless the minor creates more images or does something else for the offender; and*
- *Threatening a child into self-harming, including sexual self-harming or even suicide.*<sup>119</sup>

Policymakers struggle to develop legislation that criminalizes online grooming without the intent to meet because it is difficult to determine the threshold of when a crime has been committed.<sup>120</sup> However, it is imperative that all countries include laws that protect children against sexual abuse through the online grooming process and ensure that those laws are enforced. Australian and Canadian legislation may prove to be useful models as neither requires that an offender intends to meet the child. Rather, the law focuses on communication with a child with the intention of pursuing sexual activity or committing a sexual offense.<sup>121</sup> Modeling legislation after the laws of these two

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<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (T-ES), *Opinion on Article 23 of the Lanzarote Convention and its explanatory note 6*, adopted Jun. 17, 2015, at <https://edoc.coe.int/en/sexual-exploitation-of-children/7064-lanzarote-committee-opinion-on-article-23-of-the-lanzarote-convention-and-its-explanatory-note.html> (last visited Jun. 27, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>117</sup> *Glendale Man Who Admitted Hacking into Hundreds of Computers in Sextortion Case Sentenced to Five Years in Federal Prison*, US Attorney’s Office, Dec. 9, 2013, Federal Bureau of Investigation Los Angeles Division, at <https://www.fbi.gov/losangeles/press-releases/2013/glendale-man-who-admitted-hacking-into-hundreds-of-computers-in-sextortion-case-sentenced-to-five-years-in-federal-prison> (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>118</sup> Ari Mason and Tara Joyce, *Woman Takes Lewd Video of Cheshire Teen, Demands Money: Cops*, NBC, Feb. 20, 2015, at <http://www.nbcconnecticut.com/news/local/Cheshire-Teen-Falls-Victim-to-Sextortion-Crime-292747121.html> (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>119</sup> Virtual Global Taskforce, *Frequently Asked Questions*, at <http://virtualglobaltaskforce.com/resources/faqs/> (last visited Jul. 31, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>120</sup> Deon Minnie, *supra* note 79, at 31.

<sup>121</sup> *Criminal Code Act 1995*, Australia, as amended, Article 272.15 (on file with the International Centre for Missing & Exploited Children). See also, *Criminal Code*, R.S.C., 1985, c. C-46, Canada, Article 172.1 (on file with the International Centre for Missing & Exploited Children).

countries may help protect children from all forms of sexual exploitation that occur as a result of online grooming.<sup>122</sup>

### *Criminalize the act of showing pornography to a child.*

Desensitizing the child to sexual conduct is an important step in the grooming process as it makes the child more comfortable with escalating sexual communications.<sup>123</sup> This process can advance slowly or quickly depending on the child and the relationship. Regardless of the timeframe, the goals are the same: to make the child comfortable with sexual behaviors, and to use that comfort to make the child believe that sex between children and adults is normal and acceptable.<sup>124</sup>

As the relationship develops, online groomers may show adult pornography or child sexual abuse material to the victim to lower the child's inhibitions, desensitize the child to sexual activity by "normalizing" it, and teach the child sexual behaviors.<sup>125</sup> Showing the child pornographic images and videos can increase the child's sexual curiosity and lead to sexual discussions that advance a sexual relationship.<sup>126</sup> Offenders use pornography to teach the child how to masturbate, pose for sexual photos, perform oral sex, and/or engage in intercourse and other sexual activities.<sup>127</sup> Often, the offender will introduce the victim to "mainstream" adult pornography, progress to hard-core pornography, and then on to more abusive images of children.<sup>128</sup> Exposure to such material primes victims for being manipulated into sending pictures or videos of themselves to the offender.<sup>129</sup>

Instances of grooming do not occur solely in chat rooms or on social media platforms. The growth of Internet-related technology has allowed communication through a variety of mediums, including mobile phone apps and online video game systems. Adam Isaac, 23, of Wales, used Minecraft, a popular video game with online capabilities, to groom two boys, ages 12 and 14. The communication continued over Skype, text message, and Snapchat as the conversations became more sexual in nature. Isaac bought the boys gifts via PayPal to use in the game and win their trust, ultimately persuading them to send sexual images and exposing himself online. Isaac was arrested in January 2016 and pled guilty to eight sexual offenses against children, leading to a sentence of two years and eight months in prison. He was also placed on the sex offenders' register for life.

\**Minecraft: Grooming dangers for children gaming online*, Jan. 20, 2017, BBC NEWS, at <http://www.bbc.com/news/uk-wales-38284216> (last visited Aug. 24, 2017). See also, *Welsh gamer jailed for grooming two boys on Minecraft*, Jan. 20, 2017, THE GUARDIAN, at <https://www.theguardian.com/uk-news/2017/jan/20/welsh-gamer-jailed-for-grooming-two-boys-on-minecraft> (last visited Aug. 24, 2017).

Once the offender has obtained photographs or videos of the child, he or she may take advantage of the child's fear of public disclosure to bolster an environment of secrecy and submission.<sup>130</sup> A study conducted by the Canadian Centre for Child Protection found that 93% of online grooming cases included an offender requesting photos from the child, with 30% of children fulfilling the request.<sup>131</sup> The same study found that 24% of online grooming victims were threatened by the offender, with the most common threat being distribution of the victim's images.<sup>132</sup>

<sup>122</sup> Dr. Zsuzsanna Rutai, *supra* note 71.

<sup>123</sup> Joy L. Daggs et al., *supra* note 43, at 242.

<sup>124</sup> Deon Minnie, *supra* note 79, at 50.

<sup>125</sup> C. Emmanuel Ahia, *supra* note 8, at 67.

<sup>126</sup> Deon Minnie, *supra* note 79, at 49.

<sup>127</sup> Raphael Cohen-Almagor, *Online Child Sex Offenders: Challenges and Counter-Measures* 196, THE HOWARD JOURNAL OF CRIMINAL JUSTICE VOL. 52, No. 2, May 2013 (on file with the International Centre for Missing & Exploited Children).

<sup>128</sup> Child Safety Online: Global Challenges and Strategies Technical Report, *supra* note 20, at 43.

<sup>129</sup> *Id.*

<sup>130</sup> Deon Minnie, *supra* note 79.

<sup>131</sup> *Preliminary Findings Provide New Insight Into the Crime of Online Luring*, Canadian Centre for Child Protection, Oct. 19, 2012, at [https://protectchildren.ca/app/en/media\\_release\\_online\\_luring](https://protectchildren.ca/app/en/media_release_online_luring) (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>132</sup> *Id.*

Showing or sending pornographic images to a child must be recognized as a serious sexual offense that can cause significant trauma to the child and, therefore, should be criminalized under the law.

### *Punish parents/legal guardians who participate in the grooming of a child under their care.*

Parents or legal guardians who participate in the grooming of a child under their care are committing and supporting the commission of the sexual abuse of those children. This criminal act clearly violates trust, parental duty, and responsibility of care. In some cases, parents may themselves be groomed, though this is more common in face-to-face grooming, and these cases should be differentiated from those involving parents who are complicit in the grooming of their own child.

In the US, between the years 2000 and 2001, 18% (460) of arrests made for Internet sex crimes against minors involved family or acquaintances of the victim.<sup>133</sup> Of these arrests, roughly half were family members (44%) and half were acquaintances (e.g., neighbors, relatives, family friends, teachers) (56%).<sup>134</sup> Most of them used the Internet to seduce or groom their victims.<sup>135</sup>

Legislation must include punishment for parents and legal guardians for their participation in sexual abuse through grooming (online and offline) of children in their care. This should include grooming by the parent or guardian of the child, as well as aiding and abetting the grooming acts of others by allowing or enabling access to their children. The detriment to the child's health and welfare through such sexual abuse should not go unpunished.

In a recent US case, a 14-year-old girl was contacted through Instagram by another user, claiming to be a 16-year-old boy. The initial contact was followed by text messages and the development of an online relationship. Soon, the chats became more explicit with the "boy" sending sexual images and asking the girl to do the same. When she refused, he threatened to show her father the explicit chats and images. In reality, it was discovered that the teenage boy was actually the girl's father posing as a teenager. The 41-year-old man pleaded guilty to 12 counts of enticing a child to produce child pornography, and receiving and sending child pornography. He was sentenced to a 20-year prison term and a lifetime of supervised release.

\*Peter Holley, *The man who posed as his daughter's online boyfriend to get nude photos of her*, Mar. 17, 2016, WASHINGTON POST, at <https://www.washingtonpost.com/news/true-crime/wp/2016/03/17/the-man-who-posed-as-his-daughters-online-boyfriend-to-get-nude-photos-of-her/> (last visited Aug. 24, 2017). See also, John O'Brien, *Herkimer County dad gets 20 years for tricking daughter into making porn*, Aug. 2, 2016, SYRACUSE.COM, at [http://www.syracuse.com/crime/index.ssf/2016/08/herkimer\\_county\\_father\\_imprisoned\\_for\\_using\\_fake\\_texts\\_to\\_trick\\_teenage\\_daughter.html](http://www.syracuse.com/crime/index.ssf/2016/08/herkimer_county_father_imprisoned_for_using_fake_texts_to_trick_teenage_daughter.html) (last visited Aug. 24, 2017).

### *Punish online grooming as a standalone offense.*

It is difficult to detect and identify sexual grooming behaviors because there is no standard legal definition, or even settled terminology, for grooming or online grooming.<sup>136</sup> In order for the general public, parents and guardians, and law enforcement to detect grooming behaviors and effectively punish offenders, online grooming must be clearly defined and punishable as a standalone offense.<sup>137</sup> If online grooming is punished only as an aspect of another sexual crime, such as rape or child sexual abuse material, some forms of grooming may go unpunished. Criminal charges should be brought against an offender for the commission of online grooming in addition to any related sexual offenses committed against a child.

<sup>133</sup> Kimberly Mitchell et al., *The Internet and Family and Acquaintance Sexual Abuse*, CHILD MALTREATMENT, VOL. 10, No. 1, Feb. 2005, 49-60, at <http://www.unh.edu/ccrc/pdf/jvq/CV93.pdf> (last visited Jun. 30, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

<sup>136</sup> Deon Minnie, *supra* note 79, at 34.

<sup>137</sup> *Id.*



## Sanctions and Sentencing

### *Provide extraterritorial jurisdiction for sexual offenses committed against children.*

Extraterritorial jurisdiction regarding the commission of sexual offenses against children is crucial. Extraterritorial jurisdiction offers a country a mechanism to hold its offenders accountable by providing the authority needed to prosecute its nationals for criminal acts committed beyond its borders.<sup>138</sup> Dual criminality provisions, which require that a crime committed abroad must also be a crime in an offender's country of residence for the offender to be prosecuted in their home country, should be eliminated as they pose significant obstacles to the effectiveness of extraterritorial jurisdiction.<sup>139</sup> In cases where dual criminality is required, it is crucial that a common age threshold – ideally 18 years of age – is used so as to avoid any discrepancy that could prevent the prosecution of a child sex offender.

In April 2017, a 16-year-old Sydney, Australia girl was reported missing by her parents. The girl was located a month later in the US with Sean Price, a 39-year-old American man. Price groomed the girl for approximately six months on the social media app Snapchat, taking advantage of her anxiety disorder and family problems. He solicited and received naked photos of the girl, and eventually convinced her to run away from home to meet him. Price wired the girl \$1,600 USD for a plane ticket and met her at the airport in Los Angeles upon her arrival. The two then drove to New York, having sex in several states along the way. Price was arrested in May 2017 and faces ten years in prison for sexual offenses against a minor, including third degree rape and transporting a minor with the intent to engage in criminal sexual activity. The investigation involved law enforcement from several jurisdictions including the New South Wales Police, Australian Federal Police, INTERPOL, Homeland Security, and the New York Police Department. Price could still face prosecution in Australia as grooming children for sexual purposes is a criminal offense.

*\*Estranged wife of convicted killer Sean Price 'horrified' over claims he lured Sydney girl to US for sex*, May 19, 2017, NEWS.COM.AU, at <http://www.news.com.au/lifestyle/real-life/convicted-killer-sean-price-faces-10-years-jail-after-flying-north-shore-schoolgirl/news-story/feeaf49d11576753ad6bd103d6767985> (last visited Jun. 19, 2017). See also, Kathleen Calderwood, *Snapchat grooming: New York man allegedly lures 16yo Sydney girl to America for sex*, My 19, 2017, ABC.NET.AU, at <http://www.abc.net.au/news/2017-05-19/snapchat-grooming-lures-16yo-sydney-girl-to-america-for-sex/8542686> (last visited Jun. 19, 2017).

### *Children must not be held criminally liable for any involvement with online grooming offenders.*

Child victims should not be held liable for their involvement in grooming (online or offline), and national legislation should clearly state this principle. A child who is exploited in an online grooming situation is a victim. Criminal liability must focus instead on the acts of the offender, who is taking advantage of the child's age/youth, inexperience, or life situation, and who is responsible for the child's exploitation.

### *Mental health and medical treatment and other services should be provided for child victims.*

In online grooming cases, a child's trust has been violated by the offender and this betrayal of trust can harm a child's ability to relate to others later in life.<sup>140</sup> A child who has been groomed online may feel responsible for or deserving of the abuse, thus making it more difficult for the child to disclose the abuse.<sup>141</sup> Following a grooming experience, whether online or offline, the child may suffer numerous

<sup>138</sup> Naomi Svensson, *Extraterritorial Accountability: An Assessment of the Effectiveness of Child Sex Tourism Laws*, 28 LOYOLA OF LOS ANGELES INTERNATIONAL AND COMPARATIVE LAW REVIEW 641 (2006), at <http://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1611&context=ilr> (last visited Sep. 15, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>139</sup> *Id.*

<sup>140</sup> Trisha Randhawa and Scott Jacobs, *supra* note 67, at 16.

<sup>141</sup> *Id.*

negative effects such as embarrassment, irritability, anxiety, stress, depression, and substance abuse.<sup>142</sup> Even in the absence of physical sexual abuse, the child may be traumatized and suffer long-lasting emotional damage caused by non-contact sexual abuse.<sup>143</sup> The abuse also may lead to a shift in the victim's attitudes and social values regarding sexual behavior and promiscuous sexual activity.<sup>144</sup>

It is important that legislation provide for mental health and medical services for children who have been victims of online grooming, in addition to support services for the victim's family members, to assist them during the healing and recovery process.<sup>145</sup>

### *Protect child victims acting as witnesses in judicial proceedings.*

Legislation should incorporate provisions that protect child victims serving as witnesses in judicial proceedings, establish guidelines for the presence of victim advocates in the courtroom, and permit closed-circuit testimony when necessary. These accommodations are made to protect sexually exploited children from being traumatized further by the alleged offender's potential presence in the courtroom.<sup>146</sup>

### *Establish minimum penalties for online groomers.*

Establishing minimum penalties for particularly serious crimes like sexual offenses against children is an important way to ensure the gravity of the crime is met with proportionate and consistent punishment.<sup>147</sup> The benefits of such an approach are equally applicable in online grooming cases. Minimum penalties may help deter potential offenders from committing a crime so as to avoid certain and often severe punishment.<sup>148</sup> In addition, minimum sentences may provide heavy penalties for serious and violent offenders while avoiding disparities in sentencing.<sup>149</sup> Offenders are likewise "incapacitated" for the length of their imprisonment thereby reducing repeat offenses and protecting the public during that period of time.<sup>150</sup> Ultimately, such requirements help make certain that justice is served for particularly serious offenses.<sup>151</sup> Penalties must be implemented efficiently and consistently to ensure their effectiveness.<sup>152</sup>

### *Enhance penalties for repeat offenders and for aggravating factors.*

National legislation should ensure strict punishments for extreme offenders, such as repeat offenders or those who undertake online grooming of children as part of a criminal organization. Proper deterrence of repeat offenders/offenses requires more than mere fines and misdemeanor

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<sup>142</sup> Helen Whittle et al., *supra* note 2, at 60.

<sup>143</sup> *Id.*

<sup>144</sup> Child Safety Online: Global Challenges and Strategies Technical Report, *supra* note 20, at 42.

<sup>145</sup> John Carr and Zoe Hilton, *Combating child abuse images on the Internet – International Perspectives* 73, INTERNET AND CHILD ABUSE: CURRENT RESEARCH AND POLICY (2011), edited by Julia Davidson and Petter Gottschalk (on file with the International Centre for Missing & Exploited Children).

<sup>146</sup> Wendy Murphy, *Traumatized Children Who Participate in Legal Proceedings are Entitled to Testimonial and Participatory Accommodations Under the Americans with Disabilities Act*, ROGER WILLIAMS UNIVERSITY LAW REVIEW (2014), at <http://rogerwilliamslawreview.org/files/2013/12/murphy.pdf> (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>147</sup> *A Victim's Guide to Sentencing*, Victims of Violence, at <http://www.victimsofviolence.on.ca/victim-information-library/a-victims-guide-to-sentencing/#mandatory-minimum-penalties-mmpps> (last visited Jun. 30, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>148</sup> *Report to Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System*, Chapter 5, at [http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/mandatory-minimum-penalties/20111031-rtc-pdf/Chapter\\_05.pdf](http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/mandatory-minimum-penalties/20111031-rtc-pdf/Chapter_05.pdf) (last visited Jun. 30, 2017) (on file with the International Centre for Missing & Exploited Children). See also, Evan Bernick and Paul J. Larkin, Jr., *Reconsidering Mandatory Minimum Sentences: The Arguments for and against Potential Reforms*, Heritage Foundation, Legal Memorandum No. 114, Feb. 10, 2014, at [http://thf\\_media.s3.amazonaws.com/2014/pdf/LM114.pdf](http://thf_media.s3.amazonaws.com/2014/pdf/LM114.pdf) (last visited Jun. 30, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> Child Safety Online: Global Challenges and Strategies, *supra* note 20, at 12.

classifications.<sup>153</sup> Aggravated penalties for online grooming should be included in sentencing guidelines for various factors, to include the:<sup>154</sup>

- age of the victim;
- age difference between the offender and the victim;
- any physical or psychological injury suffered by the victim;
- degree to which the offense was planned;
- level of persistence in communication with the victim;
- number of alleged victims;
- sophistication of the online grooming process;
- severity of sexualized content sent to or requested from the victim;
- occurrence of an offline meeting following the online sexual abuse;
- commission in concert with another (complicity; conspiracy);
- abuse of a position of authority;
- nature of prior relationship between offender and victim (if any); and
- sharing or threat of sharing sexual images of the victim with others (sexual extortion).

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<sup>153</sup> Eva J. Klain, *Prostitution of Children and Child-Sex Tourism: An Analysis of Domestic and International Responses* 47, National Center for Missing & Exploited Children, at <https://www.ncirs.gov/pdf/files1/Digitization/189251NCJRS.pdf> (last visited Jun. 30, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>154</sup> Sentencing Council, *Sexual Offences Definitive Guidelines*, UK, effective from Apr. 1, 2014, at [http://www.sentencingcouncil.org.uk/wp-content/uploads/Final\\_Sexual\\_Offences\\_Definitive\\_Guideline\\_content\\_web1.pdf](http://www.sentencingcouncil.org.uk/wp-content/uploads/Final_Sexual_Offences_Definitive_Guideline_content_web1.pdf) (last visited Jul. 7, 2017) (on file with the International Centre for Missing & Exploited Children).

# Regional and International Law

Online grooming of children for sexual purposes is a multi-jurisdictional issue requiring a coordinated global response. The adoption of uniform legislation by countries around the world harmonizes definitions, criminal offenses, and penalties, and it facilitates cooperation across borders in an effort to combat online grooming and other forms of child sexual exploitation on an international scale. Laws that vary from country to country weaken the international community's position against child sexual exploitation and allow child predators to concentrate their efforts in countries where there are fewer possibilities of prosecution. A holistic approach that provides consistency in criminalization and punishment, raises public awareness of the issue, increases services for victims, and improves overall law enforcement efforts at the local, national, and international levels is essential to effectively combat online grooming and others forms of sexual exploitation of children.

International legal instruments offer a solid foundation for child protection efforts as countries strive to address the online grooming of children. Sexual grooming of children, however, has not been fully addressed at the international level. There are numerous international legal instruments, such as the Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution and child pornography, which address child sexual abuse and exploitation broadly. These instruments present terminology and definitions that are relevant and applicable when considering online grooming, but do not specifically refer to online grooming. The Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, however, is the first international instrument to specifically address online grooming (solicitation of children for sexual purposes).

On the regional level, only the Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, specifically addresses the issue of online grooming (online solicitation of children for sexual purposes) and related criminal behaviors such as causing a child to witness sexual activities or to participate in sexually abusive/exploitative performances.

Recognition of and compliance with international and regional standards should be followed by the: (1) adoption and implementation of national legislation; (2) creation of a national scheme to combat online grooming, including national programs and public policies; and (3) law enforcement and judicial training to promote understanding and enforcement of these laws.

In this section, key aspects of each of the instruments are highlighted to focus attention on relevant provisions.

## Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

The Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)<sup>155</sup> focuses on ensuring the best interests of children through the prevention of abuse and exploitation, protection and assistance for victims, punishment of perpetrators, and promotion of national and international law enforcement cooperation.

The Lanzarote Convention was opened for signature on 25 October 2007 and entered into force on 1 July 2010. The Lanzarote Convention is open for signature by member States, non-member States that have participated in the Convention's elaboration, and by the European Union, and for accession by other non-member States. Currently, 42 member States have ratified the Lanzarote Convention; five other member States have signed, but not ratified.<sup>156</sup>

The Convention acknowledges the detrimental impacts of sexual exploitation and abuse on the health and psychosocial development of children. Noting the increased use of and inherent danger in the use of ICTs (e.g., difficulty of monitoring, anonymity), the Convention established the solicitation of children for sexual purposes as a standalone offense.<sup>157</sup> As the Explanatory Report to the Convention makes clear, the offense embodies the issue of "grooming" for the first time in an international instrument, focusing exclusively "on the most dangerous method of grooming children which is through the Internet and by using mobile phones."<sup>158</sup> In doing so, the Convention recognizes the need for international cooperation to address ICT-facilitated offenses. Relevant articles include the following:

- Article 3 defines "child" as anyone under the age of 18 and defines "victim" as a child subject to sexual exploitation or abuse.
- Articles 5, 6, and 8 require Each Party to conduct training, education, and awareness campaigns on sexual exploitation and child abuse for child professionals, children, and the general public.
- Articles 12 and 13 address reporting the suspicion of child sexual abuse or exploitation to the responsible authorities along with the need for telephone or Internet hotlines.
- Article 18 defines "sexual abuse" and requires that sexual abuse of a child be criminalized.
- Articles 20 and 21 address offenses related to child sexual abuse material (including production, distribution, and possession) and the participation of a child in sexually abusive/exploitative performances.
- Article 22 requires Each Party to address child corruption by criminalizing showing sexual abuse material or sexual activities to a child.

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<sup>155</sup> Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201), *supra* note 62.

<sup>156</sup> See, *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201): Chart of Signatures and Ratifications*, at <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/201/signatures> (last visited Jun. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>157</sup> Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse, *supra* note 62.

<sup>158</sup> Explanatory Report to the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse, *supra* note 63 (explaining "[t]he solicitation of children for sexual purposes is more commonly known as 'grooming'").

- Article 23 requires that Each Party take necessary measures to criminalize the act of an adult proposing a meeting with a child through a computer system, with the intent of committing a sexual crime as defined in Articles 18 and 20, if the adult could have determined the child's age, provided that the proposal was followed by attempts to meet. [Members of the European Union (EU), as well as all of the EU institutions, consider Article 23 to be their definition of "online grooming."]
- Article 25 addresses jurisdiction, including extraterritorial jurisdiction without the requirement of dual criminality.
- Article 28 defines "aggravating circumstances," such as cases of extreme harm, repeat offending, or when the crime was committed by a family member or as part of a criminal organization.
- Article 30 (5) requires Each Party to take measures necessary to ensure effective investigation and prosecution of offenses, including covert operations where necessary.
- Article 34 (1) and (2) specifies that Each Party shall adopt measures to ensure that persons responsible for child sexual abuse and exploitation investigations are trained and specialized for this purpose. Additionally, Each Party must take necessary measures to initiate criminal investigations even if there is uncertainty as to the actual age of the victim.
- Article 35 requires Each Party to ensure that interviews with the child take place without unjustified delay after the facts have been reported to the competent authorities; interviews take place in premises designed or adapted for this purpose; are carried out by specially trained professionals and that all interviews are conducted by the same persons, if possible; the number of interviews is as limited as possible; and the child may be accompanied by their legal representative.
- Article 36 addresses criminal court proceedings and requires Each Party to ensure that training on children's rights and child sexual abuse and sexual exploitation is available for all persons involved in court proceedings, and in particular judges, prosecutors, and lawyers. In addition, Each Party shall ensure that the judge may order the hearing to take place without the presence of the public; and the victim may be heard in the courtroom without being present (*i.e.*, via appropriate communication technologies).
- Article 38 addresses the general principles and measures for international cooperation.

## EU Directive on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography

On 13 December 2011, the European Parliament and the Council of the European Union adopted the Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.<sup>159</sup> The Directive improves and updates the 2010 Lanzarote Convention.

The Directive entered into force upon adoption. In order to be in compliance, Member States that ratified the Directive were required to bring into force the laws, regulations, and administrative provisions by 18 December 2013. As of 2017, 27 Member States have taken steps to implement this Directive under national law.<sup>160, 161</sup>

The Directive synchronizes and increases the penalties for a number of criminal sex offenses against children, including sexual abuse, sexual exploitation, child sexual abuse material, and, notably, grooming. Moreover, the Directive requires Member States to take a comprehensive, proactive approach by implementing measures aimed at not only intervention, but also prevention, including measures to: identify and assess risks posed by potential offenders<sup>162</sup> and recidivists,<sup>163</sup> prevent offenders from maintaining professions that entail regular contact with children, and introduce provisions to protect child victims during investigations and legal proceedings.<sup>164</sup>

Furthermore, the Directive notes the increasing use of ICTs to commit sexual offenses against children and explicitly acknowledges the emerging problem of the “online solicitation of children for sexual purposes via social networking websites and chat rooms.”<sup>165</sup> While the Directive recognizes the specific threat inherent to the Internet (*i.e.*, anonymity, false identity), it falls short of establishing online grooming as a standalone offense.<sup>166</sup> Specifically, the Directive mandates Member States to criminalize offline grooming, occurring outside of the Internet context, where the solicitation “takes place in the presence or proximity of the child.”<sup>167</sup> Online solicitation, however, requires that “material acts leading to such a meeting” follow the proposal in order to establish the offense under the Directive.<sup>168</sup> Finally, Member States are directed to allow law enforcement officers to operate under a concealed identity on the Internet during investigations.<sup>169</sup>

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<sup>159</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0093&from=EN> (last visited Jun. 27, 2017). Corrigendum to Directive 2011/92/EU, ‘2011/92/EU’ to be read as ‘2011/93/EU’, <http://db.eurocrim.org/db/en/doc/1715.pdf> (last visited Jun. 27, 2017).

<sup>160</sup> National Implementing Measures (NIM) communicated by the Member States concerning: Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, at <http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32011L0093> (last visited Aug. 20, 2017).

<sup>161</sup> Denmark did not take part in the adoption of the Directive and is not bound by or subject to its application. See, *Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA*, *supra* note 159, at Paragraph 52.

<sup>162</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and exploitation of children and child pornography, *supra* note 159, at Article 22.

<sup>163</sup> *Id.* at Article 24.

<sup>164</sup> *Id.* at Article 20.

<sup>165</sup> *Id.* at Paragraph 12.

<sup>166</sup> *Id.* at Paragraph 19.

<sup>167</sup> *Id.*

<sup>168</sup> *Id.* at Article 6.

<sup>169</sup> *Id.* at Paragraph 27.

The Directive requires Member States to criminalize solicitation by an adult to meet a person who has not yet reached the age of sexual consent, through ICTs, where the proposal to meet in-person is followed by material acts leading to such a meeting.<sup>170</sup>

The Directive does address many other pertinent issues, including:

- Article 3 (2) and (3) criminalizes the act of causing a child to witness sexual activities (*i.e.*, pornography) or sexual abuse, even without having to participate.
- Article 4 (2) makes punishable the act of causing a child to participate in sexually abusive/exploitative performances (*i.e.*, live exhibition aimed at an audience, including by means of ICTs) or otherwise exploiting a child for such purposes.
- Article 6 (1) defines “solicitation of a child for sexual purposes” as the proposal, by means of ICTs, by an adult to meet a child for the purposes of committing a sexual offense, where the proposal is followed by material acts leading to such a meeting.
- Article 6 (2) requires that Member States ensure that an adult’s attempt, by means of ICTs, to solicit a child to provide child sexual abuse material (depicting the child) be punishable.
- Article 7 (2) makes an attempt to commit any of the offenses included in the Directive punishable.
- Article 9 addresses aggravating circumstances to be considered.
- Article 15 addresses investigation and prosecution measures.
- Article 16 (1) and (2) requires Member States to ensure that confidentiality rules imposed on certain professionals do not pose an obstacle to reporting suspected sexual offenses. Further, Member States are required to encourage any person who knows about or suspects the commission of a sexual offense against a child to report it to the authorities.
- Article 17 defines jurisdictions, including extraterritorial jurisdiction, and the need for cross-border coordination of prosecution efforts.
- Article 23 requires Member States to raise awareness and educate the public of possible dangers to children online and to provide training for law enforcement and other officials who may come into contact with child victims.

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<sup>170</sup> *Id.* at Article 6.



# Implementation

Online grooming is increasingly recognized as a serious risk to the world's children. In order to adequately address this risk, it is important that policymakers understand what grooming entails, who online groomers are targeting, and which online fora and techniques are most often used by offenders. It is important that countries not only develop legislation focused on protecting children from online grooming, but also ensure that these new laws are enforced. A broad range of supporting efforts and initiatives, like the development of reporting mechanisms and public awareness campaigns, help ensure effective implementation of the legislative provisions and enable a country to frame child protection as a national priority.

A comprehensive approach towards lasting implementation must incorporate both **preventive** and **protective** elements. Examples of best practices that encompass protective and preventive approaches include:



## Preventive

- National Strategy/Action Plans
- Child online protection frameworks
- Training and education programs
- Public awareness campaigns
- Corporate Social Responsibility programs
- Research and data collection



## Protective

- Improved legislative tools
- Formalized legal processes (arrests, prosecutions, and convictions)
- Services for victims
- Monitoring and reporting mechanisms

Public-private partnerships, in conjunction with cross-border and cross-sectoral collaboration, are crucial elements of the implementation process contributing to both preventive and protective initiatives. The private sector may have access to information and resources not readily available to law enforcement agencies. For example, financial institutions can assist law enforcement by monitoring and reporting online commercial transactions involving crimes against children, and Internet Service Providers can assist law enforcement by shutting down or blocking access to the websites that facilitate these crimes.<sup>171</sup>

Collaboration is at the heart of addressing child sexual abuse; it underscores the importance of establishing global networks of experts across disciplines to find effective solutions. Cross-sector and cross-border collaboration are necessary to address the borderless and multi-jurisdictional nature of crimes such as online grooming, and to ensure that perpetrators cannot exploit the differences between national laws regarding the legality of their actions and available penalties.<sup>172</sup> For example, *Operation Tantalio*, launched by the Spanish National Police and coordinated by INTERPOL and

<sup>171</sup> Kim-Kwang Raymond Choo, *Responding to Online Child Sexual Grooming: An Industry Perspective* No. 379, AUSTRALIAN INSTITUTE OF CRIMINOLOGY, Jul. 2009, at [http://www.aic.gov.au/media\\_library/publications/tandi\\_pdf/tandi379.pdf](http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi379.pdf) (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>172</sup> Cristiana De Paoli, *The Role of International Cooperation in Tackling Sexual Violence Against Children*, at <https://rm.coe.int/1680471128> (last visited Jul. 11, 2017) (on file with the International Centre for Missing & Exploited Children).

Europol, involved authorities from 15 countries in Central and South America and Europe.<sup>173</sup> Beginning in 2016, the operation investigated the exchange of child sexual abuse material via mobile messaging applications and, as of April 2017, has led to 38 arrests in Latin America and Europe. The Head of the INTERPOL National Central Bureau in Colombia, Jorge Mora Cortes, stated: “The importance of international cooperation in identifying victims and perpetrators and uncovering links between investigations in different countries is critical.”<sup>174</sup> Ultimately, collaboration amongst stakeholders maximizes resources, avoids duplication of efforts, and facilitates the exchange of information.

## Preventive and Protective Initiatives

Comprehensive measures to combat online grooming of children for sexual purposes are still in the early stages of realization around the world. To this end, a variety of stakeholders – including inter-governmental cooperatives, international and national law enforcement agencies, industry leaders, and non-profit organizations – are working together to implement a range of initiatives promoting online safety in an effort to protect children from being groomed on the Internet. These initiatives aim to help strengthen and support national legislation that criminalizes such behavior, and allow law enforcement to efficiently identify, investigate, and prosecute offenders. To better understand the goals and results of these efforts, a number of preventive and protective initiatives are described below.

### *National Strategy/Action Plan*<sup>175</sup>

A National Strategy or National Action Plan acts as a long-term blueprint for a country’s prioritization of certain policies, like child protection or combating sexual exploitation. It can be a valuable tool to help relevant actors understand the scope of the issue and establish cohesive policies, procedures, standards, mechanisms, technologies, and other responses. In addition, a National Strategy can foster cooperation and collaboration among relevant authorities and organizations across all sectors.<sup>176</sup>

In April 2017, the Scottish Government introduced a National Action Plan on Internet Safety for Children and Young People.<sup>177</sup> The premise of the plan is to build on the actions that were set out in the Scottish Government’s 2010 Action Plan on Child and Internet Safety and the 2011/12 Scottish Action Plan on Child Internet Safety and Responsible Use. The current National Action Plan aims to provide the public with the skills, knowledge, and understanding to help children and young people stay safe online; to inspire safe and responsible Internet use and behavior; and to create a safer environment online.<sup>178</sup> It further builds on the progress that has already been made under the earlier action plans, through partnerships with various organizations focusing on Internet safety for children and young people, and the implementation of a variety of national initiatives,<sup>179</sup> both preventive ones

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<sup>173</sup> *Global operation targets child sexual abuse material exchanged via messaging apps*, Apr. 18, 2017, INTERPOL, at <https://www.interpol.int/en/News-and-media/News/2017/N2017-047> (last visited Jul 21, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>174</sup> *Id.*

<sup>175</sup> A National Strategy Plan provides a comprehensive, long-term blueprint for a country that seeks to prioritize a particular issue, such as child protection or sexual exploitation, on its political, social and legislative agendas. It can be a very valuable tool for helping relevant stakeholders to understand the scope of the issue and to establish cohesive policies, procedures, standards, mechanisms, technologies, and other resources to address it.

<sup>176</sup> The Ministry of Health and Social Affairs: Sweden, *National Action Plan for Safeguarding Children from Sexual Exploitation 4*, Article no. S.2008.024, Dec. 2007, at <http://www.government.se/contentassets/fb78975ee42f41349f782189fbee929a/national-action-plan-for-safeguarding-children-from-sexual-exploitation> (last visited Aug. 18, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>177</sup> *National Action Plan on Internet Safety for Children and Young People*, Scottish Government, Apr. 2017, at <http://dera.ioe.ac.uk/28891/1/00516921.pdf> (last visited Jul. 18, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>178</sup> *Id.*

<sup>179</sup> *Id.* at 3, 13-14.

like the 5Rights coalition<sup>180</sup> and Stop it Now! Scotland,<sup>181</sup> and protective efforts such as Police Scotland's *Operation Latisse*.<sup>182</sup>

Similarly, the Government of Australia launched the National Strategy for Protecting Australia's Children 2009-2020.<sup>183</sup> Outcome 6 of the Strategy addresses child sexual abuse and exploitation, seeking to protect children from all forms of sexual abuse and exploitation through targeted prevention strategies, and to support survivors through specific therapeutic and legal responses. In particular, the role of the Internet as a mechanism for the sexual exploitation of children is noted as a central focus. Under Outcome 6, Strategy 6.1 discusses actions to raise awareness of child sexual abuse and exploitation including online exploitation such as implementing cyber-safety education initiatives, community-based awareness events, and early intervention strategies.<sup>184</sup> Strategy 6.3 focuses on strengthening law enforcement and judicial processes by extending work in the detection, investigation, and prosecution of online sexual exploitation.<sup>185</sup>

### *Improved Legislative Tools and Legal Processes*

Countries around the world have made progress in developing legislation to address various crimes against children, though not all such legislation is comprehensive or effective. Regular review and revision of legislative tools should be undertaken to enhance efficiency, realign penalties, and keep current with criminal trends and the constantly changing landscape.

The NSPCC launched the Flaw in the Law campaign in October 2014 in the UK. The campaign called for a new criminal offense making it illegal for an adult to send a sexual message to a child online. More than 50,000 citizens signed a petition and wrote to the Minister of Online Child Protection calling for a new law. In December 2014, the Prime Minister announced that a new law was forthcoming; and it was ultimately passed as part of the Serious Crime Act (2015). Now adults who send sexual messages to children in England and Wales can be charged and abuse will be stopped before it starts.

\*National Society for the Prevention of Cruelty to Children, *Flaw in the Law*, at <https://www.nspcc.org.uk/what-we-do/campaigns/flaw-law/> (last visited Jul. 7, 2017).

The Swedish Government updated its National Action Plan for Safeguarding Children from Sexual Exploitation in 2008.<sup>186</sup> Under the auspices of the National Action Plan, the Government undertook measures focused on amending national legislation to strengthen the protection of children in the

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<sup>180</sup> 5Rights Youth Commission is a group of 18 young people ages 14-21 from all over Scotland investigating the online world and the rights of young people in that space. See, YoungScot, *5Rights Youth Commission*, at <http://young.scot/5rights/> (last visited Ju. 27, 2017); see also, Scottish Government, *National Action Plan on Internet Safety for Children and Young People*, at <http://www.gov.scot/Publications/2017/04/1061/8> (last visited Jul. 27, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>181</sup> Stop it Now! Scotland is a national program focused on the prevention of child sexual abuse; they offer direct intervention to individuals in the country who are worried about their "sexual thinking or behavior, have been recently arrested or are a concerned family member". *Stop it Now! Scotland*, at <https://www.stopitnow.org.uk/scotland.htm> (last visited Jul. 21, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>182</sup> Operation Latisse is the first-ever national operation solely focused on the various forms of online sexual abuse; and this project has identified over 500 children who were either victims or potential victims of online child sexual abuse or related abuse. See, *Thirty million images of child sexual abuse recovered*, Jul. 29, 2016, Police Scotland, at <http://www.scotland.police.uk/whats-happening/news/2016/july/thirty-million-images-of-child-sexual-abuse-recovered-during-operation> (last visited Jul. 21, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>183</sup> *National Framework for Protecting Australia's Children 2009-2020*, Jun. 2009, Australian Government Department of Social Services, at <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business?HTML> (last visited Jul. 21, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

<sup>186</sup> Ministry of Health and Social Affairs, *National Action Plan for Safeguarding Children from Sexual Exploitation 10*, at <http://www.government.se/contentassets/fb78975ee42f41349f782189fbee929a/national-action-plan-for-safeguarding-children-from-sexual-exploitation> (last visited Jul. 11, 2017) (on file with the International Centre for Missing & Exploited Children).

penal law through the promulgation of legislation on sexual crimes.<sup>187</sup> As a result, a commission was established by the Ministry of Justice to investigate how Sweden's existing penal law could be applied to adults who seek contact with minors for sexual purposes (child grooming), and to consider whether the existing law was sufficient to protect children.<sup>188</sup> The commission recommended the insertion of a new provision concerning contact with children for sexual purposes.<sup>189</sup> Ultimately, this new provision, Section 10a on contact with a child for a sexual purpose, was introduced into the Penal Code and came into force 1 July 2009.<sup>190</sup> Section 10a makes it punishable for a person to agree to meet a child under the age of 15 and thereafter to take steps to ensure that the meeting comes about.<sup>191</sup>

Legislation must stipulate that a real child need not be involved to effectively prosecute offenders caught in such undercover operations.<sup>192</sup> In addition, laws must clearly define protections and liabilities for law enforcement officers involved in covert operations (discussed further below).<sup>193</sup> It is important that investigators are specially trained so that they are not only well-versed in the chat lingo that young people use to be believable in online conversations, but also to cautiously engage in conversations with online sex offenders so as not to encourage them to commit a crime that they would not otherwise, giving rise to the defense of entrapment.<sup>194</sup>

Simply criminalizing certain conduct is not enough; for legislation to be effective, it must provide law enforcement the necessary authority to pursue investigations of and secure justice for the acts prohibited by the law. Measures focused on investigations, arrests, prosecutions, and convictions should be continuously and diligently evaluated with the aim of improving the efficacy of these strategies and ensuring successful prosecution of these cases.

Among these investigative measures, undercover operations can give law enforcement an advantage in the detection, prevention, and prosecution of child sexual abuse and exploitation, especially offenses involving online abuse. Covert online operations are a proactive method allowing investigators to pose as children and enter chatrooms and other online communities without needing to alter their physical identity or investing months in establishing a cover identity, as offline investigations require.<sup>195</sup> In proactive operations, a crime has not yet been reported and law enforcement officers work to deter a criminal offense before it occurs, as opposed to reactive operations after the commission of a crime.<sup>196</sup> Proactive policing can be used on social networking sites, chat rooms, peer-to-peer sites, and similar fora, taking over profiles of children who have already been groomed, or creating fake profiles and monitoring the actions of known sex offenders.<sup>197</sup>

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<sup>187</sup> *Id.* at 10.

<sup>188</sup> *Id.* at 11.

<sup>189</sup> *Id.*

<sup>190</sup> ECPAT Sweden, *Comments to the fifth Swedish governmental report from ECPAT Sweden* 13, Feb. 28, 2014, at [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/SWE/INT\\_CRC\\_NGO\\_SWE\\_18037\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/SWE/INT_CRC_NGO_SWE_18037_E.pdf) (last visited Jul. 25, 2017).

<sup>191</sup> Government Offices of Sweden, *Swedish Penal Code, Chapter 6, Sep. 22, 2014*, at <http://www.government.se/contentassets/602a1b5a8d65426496402d99e19325d5/chapter-6-of-the-swedish-penal-code-unofficial-translation-20140922.pdf> (last visited Sep. 14, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>192</sup> Australian Institute of Criminology, *Online Child Grooming Laws*, HIGH TECH CRIME BRIEF, No. 17 (Apr. 2008), at [http://aic.gov.au/media\\_library/publications/htcb/htcb017.pdf](http://aic.gov.au/media_library/publications/htcb/htcb017.pdf) (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>193</sup> UN Office on Drugs and Crime (UNODC), *Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children* 57, 2015, at [https://www.unodc.org/documents/organized-crime/cybercrime/Study\\_on\\_the\\_Effects.pdf](https://www.unodc.org/documents/organized-crime/cybercrime/Study_on_the_Effects.pdf) (last visited Jul. 25, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>194</sup> Louise Tickle, *How Police Investigators are Catching Paedophiles Online*, THE GUARDIAN, Aug. 22, 2012, at <https://www.theguardian.com/social-care-network/2012/aug/22/police-investigators-catching-paedophiles-online> (last visited Jul. 25, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>195</sup> UNODC, *supra* note 193, at 43.

<sup>196</sup> Jon Taylor, *Policing social networking sites and online grooming*, INTERNET CHILD ABUSE: CURRENT RESEARCH AND POLICY 126, 143, (Julia Davidson and Petter Gottschalk eds. 2011).

<sup>197</sup> *Id.* at 143. See also, Gregor Urbas, *Protecting Children from Online Predators: The Use of Covert Investigation Techniques by Law Enforcement*, UNIVERSITY OF CANBERRA, JOURNAL OF CONTEMPORARY CRIMINAL JUSTICE 26(4) 410-425 (2010) (on file with the International Centre for Missing & Exploited Children).

Specifically with regard to online grooming, “in the absence of a meeting occurring between an offender and a victim, sexually exploitative interactions, via computer-mediated communication, may only ever come to the attention of police authorities when a victim comes forward or discloses the abuse, or as a result of proactive undercover police operations.”<sup>198</sup> Thus online undercover operations help law enforcement to proactively identify offenders and possible offenders without waiting for child victims to come forward.<sup>199</sup> Beyond detecting criminal activity, undercover operations can also aid in prosecutions and deterrence by providing credible, direct (as opposed to circumstantial) evidence.<sup>200</sup>

The “Sweetie” case is an example of an undercover operation in which officers utilized a computer-generated child to catch offenders. In 2013, Terre des Hommes Netherlands brought attention to a largely unknown, yet widespread and growing, form of child exploitation that has claimed thousands of victims thus far in the Philippines alone: webcam child sex tourism. Terre des Hommes researchers were able to identify over 1,000 adults who were willing to pay children in developing countries to perform sexual acts using a webcam with the help of a virtual 10-year-old Filipina girl named Sweetie. This virtual decoy was created with innovative technology to be controlled by Terre des Hommes researchers. Over 20,000 predators from all around the world approached Sweetie online, asking for webcam sex performances and, while the adults were interacting with the virtual girl, the researchers gathered information about these predators through social media. The results of the undercover operation were used to support a worldwide petition to urge governments to adopt proactive investigative policies to help protect children from online exploitation.

\*Terre des Hommes Press Release, *Tens of thousands of child victims in international online sex crimes case disclosed by Terre des Hommes*, Terre des Hommes, 2013, at <http://www.terredeshommes.org/wp-content/uploads/2013/11/PR-Webcam-Child-Sex-Tourism-TDH-NL-04.11.2013.pdf> (last visited Jul. 25, 2017).

Strike Force Trawlers, an Australian Child Exploitation Internet Unit (CEIU) ongoing investigation into the sexual abuse and exploitation of children through ICTs, is another example of the use of covert operations specifically for online grooming investigations. The CEIU and the police in New South Wales (Australia) regularly conduct covert online investigations. The operation reported nearly one arrest each week in 2016<sup>201</sup> and had already reported eight arrests in 2017 as of April.<sup>202</sup> Those arrested ranged from teenagers to 70-year-olds, including teachers, fathers, priests, police academy students, and others.<sup>203</sup> The CEIU noted that while some cases involve a fictitious child, the majority of cases, nearly 70%, begin with a real child and a tip from parents who noticed a worrisome online conversation that they reported to law enforcement.<sup>204</sup> During these investigations, undercover officers trawl chat sites, social networks, and other apps and wait for predators/offenders to approach them.<sup>205</sup> Officers must be cautious not to initiate sexualized conversation with an offender or to encourage (potential)

<sup>198</sup> Juliane Kloess, *supra* note 86, at 132.

<sup>199</sup> Jon Taylor, *supra* note 196, at 145.

<sup>200</sup> Federal Bureau of Investigation, *The Federal Bureau of Investigation’s Compliance with the Attorney General’s Investigative Guidelines (Redacted)*, Special Report (2005), Chapter Four: The Attorney General’s Guidelines on FBI Undercover Operations 138, Office of the Inspector General, at <https://oig.justice.gov/special/0509/final.pdf> (last visited Jul. 25, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>201</sup> Rachel Olding, *Online grooming: Strike Force Trawler undercover police expose a dark world*, Dec. 19, 2016, THE SYDNEY MORNING HERALD, at <http://www.smh.com.au/nsw/online-grooming-strike-force-trawler-undercover-police-expose-a-dark-world-20161215-gtc60o.html> (last visited Jul. 28, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>202</sup> Nick Hansen and Sarah Crawford, *Alleged Dee Why paedophile nabbed after ‘dad’ turned out to be undercover cops*, Apr. 21, 2017, THE DAILY TELEGRAPH, at <http://www.dailytelegraph.com.au/news/nsw/dee-why-paedophile-nabbed-after-dad-turned-out-to-be-undercover-cops/news-story/87f9edf45cb1acd8a4599ddcc9e7164e> (last visited Jul. 28, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>203</sup> *Id.*

<sup>204</sup> *Id.*

<sup>205</sup> Rachel Olding, *supra* note 201.

offenders to commit a crime that they otherwise would not have in order to avoid a claim of entrapment.<sup>206</sup>

It is imperative that legislation allow the use of online undercover operations to combat online grooming. Additionally, legislation should be enacted that makes clear that a real child need not be involved.<sup>207</sup> Covert online operations allow law enforcement to be proactive in combatting online sexual abuse of children and to fully understand the grooming process and any new trends, and may act as a deterrent by creating a sense of insecurity among online predators.<sup>208</sup> In this regard, Canada, Greece, and New Zealand, among other countries, have each studied or updated their legislation to ensure that online undercover operations used to apprehend online offenders are admissible in court proceedings.<sup>209</sup>

### *Reporting Mechanisms*

Protecting children from online abuse and exploitation is a community responsibility. Reporting mechanisms are needed for individuals to meet this responsibility. Reporting mechanisms, such as telephone hotlines and online “tiplines,” receive leads and tips regarding suspected crimes. The International Association of Internet Hotlines (INHOPE), for example, is a collaborative network of 51 hotlines in 45 countries that offers the public a way of anonymously reporting child sexual abuse material or suspected other crimes.<sup>210</sup> When a report has been submitted, the individual hotline determines whether the reported content is illegal and it is then handed over to the relevant law enforcement agency so that the matter can be investigated further.<sup>211</sup> An example of such an organization is the National Center for Missing and Exploited Children (NCMEC) in the US, which has implemented its “CyberTipline” program, operated in partnership with the FBI, Immigration and Customs Enforcement, US Postal Inspection Service, US Secret Service, and various other partners.<sup>212</sup> More than 12.7 million reports of suspected child sexual exploitation were made to the CyberTipline between 1998 and June 2016.<sup>213</sup> The Internet Watch Foundation (IWF), the UK hotline for reporting criminal content, offers the public a place to report suspected online child sexual abuse materials anonymously and analyzes the reports received.<sup>214</sup> IWF received 105,420 reports about websites and newsgroups in 2016 and of these, more than half (57,790) were confirmed to contain child sexual abuse imagery.<sup>215</sup> Beyond collection and analysis, IWF also focuses on the removal of child sexual abuse images and videos.<sup>216</sup> Canada’s tipline similarly receives reports of online sexual exploitation of children and coordinates with law enforcement, and provides the public with information and other safety resources<sup>217</sup>; on average, Cybertip.ca receives 3,000 reports and 80,000 page views each month.<sup>218</sup>

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<sup>206</sup> *The Sting Operation: How Law Enforcement Catches Online Predators*, Aug. 25, 2016, TeenSafe, at <https://www.teensafe.com/blog/sting-operation-law-enforcement-catches-online-predators/> (last visited Aug. 22, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>207</sup> Gregor Urbas, *supra* note 197.

<sup>208</sup> Online Grooming and UK Law, *supra* note 82, at 10.

<sup>209</sup> *5 men arrested in child luring sting operation*, Feb. 26, 2013, CBC NEWS, at <http://www.cbc.ca/news/canada/nova-scotia/story/2013/02/26/ns-ice-child-luring-arrest.html> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children); see also *Crimes Amendment Act (No. 3) 2011*, (on file with the International Centre for Missing & Exploited Children); see also *Legislation – Grooming*, at <http://www.safeline.gr/en/legislation/grooming> (last visited Jul. 20, 2017)

<sup>210</sup> International Association of Internet Hotlines (INHOPE), *At A Glance*, at <http://www.inhope.org/gns/who-we-are/at-a-glance.aspx> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>211</sup> *Id.*

<sup>212</sup> National Center for Missing & Exploited Children (NCMEC), *Cybertipline*, at <http://www.missingkids.com/cybertipline> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>213</sup> *Id.*

<sup>214</sup> Internet Watch Foundation (IWF), *What We Do*, at <https://www.iwf.org.uk/about-iwf> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>215</sup> Internet Watch Foundation (IWF), *IWF Annual Report 2016*, at <https://annualreport.iwf.org.uk/> (last visited Jul. 28, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>216</sup> IWF, *supra* note 214.

<sup>217</sup> Canadian Centre for Child Protection, *About Cybertip.ca*, at <https://www.cybertip.ca/app/en/about> (last visited Jul. 28, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>218</sup> *Id.*

### *Capacity Building/Training Programs*

Once legislation is in place, those who are charged with enforcing the law must be trained on the relevant legal provisions. For instance, law enforcement officers, social workers, attorneys, judges, and other professional groups working for and with children should receive specialized training on online and offline child sexual abuse and exploitation. This training may include understanding the issue, recognizing child sexual abuse and exploitation, investigating and collecting evidence of cybercrimes committed against children, and identifying and interviewing child victims. Capacity building allows for increased attention to the prevention and investigation of online child sexual abuse, and provides various platforms for broad discussion and exchange of experience and ideas.<sup>219</sup>

In October 2016, for example, the United Nations Office on Drugs and Crime (UNODC), in collaboration with the El Salvador Prosecutors' Academy, completed a training for 26 prosecutors from numerous cities in El Salvador.<sup>220</sup> The prosecutors received training on legal, investigative, and technical aspects related to online crimes against children and on topics such as grooming, cyberbullying, and sextortion.<sup>221</sup> The training also discussed, among other things, applicable national laws, presenting digital evidence in court, and witness interviewing and preparation, and was followed by a mock trial.<sup>222</sup>

### *Public Awareness Campaigns*

It is important that the public be aware of laws, resources, and available services to ensure they are equipped to act and respond if a child in their community is suspected to or has been affected by sexual abuse or exploitation. Training, conferences, and public outreach, including programs focused on the issue of child sexual exploitation, should be made available to parents, children, teachers, and child-serving professionals in schools and throughout communities. Through awareness campaigns, advocacy organizations can influence public opinion and garner active support from the government, the public, and other potential investors to better protect children.<sup>223</sup>

To address the growing issue of online grooming, in 2016 Childline launched the #ListenToYourSelfie campaign<sup>224</sup> in the UK, aiming to help young people recognize sexual exploitation early.<sup>225</sup> The campaign was developed in response to Childline data showing that the number of counselling sessions provided to children who were worried about online sexual abuse rose in 2015 by 24%.<sup>226</sup> This increase was largely blamed on the increased use of apps and webcams.<sup>227</sup> In 2015, 3,716 such counselling sessions were provided; 65% involved children ages 12-15, while 28% were 16-18 years of age.<sup>228</sup> The campaign consists of two short films, namely "The Party" (aimed at girls) and "The Game" (aimed at boys), addressing peer-to-peer relationship abuse, young people at-risk of being

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<sup>219</sup> The Ministry of Health and Social Affairs: Sweden, *supra* note 176, at 35.

<sup>220</sup> UNODC *Continues Strengthening El Salvador Capabilities to Fight Crimes against Children Facilitated by Information and Communication Technologies*, United Nations Office on Drugs and Crime, at <http://www.unodc.org/ropan/en/unodc-continues-strengthenin-el-salvador-capabilities-to-fight-crimes-against-children-facilitated-by-information-and-communication-technologies.html> (last visited Jul. 24, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>221</sup> *Id.*

<sup>222</sup> *Id.*

<sup>223</sup> The Ministry of Health and Social Affairs: Sweden, *supra* note 176, at 22.

<sup>224</sup> Childline – *Info and advice*, at <https://www.childline.org.uk/info-advice/friends-relationships-sex/sex-relationships/healthy-unhealthy-relationships/> (last visited Jul. 24, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>225</sup> Jessica Goodfellow, *Childline unveils "ListenToYourSelfie" campaign to tackle online grooming*, THE DRUM, at <http://www.thedrum.com/news/2016/09/19/childline-unveils-listentoyourselfie-campaign-tackle-online-grooming> (last visited Jul. 20 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>226</sup> *Id.*

<sup>227</sup> Pete Henshaw, *#ListenToYourSelfie campaign aims to tackle online sexual abuse*, Sep. 21, 2016, SECED, at <http://www.sec-ed.co.uk/news/listentoyourselfie-campaign-aims-to-tackle-online-sexual-abuse/> (last visited Jul. 24, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>228</sup> *Id.*

sexually exploited, and same-sex online grooming.<sup>229</sup> In addition to resources available on the Childline website, the campaign was launched on Facebook, Instagram, and Snapchat to ensure the widest reach in order to help children and teenagers recognize “the signs of grooming and other unhealthy relationships, both online and offline.”<sup>230</sup>

### *Private Sector Involvement and Corporate Social Responsibility*

With the advancement of the Internet and other ICTs, and the growth of social media platforms, opportunities have expanded for offenders to sexually exploit children. While a legislative approach is an important part of helping protect children from dangers inherent in the online environment, private sector actors can support law enforcement efforts and help prevent and combat online grooming through their Corporate Social Responsibility programs. To this end, social networking sites, technology companies, Electronic Service Providers, and the financial services industry are contributing to the reduction of opportunities for, and improved detection of, online child exploitation.<sup>231</sup>

Social networking sites and applications like Facebook, WhatsApp, Instagram, Snapchat, Skype, and Oovoo are used by online predators to contact and groom children.<sup>232</sup> Recognizing this, these companies are taking more active roles to prevent such behavior. Some social networking sites provide an application that places a “panic button” at the top of every profile; when pressed, this button leads the Internet user to a cybercrime reporting website where they can report suspected grooming or other threatening behavior.<sup>233</sup> For instance, Facebook and CEOP collaborated in 2010 to create a mobile application for British users ages 13-18 to report inappropriate sexual behavior.<sup>234</sup> The application is visible at the top of a profile once the user adds it, and clicking the link provides information to the user about various dangerous online interactions and gives children a simple and accessible method to report dangerous online behavior.<sup>235</sup> In its first month, the app was downloaded 55,000 times and there were 211 reports of online abuse in the UK, all of which were categorized as very serious offenses, including cases of online grooming.<sup>236</sup> Additionally, some social network companies operate independent hotlines that respond to law enforcement inquiries pertaining to online grooming or abuse.<sup>237</sup>

Corporate social responsibility programs and activities can be used to combat sexual exploitation of children. Several major corporations have already applied their social responsibility to protect children from sexual abuse. Technology companies, especially, have created programs and activities for the protection of children. Google, for instance, has implemented software in Latin American countries that allows for quick image analysis. Other technology companies also have contributed their expertise, such as in the case of Microsoft’s PhotoDNA, which was developed to assist law enforcement and other stakeholders in detecting child abuse images.

\*ECPAT International, *Corporate Social Responsibility: Strengthening Accountability in the Fight Against Sexual Exploitation of Children*, 2012, at [http://www.ecpat.org/wp-content/uploads/legacy/ecpat\\_journal\\_oct\\_2012.pdf](http://www.ecpat.org/wp-content/uploads/legacy/ecpat_journal_oct_2012.pdf) (last visited Jul. 20, 2017).

<sup>229</sup> Jessica Goodfellow, *supra* note 225.

<sup>230</sup> *Id.*

<sup>231</sup> Kim-Kwang Raymond Choo, *supra* note 171.

<sup>232</sup> *Paedophiles using Clash of Clans and Instagram to groom children as young as seven*, Jan. 5, 2016, MIRROR ONLINE, at <http://www.mirror.co.uk/news/uk-news/paedophiles-using-clash-clans-instagram-7117707> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>233</sup> *Facebook ‘Panic Button’ to Launch*, HUFFINGTON POST, Aug. 11, 2010, at <http://www.huffingtonpost.com/2010/07/12/facebook-panic-button-to-n-642590.html> (last visited Aug. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>234</sup> *Id.*

<sup>235</sup> *Id.*

<sup>236</sup> *Facebook Panic Button App ‘Success’*, THE TELEGRAPH (Aug. 13, 2010) at [www.telegraph.co.uk/technology/facebook/7944466/Facebook-panic-button-app-success.html](http://www.telegraph.co.uk/technology/facebook/7944466/Facebook-panic-button-app-success.html) (last visited Aug. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>237</sup> Kim-Kwang Raymond Choo, *supra* note 171.



Beyond collaboration with law enforcement, social media companies have adjusted privacy policies to address user privacy concerns while meeting both related legal requirements and child sexual abuse prevention aims. Major social media platforms include in their privacy agreements policies for dealing with law enforcement, and require legal documentation, such as subpoenas, court orders, and arrest warrants, to release private user information.<sup>238</sup> Only in cases of extreme emergencies will the platform release user information, and each platform reserves the right to evaluate what constitutes such an emergency.<sup>239</sup>

Similar to social media companies, major technology companies also have acknowledged the role they can play in making the Internet safer for children. Microsoft, for instance, has teamed up with the CEOP to install a red panic button on Internet browsers for users in the UK.<sup>240</sup> When a user clicks the panic button, a computer program sends a message to the national criminal police and brings up a tip page to report online sexual abuse.<sup>241</sup> Additionally, Microsoft provides parents with a wide range of information to educate their children about Internet safety and to discourage children from communicating with strangers online.<sup>242</sup>

Leading Argentinian mobile operators – such as Claro, Telecom Personal, and Telefónica Movistar – are putting their weight behind a first of its kind GSMA initiative focused on mobile consumer protection. They will be working on tackling theft of mobile devices as well as protection of children against sexual exploitation. As part of the project the stakeholders look to launch an information and awareness campaign to support work done by Equipo Niñ@s in combating sexual exploitation and grooming, as well the Ministry of Justice and Human Rights’ *Victims against Violence* project through the national helpline (0800-222-1717), by implementing awareness-raising activities through their retail points of sale and websites to publicize the free helpline and the need to report abuse. The former has a team of professionals in psychology and social work that offer their services, in the form of advice and assistance, 24/7 to callers placing reports; the latter helps callers report incidents of child or adolescent sexual exploitation and/or abuse of any form.

*\*Mobile Operators Argentina Launch Mobile Phone Theft and Child Protection Campaigns in Partnership with GSMA*, Apr. 6, 2016, at <http://www.businesswire.com/news/home/20160406005600/en/Mobile-Operators-Arentina-Launch-Mobile-Phone-Theft> (last visited Jul. 20, 2017).

Other examples include cooperation between technology companies and law enforcement, formalized processes for law enforcement and other officials to access necessary data for investigations, as well as awareness materials for the public. Google’s “Good to Know” campaign, similar to Microsoft’s efforts, discusses methods for keeping children safer online, such as checking age restrictions and using privacy settings.<sup>243</sup> Both Google and Microsoft have collaborated with the US, the UK, and

<sup>238</sup> *How Do We Respond to Legal Requests or Prevent Harm?*, Facebook, Jan. 30, 2015, at <https://www.facebook.com/about/privacy>; see also *Guidelines for Law Enforcement*, Twitter, 2014, at <https://support.twitter.com/articles/41949>; See also, *Information for Law Enforcement*, Instagram, 2015, at <https://help.instagram.com/494561080557017/> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>239</sup> *Information for Law Enforcement Authorities – Emergency Requests*, Facebook Safety Center, <https://www.facebook.com/safety/groups/law/guidelines/>; *Guidelines for Law Enforcement – Emergency disclosure requests*, Twitter, at <https://support.twitter.com/articles/41949#14>; and *Information for Law Enforcement, Instagram – Emergency Requests*, Instagram, at <https://help.instagram.com/494561080557017/> (last visited Jul. 24, 2017).

<sup>240</sup> Zack Whittaker, *Microsoft, CEOP Adds Panic Button to IE8 to Fight Online Child Abuse*, ZD NET (Feb. 9, 2010) <http://www.zdnet.com/article/microsoft-ceop-adds-panic-button-to-ie8-to-fight-online-child-abuse/> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>241</sup> *Id.*

<sup>242</sup> *How to help your kids use social websites more safely*, MICROSOFT, <http://www.microsoft.com/security/family-safety/kids-social.aspx>, (last visited Jul. 20, 2017); see also *Online predators: Help minimize the risk*, MICROSOFT, <http://www.microsoft.com/security/family-safety/predators.aspx> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>243</sup> *Family Safety Basics*, Google, at <http://www.google.lk/safetycenter/families/start/basics/> (last visited Jul. 23, 2017) (on file with the International Centre for Missing & Exploited Children).

various other governments and non-profit organizations to jointly promote these programs in countries where online safety information is scarce.<sup>244</sup>

Companies, especially those with a prominent online presence through websites, apps, or games that attract young users, should develop policies that create a safe, age-appropriate online environment. These policies should include user agreements and codes of conduct that outline which activities and behaviors are prohibited on the companies' platforms. Furthermore, standard processes for handling online exploitation cases such as online grooming should be developed, including reporting mechanisms and internal policies for responding to reports of online grooming. Content monitoring, either manually or through filtering software, is also necessary to remove harmful communication and content.

The rise of mobile technology and improved connectivity presents unique risks, but recent initiatives provide other methods for improving online safety for children. Many mobile phone manufacturers and service providers offer parental controls that can restrict usage and allow parents to monitor all mobile phone activity.<sup>245</sup> Other technologies provide parents with the ability to preemptively regulate their child's mobile phone activity; parents may even ban certain capabilities like webcam usage or picture texting.<sup>246</sup> Additionally, some mobile phone technologies provide a safety tool to send a panic code to alert parents of the child's GPS location in case the child is in an emergency situation.<sup>247</sup>

Lastly, rapid growth of the global online gaming industry has enabled people of all ages to interact in real-time and play video games together. A 2015 study by the Pew Research Center showed that in the US, 72% of children ages 13-17 play video games on a computer, gaming console, or portable device,<sup>248</sup> and that more than half of the children who play online games (52%) play with strangers.<sup>249</sup> Many online games contain an audio or text component allowing players to communicate with one another, thus providing a platform for sexual predators to reach and manipulate children.<sup>250</sup> Based on the results of the Pew study, 71% of male teen gamers and 28% of female teen gamers connect with other players online via voice connections.<sup>251</sup>

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<sup>244</sup> Family Online Safety Institute, *Making the Internet a Better and Safer Place: A Global Directory of the Online Safety Space*, at <http://fosigrid.org/about> (last visited Jul. 23, 2017); See also, Google Safety Center, Google, at <http://www.google.lk/goodtoknow/>.

<sup>245</sup> *A Parents' Guide to Mobile Phones*, ConnectSafely, at [http://www.connectsafely.org/wp-content/uploads/mobile\\_english.pdf](http://www.connectsafely.org/wp-content/uploads/mobile_english.pdf) (last visited Jul. 23, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>246</sup> *11 Mobile Parental Controls from AT&T, Verizon, Sprint & T-Mobile*, Your Sphere, at <http://Internet-safety.yoursphere.com/2014/09/mobile-parental-controls-att-verizon-sprint-t-mobile/> (last visited Jul. 20, 2017); see also Sara Yin, *Parental Control Apps for Smartphones*, PC MAG, <http://www.pcmag.com/article2/0,2817,2407509,00.asp> (last visited Jul. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>247</sup> *Panic Button*, Safe Kidzone, at <http://safekidzone.com/features/panic-button/> (last visited Aug. 20, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>248</sup> *Id.*

<sup>249</sup> Aaron Katersky, *Online Gaming is Becoming Predators' Playground*, Apr. 5, 2012, ABC NEWS, at <http://abcnews.go.com/US/online-gaming-predators-playground/story?id=16081873> (last visited Jun. 16, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>250</sup> Joseph Goldstein, *Video-Game Companies Agree to Close Sex Offenders' Online Accounts*, Apr. 5, 2012, NEW YORK TIMES, at <http://www.nytimes.com/2012/04/06/nvregion/video-game-systems-close-sex-offenders-online-accounts.html?mcubz=2> (last visited Jun. 16, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>251</sup> Amanda Lenhart, et al., *Teens, Technology & Friendship*, Aug. 6, 2015, Pew Research Center, at <http://www.pewinternet.org/2008/09/16/teens-video-games-and-civics/> (last visited Jun. 16, 2017) (on file with the International Centre for Missing & Exploited Children).

In 2012, *Operation Game Over* led to numerous video game companies closing the accounts of more than 3,500 registered sex offenders in New York State following an agreement with the State Attorney General's office<sup>252</sup>; the purpose of the agreement was to remove sex offenders from the online masses of millions of video gamers of all ages who play against strangers via the Internet.<sup>253</sup> Among the companies that agreed to close accounts linked to sex offenders were Microsoft and Sony, which run the Xbox Live and PlayStation Networks respectively.<sup>254</sup>

The Canadian Centre for Child Protection issued an alert in February 2017 warning parents and young gamers to be careful on the online multi-player gaming site Roblox following multiple reports of luring (grooming) attempts and explicit messages sent to children younger than 12. The Centre, through the Cybertip.ca reporting site, had received reports from across Canada regarding sexually explicit chat messages and requests to meet in person being sent to children using the Roblox chat feature. According to a Roblox representative, the accounts for all users under the age of 13 are defaulted to communicate only with friends. Roblox uses chat-filtering software to find and flag offensive language and utilizes a moderator network to review each image, audio, and video file that is uploaded to the site. Similar warnings about grooming attempts via Roblox have been issued in Australia and the UK and investigations have been undertaken in the US.

*\*Child protection group warns parents about luring, explicit chat on game site Roblox, CBC, Feb. 24, 2017, at <http://www.cbc.ca/news/canada/manitoba/winnipeg-roblox-luring-warning-1.3997258>; See also, Popular Online Gaming Site for Kids is Breeding Ground for Child Sex Predators, Mother Says, NBC, Apr. 6, 2017, at <http://www.nbcnewyork.com/news/local/Video-Game-Warning-ROBLOX-Child-Sex-Predator-Online-Site-Investigation-What-to-Know-418483173.html> (last visited Jul. 26, 2017).*

A number of popular online games like Minecraft,<sup>255</sup> Runescape,<sup>256</sup> and Wizard101,<sup>257</sup> also provide tools for parents and children to help prevent online grooming and other forms of exploitation like safe chat functions, ignore lists to block specific users, in-game chat moderators, filtering tools to block inappropriate and offensive language, and reporting functions to report abuse. Further, Poptropica, a multi-player online game for children, uses a pre-scripted chat system.<sup>258</sup> This method of chat utilizes question and answer options that players must choose in order to communicate with one another; it does not allow free chat in an effort to provide a safe virtual world for children.<sup>259</sup> In addition, no personally identifiable information about a child player is ever collected.<sup>260</sup>

### *Research and Data Collection*

Conducting research and collecting data with a focus on child sexual exploitation, including child grooming, is a critical factor in helping policymakers become aware of the true scope of the issue in a country. Data is especially useful in assessing crime trends, developing innovative ways to address and ultimately reduce crime, creating the necessary programs and services, and allocating the needed human and financial resources to support those programs and services.

Barnardo's, a leading children's charity in the UK, carried out a "snapshot survey" focused on select cases of sexual exploitation in December 2016 in order to better understand the impact of online

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<sup>252</sup> Joseph Goldstein, *supra* note 250.

<sup>253</sup> *Id.*

<sup>254</sup> *Id.*

<sup>255</sup> NSPCC, *Minecraft: A parent's guide*, at <https://www.nspcc.org.uk/preventing-abuse/keeping-children-safe/online-safety/minecraft-a-parents-guide/> (last visited Jul. 25, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>256</sup> Runescape, *Parent's Guide*, at <https://support.runescape.com/hc/en-gb/articles/206747519-Parent-s-Guide> (last visited Jul. 25, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>257</sup> Wizard101, *A Safe Game for Kids*, at <https://www.wizard101.com/game/kid-safe> (last visited Jul. 26, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>258</sup> Poptropica, *FAQs*, at <http://www.poptropica.com/Poptropica-FAQ.html> (last visited Jul. 25, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>259</sup> *Id.*

<sup>260</sup> *Id.*

grooming in the UK.<sup>261</sup> The survey considered the cases of all of the children who had received support over a six-month period from five participating children's centers, including two from England, and one each from Northern Ireland, Wales, and Scotland.<sup>262</sup> The survey revealed that in the last six months of 2016, these five centers alone supported 702 children and that 42% (297) of these children were groomed online.<sup>263</sup> Of those groomed online, nearly two-thirds (182) met the perpetrator online and had been sexually exploited offline.<sup>264</sup> The majority of these children were aged 14-17, though some were as young as 10.<sup>265</sup> The exploitation that occurred through use of technology included sexting, exchange of films/photographs, encouragement to engage in harmful sexual behavior, and sexual role play through online gaming.<sup>266</sup> The report urged governments to ensure primary and secondary school children receive age-appropriate lessons on sex and healthy relationships, including online grooming.<sup>267</sup>

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<sup>261</sup> Carron Fox and Gunes Kalkan, *Barnardo's Online Grooming Survey 2016*, Dec. 2016, at <http://www.barnardos.org.uk/barnardos-online-grooming-survey-2016.pdf> (last visited Aug. 24, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>262</sup> *Id.*

<sup>263</sup> *Id.*

<sup>264</sup> *Id.*

<sup>265</sup> *Id.*

<sup>266</sup> *Id.*

<sup>267</sup> Wendy Smith-Yau, *Research Monitor December 2016*, Youth Justice Board for England and Wales, Dec. 2016, at [https://yjresourcehub.uk/our-community/resources-for-sharing/item/download/473\\_086970e71d310e2e2e3b4a7799a62386.html](https://yjresourcehub.uk/our-community/resources-for-sharing/item/download/473_086970e71d310e2e2e3b4a7799a62386.html) (last visited Sep. 18, 2017) (on file with the International Centre for Missing & Exploited Children).

# Country-specific findings

This section presents the country-specific findings concerning the national legislation of each of the 196 countries reviewed. Additional information may be provided in the footnotes to reflect responses received during the verification process.

# Global Legislative Review

✘ = No

✓ = Yes

Country	Legislation specific to online grooming <sup>268</sup>	“Online grooming” defined <sup>269</sup>	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child <sup>270</sup>
Afghanistan	✘	✘	✘	✘	✘
Albania	✘	✘	✘	✘	✓
Algeria	✘	✘	✘	✘	✓
Andorra	✘	✘	✘	✘	✓
Angola	✘	✘	✘	✘	✓
Antigua & Barbuda	✓	✓ <sup>271</sup>	✓	✓	✘
Argentina	✓	✓	✓	✓	✓
Armenia	✘	✘	✘	✘	✘

<sup>268</sup> Unless otherwise noted, each country’s legislation applies to children under the age of 18.

<sup>269</sup> While we were looking specifically for a definition of “online grooming,” given the newness of the offense, the terminology is not yet settled. A country received a checkmark if they have legislation that meets the following criteria:

- communicating with, enticing, luring, proposing, soliciting, (or some similar action);
- a child (under the age of 18) by an adult;
- via the Internet or ICTs;
- in order to meet for the purposes of engaging in sexual activity; or to persuade/coerce a child into online sexual activity.

<sup>270</sup> Sex offenders may show pornography to a child in an attempt to lower the child’s inhibitions, desensitize the child to sexual activity, normalize the sexual behavior, and teach the child sexual activities. Showing pornography to a child is often a component of the grooming process.

<sup>271</sup> While the term “online grooming” is not used, Section 10 of the Electronic Crimes Act of Antigua and Barbuda (2013) **defines the acts constituting online grooming** (i.e., A person shall not intentionally without lawful justification or excuse- ... cultivate, entice or induce a child into an online relationship with another child or an adult for a sexually explicit act or in a manner that may offend a reasonable adult on an electronic system.).

Country	Legislation specific to online grooming	"Online grooming" defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Aruba	✓ <sup>272</sup>	✓ <sup>273</sup>	✓	✗	✓
Australia	✓ <sup>274</sup>	✓	✓	✓	✓
Austria	✓ <sup>275</sup>	✓ <sup>276</sup>	✓	✗	✓
Azerbaijan	✗	✗	✗	✗	✗
Bahamas	✗	✗	✗	✗	✗
Bahrain	✗	✗	✗	✗	✗
Bangladesh	✗	✗	✗	✗	✓
Barbados	✗	✗	✗	✗	✗
Belarus	✗ <sup>277</sup>	✗	✗	✗	✓

<sup>272</sup> This legislation applies to offenses committed against a person under the age of 16.

<sup>273</sup> The article 2:207 of the Criminal Code of Aruba is the execution of article 23 of the Declaration on The Rights of The Child, regarding the protection of children against sexual exploitation and sexual abuse. In that article there is a definition of "grooming" stated and that has been taken over in our legislation. In addition, a translation of the term would appear in the Criminal Code only once so that no definition is included according to the instructions for the legislation. E-mail from Sacha Z. Geerman, M.A., Policy Officer, Department of Social Affairs, Government of Aruba, Oranjestad, Aruba, to the International Centre for Missing & Exploited Children (Nov. 8, 2016) (on file with the International Centre for Missing & Exploited Children).

In addition, while the term "online grooming" is not used, Article 2:207 of the Aruban Criminal Code **defines the acts constituting online grooming** (i.e., He who by means of a computerized device communicates with a person which he knows or should reasonably suspect has not yet reached the age of 16 to propose a meeting with the aim of committing lewd acts with that person or to manufacture images of a sexual act in which that person is involved, if he undertakes any act aimed at the achievement of this meeting, shall be punished with imprisonment not exceeding two years or a fine of the fourth category [Afl. 25,000]).

<sup>274</sup> This legislation applies to offenses committed against a child under the age of 16.

<sup>275</sup> This legislation applies to offenses committed against a minor under the age of 16.

<sup>276</sup> While the term "online grooming" is not used, Article 208a of the Austrian Criminal Code (2015) **defines the acts constituting online grooming** (i.e., Any person with the intention of carrying out an offense under § 201 to 207a para. 1 to commit: 1) By way of telecommunications, using a computer system, or 2) In any other way deceiving his intention, proposes a personal meeting with a minor or agrees to it, and takes concrete preparatory measures toward carrying out the personal meeting with this person is punishable with imprisonment up to two years...).

<sup>277</sup> In 2015, at the initiative of the Ministry of Internal Affairs (MVD), a draft law on establishing criminal responsibility for establishing contact with a person who has obviously not yet reached the age of 16 for the purpose of committing acts of a sexual nature or producing pornographic materials or objects of a pornographic nature (including by use of the Internet, or other public electronic network or dedicated electronic network) .... Currently, this bill is under consideration in the Parliament. E-mail from Pavel Shidlovsky, Charge d'Affaires, a.i., Embassy of Belarus, Washington, D.C., on behalf of the Ministry of Internal Affairs of the Republic of Belarus to the International Centre for Missing & Exploited Children (Dec. 18, 2016) (on file with the International Centre for Missing & Exploited Children).

Country	Legislation specific to online grooming	"Online grooming" defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Belgium	✓ <sup>278</sup>	✓ <sup>279</sup>	✓	✗ <sup>280</sup>	✓
Belize	✗	✗	✗	✗	✗
Benin	✗	✗	✗	✗	✗
Bhutan	✗	✗	✗	✗	✓
Bolivia	✗	✗	✗	✗	✗
Bosnia-Herzegovina	✗	✗	✗	✗	✓
Botswana	✓	✓ <sup>281</sup>	✗	✗	✓
Brazil	✓ <sup>282</sup>	✓	✓	✓	✓
Brunei Darussalam	✓ <sup>283</sup>	✗ <sup>284</sup>	✓	✗	✓

<sup>278</sup> This legislation applies to offenses committed against a minor under the age of 16.

<sup>279</sup> While the term "online grooming" is not used, Article 377 quarter of the Belgian Criminal Code (2014) **defines the acts constituting online grooming** (i.e., a person of full age who, through ICTs, proposes a meeting with a minor under the age of sixteen years with the intention of committing an offense referred to in this Chapter or in Chapters VI and VII of this title, shall be punished with imprisonment of one year to five years, if this proposal has been followed by material acts leading to the said meeting.) See, email from Evy Deman, Counselor, Embassy of the Kingdom of Belgium, Washington, D.C. to the International Centre for Missing & Exploited Children (Nov. 18, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>280</sup> Online grooming without the intent to meet the child is currently not codified as such, as is many other countries, following the explanatory note to the Convention of Lanzarote. However, prosecution of this offense is in practice based on article 442bis SW (stalking) and article 443-444 (slander and defamation). Email from Evy Deman, Counselor, Embassy of the Kingdom of Belgium, Washington, D.C. to the International Centre for Missing & Exploited Children (Nov. 18, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>281</sup> While the term "online grooming" is not used, Article 16(4) of the Cybercrime and Computer Related Crimes Law of Botswana (2007) **defines the acts constituting online grooming** (i.e., A person who, by means of a computer or computer system, communicates with (a) a person who is, or who the accused believes is, under the age of 18 years, for the purpose of facilitating the commission of the offence of child pornography under this Act, or the offences of prostitution, rape or indecent assault under the Penal Code; ... or (c) a person who is, or who the accused believes is under the age of 16 years, for the purposes of facilitating the commission of the offences of defilement or any sexual offence of that person under the Penal Code commits an offence ...).

<sup>282</sup> This legislation applies to offenses committed against children under the age of 12.

<sup>283</sup> This legislation applies to offenses committed against persons under the age of 16.

<sup>284</sup> Article 377G of the Penal Code of Brunei Darussalam (2012) concerning sexual grooming of a person under the age of 16 does not reference the means of communication.



Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Bulgaria	✓	✗ <sup>285</sup>	✓	✓	✓
Burkina Faso	✗	✗	✗	✗	✗
Burundi	✗	✗	✗	✗	✗
Cambodia	✗	✗	✗	✗	✓
Cameroon	✗	✗	✗	✗	✗
Canada	✓	✓	✓	✓	✓
Cape Verde	✗	✗	✗	✗	✗
Central African Republic	✗	✗	✗	✗	✗
Chad	✗	✗	✗	✗	✗
Chile	✓ <sup>286</sup>	✓	✓	✓	✓
China <sup>287</sup>	✗	✗	✗	✗	✓
Colombia	✓	✓	✓	✓	✗

<sup>285</sup> It should be noted that Art. 93 only provides definitions of words and expressions which could give rise to ambiguity or the interpretation of which could result in contradictory case law. Whereas the expression “online grooming” is sufficiently clear and unambiguous, Bulgarian legislators did not opt to include a legal definition of that expression in Art. 93 of the Criminal Code. Email from Mihail Bozhkov, Second Secretary, Political Section, Embassy of the Republic of Bulgaria, Washington, D.C., to the International Centre for Missing & Exploited Children (Nov. 28, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>286</sup> This legislation applies to offenses committed against children under the age of 14.

<sup>287</sup> In November 2016, the Law Reform Commission (LRC) of **Hong Kong** published a consultation paper containing preliminary proposals for reform of the law concerning sexual offences involving children and person with mental impairment. The LRC proposed in Recommendation 22 that new legislation be drafted to include an offense of sexual grooming of children. The deadline for submission of responses was 10 March 2017. For the full report of the LRC visit <http://www.hkreform.gov.hk/en/publications/sexoffchild.htm>. Legislation in **Macau** and **Taiwan** do not currently address any of the five criteria.

Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Comoros	✗	✗	✗	✗	✗
Congo	✗	✗	✗	✗	✗
Costa Rica	✓ <sup>288</sup>	✓	✓	✓	✓
Côte d’Ivoire	✗	✗	✗	✗	✗
Croatia	✓ <sup>289</sup>	✓ <sup>290</sup>	✓	✗	✓
Cuba	✗	✗	✗	✗	✓
Cyprus	✓ <sup>291</sup>	✓	✓	✗	✓
Czech Republic	✓ <sup>292</sup>	✗ <sup>293</sup>	✓	✗	✓
Democratic Republic of Congo	✗	✗	✗	✗	✓
Denmark	✗	✗	✗	✗	✓
Djibouti	✗	✗	✗	✗	✗
Dominica	✗	✗	✗	✗	✗

<sup>288</sup> This legislation applies to offenses committed against children under the age of 15.

<sup>289</sup> This legislation applies to offenses committed against persons under the age of 15.

<sup>290</sup> While the term “online grooming” is not used, Article 161 of the Croatian Criminal Code (2011) **defines the acts constituting online grooming** (*i.e.*, An adult who, with the intention that he/she or a third party commit the criminal offence referred to in Article 158 of this Act [“Sexual Abuse of a Child Under the Age of Fifteen”] against a person under the age of fifteen, proposes to this person, through information and communication technologies or in some other way, to meet up with him/her or a third party, where this proposal is followed by material acts leading to such a meeting, shall be sentenced to imprisonment for a term of up to three years.).

<sup>291</sup> This legislation applies to offenses committed against a child under the age of 17.

<sup>292</sup> This legislation applies to offenses committed against a child under the age of 15.

<sup>293</sup> Article 193b of the Criminal Code of the Czech Republic (2012) concerning establishment of illicit contacts with a child does not reference the means of communication.

Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Dominican Republic	✗	✗	✗	✗	✓
Ecuador	✓	✓	✓	✗	✓
Egypt	✗	✗	✗	✗	✗
El Salvador	✓	✓	✓	✓	✓
Equatorial Guinea	✗	✗	✗	✗	✗
Eritrea	✗	✗	✗	✗	✓
Estonia	✓ <sup>294</sup>	✗ <sup>295</sup>	✓	✗	✓
Ethiopia	✗	✗	✗	✗	✓
Fiji	✗	✗	✗	✗	✗
Finland	✓ <sup>296</sup>	✗ <sup>297</sup>	✓	✓	✓
France	✓ <sup>298</sup>	✓ <sup>299</sup>	✓	✓	✓
Gabon	✗	✗	✗	✗	✗

<sup>294</sup> This legislation applies to offenses committed against a person under the age of 14.

<sup>295</sup> The Estonian Penal Code (2017) concerning agreement to meet a child for a sexual purpose does not reference the means of communication (Criminal Code Article 178.1).

<sup>296</sup> This legislation applies to offenses committed against a child under the age of 16.

<sup>297</sup> Chapter 20 Section 8(b) of the Finnish Criminal Code (2015) regarding solicitation of a child for sexual purposes does not reference the possible means of communication.

<sup>298</sup> This legislation applies to offenses committed against a child under the age of 15.

<sup>299</sup> While the term “online grooming” is not used, Article 227-22-1 of the French Penal Code (2004) defines the acts constituting online grooming (*i.e.*, making a sexual proposal to an underage child (under 15) or to someone posing as an underage child (undercover officer) by using an electronic communication technology is a conduct punished by 2 years in prison (maximum penalty) and 30,000 euros or 5 years and 70,000 euros if that online communication has resulted in a physical encounter.) See, email from Marie-Laurence Navarri, Justice Attaché, French Embassy, Washington, D.C. to the International Centre for Missing & Exploited Children (Sep. 28, 2016) (on file with the International Centre for Missing & Exploited Children).

Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Gambia, The	✗	✗	✗	✗	✓
Georgia	✗	✗	✗	✗	✗
Germany	✓ <sup>300</sup>	✓ <sup>301</sup>	✓	✓	✓
Ghana	✗	✗	✗	✗	✓
Greece	✓ <sup>302</sup>	✓	✓	✓	✗
Grenada	✓	✓ <sup>303</sup>	✗	✓ <sup>304</sup>	✗
Guatemala	✗	✗	✗	✗	✓
Guinea	✗	✗	✗	✗	✗
Guinea Bissau	✗	✗	✗	✗	✗
Guyana	✓ <sup>305</sup>	✓	✓	✗	✓
Haiti	✗	✗	✗	✗	✗

<sup>300</sup> This legislation applies to offenses committed against a child under the age of 14.

<sup>301</sup> While the term “online grooming” is not used, Article 176 of the German Criminal Code (2005) **defines the acts constituting online grooming** (i.e., Whosoever (1) engages in sexual activity in the presence of a child; (2) induces the child to engage in sexual activity, unless the act is punishable under subsection (1) or subsection (2) above; 3. presents a child with written materials (section 11(3)) to induce him to engage in sexual activity with or in the presence of the offender or a third person or allow the offender or a third person to engage in sexual activity with him; or (4) presents a child with pornographic illustrations or images, audio recording media with pornographic content or pornographic speech, shall be liable to imprisonment from three months to five years. Article 11 (3) defines written material as including audiovisual media, data storage media, illustrations and other depictions.).

<sup>302</sup> This legislation applies to offenses committed against children under the age of 15.

<sup>303</sup> While the term “online grooming” is not used, Section 12 (2)(c) of the Electronic Crimes Act of Grenada (2013) **defines the acts constituting online grooming** (i.e., (2) A person shall not knowingly and without lawful justification or excuse- (c) cultivate, entice or induce children to an online relationship with another child or an adult for a sexually explicit act or in a manner that may offend a reasonable adult on the electronic system.).

<sup>304</sup> Article 12 (child pornography) of the Electronic Crimes Act of 2013 criminalizes the use of an electronic system to cultivate, entice or induce children to an **online relationship** for a sexually explicit act. No requirement to meet the child face-to-face is noted.

<sup>305</sup> This legislation applies to offenses committed against children under the age of 16.

Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Holy See	✓	✗ <sup>306</sup>	✓	✓	✓
Honduras	✗	✗	✗	✗	✓
Hungary	✓ <sup>307</sup>	✗ <sup>308</sup>	✓	✓	✓
Iceland	✓ <sup>309</sup>	✓ <sup>310</sup>	✓	✗	✓
India	✓	✓ <sup>311</sup>	✓	✓	✓
Indonesia	✗	✗	✗	✗	✓
Iran	✗	✗	✗	✗	✓
Iraq	✗	✗	✗	✗	✗
Ireland	✓ <sup>312</sup>	✓	✓	✓	✓
Israel	✗	✗	✗	✗	✗

<sup>306</sup> Although the activity of online grooming of children for sexual purposes is most definitely punishable under the laws of the Vatican City State, it being a clear violation of the sixth commandment of the Decalogue, there is no specific definition of online solicitation of children, that is to say “online grooming.” This is the case as the legal tradition of the Vatican City State does not define what has already been made explicit by the plain meaning of the words employed. This approach has long been thought to give judges greater flexibility in the interpretation of criminal laws, thus ensuring the effectiveness of the mechanisms of the administration of justice. Letter from Archbishop Christophe Pierre, apostolic Nuncio, Apostolic Nunciature United States of America, Washington, D.C., to the International Centre for Missing & Exploited Children (Nov. 14, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>307</sup> This legislation applies to offenses committed against a person under the age of 14.

<sup>308</sup> Section 198(4)(1) of the Hungarian Criminal Code (2012) regarding engaging in sexual activities with a person under the age of 14 does not reference the possible means of communication.

<sup>309</sup> This legislation applies to offenses committed against a child under the age of 15.

<sup>310</sup> Article 202. Gr. of the General Penal Code of Iceland (2012) **defines the acts constituting online grooming** (i.e., Any person who, by communications over the Internet, other information technology or telecommunications equipment or in another manner arranges a meeting with a child under the age of 15 year for the purpose of having sexual intercourse or other sexual relations with the child or to harass the child sexually in another manner shall be imprisoned for up to 2 years.).

<sup>311</sup> While the term “online grooming” is not used, Section 67B of the Information Technology (Amendment) Act of India (2008) **defines the acts constituting online grooming** (i.e., Whoever, – ... (c) cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource; or (d) facilitates abusing children online; or (e) records in any electronic form own abuse or that of others pertaining to sexually explicit act with children shall be punished on first conviction with imprisonment ...).

<sup>312</sup> This legislation applies to offenses committed against a child under the age of 16.

Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Italy	✓ <sup>313</sup>	✓	✓	✓	✓
Jamaica	✓ <sup>314</sup>	✓	✓	✗	✗
Japan	✗	✗	✗	✗	✗
Jordan	✗	✗	✗	✗	✓
Kazakhstan	✗	✗	✗	✗	✗
Kenya	✗	✗	✗	✗	✓
Kiribati	✗	✗	✗	✗	✗
Kosovo	✗	✗	✗	✗	✓
Kuwait	✗	✗	✗	✗	✗
Kyrgyzstan	✗	✗	✗	✗	✗
Laos	✗	✗	✗	✗	✓
Latvia	✓ <sup>315</sup>	✓ <sup>316</sup>	✓	✓	✓
Lebanon	✗ <sup>317</sup>	✗	✗	✗	✗

<sup>313</sup> This legislation applies to offenses committed against an individual under the age of 16.

<sup>314</sup> This legislation applies to offenses committed against persons under the age of 16.

<sup>315</sup> This legislation applies to offenses committed against children under the age of 15.

<sup>316</sup> Terminology is implemented in part 1 of Section 162.1 of the Criminal Law, which provides that a person who encourages a person who has not attained the age of sixteen years to [get] involve[d] in sexual acts or encourages such person to meet with the aim to commit sexual acts or enter into a sexual relationship using information or communication technologies or other means of communication, if such act has been committed by a person who has attained the age of majority, will be held criminally liable. Email from the Ministry of Justice of Latvia (Nov. 17, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>317</sup> The Lebanese Penal Code does not tackle per se children exploitation crimes through the Internet or other digital technology. However, the Lebanese courts, when seized with such cases, apply articles 531, 532 and 533 of the Penal Code, in conjunction with article 209. It should also be noted that the Higher Council for Children, affiliated to the Ministry of Social Affairs, has drafted a Resolution destined to amend the Penal Code in matters related to Internet child exploitation. Letter from Carla Jazzar, Charge d’Affaires a.i., Embassy of Lebanon, Washington, D.C. (Nov. 9, 2016) (on file with the International Centre for Missing & Exploited Children).

Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Lesotho	✗	✗	✗	✗	✗
Liberia	✗	✗	✗	✗	✓
Libya	✗	✗	✗	✗	✗
Liechtenstein	✓ <sup>318</sup>	✓ <sup>319</sup>	✓	✗	✓
Lithuania	✓ <sup>320</sup>	✗ <sup>321</sup>	✓	✗	✓
Luxembourg	✓ <sup>322</sup>	✓ <sup>323</sup>	✓	✓	✓
Macedonia	✓ <sup>324</sup>	✓ <sup>325</sup>	✓	✗	✓
Madagascar	✗	✗	✗	✗	✓
Malawi	✗	✗	✗	✗	✗
Malaysia	✓	✓	✓	✓	✓
Maldives	✗	✗	✗	✗	✗

<sup>318</sup> This legislation applies to offenses committed against a person under the age of 14.

<sup>319</sup> While the term “online grooming” is not used, Article 209 of the Criminal Code of Liechtenstein (1988) **defines the acts constituting online grooming** (i.e., Whoever, with the help of information or information technology, personally initiates contact/a meeting with a minor with the intention of violating §§ 205 (serious sexual abuse of a minor), 206 (sexual abuse of a minor), or 219 (pornographic images of minors) and has taken some kind of preparatory action to initiate such contact/the meeting, will be punished by up to 3 years in prison.).

<sup>320</sup> This legislation applies to offenses committed against a person under the age of 16.

<sup>321</sup> Article 152.1 of the Lithuanian Criminal Code (2015) regarding grooming of a person under the age of 16 does not reference the possible means of communication.

<sup>322</sup> This legislation applies to offenses committed against a minor under the age of 16.

<sup>323</sup> While the term “online grooming” is not used, Article 385-2 of the Penal Code of Luxembourg (2016) **defines the acts constituting online grooming** (i.e., The fact that a person of full age makes sexual propositions to a minor under 16 years of age or to a person who presents himself as such by using an electronic means of communication is punished by imprisonment of one month to three years and a fine of 251 to 50,000 euros. He shall be punished with imprisonment of one to five years and a fine of 251 to 75,000 euros when the proposals have been followed by a meeting.).

<sup>324</sup> This legislation applies to offenses committed against a minor under the age of 14.

<sup>325</sup> While the term “online grooming” is not used, Article 193-B of the Criminal Code of Macedonia (2009) **defines the acts constituting online grooming** (i.e., Any person who via computer-communication means entices a minor that is under the age of 14 into statutory rape or other sexual activities or into production of child pornography, by scheduling an appointment or in any other manner, and if direct encounter with the minor occurred with such intent shall be sentenced to imprisonment for one to five years.).

Country	Legislation specific to online grooming	"Online grooming" defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Mali	✗	✗	✗	✗	✗
Malta	✓	✓ <sup>326</sup>	✓	✗	✓
Marshall Islands	✗	✗	✗	✗	✓
Mauritania	✗	✗	✗	✗	✗
Mauritius	✗	✗	✗	✗	✗
Mexico	✗	✗	✗	✗	✓
Micronesia	✗	✗	✗	✗	✗
Moldova	✗	✗	✗	✗	✗
Monaco	✓ <sup>327</sup>	✓	✓	✓	✗
Mongolia	✗	✗	✗	✗	✓
Montenegro	✗	✗	✗	✗	✓
Morocco	✗	✗	✗	✗	✗
Mozambique	✗	✗	✗	✗	✗

<sup>326</sup> While the term "online grooming" is not used, Article 208AA of the Criminal Code of Malta (2010) **defines the acts constituting online grooming** (i.e., Whosoever, by means of information and communication technologies, proposes to meet a person under age for the purpose of committing any of the offences in articles 204, 204A to 204D, both inclusive, and 208A, shall, where the proposal is followed by material acts leading to such a meeting, be liable on conviction to imprisonment for a term from twelve months to four years.).

<sup>327</sup> This legislation applies to offenses committed against a minor under the age of 16.



Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Myanmar	✗	✗	✗	✗	✓
Namibia	✗	✗	✗	✗	✗
Nauru	✗	✗	✗	✗	✗
Nepal	✗	✗	✗	✗	✗
Netherlands	✓ <sup>328</sup>	✓ <sup>329</sup>	✓	✗	✓
New Zealand	✓ <sup>330</sup>	✓	✓	✗	✓
Nicaragua	✗	✗	✗	✗	✓
Niger	✗	✗	✗	✗	✗
Nigeria	✓	✓ <sup>331</sup>	✓	✗	✗
North Korea	✗	✗	✗	✗	✗
Norway	✓ <sup>332</sup>	✗	✓	✗	✓

<sup>328</sup> This legislation applies to offenses committed against children under the age of 16.

<sup>329</sup> While the term “online grooming” is not used, Article 248e of the Criminal Code of the Netherlands (2017) **defines the acts constituting online grooming** (i.e., Any person who, by means of a computerised device or system or by making use of a communication service, arranges to meet a person whom he knows, or has reasonable cause to suspect has not yet reached the age of sixteen years, with the intention of engaging in lewd acts with this person or of creating an image of a sexual act in which this person is involved, shall, if he undertakes any action intended to bring about that meeting, be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.).

<sup>330</sup> This legislation applies to offenses committed against persons under the age of 16.

<sup>331</sup> While the term “online grooming” is not used, Section 23 of the Cybercrimes Act 2015 of Nigeria **defines the acts constituting online grooming** (i.e., Any person who, intentionally proposes, grooms or solicits, through any computer system or network, to meet a child for the purpose of: (a) engaging in sexual activities with the child; (b) engaging in sexual activities with the child where – (i) use is made of coercion, inducement, force or threats; (ii) abuse is made of a recognized position of trust, authority or influence over the child, including within the family; or (iii) abuse is made of a particularly vulnerable situation of the child, mental or physical disability or a situation of dependence; (c) recruiting, inducing, coercing, exposing, or causing a child to participate in pornographic performances or profiting from or otherwise exploiting a child for such purposes; commits an offence under this Act and shall be liable on conviction- (i) in the case of paragraphs (a) to imprisonment for a term of not more than 10 years and a fine of not more than N15,000,000.00; and (ii) in the case of paragraphs (b) and (c) of this subsection, to imprisonment for a term of not more than 15 years and a fine of not more than N25,000,000.).

<sup>332</sup> This legislation applies to offenses committed against a child under the age of 16.

Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Oman	✓	✗	✗	✓	✓
Pakistan	✗	✗	✗	✗	✓
Palau	✗	✗	✗	✗	✗
Panama	✗	✗	✗	✗	✓
Papua New Guinea	✗	✗	✗	✗	✗
Paraguay	✗	✗	✗	✗	✓
Peru	✓ <sup>333</sup>	✓ <sup>334</sup>	✓	✓	✓
Philippines	✓	✓	✓	✓	✓
Poland	✓ <sup>335</sup>	✓ <sup>336</sup>	✓	✓	✓
Portugal	✓ <sup>337</sup>	✓ <sup>338</sup>	✓	✓	✓
Qatar	✗	✗	✗	✗	✗

<sup>333</sup> This legislation applies to offenses committed against minors under the age of 14.

<sup>334</sup> While the term “online grooming” is not used, Article 183B of the Criminal Code of Peru (2014) **defines the acts constituting online grooming** (i.e., Whoever, using the Internet or other similar methods, contacts a minor under fourteen years of age to solicit or obtain pornographic material from him, or to commit sexual activities with him, will be imprisoned for no less than four years and no more than eight years...).

<sup>335</sup> This legislation applies to offenses committed against a minor under the age of 15.

<sup>336</sup> While the term “online grooming” is not used, Article 200 (a) of the Polish Criminal Code (2012) **defines the acts constituting online grooming** (i.e., Whoever enters a relationship with a minor under 15 years of age by means of information and communication technology or telecommunication network for the purpose of committing the offence specified in Article 197 § 3 section 2 (rape of a minor) or Article 200 (sexual intercourse with a minor), or for producing or recording pornographic contents with an intention of deceiving such a person, taking advantage of such deceit or the lack of ability to recognize the significance of the situation or with the use of unlawful threat that will lead to meeting with such a person, shall be subject to the penalty of the deprivation of liberty for up to 3 years).

<sup>337</sup> This legislation applies to offenses committed against a minor under the age of 14.

<sup>338</sup> While the term “online grooming” is not used, Article 176-A of the Criminal Code of Portugal **defines the acts constituting online grooming** (i.e., attracting or enticing minors through communication and information technologies (through the web or cell phones or any other device) to meet for: (i) the practice of a relevant sexual act or copulation; (ii) anal penetration; (iii) oral penetration; (iv) vaginal introduction or anal of parts of the body or objects. If this enticement is followed by material acts leading to the meeting, the offender shall be punished with imprisonment up to two years.) See, letter from Domingos Fezas Vital, Ambassador of Portugal, Portuguese Embassy, Washington, D.C. to the International Centre for Missing & Exploited Children (Dec. 14, 2016) (on file with the International Centre for Missing & Exploited Children).

Country	Legislation specific to online grooming	"Online grooming" defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Romania	✓ <sup>339</sup>	✓ <sup>340</sup>	✓	✗	✓
Russia	✗	✗	✗	✗	✓
Rwanda	✗	✗	✗	✗	✗
St. Kitts & Nevis	✗	✗	✗	✗	✗
St. Lucia	✗	✗	✗	✗	✗
St. Vincent & the Grenadines	✗	✗	✗	✗	✗
Samoa	✓	✓	✓	✗	✗
San Marino	✗	✗	✗	✗	✗
Sao Tome & Principe	✗	✗	✗	✗	✓
Saudi Arabia	✗	✗	✗	✗	✗
Senegal	✗	✗	✗	✗	✓
Serbia	✓	✓ <sup>341</sup>	✓	✗	✓

<sup>339</sup> This legislation applies to offenses committed against a juvenile under the age of 13.

<sup>340</sup> While the term "online grooming" is not used, Article 222 of the Romanian Criminal Code (2012) **defines the acts constituting online grooming** (*i.e.*, The act of an individual of age to propose that a juvenile who has not yet turned 13 years of age to meet for the purposes of the commission of one of the acts set out in Art. 220 (sexual intercourse with a juvenile) or Art. 221 (sexual corruption of juveniles), including when such proposal has been made using remote communication means, shall be punishable by no less than 1 month and no more than 1 year of imprisonment or by a fine.).

<sup>341</sup> While the term "online grooming" is not used, Article 185(b) of the Serbian Criminal Code (2009) **defines the acts constituting online grooming** (*i.e.*, Whoever with intent to commit criminal offences referred to in Article 178(4) (rape), Article 181(2) and (3) (sexual intercourse through abuse of power), Article 182(1) (prohibited sexual acts), Article 183(2) (procurement of sexual services), Article 184(3) (prostitution), Article 185(2) (pornography), and Article 185a (incitement of minors to attend sexual acts), uses computer networks or other communication means to arrange a meeting with a minor and appears at the agreed place of the meeting, shall be punished with imprisonment from six months to five years, and with a fine.).

Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Seychelles	✗	✗	✗	✗	✗
Sierra Leone	✓	✗ <sup>342</sup>	✓	✗	✓
Singapore	✓ <sup>343</sup>	✗ <sup>344</sup>	✓	✗ <sup>345</sup>	✓
Slovak Republic	✓ <sup>346</sup>	✓ <sup>347</sup>	✓	✓	✓
Slovenia	✓ <sup>348</sup>	✓ <sup>349</sup>	✓	✗	✓
Solomon Islands	✗	✗	✗	✗	✗
Somalia	✗	✗	✗	✗	✗
South Africa	✓	✓	✓	✓	✓
South Korea	✗	✗	✗	✗	✓

<sup>342</sup> Article 23 of the Sex Offences Act of 2012 of Sierra Leone regarding meeting a child for sexual purposes does not reference the possible means of communication.

<sup>343</sup> This legislation applies to offenses committed against persons under the age of 16.

<sup>344</sup> Section 376E of the Penal Code of Singapore (2008) regarding sexual grooming of a minor under 16 does not reference the possible means of communication.

<sup>345</sup> Section 376E of the Penal Code (Chapter 224, 2008 Revised Edition) criminalises the act of grooming with intent to meet the child offline.... The wording of the statute allows law enforcement officials to step in before the assault on the child occurs, as the offender only has to travel with intent to meet the child to be liable. Grooming without intention to meet the child is not criminalised under section 376E of the Penal Code, but if the grooming includes obscene or indecent messages or requests, it may fall under the ambit of section 7 of the Children and Young Persons’ Act (Chapter 38, 2001 Revised Edition) (CYPA) or section 293 of the Penal Code (Chapter 224, 2008 Revised Edition).... Section 7 of the CYPA is worded in a sufficiently wide manner and can apply even where the sexual grooming takes place purely in an online context, and no physical meeting occurs. Letter from Tania Koh, First Secretary (Information), Embassy of the Republic of Singapore, Washington, D.C., to the International Centre for Missing & Exploited Children (Oct. 27, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>346</sup> This legislation applies to offenses committed against a child under the age of 15.

<sup>347</sup> While the term “online grooming” is not used, Section 201a (cyber-grooming) of the Slovak Penal Code (2016) **defines the acts constituting online grooming** (i.e., Any person who by means of an electronic communication service, suggests a personal meeting to a child under fifteen years of age with the intent to commit against him the criminal offence of sexual abuse or the criminal offence of production of child pornography shall be liable to a term of imprisonment of six months to three years.).

<sup>348</sup> This legislation applies to offenses committed against persons under the age of 15.

<sup>349</sup> While the term “online grooming” is not used, Article 173(a) of the Slovenian Penal Code (2012) **defines the acts constituting online grooming** (i.e., Whoever proposes, by using information and communication technologies, a meeting to a person under fifteen years of age for the purpose of committing a criminal offence referred to in paragraph 1 of Article 173 or producing pictures or audiovisual or other items of a pornographic or other sexual nature, and where this proposal has been followed by material acts leading to such a meeting, shall be sentenced to up to one year in prison.)

Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
South Sudan	✗	✗	✗	✗	✗
Spain	✓ <sup>350</sup>	✓ <sup>351</sup>	✓	✓	✓
Sri Lanka	✗	✗	✗	✗	✗
Sudan	✗	✗	✗	✗	✓
Suriname	✗	✗	✗	✗	✓
Swaziland	✗	✗	✗	✗	✗
Sweden	✓ <sup>352</sup>	✓ <sup>353</sup>	✓	✗	✓ <sup>354</sup>
Switzerland	✗	✗	✗	✗	✓
Syria	✗	✗	✗	✗	✗
Tajikistan	✗	✗	✗	✗	✗

<sup>350</sup> This legislation applies to offenses committed against persons under the age of 16.

<sup>351</sup> While the term “online grooming” is not used, Article 183 ter of the Penal Code of Spain (2015) defines the acts constituting online grooming (*i.e.*, Whoever uses the Internet, telephone or any other information and communication technology to contact a person under the age of sixteen and proposes to meet that person in order to commit any of the offences described in Articles 183 and 189, as long as such a solicitation is accompanied by material acts aimed at such an approach, shall be punished with the penalty of one to three years imprisonment or a fine of twelve to twenty-four months, without prejudice to the relevant penalties for the offences actually committed. The penalties shall be imposed in the upper half when the approach is obtained by coercion, intimidation or deceit.) See, letter from Jorge Carrera, Justice Counselor, Ministry of Justice, Washington, D.C., to the International Centre for Missing & Exploited Children (Oct. 6, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>352</sup> This legislation applies to offenses committed against a child under the age of 15.

<sup>353</sup> While the term “online grooming” is not used, Section 10a of the Swedish Penal Code (2009) defines the acts constituting online grooming (*i.e.*, A shall be sentenced for contact with a child for sexual purpose to fines or imprisonment for a maximum of one year if A – for the purpose of perpetrating an act punishable according to sections 4, 5, 6, 8 or 10 against a child under fifteen years of age (B), – makes an agreement with B for a meeting, and thereafter – takes measures that are likely to facilitate the realization of such a meeting.) See, email from Anne-Charlotte Merrell Wetterwik, Assistant to the Ambassador, Embassy of Sweden, Washington, D.C., to the International Centre for Missing & Exploited Children (Dec. 16, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>354</sup> [S]howing pornographic images to a child is not punishable as “contact with a child for sexual purposes”. Such actions would however be considered punishable as sexual molestation. Email from Anne-Charlotte Merrell Wetterwik, Assistant to the Ambassador, Embassy of Sweden, Washington, D.C., to the International Centre for Missing & Exploited Children (Dec. 16, 2016) (on file with the International Centre for Missing & Exploited Children). See, Swedish Penal Code (2014), *supra* note 191, at Article 10.

Country	Legislation specific to online grooming	“Online grooming” defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
Tanzania	✗	✗	✗	✗	✓
Thailand	✗	✗	✗	✗	✗
Timor Leste	✗	✗	✗	✗	✗
Togo	✗	✗	✗	✗	✗
Tonga	✗	✗	✗	✗	✗
Trinidad & Tobago	✓	✓	✓	✗	✓
Tunisia	✗	✗	✗	✗	✗
Turkey	✗	✗	✗	✗	✓
Turkmenistan	✗	✗	✗	✗	✗
Tuvalu	✗	✗	✗	✗	✗
Uganda	✗	✗	✗	✗	✓
Ukraine	✗	✗	✗	✗	✓
United Arab Emirates	✗	✗	✗	✗	✓
United Kingdom <sup>355</sup>	✓ <sup>356</sup>	✓	✓	✓	✓

<sup>355</sup> For the purposes of this report, the United Kingdom includes **England** and **Wales**. In addition, **Northern Ireland** and **Scotland** each have legislation specific to sexual grooming of children and sexual communication with children and meet all of the criteria.

<sup>356</sup> This legislation applies to offences committed against children under the age of 16.

Country	Legislation specific to online grooming	"Online grooming" defined	Online grooming with the intent to meet the child	Online grooming regardless of the intent to meet the child	Showing pornography to a child
United States	✓	✓ <sup>357</sup>	✓	✓	✓
Uruguay	✗	✗	✗	✗	✗
Uzbekistan	✗	✗	✗	✗	✗
Vanuatu	✗	✗	✗	✗	✗
Venezuela	✗	✗	✗	✗	✓
Vietnam	✗	✗	✗	✗	✗
Yemen	✗	✗	✗	✗	✗
Zambia	✗	✗	✗	✗	✓
Zimbabwe	✗	✗	✗	✗	✗

<sup>357</sup> While the term "online grooming" is not used, Article 2422(b) of the U.S. Criminal Code (18 U.S. Code Title 18) **defines the acts constituting online grooming** (*i.e.*, Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.).

# Conclusion

The Internet is a powerful technology tool capable of connecting people around the world. In less than 20 years, the Internet has evolved from simply being a means of communication used by a select few to a commonplace tool used as a primary way of communicating by countless people.<sup>358</sup> Along with the incredible speed at which the Internet is expanding and technology is advancing, approximately one third of all Internet users in the world is below the age of 18.<sup>359</sup> And with an estimated 750,000 sexual predators online at any given moment<sup>360</sup>, the risk of children being groomed online logically increases as well.

The Internet and new technologies are attractive to online offenders as a means to contact and exploit children. Online predators are able to stay virtually anonymous and conceal their true identities, making it easier to approach children and more difficult for law enforcement agencies to identify them.<sup>361</sup> The damage that can be done to a child through online grooming is significant, even without a physical meeting ever taking place. Governments and law enforcement agencies, parents and guardians, private corporations, and everyone in child-serving professions must work together to understand and address risk in order to make our children safer from exploitation, and to create a community of concerned adults working together to protect children. Passing and implementing legislation that enables the relevant parties to identify, locate, investigate, and prosecute online offenders effectively in an effort to prevent online grooming are crucial steps towards creating a safer online experience for all children.

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<sup>358</sup> Petter Gottschalk, *Characteristics of the Internet and child abuse* 27, INTERNET AND CHILD ABUSE: CURRENT RESEARCH AND POLICY (2011), edited by Julia Davidson and Petter Gottschalk (on file with the International Centre for Missing & Exploited Children).

<sup>359</sup> Sonia Livingstone, John Carr, and Jasmina Byrne, *One in Three: Internet Governance and Children's Rights* 6-7, Global Commission on Internet Governance, Paper Series No. 22 – Nov. 2015, at [https://www.cigionline.org/sites/default/files/no22\\_2.pdf](https://www.cigionline.org/sites/default/files/no22_2.pdf) (last visited Sep. 15, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>360</sup> *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development*, *supra* note 13. See also, Shawn Henry on Cyber Safety, *supra* note 13.

<sup>361</sup> Jon Taylor, *supra* note 196, at 131.









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