



T-ES(2018)18_bil rev.3

01/04/2019

LANZAROTE COMMITTEE / COMITE DE LANZAROTE

Compilation of Replies to Question 13
(Specialised units/departments/sections)

of the Thematic Questionnaire on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)

Compilation des réponses à la Question 13
(Unités/services/sections spécialisés)

du Questionnaire Thématique sur la protection des enfants contre l'exploitation et les abus sexuels facilités par les technologies de l'information et de la communication (TIC)

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

- a. in law enforcement?
- b. in prosecution?
- c. in courts?

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?
- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

Question 13. Unités/services/sections spécialisés

13.1. Existe-t-il des unités/services/sections spécialisés chargés de s'occuper des infractions sexuelles commises contre des enfants et facilitées par l'utilisation des TIC, telles que celles auxquelles il est fait référence dans le présent questionnaire (voir questions 9 à 11),

- a. au sein des forces de l'ordre ?
- b. au sein des autorités de poursuites ?
- c. dans les tribunaux ?

13.2. Veuillez indiquer s'il existe des unités/services/sections spécialisés chargés de s'occuper des infractions sexuelles commises contre des enfants par des délinquants mineurs et facilitées par l'utilisation des TIC.

→ Veuillez indiquer comment les unités/services/sections spécialisés mentionnés ci-dessus (questions 13.1 et 13.2) sont organisés (effectifs, structure, types de TIC dans lesquels ils sont spécialisés, etc.) ?

→ S'agissant des forces de l'ordre :

- a. existe-t-il une fonction d'identification des victimes ?
- b. apportent-elles une contribution active à la base de données internationale d'INTERPOL sur l'exploitation sexuelle des enfants (ICSE) ? Dans la négative, pour quelles raisons ?

TABLE OF CONTENTS / TABLE DES MATIERES

ALBANIA / ALBANIE.....	5
ANDORRA / ANDORRE	6
AUSTRIA / AUTRICHE	7
BELGIUM / BELGIQUE.....	8
BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE	8
BULGARIA / BULGARIE	10
CROATIA / CROATIE.....	10
CYPRUS / CHYPRE.....	12
CZECH REPUBLIC / REPUBLIQUE TCHEQUE.....	13
DENMARK / DANEMARK	14
ESTONIA / ESTONIE	15
FINLAND / FINLANDE.....	16
FRANCE	17
GEORGIA / GEORGIE.....	19
GERMANY / ALLEMAGNE	21
GREECE / GRECE	22
HUNGARY / HONGRIE	23
ICELAND / ISLANDE	26
ITALY / ITALIE.....	26
LATVIA / LETTONIE.....	29
LIECHTENSTEIN.....	31
LITHUANIA / LITUANIE	31
LUXEMBOURG.....	33
MALTA / MALTE	35
REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA.....	35
MONACO	38
MONTENEGRO	39
NETHERLANDS / PAYS-BAS	42
NORTH MACEDONIA / MACEDOINE DU NORD	42
NORWAY / NORVEGE	43

POLAND / POLOGNE.....	44
PORTUGAL	45
ROMANIA / ROUMANIE	46
RUSSIAN FEDERATION / FEDERATION DE RUSSIE.....	47
SAN MARINO / SAINT-MARIN	48
SERBIA / SERBIE	48
SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE	50
SLOVENIA / SLOVENIE	51
SPAIN / ESPAGNE	52
SWEDEN / SUEDE	55
SWITZERLAND / SUISSE	56
TURKEY / TURQUIE.....	57
UKRAINE	58

COMPILATION
of replies / des réponses¹

States to be assessed / Etats devant faire l'objet du suivi

ALBANIA / ALBANIE

State replies / Réponses de l'Etat

Question 13.1.

There are specialized units working on 'cybernetic crimes' both at the Police and in the Prosecutor's office (including at the regional level).

a. in law enforcement?

Yes

b. in prosecution?

Yes

c. in courts?

Yes

Question 13.2.

No.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

With regard to specialized structures in the Police, within the field within ICT is the Computer Crime Investigation Sector at the Department of Criminal Police This structure has 8 (eight) employees and at the Tirana Regional Police Director 2 (two) employees. The offense applied in this field is act 117/2 of Penal Code "Pornography".

There are prosecutors assigned in the Prosecution who deal with criminal offenses of cybercrime and who pursue the criminal offense of "Pornography" provided by Article 117/2 of the Criminal Code.

→ As regards law enforcement, please indicate if:

a. there is a victim identification function?

Collection of information in order to identify it is done according to state police systems.

b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

So far there are no cases of the use of ICSE but maybe INTERPOLI has used it for cases that do not belong to 117/2 "Pornography".

¹ The full replies submitted by States and other stakeholders are available at / Les réponses intégrales des Etats et autres parties prenantes sont disponibles ici : www.coe.int/lanzarote

Comments sent by / Commentaires envoyés par ECPAT, CRCA, ALO 116 and / et ANYN

Question 13.1.

No.

Question 13.2.

No.

→ Law enforcement:

Not that we are aware of.

ANDORRA / ANDORRE

State replies / Réponses de l'Etat

Question 13.1.a.

Il existe au sein du Département de la Police une unité spécialisée dans les infractions contre les personnes, et notamment qui s'occupe des mineurs et autres catégories de personnes vulnérables. Il existe aussi, séparément, une unité spécialement en charge des délits technologiques. En fonction de chaque affaire, il faudrait voir quelle unité serait responsable en l'espèce, mais il est aussi fort probable que ces deux unités eussent à collaborer de manière étroite dans l'enquête.

Question 13.1.b.

Il n'y a pas d'unité spécialisée dans la Police responsable des enquêtes judiciaires, mais cette dernière, compétente et nommée à chaque fois par les autorités judiciaires en charge, devraient elles aussi collaborer avec les unités spécialisées qui doivent intervenir en fonction de leurs critères de compétence.

Question 13.1.c.

Il existe une des salles civiles entièrement spécialisée dans le traitement des affaires dans lesquelles sont impliqués des mineurs, notamment pour tout ce qui concerne la protection du mineur (divorces, tutelles, gardes, enlèvement de mineurs, etc.).

Le bureau du Procureur, qui est constitué du Procureur Général et de quatre procureurs adjoints, est une autorité qui n'a pas de Procureur spécifiquement attribué en matière de mineurs, mais qui est extrêmement consciente des procédures et nécessités relatives aux affaires impliquant des mineurs, qu'ils soient victimes ou bien accusés.

Quant au Tribunal de Corts (Tribunal pénal), il est important de dire à ce stade que la Loi qualifiée de juridiction des mineurs est actuellement en cours de révision, et il est prévu qu'une section spécialisée, exclusivement pour les mineurs, soit créée au sein du tribunal pénal.

Question 13.2.

La dimension démographique de la Principauté d'Andorre (76.000 habitants) et de son administration, proportionnelle à la population, ne permettent pas un tel niveau de spécialisation, néanmoins comme cela a été mentionné à la lettre c) du paragraphe précédent, les autorités judiciaires ont des sections spécialisées.

→ L'Unité de Délits Technologiques de la Principauté d'Andorre est composée actuellement de trois membres de la Police spécialisés dans cette matière.

Il peut être aussi utile de remarquer qu'une juge est actuellement la cheffe de la délégation de la Principauté d'Andorre auprès de la Convention sur la Cybercriminalité, avec deux membres adjoints, qui sont des juristes/avocats plaidants du Département de la Police. Ils devront assurer le suivi et la mise en œuvre de la Convention sur la cybercriminalité en Andorre, et coordonner des actions si nécessaire avec l'Unité de Délits Technologiques de la Principauté d'Andorre pour renforcer la capacité de la Principauté d'Andorre pour tout ce qui concerne les infractions facilitées par les TIC, y compris les infractions sexuelles commises contre des mineurs.

→ Forces de l'ordre :

a) Oui, les forces de l'ordre ont un rôle important dans l'identification des victimes, en particulier lorsqu'il s'agit de personnes vulnérables (mineurs, personnes avec des incapacités ou des handicaps), et ils ont la fonction d'alerter les unités spécialisées ou les services sociaux correspondants si elles détectent des indices de victimes en matières d'abus sexuels.

b) Oui, les forces de l'ordre (département de Police- unités spécialisées et Interpol Andorre) apportent une contribution active à la base de données ICSE. En particulier, tous les membres de l'Unité de délits technologiques reçoivent une formation pour utiliser et contribuer à la base de données ICSE.

AUSTRIA / AUTRICHE

State replies / Réponses de l'Etat

Question 13.1.a.

Yes. There is the Referat BK/3.2.1 – Meldestelle für Kinderpornografie.

Question 13.1.b.

See answer to question 13.2.

Question 13.1.c.

Within the Austrian Court system there do not exist specialised units or departments dealing exclusively with sexual offences against children facilitated by information and communication technologies (ICTs) or with such offences committed by juvenile offenders.

According to Art. 26 para. 6 of the Federal Court Organisation Act (GOG) all cases concerning sexual offences have to be handled within specialised court units. Crimes committed by juvenile offenders or young adults (under 21) also have to be dealt with in specialised court units by judges who undergo special training (Art. 26 para. 7 of the Federal Court Organisation Act). These specialised units exist at every regional criminal court, their number varies in relation to the size of the respective court. Depending on the age of the accused person ICT facilitated sexual offences against children are dealt within either one or the other of the above named specialised units.

Question 13.2.

See answer to question 13.1 c.

Public prosecutor's offices (except some small offices) have specialised units/prosecutors dealing with sexual offenses in general (Art. 4 para. 3 DV-StAG [Regulation on the Act of Public Prosecution Service]) and specialised units/prosecutors dealing with violence in social vicinity (violence within the family, violence against children) (Art. 4 para. 3a DV-StAG).

Public prosecutor's offices have specialised units/prosecutors dealing with offenses committed by juvenile offenders (Art. 4 para. 3 DV-StAG).

→ The organization (in particular number of staff and structure) of the specialised units depends on the size of the respective prosecutor's office.

→ Law enforcement:

a) Yes, there is a victim identification function.

b) Yes.

BELGIUM / BELGIQUE

State replies / Réponses de l'Etat

Question 13.1.

The Belgian Federal police has a specialised section on central level embedded in the directorate serious and organised crime. Offences committed by juveniles, when reported, are handled in the same unit.

Victim identification is one of the core businesses for this unit. Victim identification is marked as a priority in the Belgian national security plan. The same goes for the (European) EMPACT priority Cybercrime/CSE. One of the tools they use daily is the ICSE database. They feed the database with selected seized material from Belgian investigations.

En ce qui concerne les cours et tribunaux, le ministère public et les juges de la Jeunesse sont obligatoirement représentés par des magistrats spécialisés dans les affaires de jeunesse.

Question 13.2.

Cf. 13.1.

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

State replies / Réponses de l'Etat

Question 13.1.

The Directorate for Coordination of Police Bodies of BiH, the Division for International Operational Police Cooperation, the NCB Interpol Sarajevo and the Department for Cooperation with Europol act within their competences in cases of sexual exploitation and sexual abuse of children and a majority of these cases are related to sexual offenses against children facilitated by information and communication technologies.

In the Ministries of Internal Affairs in the Federation of Bosnia and Herzegovina and the Republika Srpska and in the Brčko District Police, there are no specialised units / divisions / departments for sexual offenses against children facilitated by ICT. There is the Cyber Crime Section in the Republika Srpska Ministry of Internal Affairs, while there is no similar body in the Federation of BiH or Brcko District.

In Brcko District, investigations and other actions related to the above-mentioned offenses are conducted by the Department for the Prevention and Suppression of Organized Crime and Drug Abuse.

In the Republika Srpska Police Administration of Banja Luka, within the Criminal Police Division, within the Department of General Crime, there is a Section for Violent Felonies and Sexual Offences with 7 police officers, which monitors and studies the trends and manifestations of crimes against limb and life and dignity of persons, undertakes activities for their effective suppression and detection, provides expert assistance and directly works in police stations to detect this type of criminal offense. Further, this Section monitors the trends and manifestations of juvenile delinquency, directly engages in the

detection and clarification of criminal offenses under jurisdiction of basic courts in the headquarters of the police and district courts; cooperates with canthers for social work, primary and secondary schools, prepares criminal reports, reports, information and performs other tasks and jobs assigned by the direct supervisor; plans and collects operational information about persons in the correctional facility and the juvenile facility who have committed criminal offenses that have not been detected, transmits the operational information to the organizational units, performs other tasks and jobs falling within competence of the Section. In other police administrations, these jobs are performed by inspectors dealing with general crime.

In Bosnia and Herzegovina, the system of juvenile criminal justice is prescribed by special laws: in the Federation of BiH, Articles 16 and 19 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings², in the Republika Srpska, Articles 16 and 19 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings³ and in Brcko District, Articles 16 and 19 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings⁴. These laws set out the rules of criminal proceedings against children in conflict with law, younger adults and children who are victims or witnesses. These laws establish the obligation of courts to establish juvenile departments consisting of one or more judges and expert advisers, while prosecutors are required to establish juvenile departments consisting of one or more prosecutors and one or more expert advisers. For the purpose of conducting criminal proceedings involving juveniles, the courts and the prosecutors have at their disposal expert advisors: social pedagogues - special education teachers, special pedagogues - special education teachers, social workers and psychologists who have an active role in juvenile cases. Currently, 7 (seven) psychologists are engaged in the courts, while nine (9) psychologists are engaged in prosecutors' offices.

The law also prescribes that prosecutors, who are assigned in the juvenile department, are obliged to initiate proceedings against adult perpetrators of criminal offenses if they deem it necessary for the special protection of the children and juveniles who are involved in the criminal proceedings as injured parties (victims). Juvenile judges also try adult offenders for criminal offenses involving children and juveniles as victims, including the criminal offenses of exploitation of children or juveniles for pornography and the production and display of child pornography.

Question 13.2.

There is no victim identification function in the Ministries of Internal Affairs of the Federation of BiH, the Republika Srpska or the Brčko District Police.

The Division for International Operational Police Cooperation of the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina acts within its competencies through the NCB Interpol Sarajevo and the Department for Cooperation with Europol in cases of, inter alia, sexual exploitation and sexual abuse of children. The largest number of cases relate to sexual offenses against children facilitated by information and communication technologies.

The competent authorities/police agencies in BiH, through the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina, NCB Interpol Sarajevo, continually exchange information with other Interpol member countries on this issue. Thus, 20 cases of sexual exploitation of children were opened in 2017, 20 cases in 2016 and 24 cases in 2015. These are mainly requests for verification in order to identify the victims and stop their victimisation, i.e. in order to identify, arrest and eventually prosecute the perpetrators.

² FBH Official Gazette, 7/14

³ RS Official Gazette, 13/10, 61/13

⁴ Brcko District of BiH, 44/11

There is still no active contribution to the INTERPOL database of photographs titled "International Sexual Exploitation of Children". The reason is that it is currently being worked out how to specify the legal and sub-legal framework with the competent prosecutor's offices, since these photographs are used in court proceedings. It is not specified at what stage of the process it is possible to bring the photos into the database.

In the Republika Srpska Police Administration of Banja Luka, within the Criminal Police Division, within the Department of General Crime, there is the Cyber Crime Section, where 12 police officers work, which collects and processes information of all forms of cybercrime, and plans and performs proactively and reactive collection, evaluation and analysis of intelligence. One police officer - cybercrime inspector is in the Banja Luka, Doboj, Bijeljina, Istocno Sarajevo, Trebinje, Prijedor and Zvornik Police Administration each.

BULGARIA / BULGARIE

State replies / Réponses de l'Etat

Question 13.1.a.

Cybercrime sector is a part of the GCDPC-Ministry of Interior and it has a functional competence to prevent, intercept and reveal instances of on-line sexual exploitation of minors.

Question 13.1.b.

There are no prosecutors in the Prosecutor's Office of the Republic of Bulgaria who work on Cybercrime and are divided into the Economic and Criminal Areas.

Question 13.1.c.

No reply to this question / Pas de réponse à cette question

Question 13.2.

→ No reply to this question / Pas de réponse à cette question

→ Law enforcement:

a) Ministry of Interior:

In the Cyber Crime Sector there is a group dealing with online sexual exploitation of children, which is the only unit in the country to counteract this type of Internet crimes. The head of this group is a member of the EMPACT Working Group on Child Sexual Exploitation at Europol, responsible for drawing up annual strategic plans.

b) Ministry of Interior:

The group has a link to the Interpol ICSE database where there is a functional victim identification feature. The Cyber Crime Sector has a dedicated filtering software for sites containing child sexual exploitation materials for the sector. Filtering takes place through interaction between the industry and 7 major Internet providers in the country that are connected to the specialized software.

CROATIA / CROATIE

State replies / Réponses de l'Etat

Question 13.1.a.

Within the Police Directorate of the Ministry of the Interior, two specialised units have been established which, within their scope, deal with criminal offences of sexual abuse and exploitation of children. Department for Juvenile Delinquency and Crime against Children and Family and Department for High-

tech Crime. The mentioned organisational units collaborate closely during their criminal investigations in order to better identify the children victims of sexual abuse and detect perpetrators of these crimes. The Department for High-tech Crime is responsible for conducting proactive and online investigations related to sexual exploitation and abuse of children on the internet and working on the ICSE database in order to identify children victims in general, while the Department for Juvenile Delinquency and Crime against Children and Family is responsible for investigating criminal offences and identifying children victims when it is suspected that the victims are in the Republic of Croatia.

Question 13.1.b.

In prosecution, as authorized prosecutors in criminal offences of sexual abuse and exploitation of a child, there are no specialised departments dealing exclusively with the criminal offences mentioned when they are committed by means of information and communication technologies. However, there are youth departments established in prosecution responsible for the criminal offences committed by juveniles and young adults, as well as adult perpetrators of criminal offenses exhaustively listed in Article 113 para 4 of the Juvenile Courts Act against children, which include criminal offences of sexual abuse and exploitation of children referred to in Chapter XVII of the Criminal Code. The provision of the Article 38 of the Juvenile Courts Act prescribes that public prosecutors for juveniles shall have strong inclinations towards upbringing, needs and benefits of the youth, and shall have basic knowledge of criminology, social pedagogy, psychology of the youth and social welfare for young persons. Taking into account the criteria in Article 38 of the Juvenile Courts Act, public prosecutors for juveniles shall be appointed for a term of office of five years from the ranks of public prosecutors and deputy public prosecutors in respective public prosecution services by the Public Prosecutor of the Republic of Croatia, and after the expiry of that period, he can be re-appointed as a public prosecutor for juveniles (Article 39 para 2 and 3 of the Juvenile Courts Act). The deputy public prosecutor to appear before the juvenile panel of the Supreme Court of the Republic of Croatia shall be indicated in the annual assignment schedules by the Public Prosecutor of the Republic of Croatia (Article 40 of the Juvenile Courts Act).

Question 13.1.c.

In the courts there are no specialised departments dealing exclusively with sexual criminal offences against children by means of information and communication technologies. However, in accordance with the provision of Article 37 of the Juvenile Courts Act, in municipal courts located in the places where county courts have their seats, as well as in county courts themselves, juvenile divisions are established which are composed of juvenile panels and juvenile judges who are competent for criminal offences committed by juveniles and young adults and adult perpetrators of criminal offences exhaustively listed in Article 113 para 3 of the Juvenile Courts Act committed against children, which include criminal offences of sexual abuse and exploitation of children referred to in Chapter XVII of the Criminal Code. The provision of Article 38 of the Juvenile Courts Act shall be applied mutatis mutandis when appointing juvenile judges. Juvenile judges in municipal and county courts, by taking into account the criteria under Article 38 of the Juvenile Courts Act, shall be appointed for a term of office of five years from the ranks of the judges sitting in these courts by the President of the Supreme Court of the Republic of Croatia and after the expiry of that period, a judge may be re-appointed as a juvenile judge. Juvenile panel shall be constituted in the Supreme Court of the Republic of Croatia (Article 37 para 3 of the Juvenile Courts Act) and the judges sitting in that panel shall be indicated in the annual assignment schedules by the President of the Supreme Court of the Republic of Croatia (Article 40. of the Juvenile Courts Act).

Question 13.2.

In prosecution and courts there are no specialised departments in charge of dealing exclusively with sexual criminal offences of juvenile offenders against children by means of information and communication technologies.

→ In the Ministry of the Interior, Police Directorate, Department for Juvenile Delinquency and Crime against Children and Family there are five positions for civil servants performing the abovementioned jobs. There are five positions for civil servants in the Department for High-tech Crime.

The number of judicial officials who have been appointed by the President of the Supreme Court of the Republic of Croatia as juvenile judges in municipal courts is 129 and in county courts it is 127. Consequently, the total number of juvenile judges in the Republic of Croatia is 246.

→ Law enforcement:

a) Determining the identity of victims is a legal obligation in the Republic of Croatia, and in terms of identifying children victims of sexual criminal offences committed by means of internet, there are special competent organisational units of the Criminal Police Directorate (Department for Juvenile Delinquency and Crime against Children and Family and Department for High-tech Crime).

b) Yes, since June 2013, the Republic of Croatia has been connected to Interpol's ICSE database. Since connecting until the middle of 2017, a total of 140 children victims were identified in the Republic of Croatia. Also, new police officers are constantly being trained to access and work on this database, for example, in 2017, six new users of this database were trained.

CYPRUS / CHYPRE

State replies / Réponses de l'Etat

Question 13.1.a.

Yes

Question 13.1.b.

No

Question 13.1.c.

No

Question 13.2.

There is a specialized Unit within the police only.

→ The Office for Combating Cybercrime of the Cyprus Police was established in September 2007 based on the Police Order No. 3/45 and is staffed with the head and deputy and seven well trained investigators. The Office was established in order to implement the law on the Convention against Cyber Crime (Ratifying Law) L.22(III)/2004. This legislation covers hacking, child pornography and fraud committed via electronic communication and the internet. According to the Police Order No. 3/45, the Office is responsible for the investigation of crimes committed via the internet or by using computers and at the same time, is responsible for the investigations of all the offences that violate L.22(III)/2004. The most predominant offences are:

- Child Pornography- possession and solicitation of children to child pornography and
- Hacking

The forensic lab is situated in the same building and is staffed with 9 well trained police officers. Three members of the forensic lab are trainers / experts on the examination of digital evidence. It can be said that both Offices maintain a good level of capacity building.

→ Law enforcement:

- a) Yes
- b) Yes

Comments sent by / Commentaires envoyés par Cypriot Commissioner for Childrens Rights

Question 13.

There are not any specialized units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to the questionnaire in prosecution or in courts. There is a specialized unit in law enforcement.

CZECH REPUBLIC / REPUBLIQUE TCHEQUE State replies / Réponses de l'Etat

Question 13.1.

There are special units of the Police of the Czech Republic in charge of dealing with children and juveniles on the national level ("Úřad služby kriminální policie a vyšetřování"), district level ("Služba kriminální policie a vyšetřování, Odbor obecné kriminality") and local level ("Služba kriminální policie a vyšetřování, Oddělení obecné kriminality").

All district directorates and local units employ employees specially trained to work with children and juveniles (child victims and juvenile offenders). The education of the employees as well as preparation of the educational programs is in charge of the Unit of police education and service preparation ("Útvar policejního vzdělávání a služební přípravy") and the Office for criminal police and investigation service ("Úřad služby kriminální policie a vyšetřování"). Police officers in particular departments pass basic training on working with minors (victims and offenders).

In the system of state prosecution, obligatory specialization of prosecutors for moral and violent crime and cybercrime is established. At the Public Prosecutor's Office operates a National Correspondent for cybercrime fight, to protect the rights to intangible goods and cyber security: a national strategy for information security (cyber threats); the national correspondent and his expert team are guarantors of interdepartmental cooperation, cooperation with foreign countries, analyses case law and expert articles, participates in the processing of questionnaires, educational activities, especially provided by the Judicial Academy, participates in inter-ministerial cooperation and consultations of specialists, attends or suggest attending conferences.

Question 13.2.

In general, it can be referred to Act No. 218/2003 Coll., on juvenile justice, which covers two age categories - juveniles and children under 15 years of age.

→ Number of staff depends on the size of the service district. The structure of the districts is following:
National level

- a) The Office for criminal police and investigation service, which has methodical officers for district directorates - department of general criminality, the agenda of juveniles as well as on the level of local departments of the office for police and investigation service, where there are as well departments of general criminality, the agenda of juveniles.

- b) The National central for the fight against organised crime, Department of cyber criminality – methodical officers for district directorates and local departments, the National central also deals with cases of cyber criminality reported from abroad (Europol, Interpol, NCMEC reports, CyberTipline etc.) and Contact Point 24/7.

The Office for police and investigation service – department of general criminality – police officer working on cyber criminality cases.

District level: individual district directorates of the police of the Czech Republic (the office for police and investigation service, department of general criminality - the agenda of juveniles and the Department of cyber criminality).

Local level: The Office for criminal police and investigation service, department of general criminality, the agenda of juveniles as well as police officers working on cyber criminality cases.

→ Law enforcement:

- a) It is mainly the office for police and investigation service being in charge of the identification of children victims of sexual abuse taking place online. Currently there is a national database of sexually abused children being created which should among others help to raise the numbers of identified children victims of sexual abuse taking place online.
- b) On the national level there have been already trained 8 people having an active access to the ICSE database, with two more people scheduled to be trained this year. The persons trained are officers from the Department of international police cooperation, the Office for criminal police and investigation service and the National central for the fight against organised crime, department of cyber criminality.

DENMARK / DANEMARK

State replies / Réponses de l'Etat

Question 13.1.a.

The Danish National Police has a special law enforcement unit in charge of dealing with information and communication technology (ICT) facilitated sexual offences against children, such as those referred to in the questionnaire (question 9-11). The unit is named Cyber-related Sexual Offences (hereinafter "CRS unit").

Question 13.1.b.

There are no specialised units/departments/sections in the Danish prosecution service in charge of dealing with ICT facilitated sexual offences against children committed by adults or juvenile offenders.

Question 13.1.c.

No. Please note that in Denmark the courts are not involved in the investigation of a criminal case. Danish judges decide on guilt and punishment but do not participate in the preparation of the case prior to submission to the court.

Question 13.2.

Please see the description below.

→ The CRS unit is organised within the Police Directorate of the Danish National Police, more specifically in the department National Cyber Crime Centre (NC3). The CRS unit is the national point of contact for reports on ICT facilitated sexual offences against children.

The CRS unit is in charge of a wide range of primarily investigative but also preventive areas within ICT facilitated sexual offences against children. The unit consist of app. 20 officers; both investigators and forensic analysts. The investigators and analysts are specially trained professionals within both Danish law enforcement and INTERPOL.

During criminal investigations, the forensic analysts recover and examine data from computers, and other electronic storage devices, in order to use the data as evidence in criminal prosecutions of ICT facilitated sexual offences against children.

The CRS Unit's forensic investigators perform:

- Presentations for further investigation
- Participation in international police operations
- Assistance with the so-called "Netfilter", where ISP's on a voluntary basis restrict access to web pages with exploitation material
- Victim identification
- Undercover infiltration
- Continuously partner in beta-testing the INTERPOL's International Child Sexual Exploitation (ICSE) database and has done so since the launch in 2010.

The CRS unit furthermore works together with other law enforcement entities within the Danish Police at local and national level in order to build investigation capacity and provide training for police officers working in the field of ICT facilitated sexual offences against children.

→ Law enforcement:

Please see answer to question 13.2.

ESTONIA / ESTONIE

State replies / Réponses de l'Etat

Question 13.1.

There are specialized police officers and investigators in all Police Prefectures of the Police and Border Guard Board, there are special units in Northern, Eastern and South Prefecture and specialized investigators in Wester Prefecture. Also, there are specialised investigators supporting the child protection specialists (investigars) from cybercrime investigation units and the web constables. The child protection units manage their cases from the beginning to the end: they identify victims, direct them to assistance, investigate, interrogate, process images etc. In other words, we do not have special separate units for the abovementioned actions.

Every prefecture has a specialized IT-group in criminal information services and/or economic crime division. These units have capacity to conduct inspections of the computers. In addition, the complicated IT expert assessments are conducted by the officials of the Estonian Forensic Science Institute. All IT-crimes units cooperate closely with Child Protection Services.

There are specialised prosecutors in all regions and specialised unit in the Northern District Prosecutors' Office⁵.

There are specialised investigators in all police prefectures (4 prefectures).

⁵ <http://www.prokuratuur.ee/en/prosecutors-office/contacts>

Question 13.2.

The police officers have participated in trainings concerning specifics (treatment, development of children, child's psychology etc.) related to juvenile offenders.

→ No reply to this question / Pas de réponse à cette question

→ Law enforcement:

- a) The Police and Border Guard Board does not have a special unit for victim identification. If there is information and knowledge, that the victims is from Estonia (there is a connection), then the victim will be identified from the material (quite often the offender is identified/found via the victim). Estonia offers support to other countries, if there is reasons to believe that an Estonian victim is involved with proceedings in other countries. There is cooperation with INTERPOL over ICSE DB. Estonia takes part in international cooperation networks (Victim Identification Task Force).
- b) The lack of resources, limited number of ICSE data base user. The Police and Border Guard Board has interest in training police officers and using IVSE DB in child sexual abuse investigation/cases.

FINLAND / FINLANDE

State replies / Réponses de l'Etat

Question 13.1.

→ No reply to this question / Pas de réponse à cette question

Question 13.2.

The CAM Group (Child Abuse Material) of the National Bureau of Investigation has familiarized itself with the matter. In Finland, preventive action is part of all police activities. This means, among other things, that in connection with all assignments, police work includes not only acute action and intervention but the police also address the causes and consequences, where necessary (*cf.* section 25 of the Child Welfare Act referred to above in the replies to Question 6). All the 11 Police Districts and the National Bureau of Investigation have developed structures of preventive work, also including the online policing described in short in the reply to Question 6.1.

The prosecutors handling child pornography cases are prosecutors specialized in crimes against persons. There are five of them. In addition, there are 11 prosecutors who are specializing in this area and who are responsible for cooperation. They are located evenly in local prosecution offices. The cases are also handled by key prosecutors specialized in computer technology crimes; their number is three, and the number of cooperation prosecutors is seven. Because there are numerous cases, cases have to be allocated also to other prosecutors than those specialized in them.

In courts, there is no specialization comparable to prosecutors. Some courts have a few judges specialized in the handling of these crimes.

→ The intelligence gathering operations of the National Bureau of Investigation include the CAM (Child Abuse Material) Group. The group has five permanent policemen, who work with online child abuse, but who also take part in other Internet intelligence gathering operations. The group does not yet have an official status in the organization.

At present, the responsibilities of the group include among other things: filtering operations; the handling of international intelligence packages and investigation requests; international cooperation (Europol, Interpol and authorities in other countries); international operations; national revealing operations; expert services to the local police; cooperation with affiliated groups (the National Police

Board, the Office of the Prosecutor General, operators, Save the Children Finland, etc.); education and planning (the Office of the Prosecutor General, the CAM courses, the National CAM Database Project, the planning of nationwide work guidance).

A victim identification function as well as a victim identification group works in an unofficial capacity. All the members of the group have completed the user course of the ICSE database at Interpol and they conduct victim identification in a limited manner. Identification is conducted in a limited manner due to the fact that it has taken longer than expected to complete the national CAM database project. It is not possible to compare all the CAM material obtained by the police with the ICSE database in a centralized manner without the completion of the database project. Notifications from Interpol on material in the ICSE database that may relate to Finland have been increasing lately.

Preparations have been made to enhance the victim identification function. In 2016 to 2017 a policeman from the National Bureau of Investigation was sent by the National Police Board to Interpol's Crimes Against Children Office for six months to familiarize himself with the work of the unit specializing in victim identification, and will also participate in a victim identification course arranged by Interpol and Europol together. In the sexual abuse of children in Finland, the victim or the perpetrator seldom remain unknown, and in the material obtained by the police, the victims and perpetrators are mainly foreign and the places are abroad. Therefore the plan is for the victim identification function to remain with the National Bureau of Investigation, so that it will not further burden the already burdened local forensics units.

FRANCE

State replies / Réponses de l'Etat

Question 13.1.a.

En police nationale les affaires judiciaires dans lesquelles des mineurs sont victimes sont systématiquement traitées par des unités spécialisées. Dans le ressort de la Préfecture de Police (Paris et petite couronne) par la Brigade de protection des mineurs (BPM) rattachée à la DRPJ⁶ de Paris. En province par des brigades de protection de la famille, au niveau départemental (au sein des sûretés départementales) et au niveau local (au sein des commissariats).

Les affaires plus complexes et particulièrement celles demandant des investigations dans l'environnement numérique sont traitées par l'OCRVP⁷ si elles ont un retentissement national ou par des DIPJ⁸ à l'échelon local (BPM sur le ressort de la PP).

En secteur gendarmerie nationale, les infractions dont sont victimes les enfants sont traitées par les unités de gendarmerie spécialisées dans les enquêtes complexes (brigades et sections de recherches). Les enquêteurs de ces unités peuvent s'appuyer sur des personnels particulièrement qualifiés pour entendre les mineurs victimes, dans les unités territoriales ou les brigades de prévention de la délinquance juvénile (BPDJ).

S'agissant du contentieux spécifique des infractions contre les mineurs commises par le biais des TIC, il est pris en charge par le centre de lutte contre les criminalités numériques (C3N). Le C3N regroupe des enquêteurs spécialisés dans l'identification et le traitement judiciaire des infractions commises sur Internet ou par le biais d'Internet. Il gère aussi le centre national d'analyse des images pédopornographiques (CNAIP), base de données essentielle dans le cadre de la lutte contre les abus sur

⁶ DRPJ : direction régionale de la police judiciaire. A Paris elle est rattachée à la Préfecture de Police et non à la direction centrale de la police judiciaire.

⁷ OCRVP : office central pour la répression des violences aux personnes, rattaché à la direction centrale de la police judiciaire.

⁸ DIPJ : directions interrégionales de la police judiciaire, rattachées à la direction centrale de la police judiciaire.

mineurs (images autoproduites ou non).

Question 13.1.b.

No reply to this question / Pas de réponse à cette question

Question 13.1.c.

No reply to this question / Pas de réponse à cette question

Question 13.2.

En secteur police, le critère de compétence pour ces unités est la qualité de la victime (mineure) : la qualité ou le profil de l'auteur, ainsi que le mode opératoire de l'infraction, sont indifférents.

En secteur gendarmerie, ce sont les mêmes unités qui traitent les infractions commises sur les mineurs par des mineurs ou des adultes, il n'y a pas de distinction entre les types d'auteurs pour l'attribution à un service d'enquête. En revanche, le profil particulier d'un auteur ou la nature d'une affaire pourra conduire l'autorité judiciaire à choisir l'unité la plus adaptée en fonction des compétences particulières des enquêteurs et moyens à engager pour les investigations.

→ Les services ou unités en charge des affaires de mineurs victimes (brigade de protection de la famille, brigade des mineurs, OCRVP...) sont de formats variés. Il n'y a pas d'organisation type.

En secteur gendarmerie, le C3N compte actuellement 38 personnes, officiers et sous-officiers de gendarmerie. Ses effectifs seront progressivement portés à 60 personnes. Le centre est organisé en trois départements : anticipation et animation territoriale (département auquel est rattaché le CNAIP) / atteintes aux systèmes de traitement automatisé de données/activités illicites sur Internet.

Le département des activités illicites traite en particulier des enquêtes sous pseudonymes visant à identifier des prédateurs sexuels et à rassembler les preuves. 140 enquêteurs sous pseudonymes (ESP) sont ainsi formés par le C3N. Leur domaine d'implication ne se limite toutefois pas aux atteintes aux mineurs. Ils sont affectés en unités de recherches régionales et départementales. 230 enquêteurs en technologies numériques, parmi lesquels on compte la majorité des ESP, analysent les supports numériques saisis chez les suspects avec des moyens facilitant l'identification de contenus pédopornographiques.

Le C3N agit sur l'internet classique (clearweb), sur les réseaux pair-à-pair grâce en partie à de nombreux outils provenant de la coopération internationale (Anti pedo files, log P2P, P2P Scan, ICAC-COPS) et également sur le Darkweb, tantôt dans une logique de recensement / identification sans interaction, tantôt en recourant à l'interaction directe (sans jamais de provocation à l'infraction).

Les unités de PJ sont de volume varié, il n'y a pas de schéma d'organisation-type.

→ Forces de l'ordre

a) En secteur police, le groupe « mineurs victimes » de l'OCRVP est formé aux techniques d'identification des victimes (analyse d'images) et fait partie de la « victim id task force » d'EUROPOL (groupe d'experts dépendant d'EUROPOL spécialisé sur la thématique).

En secteur gendarmerie, le centre national d'analyse des images pédopornographiques administre et exploite la base nationale des contenus d'origine pédopornographique. « D'origine » car elle contient non seulement les images et vidéos pédopornographiques mais également les photos non pédopornographiques découvertes en même temps. Le système suggère les liens entre séries de photos, sur la base de reconnaissance de lieux, d'éléments de décors, etc. au sein des contenus d'images.

b) En secteur police, ce groupe est formé à l'intégration des données dans la base ICSE et dispose d'un accès direct, notamment dans le cadre de la mise à jour de la base suite à l'identification de victimes.

En secteur gendarmerie, chaque mois, les contenus nouvellement insérés dans la base française (CALIOPE) sont adressés à INTERPOL, sous un format de condensats (signature numérique) pour alimentation de la base ICSE. Au plan national, les condensats ou signatures numériques (et non pas les contenus illicites eux-mêmes) sont remis aux experts en informatique régulièrement commis au pénal et inscrits auprès des cours d'appel, afin d'améliorer la matérialisation des indices d'atteintes aux mineurs ou du moins, de possession de contenus illicites, lorsque ces derniers ont à analyser les supports numériques saisis au cours de l'enquête pénale.

Comments sent by / Commentaires envoyés par Stop Aux Violences Sexuelles

Question 13.1.a.

Oui, police et gendarmerie

Unité médico-judiciaire

Question 13.1.b.

Non

Question 13.1.c.

Non

Question 13.2.

Pas d'information sur le sujet

GEORGIA / GEORGIE

State replies / Réponses de l'Etat

Question 13.1.

Ministry of Internal Affairs

Taking into account that cybercrime and crimes committed by using ICTs constitutes one of the main challenges for 21st century, in December of 2012 Special Cybercrime Unit was established within the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia (MIA). The Unit is responsible for detection, suppression and prevention of illegal activities committed in cyberspace including child pornography and online sexual abuse.

A special division on combating trafficking and illegal migration is functioning within the Central Criminal Police Department of the MIA. Investigators working on trafficking in human beings' issues are trained according the Guidelines and Standard Operation Procedures (SOPs), which offer the proper standards for the investigation and interrogation/interview of THB victims, with specific focus on minors.

Moreover, Special Subunit for Computer-Digital Forensics was created within the system of MIA Forensics-Criminalistics Main Division, which has the function of first handling and further forensic examination of digital evidences.

Prosecutor's office

Prosecutorial supervision on the abovementioned divisions is conducted by the Georgian Chief Prosecutor's Office Department of Procedural Guidance of Investigation at the General Inspection, Central Criminal Police Department and Patrol Police Department of the Ministry of Internal Affairs.

Question 13.2.

The new Georgian Juvenile Justice Code, based on the UNODC Model Law on Juvenile Justice and Related Commentary and Convention on the Rights of the Child and other international standards, was adopted by the parliament of Georgia on 12 June, 2015. The Code sets even higher standards for protecting juvenile victims/witnesses.

The Juvenile Justice Code provides for the better procedural guarantees for juvenile victims and juvenile witnesses giving the best interest of the child the utmost importance in every matter.

According to the code, to prevent secondary offences and re-victimization of a juvenile victim/witness, a legal representative and a counsel, as well as a psychologist, shall attend his/her examination. In order to protect a juvenile witness, judge can make a decision to:

- use image or sound substitute equipment, opaque screen or examine witness remotely;
- examine a juvenile witness before the court hearings and use the video-recording afterwards, rather than conduct the examination in the courtroom;
- close the court hearing in full or in part;
- Remove the accused person from the courtroom while examining the juvenile witness.

Most importantly, Juvenile Justice Code obligates relevant law enforcer agencies to specialize/train professionals according to the Code. In accordance to special curriculum, training courses are provided for investigators, prosecutors, and judges and for professionals tasked to work with juveniles.

→ Cyber Crime Division of the Central Criminal Police Department at the Ministry of Internal Affairs of Georgia was established by the decree of the Minister of the Interior in December 2012. Currently, there are 15 detective-investigators within the Division who are responsible for investigation of cybercrime. The Division is competent to investigate cybercrime offences in narrow sense, in particular crimes provided for in Chapter 15 (Cybercrime) of the Criminal Code of Georgia; however, the Division also provides advice, guidance and technical assistance to other police units across Georgia in investigation of crimes committed using ICTs and handling of electronic evidence. The forensics team of the Ministry of the Internal Affairs handles the forensic examination duties.

Main activities include:

- Investigate cybercrime cases envisaged by Criminal Code of Georgia (Chapter XXXV);
- Conduct operative activities in order to identify perpetrators of the crime, to establish their whereabouts, criminal connections and achieve successful prosecution;
- Elaborate and implement the special measures in order to prevent and minimize such kind of crimes.

→ Law enforcement:

In February 2014, Mutual Agreement was signed between National INTERPOL Bureau and the National Center for Missing and Exploited Children (NCMEC). NCMEC is subordinated to US Congress and constitutes the national resource center and information bank for missing and exploited children. Based

on this, internal standards of the Ministry of Internal Affairs were adopted and correspondingly, MoIA has the access to sexually exploited children's database, which is elaborated by the Division of Exploited Children.

GERMANY / ALLEMAGNE

State replies / Réponses de l'Etat

Question 13.1.

Pursuant to section 26 (1) of the Courts Constitution Act (*Gerichtsverfassungsgesetz – GVG*), the youth courts will also be competent, alongside the courts having jurisdiction for general offences, for offences committed by adults that injure a child or adolescent or place a child or adolescent at immediate risk, as well as for violations committed by adults of regulations serving the protection of minors or the education of young people. Pursuant to section 26 (2) of the Courts Constitution Act (GVG), the public prosecutor's office is to file criminal charges in matters concerning the protection of minors before the youth courts if this is suited to better protect the interests meriting protection of children of adolescents who will be required to testify in the proceedings as witnesses. In keeping with this provision, criminal proceedings brought for ICT facilitated sexual offences committed to the detriment of children and adolescents are to be pursued at the local courts (*Amtsgerichte – AG*) before youth court judges and youth courts, and at the regional courts (*Landgerichte – LG*) before the youth divisions (on this, see section 74b of the Courts Constitution Act (GVG) with reference to section 26 (2) of the Courts Constitution Act (GVG) as well as the answer provided to Question 13.2).

Question 13.2.

No reply to this question / Pas de réponse à cette question

→ On the organisational structures of the police departments and public prosecutor's offices, please see the observations made above under Item 13.1.

Inasmuch as the question addresses the organisation of the courts, it is to be stated that as a general rule, special youth courts will have jurisdiction for criminal proceedings pursued against adolescents (cf. sections 33 et seqq. of the Youth Courts Act (JGG)). The judges of these youth courts are to have child-rearing competence and experience in educating youth (cf. Section 37 of the Youth Courts Act (JGG)). No further specialisation within the sense of the question posed here is required by law, but it is possible to take this into account in allocating duties among the judges. In proceedings for which the youth courts have jurisdiction, youth public prosecutors will be appointed to the case (cf. Section 36 (1), first sentence, of the Youth Courts Act (JGG)), who likewise are to have child-rearing competence and experience in educating youth (cf. Section 37 of the Youth Courts Act (JGG)). Moreover, it is possible to take account, in allocating the duties among the youth public prosecutors, of further specialisation within the sense of the question posed here. Finally, specially trained police officers (youth staffers) are to be called in to the case when matters involving adolescents are being dealt with (cf. no 1.2 of the Police Service Instructions (Polizeidienstvorschrift – PDV) 382).

→ Law enforcement:

The "*Zentralstelle zur Bekämpfung von Sexualdelikten zum Nachteil von Kindern und Jugendlichen*" (central agency combating sexual offences to the detriment of children and adolescents) works nationwide to assess contents of child pornography and juvenile pornography. Besides identifying the parties disseminating and possessing depictions of child pornography, respectively juvenile pornography, the primary task of this special agency consists of identifying perpetrators and victims of the sexual abuse based on the materials of child pornography that have been seized. For this purpose, intensive use is made of the international image database (International Child Sexual Exploitation Database – ICSE DB), which has been funded by a G8 project and has been operated since March of

2009 by the General Secretariat of Interpol; this database forms an inalienable aspect in processing fundamentally all cases in which materials of child pornography have been seized. The Interpol database is accessed online via the respective National Central Bureaus for the International Criminal Police Organization (ICPO), who are also responsible for uploading material. For Germany, this is the Federal Criminal Police Office (BKA), respectively the above-cited central agency combating sexual offences to the detriment of children and adolescents.

Accordingly, the *Länder* report that the identification of victims fundamentally will be performed in cooperation with the Federal Criminal Police Office (BKA). As regards the proceedings, they have filed essentially congruent reports as to the collaboration with the Federal Criminal Police Office (BKA) being modelled on the following standardised procedure: As soon as a new series of images / videos is determined that is not included in the comparison databases available nationwide from the Federal Criminal Police Office (BKA), and that is also not included in the International Child Sexual Exploitation Database (ICSE) or in the hash database "*Pornografische Schriften*" (pornographic written materials), the series of images, respectively the video series is transmitted by the *Land* Criminal Police Office (LKA) to the Federal Criminal Police Office (BKA). Thereupon, the Federal Criminal Police Office (BKA) will take on the investigations and will initiate the corresponding proceedings via the chief public prosecutor's office of Frankfurt. The pre-requisite in this regards is that it is possible to determine that the place of the offence (*Tatort*) is located in Germany. In this context, the Federal Criminal Police Office (BKA) asks all specialist divisions, respectively specialist departments at the federal level, to review whether the series or parts thereof already has been seized in some other investigation. All the information obtained in this regard is controlled by the *Ansprechstellen* (contact points) for child pornography operated by the *Länder*. These contact points are also the ones giving binding feedback to the Federal Criminal Police Office (BKA). Where this manner of proceeding does not lead to success, all police stations of the Federal Republic and of the *Länder* will be involved in a second step by way of issuing an EXTRAPOL search (intranet of the police) in the effort to identify the perpetrator(s) and victim(s). Moreover, the Federal Criminal Police Office (BKA) has at its disposal another, special form of performing a search in the public domain, this being searches at schools on the basis of a court order. Furthermore, the police district offices of the *Länder* will send images and videos of identified victims and perpetrators, via the Criminal Police Offices of the *Länder*, to the Federal Criminal Police Office (BKA) for inclusion in the respective databases.

GREECE / GRECE

State replies / Réponses de l'Etat

Question 13.1.a.

Yes, in law enforcement only.

Question 13.1.b.

No reply to this question / Pas de réponse à cette question

Question 13.1.c.

There are Special Prosecutors for Children

Question 13.2.

No

→ A team of 14 officers within the Cyber Crime Division

→ Law enforcement:

a) The Cyber Crime Division is connected to ICSE, but not very active.

b) Some contribution, mostly in-house cases with identified victims and some help provided to other countries in their investigations.

HUNGARY / HONGRIE

State replies / Réponses de l'Etat

Question 13.1.a.

No

Question 13.1.b.

Yes

Question 13.1.c.

Partly.

Regarding law enforcement, the investigating authority is the police, all of its local, regional and central departments take part in the fight against cybercrimes. In "petty" cases the general investigating departments of the local and county police proceed, while in cases involving more serious or international or organized crimes, the specialized units of the National Bureau of Investigation (Készenléti Rendőrség Nemzeti Nyomozó Iroda) proceed.

The prevention activities of the police related to cybercrime are coordinated by the Crime Prevention Subdivision of the Crime Department of the National Police Headquarters, in which the crime prevention subdivisions of county police headquarters and Budapest Municipal Headquarter participate actively as well.

The investigation function of the police related to cybercrimes is coordinated by Anti-corruption and Economy-protection Subdivision of the Crime Department of the National Police Headquarters, in which the Subdivision against High-tech crimes of the Department against corruption and economic crimes of the National Bureau of Investigation participates actively as well. The function of this investigating body also includes detection, investigation, international co-operation regarding online sexual exploitation of children.

Regarding regional authorities, the Child and Youth Protection Subdivision of the Criminal Department of the Budapest Municipal Police Headquarter, amongst other cybercrime related tasks, conducts investigations regarding serious, sometimes internationally relevant criminal offences of online sexual exploitation of children, if it was committed within its territory. During this task it can receive support from the Subdivision against High-tech crimes of the Department against corruption and economic crimes of the National Bureau of Investigation with its useful technical and professional background.

On a local level, since such criminal offences require special professional knowledge (carrying out investigatory measures related to cybercrimes, questioning of a minor, complying with the special rules related to juvenile offenders) usually a more-experienced police officer is designated to the relevant case.

Within the prosecutors' office and the courts, there are no specialized units or departments dealing with crimes against children – especially sexual violence or exploitation of children committed through ICTs. The reason for this is, that these authorities are not organized according to the age of the victims of crimes, but according to the functions and competence prescribed by the criminal procedure code.

There is no specialized court or there are no specialized judges or councils at the courts who/which deals only with crimes relevant for this questionnaire.

In case of procedures against juveniles, special rules apply according to Part XX. Chapter XCV of the new Criminal Procedure Code (§ 676-694). In such cases, a council shall carry out the procedure, the council is organized in a special manner, the judge at the court of first instance and the chairman at the courts of second and third instance shall be designated by the president of the National Office for the Judiciary. At first instance, one member of the council must be a teacher.

Additionally, the National Office for the Judiciary set up a Working Group for Child Friendly Justice on 6 January 2016 [Decision 7/2016. (I.6.) OBHE, 704/2016 (XII. 8.) OBHE]. The Working Group particularly examines questions related to juvenile delinquency. The Working Group consists of six judges, three of whom are acting judges and two are delegated to the National Office for the Judiciary. It does not have members who are specialized in ICTs.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

The prosecutors' office oversees the legality of the investigations. In case of criminal offences committed against juveniles, and juveniles and adults together, specialised units proceed:

- on a local level, the Local and Investigating Prosecutors' office located at the seat of the county prosecutor general's office,
- in Pest county, Local Prosecutors' Office of Buda,
- in the capital, Prosecutors' Offices of Districts I and XII.

In case county-level criminal cases, the Independent Branch/Department of Crimes committed by Children and Juveniles has competence to oversee the investigation and represent the charges.

Since in many cases the perpetrators are not even 18 y.o.a. (juveniles), such investigations are overseen by prosecutors for juveniles. And they shall represent the charges and proceed and the courts, which act in specialised councils, as written before.

Regarding certain investigatory actions, the members of the court might even come into contact with the juveniles during the investigation, e.g. a witness who is under 14 y.o.a. can also be heard by the investigating judge, if the hearing of such witness at the trial would probably be detrimental to the development of such witness. [section 207 (4) of the CPC]. Such judges can also be regarded as specialised judges.

Around 10% of the criminal procedures are conducted against juveniles. Since only designated prosecutors and judges can act in cases against juvenile offenders, their number is in line with this percentage.

It must be highlighted, that with regard to the special connection between cybercrimes and the prosecutors, meaning that almost all departments and units of the prosecutors' offices can come across cases involving cybercrimes, the Hungarian Prosecutors' Office decided to establish a Prosecutors' Network against Cybercrimes, which started its operation in 2016. The task of the Network is to give support to prosecutors dealing with crimes committed in connection with ICTs by involving computer scientist, providing training and developing a know-how. The Network is operated by the Department of Investigation Supervision and Indictment Preparation and Computer Department of the Supreme Prosecutor's Office. The Network has determined the circle of crimes committed easily and regularly by ICTs, and publishes the relevant challenges, useful information, scientific articles, and news at its

webpage.⁹ By providing training and developing the know-how, it plays a huge role in conquering the challenges arising from the use of ICTS for committing criminal offences. The Network also organised a training in 2017 with the help of computer scientists and prosecutors who are members, the participation was voluntary and a main rule, but it was obligatory for its members. The Network invited members of the National Tax and Customs Office, Budapest Municipal Police Headquarters and National Bureau of Investigation, and also judges through the National Office for the Judiciary. Some of the relevant discussed topics include child pornography, where the criminal content is obtained several times from the same source, online data search (what open access sources can be used and how for information gathering) and securing evidence digitally.

There is no specialized unit within the prosecutors' office for victim identification.

The Subdivision against High-tech crimes of the Department against corruption and economic crimes of the National Bureau of Investigation has access to the INTERPOL ICSE database, though prosecutors acting in cybercrime cases may also have access thereto.

Cooperation regarding picture/photo identification is carried out with the help of Europol.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

The analysts of Internet Hotline within the NMHH can be seen as specialised unit. Now there are two analysts who handle the incoming reports. The Internet Hotline is part of the Digital Literacy Development Unit. The analysts are specialised in law. The NMHH took over the operation of the Internet Hotline service from the Hungarian Association of Content Industry on 22 September 2011; the latter had been operating the site since 2005.

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?
- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

The Hungarian National Bureau has access to the ICSE database. They coordinate when a possible Hungarian victim found. Every other police department can reach out to them if they come across information that needs to be checked in the database.

The Internet Hotline is member of INHOPE (International Association of Internet Hotlines). INHOPE is dealing with illegal content online and committed to stamping out child sexual abuse from the Internet. According to their co-operation, INHOPE provides INTERPOL with Uniform Resource Locators (URLs) that are identified by its members as distributing child sexual abuse material. As member the Internet Hotline regularly reports to INHOPE system and if the reported content is CSAM indeed in view of INHOPE, it is forwarded to INTERPOL. Thereby Hungary contributes to the INTERPOL's ICSE image database in an indirect way. The co-operation agreement is available here: [https://www.interpol.int/content/download/24975/344434/version/1/file/International%20Associati](https://www.interpol.int/content/download/24975/344434/version/1/file/International%20Association%20of%20Internet%20Hotlines%20(INHOPE).pdf)

The INHOPE 2017 Annual Report in English:

http://www.inhope.org/Libraries/Annual_reports/INHOPE_Annual_Report_2017.sflb.ashx

⁹ <http://halozat.mku.hu/index.php?lap=szervek.php>

ICELAND / ISLANDE

State replies / Réponses de l'Etat

Question 13.1.

There is a special department within the Metropolitan Police that deals with serious crimes, including crimes that fall under questions 9-11. The Metropolitan Police also has a special IT department which assists with all investigations involving computers or electronics. Also there is, within the Prosecutor's office, personnel that specialises in crimes of a sexual nature. However, there are no special units within law enforcement, prosecution or courts that specialises in ICT sexual offences against children.

Question 13.2.

See answer to question 13.1 above.

→ See answer to question 13.1 above.

→ Law enforcement:

a) No.

b) Yes.

ITALY / ITALIE

State replies / Réponses de l'Etat

Question 13.

As for the Police, a special body deals with sexual crimes committed against minors through the information and communication technologies, The Postal and Communications Police, which has a one central and many territorial units (the Compartments). The Post and Communication Police is headquartered in Rome and coordinates 20 regional compartments and 81 territorial sections. This organization allows a widespread presence across the national territory. The two thousand professionals provide the citizens with their professional qualifications, in-depth computer skills and their judicial police experience. The Compartments, coordinated by the central Postal and Communications Police service, handle the cases and emergencies that arise from citizens' complaints and have a similar organization to that of the central service but with a more operational profile, and more close relation to the territory.

The Service is divided into distinct areas of intervention, and a special section established by law 6 February 2006 n. 38 acts as National Center for the Fight against Child Pedopornography on the Internet (CNCPO), (other sections are: Cyberterrorism - Copyright - Hacking - Critical Infrastructure Protection of the Country - E-banking - Criminological Analysis of Emerging Phenomena - Online Games and Betting). As far as pedo-pornographic sites are concerned, the law establishes the Center as the point of reference for the handling of reports, coming from both other police forces, also foreign police, and from citizens, voluntary associations and web providers. Throughout this activity, the Center is responsible for obtaining the list of child pornography sites of the Network, c.d. "black list", which is handed over to the internet service providers in order to prevent and block the browsing in them through filtering systems. The Center, acting as an operational body, constantly liaise with the Observatory for the Fight Against Paedophilia and Child Pornography, which acts at institutional level, to which it provides data for the analysis and prevention of the abuse of minors.

The Postal and Communications Police is the contact point of Italy with the police offices of the G8 countries dealing with cybercrime. A key part of the operational organization is the section dedicated to International collaborations, keeping relations with foreign countries' police partners in the field of

cybercrime. In addition, the Computer Crime Unit (U.A.C.I.) has been established within the service, which studies and analyzes the phenomenon of computer crime in collaboration with the major Italian universities. In order to make the anti-cybercrime strategy more effective, The Postal Police is participating with some of its representatives in permanent working groups set up by the Government or international bodies, including the "Interministerial Network Safety Group", the G8, the European Community, the Council of Europe, the OECD, Interpol and Europol. He also collaborates with institutions (including the Ministry of Communications and the Communications Authority) and private operators dealing with communications in general. As part of the online child pornography activities, the Postal and Communications Police participates in the Child Pornography Group meetings and is part of the Virtual Global Task Force (VGT) network. Last but not least, we mention the participation in the work of the European Information Technology Crime Working Group, which meets regularly with the Interpol General Secretariat in Lyon, the High Tech Crime Committee of Europol and the Commission's Police Cooperation Working Group (PCWG) European.

In the field of investigations, it should also be remembered that within the State Police, the Minors Office, which is part of the Anti-Crime Division, is present at each "Questura" (territorial police office). This specialized office has been set up in 1996 with the aim of providing first and valid support to children at risk and to their families. The skilled personnel assigned to this office is able to listen to minor offenders or victims of crime, also with the collaboration of agencies and associations operating in the child sector. In particular the office deals with: abandonment of minors; pornography and prostitution; exploitation of child labour; sexual abuse of minors; use or disposal of narcotic drugs; maltreatments; bullying at school. In addition, other activities are carried out in schools in collaboration with the Ministry of Education, Universities and Research (MIUR). In fact some projects (such as 'Education to Legality' and 'The Policeman, A Friend'), foresee informal meetings organized with schools to tackle acts of delinquency and bullying and disseminate knowledge about the rights of minors and respect for the rules). To counter criminal offenses against children, these offices have developed close relationships with other institutions (public bodies, but also private associations) with the aim of protecting the children. Among the collaborations are those with the Provveditorati di Studi (Ministry's territorial education offices) for surveillance in the schools and meetings between students and officials of the Minor Offices, that with Unicef, Ecpat-Italia and 'Telefono Azzurro' which participated in the training seminars for chief officials and staff at the Offices.

In relation to the contrast to paedophilia and child pornography, the Finance Guard also acts with powers of investigations, whose activity is:

(1) characterized by an incidental character in the pursuit of priority of economic-financial police activities and the fight against illicit trafficking. In this respect, within the strategy of action and objectives in the Observatory for combating paedophilia and child pornography, the Finance Guard is engaged in a constant counteraction of audiovisual piracy, which is a phenomenon where pedopornographic material are a relevant element. Such actions are carried out by the Ordinary and Special Departments of the Finance Guard, and are aimed at countering the forms of abusive realization, duplication, reproduction, transmission or dissemination in the public, sale, distribution and rental of audiovisual material. The illegalities in this sector are mainly:

(a) physical piracy, intended as production and distribution of physical memory media (cd, dvd);

(b) Digital piracy, consisting in the distribution via Internet of software, video or music files, video games, books from unofficial sources, through file sharing and downloading techniques.

As concerns the phenomenon of digital piracy, the investigations carried out by the Finance Guard tend to be directed to the identification of the equipment and organizational structures located in Italy and abroad through which the illegal dissemination of creative works is made through the web, in order to

find the perpetrators of the offenses, the enforcement of confiscations, and the detection of websites used for illicit purposes;

(2) is aimed at the development of targeted counteractions lead by the Special Technology Fraud Unit to business consisting in the production, exchange and sale of pedopornographic material via the Internet;

(3) is confined, therefore, to a small number of operational cases.

Prosecutor's Office. In Italy, for the preliminary investigation, the prosecutor's functions are exercised by the magistrates of the prosecutor's office. In the prosecutor's office there is a pool of prosecutors in charge of dealing with ICT facilitated sexual offenses against children. For the crimes provided by the art. 600 bis, 600 ter, 600 quater, 600 quater, 600 quinquies and 609 undecies of the Italian Criminal Code, the prosecutor's functions are exercised by the magistrates of district directorate. The National Antimafia and Counter-Terrorism Directorate (DNA) performs the functions of coordinating investigations and investigative impulses conferred on it by the current one, in the case of organized criminal activities involving the prostitution and child pornography, sexual tourism and all forms of sexual abuse in minors legislation.

In this respect, the Italian penal rule about "criminal association" (Article 416 Penal code) explicitly provides for the punishment of those who associate themselves with the purpose of committing some of the crimes of sexual abuse or exploitation to minors even for the sole purpose of joining or participating in the association.

Courts. With regard to the organization of the Courts, there are specialized sections - including magistrates with specialized training and experience - in the most important judicial seats (located in the biggest Italian cities) in the offenses of vulnerable victims (women and minors), or in crimes against the person, the family and the minors who also engage in investigations and proceedings relating to sexual crimes committed against minors and facilitated by the use of computer technology and communication (as well as crimes of ill-treatment, violence sexual, trafficking, slavery, etc.). It should also be noted that in Italy the competence for investigations and proceedings related to offenses (including sexual exploitation and facilitated by the use of new technologies) perpetrated by a minor is attributed to the Italian Public Prosecutor at the Juvenile Court, and to the Juvenile Court (having its seat in each of the city's provincial capitals and regional jurisdiction). These are bodies whose member magistrates are specialists in juvenile law (which, in the case of the Tribunal, are also joined by Honourable Judges, with qualifications of psychologist, social worker, expert in childhood and adolescent issues, etc.). As for minors who are sexual offenders against other children, it should be noted that in the criminal proceedings before the Juvenile Court, they are taken over by the Office of the Social Services of Minority Justice (see also Question 10 General Questionnaire).

Victim identification function. With a specific reference to the identification of child victims of child pornography, the Postal and Communications Police Service through the National Center for the Contracts of Child pornography on the Internet (CNCPO), is part of a worldwide coalition under the leadership of Interpol, with the participation of Europol, which daily carries out international police cooperation in identifying the victims of child pornography wherever they reside, providing an active contribution to INTERPOL's International Child Sexual Exploitation (ICSE) image database. In this context, the participation of Italy in the project "Developing a methodology for identifying and supporting children who have been sexually exploited for the production of child pornographic images" (acronym: DICAM I and DICAM II), coordinated by Save the Children Italia with the participation of CNCPO and Cismai (see answer to Question 2).

It should also be noted that the National Plan for the Prevention and Fight against Sexual Abuse and Exploitation of Children 2015-2017 implementing the Lanzarote Convention, and the ratification law no. 172/2012 foresees, among other things, specific actions related to the identification and protection of victims, including a special training of the operators to the purpose. In particular, the Observatory for the Fight Against Paedophilia and Child Pornography has planned the following initiatives:

- identifying tools and procedures for information flows to the CNCPO coming from different sources, including through strengthening the police cooperation, surveying and monitoring child pornography sites, in order to standardize reporting methods and ensure a more efficient removal pedopornographic websites to be consolidated and implemented over time;

- definition of multidisciplinary intervention protocols for the emergence and management of cases of online sexual abuse that also provide specific training for the actors involved and facilitate an easier identification of victims of crime represented in child pornography.

Comments sent by / Commentaires envoyés par Independent Authority for Children and Adolescents

Question 13.

Among the actions carried out by the Authority for children and adolescents in order to protect children's rights, there is the drafting and dissemination of a *Vademecum* for Police forces in order to give essential operational indications about how to adequately manage the contact with children – either victims or offenders. Among the issues dealt with in the *Vademecum*, cyberbullying and pedopornography, also resulting from self-generated sexually explicit images and/or videos or self-generated sexual content, are included.

Here below, the links:

http://garanteinfanzia.s3-eu-west-1.amazonaws.com/s3fs-public/documenti/Vademecum_Forza_di_Polizia_tascabile_0.pdf

LATVIA / LETTONIE

State replies / Réponses de l'Etat

Question 13.1.a.

The State Police has several departments whose one of the function is to investigate criminal offences against the morality and gender inviolability of the minors, through the use of ICT, namely:

- 3rd Division of the Criminal Investigation Department of the Main Criminal Police Department of the State Police - combating crimes against gender inviolability (including against children);
- 4th Division of the 1st Bureau of the Criminal Police Department of the Riga Police Department of the State Police – combating crimes against morality and gender inviolability of minors;
- 3rd Division of the Economic Crime Enforcement Department of the Main Criminal Police Department of the State Police - a measure to prevent and detect crimes and other criminal violations related to the violation of the provisions regarding handling of material of pornographic nature which contains child pornography.

Question 13.1.b.

The Prosecutor's office does not have specialized units/departments/sections in charge of dealing with ICT facilitated sexual offences against children. At the same time, the prosecutor is obligated to acquire special trainings in the field of the protection of children's rights, including contact with minors during the criminal proceedings.

Question 13.1.c.

There aren't specialized units/departments/sections in charge of dealing with ICT facilitated sexual offences against children in courts. At the same time, the judge is obligated to acquire special trainings in the field of the protection of children's rights, including contact with minors during the criminal proceedings.

Question 13.2.

There aren't specialised units/department/sections within the State Police that are dealing only with ICT facilitated sexual offences against children committed by juvenile offenders.

→ The State police:

3rd Division of the Criminal Investigation Department of the Main Criminal Police Department of the State Police - combating crimes against gender inviolability (including against children) – 8 officials.

4th Division of the 1st Bureau of the Criminal Police Department of the Riga Police Department of the State Police – combating crimes against morality and gender inviolability of minors – 10 officials.

3rd Division of the Economic Crime Enforcement Department of the Main Criminal Police Department of the State Police - a measure to prevent and detect crimes and other criminal violations related to the violation of the provisions regarding handling of material of pornographic nature which contains child pornography – 21 officials.

→ Law enforcement:

- a) In general, during the pre-trial investigation, investigators are trying to identify all parties involved. The Victim Identification function is active if it is suspected that the involved persons are from Latvia. There also have been a number of successful cases of identification in practice.
- b) Latvia joined to the INTERPOL's International Child Sexual Exploitation (ICSE) in 2016. The ICSE connection is provided to the Economic Crime Enforcement Department, Criminal Investigation Department and Criminal Police Department of the Riga Police Department of the State Police.

Criminal Investigation Department of the Main Criminal Police Department of the State Police informs, that the data is not sent to the ICSE database due to the fact that persons exchanged children's photos in their cases are not connected with Latvia. In cases when children from Latvia were photographed, photos were not transferred outside its territory. In addition, Criminal Police Department of the Riga Police Department of the State Police indicates that no victim has been identified with the help of the ICSE image database. The Department informs that they had an information about the victims of child pornography produced abroad, but it was not useful for the Department in the ongoing criminal investigations.

LIECHTENSTEIN

State replies / Réponses de l'Etat

Question 13.1.a.

There is no specialised unit of the Liechtenstein National Police. Within the Crime Investigation Division, the Serious Crime Unit (KOM EM) is also responsible for investigations into all sexual offences. Two investigators are responsible for the sexual offences section within the KOM EM. They have many years of experience and training, especially in the investigation and questioning of victims who are minors. In addition, the Crime Investigation Division has two IT forensic experts who provide technical support to the investigators and carry out internet monitoring for the Crime Investigation Division in regard to prohibited pornographic material.

Question 13.1.b.

The Liechtenstein Office of the Public Prosecutor consists of seven prosecutors. They deal with all types of cases. Two prosecutors, however, are specialised in dealing with cases of sexual offences against children. They provide the five other prosecutors with their expert knowledge and assist them with regard to all questions relating to the prosecution of such offences. Also, the two specialised prosecutors are in permanent contact with other authorities working in this field such as the Family Court, the Office of Social Services, and the Office of Education.

Question 13.1.c.

There is no specialised division for this purpose within the Court of Justice. When technical questions arise, IT experts of the National Police are consulted; all other cases are assigned to the officers of the National Police responsible for sexual offences in general. At the court and the Office of the Public Prosecutor, cases are in general assigned according to when they arise, since no specialisation in regard to sexual offences applies.

Question 13.2.

See response to question 13.1.a.

→ No reply to this question / Pas de réponse à cette question

→ Law enforcement:

When assessing whether material constitutes child pornography, the National Police can access the National Image Hash Value Database (NDHS) of the Swiss Cybercrime Coordination Unit (CYCO). The National Police is also able to carry out its own internet monitoring (ICAC Cops). However, the National Police does not contribute actively to INTERPOL's International Child Sexual Exploitation (ICSE) image database. The reason is that the National Police does not have experts specialising in the identification of victims of online child abuse materials.

LITHUANIA / LITUANIE

State replies / Réponses de l'Etat

Question 13.

In courts, there are no specialized units/departments/sections in charge of dealing especially with ICT facilitated sexual offences against children or with ICT facilitated sexual offences against children committed by minor offenders, but, according to Paragraph 6 of the Description of the Procedure of Specialization of the Judges in Certain categories of cases (approved by Resolution No. 13P-202-(7.1.2) of 12 October 2008 of the Judicial Council) (hereinafter referred to as the Description), the specialization of judges can be established for any category of cases, if the chairman of the court, having regard to the

qualifications of judges and knowledge of the field sees the need to established such specialisation. Paragraph 6 of the Description stipulates that the specialization of judges in courts is determined in accordance with the recommended to established specializations of judges, set out in the Annex to this Description. One of the specializations, recommended to established in district and regional courts is the specialization of minors criminal cases (when offences are committed by minors). Depending on the size of the court, there could be 2 or more judges, dealing with offences, committed by minors.

Serious and Organized Crime Investigation Board (hereinafter – SOCIB) of Lithuanian Criminal Police Bureau (hereinafter – LCPB) and the specialised cybercrime investigation units established in 10 County Police Headquarters (hereinafter – CPH) are in charge, within the scope of their competence, of preventing and fighting cybercrime.

SOCIB within its competence is responsible for the prevention, detection and investigation, on non-territorial basis, of crimes against security of electronic data and information systems, serious, grave, inter-regional and cross-border cybercrimes and cybercrimes that have repercussions in society or cause great damage to the state or individual persons. It is empowered to conduct both criminal intelligence activities (except secret service operations) and pre-trial investigation.

SPCOB consists of three divisions:

- Division 1 is engaged in criminal intelligence operations and, using the criminal intelligence methods of gathering the data, collects and analyses information available on Internet on criminal intelligence objects. In addition, the Division 1 is responsible for the functioning, on a national level, of 27/7 contact point according to the Convention on Cybercrime;

- Division 2 conducts the permitted control, monitoring and recording (on equipment level) of electronic data as well as forensic inspection of seized objects and renders technical assistance in the criminal intelligence and pre-trial investigations carried out by LCPB's divisions and other law enforcement authorities;

- Division 3 conducts pre-trial investigations of cybercrimes. It coordinates, within the scope of its competence, investigations conducted by territorial police institutions of crimes against the security of electronic data and information systems and of serious, grave, inter-regional and cross-border cybercrimes and cybercrimes that have repercussions in society or cause great damage to the country or individual persons; renders practical assistance.

Five larges CPH (Vilnius Kaunas, Klaipėda, Šiauliai, Panevėžys) have established designated units within their organization structure for fighting cybercrime. In the remaining five CPH, specific officers have been appointed for this purpose. In general, 50 positions have been established in the CPH. Within the competence of the above-mentioned divisions, among other responsibilities, is responsibility for the pre-trial investigation of criminal acts against the security of electronic data and information systems and criminal acts in cyberspace.

Within the law enforcement, the police officers are in charge of victim identification.

Lithuania has access to the International Child Sexual Exploitation image database (ICSE) managed by Interpol, which enables faster and more efficient identification of both victims and perpetrators of child sexual abuse.

Furthermore, the access to the database of the US National Center for Missing and Exploited Children (NCMEC) was granted to Lithuania in January 2015 / MCMEC transmits Lithuania-related (whether the offender or the victim uses the resources provided by Internet service providers registered in Lithuania) reports on potential child abuse cases reported by the major social networking companies and other electronic communication services to the state law enforcement agency for investigation. SOCIB is responsible for accessing both the ICSE and NCMEC.

LUXEMBOURG

State replies / Réponses de l'Etat

Question 13.1.a.

Au sein de la Police grand-ducale, la lutte contre les infractions sexuelles commises contre des enfants et facilitées par l'utilisation des TIC est attribuée à la section « Protection de la jeunesse » du Service de police judiciaire.

Question 13.1.b.

La poursuite des infractions pénales incombe au Grand-Duché de Luxembourg au ministère public, c'est-à-dire aux Procureurs d'Etat et au Procureur Général d'Etat.

Le Parquet de Luxembourg se compose d'un Procureur d'Etat, de deux Procureurs d'Etat Adjoints ainsi que de trente-six Substituts Principaux, Premiers Substituts et Substituts.

Quatre magistrats spécialisés du parquet-protection de la jeunesse, dirigés par un Procureur d'Etat Adjoint, s'occupent des infractions visées au questionnaire. Il s'agit de trois Premiers Substituts et d'un Substitut.

Le Parquet de Diekirch se compose d'un Procureur d'Etat, d'un Procureur d'Etat Adjoint, d'un Substitut Principal, d'un Premier Substitut et de deux Substituts.

Les infractions visées au questionnaire sont prises en charge par un Premier Substitut spécialisé.

Le Parquet Général se compose d'un Procureur Général d'Etat, de deux Procureurs Généraux d'Etat Adjoints, de quatre Premiers Avocats Généraux et de cinq Avocats Généraux. Les affaires pénales en appel ne sont pas distribuées selon une spécialisation rigide. Cependant, on peut dire que d'habitude, ce sont toujours les mêmes deux à trois magistrats du Parquet Général qui s'occupent des infractions visées au questionnaire.

Question 13.1.c.

Au niveau du cabinet d'instruction du Tribunal d'Arrondissement de Luxembourg, composé au total de treize juges d'instruction, cinq magistrats s'occupent des infractions en matière sexuelle. Deux d'entre eux, un Vice-Président et un Premier Juge, prennent en charge les infractions visées au questionnaire.

Au Tribunal d'Arrondissement de Diekirch, il n'y a qu'un seul juge d'instruction. Il est évident qu'une spécialisation n'y est dès lors pas possible.

Les juridictions du fond des deux arrondissements judiciaires, à savoir les différentes chambres correctionnelles ainsi que les chambres criminelles ne sont pas spécialisées en fonction des différentes catégories d'infractions. La même chose vaut pour les chambres correctionnelles et criminelles de la Cour d'appel.

Question 13.2.

→ Tout d'abord, il faut souligner qu'en droit luxembourgeois, les délinquants mineurs ne relèvent pas de la législation répressive ordinaire, mais de la loi modifiée du 10 août 1992 relative à la protection de la jeunesse.

En vertu de l'article 2 de la prédite loi, le mineur d'âge est irresponsable au niveau pénal. Ainsi, lorsqu'il commet une infraction pénale, il n'est pas déféré à la juridiction répressive, mais au tribunal de la jeunesse, qui prend, le cas échéant, à son égard une mesure de garde, d'éducation et de préservation. Selon l'article 33 de la même loi, dans des circonstances exceptionnelles ou en cas de nécessité absolue, un juge d'instruction peut être saisi d'une affaire impliquant un auteur d'infractions mineur d'âge.

En principe, ce sont les mêmes magistrats spécialisés que ceux mentionnés sub 13.1. qui s'occupent des infractions sexuelles commises contre des enfants par des délinquants mineurs et facilitées par l'utilisation des TIC, et ceci aussi bien au niveau des Parquets que des cabinets d'instruction.

Les juges de la jeunesse (trois au Tribunal de la Jeunesse de Luxembourg et un au Tribunal de la Jeunesse de Diekirch) connaissent de toutes les affaires de protection de la jeunesse dont ils sont saisis, sans distinguer entre les mineurs auteurs d'infractions pénales et les mineurs en danger au sens de l'article 7 de la loi de 1992 relative à la protection de la jeunesse. Ils ne sont pas spécialisés selon différentes catégories d'infractions pénales.

→ Forces de l'ordre

Au 1^{er} septembre 2017, la section « Protection de la jeunesse » du Service de police judiciaire est composée de 10 enquêteurs.

Les principaux domaines de compétence de la section sont les suivants :

- Infractions sexuelles sur mineurs
- Viols sur mineurs
- Enlèvement de mineurs à répercussion internationale
- Outrage public aux bonnes mœurs, détention de matériel et infraction via Internet dans le domaine de la protection de la jeunesse
- Pornographie infantile

Actuellement, deux enquêteurs de la section « Protection de la jeunesse » traitent les dossiers à caractère pédopornographique, sans que ceux-ci soient relevés des enquêtes à caractère « abus sexuel », mission principale de la section.

En ce qui concerne les logiciels pour détecter du matériel pédopornographique déchargé sur des ordinateurs des auteurs présumés, la Police grand-ducale s'est dotée d'un programme informatique performant aidant à isoler les images à caractère pédopornographique. Il va sans dire que l'évaluation incessante de l'Internet entraîne une obligation d'adaptation constante aux médias informatiques par les enquêteurs.

Une contribution active à ICSE est prévue en 2018.

MALTA / MALTE

State replies / Réponses de l'Etat

Question 13.1.

- a. CyberCrime unit and the Vice Squad Department within the Police force;
- b. Lawyers at the Office of the Attorney General (AG) and also Police prosecutors (under Maltese law the Police act as prosecutors before the superior courts and in other cases of certain importance, whereas the Police can only act as prosecutors before the Inferior Courts.
- c. There are no specific Courts or Tribunal which specialise on this subject, however members of the judiciary also receive training periodically to keep themselves up-to-date. Such training is organised through the Judicial Studies Committee.

Question 13.2.

There are various departments within Appogg Agency, which is the national agency entrusted to offer support to juveniles, that specifically deals with offences committed by minors and / or against minors. However it deals with general offences and not specifically with ICT facilitated sexual offences. The same can be said to the Cyber Crime Unit and the Vice Squad Department of the Malta Police Force.

In addition to this, reference is made to the above replies in relation to questions

→ No reply to this question / Pas de réponse à cette question

→ Law enforcement:

Focus on identifying victim not just removing the material.

In Malta there is a memorandum of understanding between the Malta Police Force and Agenzija Appogg on victim identification and contribution to the ICSE image database.

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

State replies / Réponses de l'Etat

Question 13.1.

The Chapter III of the Criminal Procedure Code of the Republic of Moldova (*Articles 266-273*), establishes the competence of the criminal investigation bodies and the competence and actions of the finding bodies.

Thus, both the Ministry of Internal Affairs (*the Police*) and the General Prosecutor's Office (*Prosecutor's Office for Combating Organized Crime and Special Causes*) are empowered to examine such offenses.

Within the Ministry of Internal Affairs there are 2 specialized units in charge of dealing with these matters: The Centre for Fighting Cybercrime and Centre for Combating Trafficking in Human Beings. Also, within the General Police Inspectorate of the Ministry of Internal Affairs as a specialized subdivision operates the Child Safety Service. In this context, we mention that 48 specialists are currently working with the children at territorial level, within the Police Inspectorates, who are responsible for coordinating and ensuring policies on child rights protection. Within the General Police Inspectorate and the territorial Police Inspectorates there are 45 prevention inspectors.

Child Safety Service is an important factor in every police entity because it is the bridge to ensure the interaction and co-operation of the subdivision with organs and institutions deployed in the territory served, with competence to elucidate risk situations among children.

Question 13.1.a.

According to the art. 266 of the Criminal Procedure Code of the Republic of Moldova, the criminal prosecution body of the Ministry of Internal Affairs carries out the criminal prosecution for any offense not provided by law under the competence of other criminal prosecution bodies or are given in its competence by the prosecutor's order.

Even more, in the art. 273 of Criminal Procedure Code of the Republic of Moldova, Police - is a finding body for offenses not given by law in the competence of other finding bodies. Thus, through its specialized structure, the Police have the right, under the law, to detain the perpetrator, to raise the offending bodies, to request the information and documents necessary for the finding of the offense, to quote persons and obtain statements from them, to assess the damage and to perform any other actions that cannot be delayed, with the drawing up of the minutes in which the actions taken and the established circumstances will be recorded.

Within the Police there is a specialized unit - the Centre for Combating Cybercrime of the National Investigation Inspectorate of the General Police Inspectorate. The regulation for the organization and operation of this specialized unit is approved by the Order of the General Police Inspectorate.

The Centre for Combating Cybercrime has the competence of a finding body and prosecution body throughout the Republic of Moldova, including special investigative activity. The Centre for Combating Cybercrime's mission is to combat and prevent cybercrimes or those committed by using ICT. Similarly, Centre for Combating Cybercrime ensures the co-operation with other law enforcement bodies at national and international level on its area of competence.

The Centre for Combating Cybercrime consists of 6 specialized sections: Planning section; Computer Security Section; Electronic payment means section; Child Protection Section; Criminal Investigation Section; Operational Support Service.

The Child Protection Section within the Centre for Combating Cybercrime - ensures the prosecution on cybercrime and related offenses committed through the use of computer systems and modern technical means, the qualitative and timely research of the information provided, the assurance of the legal conditions of liability of those who have committed offenses, the assurance of the reparation of the damage caused by committing offenses within the limits of the competence established by the legislation of the Republic of Moldova.

Question 13.1.b.

Within the General Prosecutor's Office of the Republic of Moldova operates the Prosecutor's Office for Combating Organized Crime and Special Causes, which has the Office for Combating Trafficking in Human Beings and Cybercrime. The task of leading the criminal prosecution on cases of child sexual abuse is given to their competence.

On 01.08.2016, within the General Prosecutor's Office, the Juvenile Justice Section of the Politics of the Reforms and Protection of the Society's Directorate was created (with the entry into force of *Law no. 3 of 25.02.2016 on the Prosecutor's Office* and the approval of the internal structure of the General Prosecutor's Office).

Question 13.1.c.

The Republic of Moldova does not have specialized courts for children. On the other hand, within the National Institute of Justice, the Modular Plan for the Continuous Training of Judges and Prosecutors (drafted annually) includes seminars focusing on investigating and examining offenses related to sexual exploitation and sexual abuse of children.

We note that according to the provisions of the art. 2 paragraph 1) of the Law no. 152 "Regarding the National Institute of Justice" of June 8, 2016, the National Institute of Justice is the competent public institution with the competence to carry out the continuous training of the judges and prosecutors in office.

Question 13.2.

Within the Police there is a specialized unit - the Centre for Combating Cybercrime of the National Investigation Inspectorate of the General Police Inspectorate. The Child Protection Section within the Centre for Combating Cybercrime - ensures the prosecution on cybercrime and related offenses committed through the use of computer systems and modern technical means, the qualitative and timely research of the information provided, the assurance of the legal conditions of liability of those who have committed offenses, the assurance of the reparation of the damage caused by committing offenses within the limits of the competence established by the legislation of the Republic of Moldova.

→ At Police level:

Specialized Unit - the Centre for Combating Cybercrime of the National Investigation Inspectorate of the General Police Inspectorate. The Centre is made up of 6 sections; one of them is the Child Protection Section within the Centre for Combating Cybercrime.

The mandate of the Child Protection Section consists of the assurance of the prosecution on cybercrime and related offenses committed through the use of computer systems and modern technical means, the qualitative and timely research of the information provided, the assurance of the legal conditions of liability of those who have committed offenses, the assurance of the reparation of the damage caused by committing offenses within the limits of the competence established by the legislation of the Republic of Moldova.

The Child Protection Section within the Centre for Combating Cybercrime has 4 officers, specialized in investigating this kind of crime, in the orientation of the police activity on the interaction with the members of the community and its representative bodies (the central and local public administration authorities) the prevention of illegal acts generating offenses and contraventions, the provision of qualified services to the population in the fields of activity, as well as the transposition and implementation of state policies related to the prevention of illegal acts generating offenses and contraventions, especially in the field of public security.

At the level of the General Prosecutor's Office:

The Prosecutor's Office for Combating Organized Crime and Special Causes has the Office for Combating Trafficking in Human Beings and Cyber Crime. The task of leading criminal prosecution on cases of child sexual abuse is given to their competence. The office has 5 prosecutors who ensure the pursuit and conduct of criminal prosecution.

Prosecutors from the regions of the Republic of Moldova ensure the same application of the research procedures on the basis of the Methodological Guide on the investigation of the cases with child victims / witnesses of offenses, including sexual ones, approved by the Prosecutor General Order no. 25/25 of 3 August 2015 and the Decision of the Superior Council of Magistracy no. 619/25 of 2 September 2015.

The Juvenile Justice Department within the Directorate of Politics, Reforms and the Protection of the Society's Interest, created on 01.08.2016, with the entry into force of *Law no.3 of 25.02.2016 on the Prosecutor's Office* and the approval of the internal structure of the General Prosecutor's Office.

→ Law enforcement:

- a) The Centre for Combating Cybercrime of the National Investigation Inspectorate of the General Police Inspectorate (Ministry of Internal Affairs) performs the victim identification function. The Centre for Combating Cybercrime administers the national database on child pornography victims and their abusers through the "*Child Protection Information System*".
- b) The 4 officers of the Child Protection Section of the Centre for Combating Cybercrime (see p.13.2) are users of the ICSE database of ICPO Interpol.

MONACO

State replies / Réponses de l'Etat

Question 13.

Services spécialisés

La Direction de l'Action et de l'Aide Sociales de Monaco est le service de l'Etat chargé d'organiser et d'assurer la protection des mineurs en danger, établissant pour ce faire un partenariat avec tous les acteurs concernés.

Ainsi, depuis de nombreuses années, un partenariat s'est établi entre tous les acteurs concernés, permettant un véritable travail en réseau.

La prise en charge des violences sexuelles infligées aux enfants regroupe :

- les actions de prévention ;
- le repérage des enfants en difficultés et leur signalement ;
- leur accompagnement médico-socio-éducatif.

La Direction de l'Education Nationale de la Jeunesse et des Sports, joue un rôle préventif dans la mesure où elle est en charge de la politique éducative menée en Principauté de Monaco.

En outre, le personnel des établissements scolaires dépend de cette Direction et est souvent à l'origine du signalement de l'enfant en difficulté. La présence dans chaque établissement d'un psychologue scolaire, d'une assistante sociale et d'une infirmière permet de repérer rapidement les situations préoccupantes d'élèves, notamment s'agissant d'abus sexuels.

La Direction de l'Action et de l'Aide Sociales assure, quant à elle, plus particulièrement, la prise en charge des enfants victimes, ainsi que le suivi et la mise en place des mesures tendant à la réinsertion et à la réadaptation des enfants violentés. Dans ce cadre, cette Direction est garante du bon fonctionnement du Foyer de l'Enfance et met en œuvre les mesures d'assistance éducative instaurées par le Juge Tutélaire.

La Direction de la Sûreté Publique, en charge en particulier du volet répressif, s'attèle à l'identification des auteurs des abus sexuels.

La Direction des Services Judiciaires, est en charge de la protection des mineurs victimes d'abus sexuels (des mesures d'assistance éducative¹⁰ ou des placements en foyer d'accueil peuvent être prises par le Juge tutélaire) et de la condamnation des auteurs conformément au droit pénal en vigueur.

L'ensemble de ces Directions, au travers d'une concertation régulière, coopère dans le domaine de la lutte contre l'exploitation et les abus sexuels, favorisé par l'exiguïté du territoire et la proximité entre les différentes autorités.

Enfin, il est important de relever la coopération existant dans ce domaine entre les autorités gouvernementales, la Mairie de Monaco et le Centre hospitalier Princesse Grâce.

Question 13.1.

Le service chargé de s'occuper des infractions sexuelles commises contre des enfants et facilitées par l'utilisation des TIC au sein des forces de l'ordre est la Section des Mineurs et de Protection Sociale de la Direction de la Sûreté Publique.

La SMPS a également en charge de s'occuper des infractions sexuelles commises contre des enfants y compris par des délinquants mineurs et facilitées par l'utilisation de TIC.

Cette Section dispose de 6 enquêteurs et de 2 Assistantes sociales de police. Du personnel est habilité à user de logiciels d'extractions de données d'un téléphone, smartphone, tablettes tactiles, GPS. En cas de nécessité, des réquisitions à experts sont rédigées.

La SMPS dispose d'un logiciel de détection des fichiers à caractère pédopornographique. Ce dernier permet d'alimenter directement la base de données en cas de découverte de nouveau support.

De manière générale, dans l'hypothèse de découverte d'un contenu semblant non répertorié les informations sont transmises via le canal Interpol.

Question 13.2.

No reply to this question / Pas de réponse à cette question

MONTENEGRO

State replies / Réponses de l'Etat

Question 13.1.a

In the Police Administration, Department for the Fight against Organized Crime and Corruption, since 2015, the Group for the Fight against High-Tech Crime has been formed. Among other things, the officers of the said group are engaged in the detection and clarification of criminal offenses in the field of child pornography on the Internet, i.e. the prevention, possession and exchange of explicit content, photographs in which children are sexually abused or exploited.

¹⁰ Article 317 du Code civil : « Une mesure de surveillance ou d'assistance éducative peut être prise dans les conditions fixées aux articles 318 à 321 ci-après et aux articles 833 à du Code de procédure civile, à l'égard de tout mineur dont la santé, la sécurité, la moralité ou l'éducation sont compromises ».

Article 318 du Code civil : « Dès sa saisine, le juge tutélaire peut prescrire une enquête sur la personnalité du mineur, son milieu familial, et ordonner toutes autres mesures d'information qui lui paraîtraient utiles. Pendant l'enquête, il peut, par ordonnance, prendre à l'égard du mineur toute mesure de protection que requiert sa situation. Si l'intérêt du mineur l'exige, cette mesure peut être modifiée ou rapportée à tout moment. »

Question 13.1.b/c

The Expert Service for IT and Digital Evidence has been established within the Special Prosecutor's Office for Organized Crime, Corruption and War Crimes which deals with the analysis of electronic illegal content in particular for acts within the jurisdiction of the Special Prosecution. The Professional Service was established within the Supreme State Prosecutor's Office of Montenegro, in accordance with the Act on Treatment of Juveniles in Criminal Procedure, the Professional Service affairs are carried out by experts of various specialist professions (social workers, psychologists, pedagogy specialists, etc.) who can provide expert opinions, information and other assistance in dealing with a juvenile perpetrator of a criminal offense, including the treatment of sexual offenses and children who are enabled through ICT as well as those from Chapter 9-11. In this regard,

Main activities and responsibilities are:

- Providing expert findings and opinion, information and assistance in treatment of juveniles/children, upon the request of a state prosecutor:
 - In the criminal proceedings, independent performance of tasks during the preparatory proceedings, the proceedings for imposition of diversion measures and criminal sanctions, the proceedings of supervising the execution of diversion measures and criminal sanctions imposed on juveniles,
 - also, in the proceedings of criminal law protection of the children to the detriment of whom the criminal offences have been committed, or the protection of child witnesses.
- The performance of administrative tasks it is charged with and keeping records of diversion measures imposed on juveniles.
- Cooperation with local communities for the purpose of collecting and sharing information on a juvenile, supervision over the execution of measures and sanctions against juveniles, as well as monitoring the situation and movements of juvenile delinquency, and initiating relevant prevention programmes.
- Participation in the work of the bodies for the protection of rights of children and young people, in developing regulations pertaining to the protection of rights of children, young people and families.

The Professional Services shall contribute to:

- the urgency of proceedings and individualisation of juvenile's treatment, performed in a child's best interest, for children in conflict with law and children to the detriment of whom the criminal offences have been committed and for children as witnesses;
- providing professional assistance in the preparatory proceedings in obtaining all available elements for a right decision, with respect to a child's personality, development and living conditions, needs, abilities, expectations, problems, not only relating to a child's participation in the proceedings, but also to the process of rendering decisions (on expediency of conduct of the proceedings against a juvenile, pronouncement of educational measure/security measure/alternative measure and in the procedure of control and supervision over the execution of measures and/or replacement measures, in testimony and security of a child);
- the examination of a child (an interview professionally adjusted to a child's capabilities and needs and to the proceedings being conducted), including an interview with a child using audio – visual equipment;
- preparing children and parents for the proceedings conducted at the prosecutor's office;
- child safety and potential risk sensitivity;

- child participation in the procedure which is conducted against him/her in a manner adapted to a child, and so that an authentic child's opinion be heard as well;
- informing a child of the proceedings conducted against him (providing feedback on the course and consequences of the proceedings).

In courts, there are no specially specialized units for dealing with sexual offenses against children.

The Act on the Treatment of Juveniles in Criminal Proceedings, Article 46 prescribes specialization in the proceedings against minors and the existence of the Professional Service. Juvenile judges and juvenile panel judges must be persons with specialised knowledge of the rights of the child and rules for treatment of juvenile offenders and juveniles as parties to criminal proceedings.

The same article provides for the professional support service set up with high courts to provide assistance to the courts with territorial jurisdiction.

The Professional Service affairs are carried out by experts of various specialist professions (social workers, psychologists, pedagogy specialists, etc.) who can provide expert opinions, information and other assistance in dealing with a juvenile perpetrator of a criminal offense, including the treatment of sexual offenses and children who are enabled through ICT as well as those from Chapter 9-11. In this respect,

The Professional Service cooperates with the competent institutions of social and child protection, as well as educational institutions that are obligated to submit reports and opinions at its request.

When a participant is a juvenile injured by the offence or being a witness, actions are usually undertaken by persons who have acquired special titles in the field of the rights of the child and on the rules of treatment of juveniles who are participants in criminal proceedings, taking into account age, personal characteristics, education and opportunities in which a minor lives.

The hearing of a juvenile younger than 14 years of age shall be carried out with the assistance of professional support staff.

Question 13.2.

The group for the fight against high-tech crime was formed in the Police Administration of Montenegro in August 2015.

→ Unit for Combating High-Tech Crime is located within the Department for Combating Organized Crime of the Criminal Police Sector - Police Administration (Mol). The Unit was formed in August 2015 in accordance with the Rulebook on Internal Organization and Job Classification. The aforementioned Rulebook envisages 3 service posts, namely the Senior High Inspector of Police, the High Police Inspector and the Independent Police Advisor. Only one of the above-mentioned civil service posts was filled in, and this was the Senior Police Inspector first class.

The officers of the said group are working to clarify criminal offenses in the area of computer crime, as well as all other criminal offenses that are enabled by the use of information technology, including crimes from the area of child pornography.

→ Law enforcement:

a) Unit for Combating High-Tech Crime There has no victim identification function.

- b) There is no active contribution to the ICSE database because paedophiles are found using existing photos or their HASH values obtained from the ICSE base.

NETHERLANDS / PAYS-BAS

State replies / Réponses de l'Etat

Question 13.1.

The judgement of the severity of sexting cases is done by the special vice division in consultation with the Public Prosecution Office.

The more serious case are done by the special TBKK units that handle child pornography (and child sex tourism). They also support the regional units with expertise.

Cases with youngsters regarding sexting that are eligible, will be dealt with by bureau Halt, in the interest of the future of the involved youngsters.

Question 13.2.

No reply to this question / Pas de réponse à cette question

→ 13.1 vice units (614 fte)

13.2 TBKK (150 fte)

→ Law enforcement:

a) Yes.

b) Yes. The Netherlands also contributes financial for 5 years for the development/implementation of ICSE (including training). Also a police offer with technical knowledge is temporarily places at Interpol.

NORTH MACEDONIA / MACEDOINE DU NORD

State replies / Réponses de l'Etat

Question 13.1.

The Sector for Computer Crime and Digital Expertise within the Ministry of Interior of the Republic of Macedonia is competent for investigating cases of sexual abuse of children on the internet.

In addition, the Departments of Computer Crime within the composition of the Sectors for Internal Affairs at the whole territory of the Republic of Macedonia have such a competence.

Pursuant to the Law on Public Prosecution, Article 15:

- (1) In a Public Prosecutor's Office with a larger amount of homogeneous cases, with the purpose of improved efficiency and specialisation of the work of the Public Prosecutor's Office, sections as internal organisational units may be formed for a more narrow area of its competence. Sections are managed by a Public Prosecutor assigned according to the annual work schedule of the Public Prosecutor's Office on the basis of a narrower specialisation and professionalism of the public prosecutor assigned as section head.

Pursuant to Article 101 of the Law on Juvenile Justice:

- (1) The specialised court departments for child crimes formed in the basic courts with extended competence shall be composed of judges specialised for juvenile cases, councils for children and counsellors for children.
- (2) The judge specialised for juvenile cases shall conduct the preparatory procedure, shall make decisions pursuant to Article 86 of this Law, shall chair the Council for Children and shall perform other tasks as defined by Law.
- (3) The judge specialised for juvenile cases, the public prosecutor and the authorised competent persons from the Ministry of Interior shall undergo specialised training for juvenile justice in the country or abroad, for at least five days a year.

Question 13.2.

For the cases requiring international cooperation the Sector for Computer Crime and Digital Forensics, the Section for Investigations of Computer Crime uses the resources of the Sector for International Police Cooperation (Europol and Interpol) within the framework of the Ministry of Interior. Additionally, with the purpose of capacity building the Sector for Computer Crime and Digital Forensics is right now at a stage of application for membership into the European Cybercrime Centre.

The Ministry of Interior of the Republic of Macedonia as an INTERPOL member actively cooperates with all member states in exchange of data in relation to investigations of sexual exploitation and abuse of children.

NCB INTERPOL Skopje initiated a procedure for enabling this area's experts employed at the Ministry a direct access to the INTERPOL ICSE (INTERPOL's International Child Sexual Exploitation database). Access will be fully enabled following procurement of the necessary technical equipment.

The Agreement on Operational and Strategic Cooperation between the Republic of Macedonia and Europol enables participation of the Ministry in the working files for analysis of Europol (AWF - Analysis Work File).

Namely, in accordance with the existing concept of the Analysis Work Files, two work files have been formed (for organised crime and for countering terrorism) and each of them consists of the so-called Analytical projects specialised for specific areas of work.

The Ministry of Interior of the Republic of Macedonia is participating in five Analytical projects and there is an on-going procedure for joining the AP Twins (Internet child pornography).

NORWAY / NORVEGE

State replies / Réponses de l'Etat

Question 13.1.

All police district in Norway have specialized units dealing with all types of sexual offenses, including ICT facilitated sexual offences against children.

In Norway the Norwegian Prosecuting Authority is integrated into the Norwegian Police Service. Designated representatives from the prosecuting authority is responsible for handling the cases investigated by the specialized unit.

There are not specialized units in the courts.

Question 13.2.

→

The numbers of staff in the specialized units in the police districts dealing with sexual offences varies. The number of staff depends on the size of the police district and the number of cases. Every unit shall have expertise covering all types of topics within sexual offences.

→

There is a unit in every police district that is taking care of victim identification. The national criminal investigation service (NCIS Norway), is connected to Interpol's international Child sexual exploitation data base (ICSDB) and they are searching and uploading material on behalf of the police districts. Norway is an active contributor to the ICSDB.

POLAND / POLOGNE

State replies / Réponses de l'Etat

Question 13.1.a.

No

Question 13.1.b.

No

Question 13.1.c.

No

Question 13.2.

No

→ Law enforcement:

In cooperation with Interpol Polish Police continues process of identification of Polish victims of sexual abuse based on evidence materials (child abuse images) successively receiving from ICSE database.

Furthermore as a realization of EU Security Policy Cycle years 2014-2017 Poland actively participates in actions regarding to EU crime priority "Cybercrime-Sub-priority Online Child Sexual Exploitation" which one of the strategic goals is an "increase and improve the capacity and capability to combat online child sexual exploitation within the EU, with focus on victim identification, expertise in investigation and forensic techniques". Between operational aims dedicated to achieve the a/m strategic goal is development of victim identification which consists inter alia identification of at least one expert in all Member States to focus on Victim Identification strictly and only.

Poland wants to cooperate with Interpol in the field of victims' identification more actively. Therefore Polish Police wants to train several Police officers from regional units for combating human trafficking in using of ICSE database and to assure connection of all Regional Police Headquarters where the a/m officers work to the database. At the moment Poland is in the process of analysis possibility of organization of trainings with Interpol trainers specializing in proper and effectively use of ICSE database.

PORTUGAL

State replies / Réponses de l'Etat

Question 13.1.a.

Some of these crimes fall within the competence (of investigation) of the Criminal Police, which has specialized sections. Portuguese law has recently created within the Criminal Police a new structure called National Unit against Cybercrime (Unidade Nacional de Combate ao Cibercrime e Criminalidade Tecnológica – UNC3T), a national unit against cybercrime and technologic criminality specialized in the investigation of crimes against children and young people committed with ICT. However, within PJ's other units there are teams specialized in the investigation of child abuses. The inspectors of these brigades receive training on how to interview the victims and how to collect digital forensic evidences, including the self-generated intimate images and videos that are uploaded or shared on the internet

Question 13.1.b.

The Central Department for Investigation and Prosecution (DCIAP) is a structure that has the authority to initiate, carry out and conduct the prosecution for sexual crimes committed against minors by ICT or disseminated through these ICT (crime communicated through communications from other States and international organizations).

In DIAPs (Departments for Criminal Investigation and Prosecution)¹¹, there are specialized sections for sexual crimes against children, including those facilitated by ICTs.

Question 13.1.c.

No.

Question 13.2.

NA.

→ These sections have a variable number of deputy prosecutors headed by a senior prosecutor with coordinating functions. The number of judicial officers is (as a rule) proportional to the number of prosecutors.

For instance in DCIAP: 1 magistrate and 2 civil servants dedicated to identification and localization of suspects of child pornography through the screening of procedures sent by National Center for Missing and Exploited Children (through the Cyber Tipline, which "provides the public and electronic service providers (ESPs) with the ability to report online (and via toll-free telephone) instances of online enticement of children for sexual acts, extra-familial child sexual molestation, child pornography, child sex tourism, child sex trafficking, unsolicited obscene materials sent to a child, misleading domain names, and misleading words or digital images on the Internet"

<http://www.missingkids.com/gethelpnow/cybertipline>

→ Law enforcement:

a) Yes.

b) Yes, those data are also centralized by PJ's UNC3T.

Portugal, like most countries in Europe has a Hotline, which is a full member of the INHOPE Association. Apart from cooperating with law enforcement (Policia Judiciária), the Portuguese

¹¹ DIAPs are organizational units of the public prosecutor's office set up in some circumscriptions which have the jurisdiction for investigating and prosecuting crimes attributed.

Hotline forwards complaints into INHOPE, effectively feeding the ICSE mechanism.

ROMANIA / ROUMANIE

State replies / Réponses de l'Etat

Question 13.1.

Regarding prosecutors, according to art. 11 par. 1 point 2 of GEO no. 78/2016, the competence to conduct criminal prosecution for child pornography provided in art. 374 The Criminal Code belongs to the Directorate for the Investigation of Organized Crime and Terrorism. The prosecution is carried out by the prosecutor, who may delegate acts to judicial police officers.

At the level of the Romanian General Police Inspectorate, within the Directorate for Combating Organized Crime, the Office for Combating Child Pornography through Computer Systems functions with a number of 5 officers.

Also, at the level of the Brigade for Combating Organized Crime, there are Criminal Intelligence Services, competent to carry out by delegation certain acts of criminal prosecution ordered by the prosecutors of the Directorate for Combating Organized Crime and Terrorism.

Question 13.2.

At the level of the Romanian Police there is no formation dedicated to the children who are guilty of committing sexual offences.

The General Prosecutor's Order no 32/2014, appoints the prosecutors within the Directorate for Investigating Organized Crime and Terrorism which perform criminal prosecution in cases with children.

The Directorate for the Investigation of Organized Crime and Terrorism Crime is composed of the Central Structure (within which there are 9 prosecutors at the Cybercrime Service of the Counter-Terrorism and Cybercrime Division), with specialized prosecutors, (14 territorial offices and 26 territorial offices) in which there are 174 prosecutors who carry out criminal prosecution, including cases of cybercrime.

The working procedure in cases of child pornography through computer systems handled by prosecutors of the Directorate for the Investigation of Organized Crime and Terrorism and by the specialized officers of the Office for Investigation and Counterfeiting by Delegation involves a victim identification process by thoroughly analyzing photo-video materials identified on the high storage media from the suspect, including through the use of specialized programs. The most important instrument for identifying victims of child pornography is the ICSE - International Child Sexual Abuse Database, managed by Interpol. Officers from the Infant Pornography Bureau through Information Systems have received training programs to use the database and hold ICSE accounts. After finalizing photo and video file analysis, those falling under the law are loaded into the ICSE database. Also, police officers constantly connect to the database, actively participating in the process of identifying new victims, having discussions on the existing forum within the database.

At the same time, the most important tool for identifying victims of child pornography is the ICSE - International Child Sexual Abuse Database, managed by INTERPOL. After finalizing the photo and video file analysis, those falling under the law are uploaded to the ICSE database. Also, almost daily police officers are connected to the database, actively participating in the process of identifying new victims, having discussions on the existing forum within the database.

Romania has been participating in the ICSE database since 2009, when it was launched by INTERPOL. For the use of the ICSE, DCCO police officers have been specialized through training courses organized at the INTERPOL General Secretariat of Lyon.

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

State replies / Réponses de l'Etat

Question 13.1.

Special units aimed at investigating the situations covered in questions 9-11 do not exist.

Nonetheless the stakeholders involved in combating minors' sexual abuse report on special units which tackle the minors' sexual exploitation and abuse, including the mentioned crimes ICT facilitation.

Meanwhile, according to the information of the Supreme Court of the Russian Federation, the Decree of the Presidium of the Council of Judges of the Russian Federation of 17.10.2016 on the use by the courts of technologies of restorative justice and mediation applied in the area of child-friendly justice is in force.

The Investigative Committee informs that special units, whose competence includes exclusively the investigation of sexual crimes against minors, facilitated by the use of information and telecommunications networks (including the Internet) do not operate. However, a specialization of investigators and units exercising procedural control (broader competence) has been introduced to consider crimes committed by minors and against them. This allows for the on-going training of investigators, closely monitoring of the investigation of criminal cases, seeking maximum protection of the rights and interests of the child and their recovery. Annually about 150 investigators are trained in educational divisions of the Investigative Committee on tailored courses dedicated to mentioned crimes investigation.

According to the Ministry of the Interior in the structure of 50 regional territorial bodies of the Ministry specialized units have been established to combat crimes against sexual inviolability.

The Ministry of the Interior informs that on the basis of accumulated experience the following methodological recommendations have been prepared and sent to the territorial bodies for operational-search activities, as well as to training centers for staff professional development:

“Using the profiling technique to assess the probability of a crime committed against the sexual inviolability of minors on the basis of materials on the Internet (through criminal investigation).

An analytical review is being drafted on the topic “The activities of criminal investigation units for identification and documentation of crimes against the sexual inviolability of minors”.

Methodological recommendations are being drafted on the issues related to identification and documentation of crimes against the sexual inviolability of minors.

Question 13.2.

In structure of the Ministry of the Interior there is "K" department which deals with questions of counteraction to distribution of pornographic materials with participation of minors through the Internet. The relevant information is mentioned in reply to question 13.1.

→ Law enforcement:

Such activities are carried out.

SAN MARINO / SAINT-MARIN

State replies / Réponses de l'Etat

Question 13.1.

There are no special units/services/sections dealing exclusively with sexual offences against children and facilitated by the use of ICT (information and communication technologies). However, there is an office within the Gendarmerie called "Gender and Child Abuse Office". If crimes against children are reported, this office carries out investigation with the support of the Judicial Police Unit of the Gendarmerie (forensic police, prevention of and fight against cybercrime). In all cases, specific investigation activities will be coordinated and ordinate by the Investigating Judge to whom the crime was reported.

Question 13.2.

The Forensic Police of the Judicial Police Unit is equipped with the tools and expertise to carry out investigations in the field of cybercrime. The team is supported by the Gender and Child Abuse Office, whose staff is trained to deal with offences against children.

→ Law enforcement:

- a) No such specific function exists: the police use traditional investigation techniques.
- b) Yes, the San Marino law enforcement authorities are in close contact with the San Marino INTERPOL NCB, but no cases have been filed so far.

SERBIA / SERBIE

State replies / Réponses de l'Etat

Question 13.1.a/b.

Public Prosecutor Answers:

The Law on Organisation and Competence of Government Authorities in Combating High-Tech Crime governs education, organisation, competences and powers of special organizational units of state authorities for detection, prosecution and trying for criminal offences. Under the Law, the cybercrime is a commission of a criminal offence where computers, computer systems, computer networks, computer data and their tangible and virtual outputs are objects or tools of the commission.

The Law is applicable for the purpose of detection, persecution and trying, inter alia, for property crimes (blackmail and coercion), as well as sexual offences, which may be regarded of as a cybercrime due to the method of their commission or means used to commit the crime.

In 2005, a separate anti-cybercrime division for the territory of the Republic of Serbia was set up within the Higher Prosecution Office in Belgrade, which is in charge to prosecute cybercrimes.

The Anti-Cybercrime Service has been set up within the Ministry of Interior, which carries out the activities of the Ministry of Interior regarding cybercrime. It follows up on the requests of the Special Prosecutor, in compliance with the law.

Question 13.1.c.

Public Prosecutor Answers:

The Higher Court in Belgrade is in charge for cybercrime cases for the territory of the Republic of Serbia. The appellate decisions (second instance) are made by the Appellate Court in Belgrade. However, there

is no advanced training (specialization) organized for judges in this field of expertise.

Ministry of Justice Answer:

The Higher Public Prosecutor's Office in Belgrade is responsible for the handling of criminal cases on the basis of the Law on Organization and Jurisdiction of State Authorities for Combating Cyber Crime for the whole territory of the Republic of Serbia.

NGO Astra Answers:

There is a unit within the police and Higher Prosecutor's Office in charge for high-tech crime. The Office of High Technological Crime is prosecuting perpetrators of crimes whose targets or means of execution are computers (i.e. "every electronic device that automatically processes and exchanges data on the basis of the program"), computer systems, computer networks, computer data, computer programs etc.

Question 13.2.

Public Prosecutor Answers:

Prosecution of minors who have committed criminal offences are under the competence of specialized divisions for juvenile delinquency set up within higher public prosecution offices in the Republic of Serbia. The minor is brought before a judge or a panel for juveniles of higher courts. Public prosecutors and their deputies, and judges and lawyers who participate in such procedures are the persons who have acquired special knowledge on the right of the child and juvenile delinquency.

NGO Astra Answers:

Within the police there is a Department for Prevention and Suppression of Juvenile Delinquency, in charge of monitoring and analyzing the dynamics of juvenile delinquency and the protection of minors in criminal proceedings, controlling activity and providing professional assistance in the application of police powers to minors, improvement of the functioning of the organizational units responsible for combating juvenile crime by prescribing unique standards and procedures, as well as permanent professional training of police officers. There is also a special prosecutor for juvenile offenders as well as a judge who are in charge for all cases involving children.

→ Public Prosecutor Answers:

In the special prosecution office for cybercrime, in addition to the special prosecutor, there are four more deputies of the special prosecutor and five prosecutor's assistants, specialized to follow up on and act as per all types of cybercrime cases.

Public prosecutor deputies at the juvenile delinquency divisions of high public prosecutor offices shall be assigned in such a number so as to be reciprocal to a total number of appointed deputies in every public prosecution office which so as to be adequate to take up the cases of juvenile delinquency. The deputies are versed in the right of the child and juvenile delinquency. In cybercrime cases are dealt with in consultation and coordination with the special prosecution office.

→ Law enforcement:

NGO Astra Answers:

ASTRA does not have information regarding this question.

Comments sent by / Commentaires envoyés par Coalition for Monitoring Child Rights

Question 13.

Specialised authorities

As to the institutions in charge of combatting child pornography, there is a special unit dedicated to cybercrimes with jurisdiction over the whole territory of the country - the Department for High Technology Crime. This department is very active, involved in a number of cooperation programmes with other relevant institutions and visible in media. However, this specialized police department lacks modern software tools for forensic work and needs additional capacity building of its police inspectors who should produce a better quality police reports. These challenges are very important since they may jeopardize outcome of further investigation.

Another relevant institution is the Special Department for High Technology Crime, established as a part of the Higher Public Prosecutor's Office of Belgrade, which also has jurisdiction over the entire territory of Serbia. The specialized prosecutor for cybercrime is under-capacitated and therefore not able to process all cybercrime cases, in particular in the area of combatting child pornography.

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

State replies / Réponses de l'Etat

Question 13.1.

Within the law enforcement authorities (the police, the prosecution office, the courts), there are no specialised departments responsible for resolving the sexual offences against children throughout ICTs.

Question 13.2.

No reply to this question / Pas de réponse à cette question

→ In practise, investigation and detection of pertinent criminal activity is solved mainly within the respective competence of Departments of Criminal Police of District Directorates of the Police Force. In line with the Regulation of the Police Force President No. 21/2009 concerning with criminal activities of youth and criminal activity against youth, there is an operative worker and an investigator for investigation of pertinent criminal activity determined. The Department of Cybercrime of the Criminal Police Office of the Presidium of the Police Force is specialised department with competence all over the territory of the Slovak Republic aimed at detection of sexual exploitation of children online (i.e. sexual exploitation of children through ICTs and therefore criminal offences related to child pornography). The Department is also contact point for relations with foreign countries regarding this issue. The Department verifies all the received relevant information and subsequently submits them to territorially respective Criminal Police Departments of District Directorates of the Police Force.

→ Law enforcement:

a) Within the law enforcement bodies (the police), there is no victim identification function existing.

b) Slovak Police uses the access to database of Interpol CSE that contains image material related to the issue of international sexual exploitation of children conducted by INTERPOL. The database could be used only by certain policemen trained and specialised on this topic.

SLOVENIA / SLOVENIE

State replies / Réponses de l'Etat

Question 13.1.a.

Yes.

Question 13.1.b.

Yes, there are specialized departments on five largest state prosecutor's offices in Republic of Slovenia that are competent for dealing with sexual offences against children (among them also sexual offences against children facilitated by information and communication technologies as under-specialized area).

Question 13.1.c.

No.

Question 13.2.

All specialized departments in State Prosecution in charge of dealing with sexual offences against children (nevertheless if such offences are committed by ICTs) include also prosecutors specialized for the prosecution of juvenile delinquency.

There is also specialization in the Police.

→ Five largest state prosecutor's offices have established departments for juvenile delinquency, domestic violence and sexual violence (which also includes offence of sex abuse). In Slovenian prosecution service there are approximately 25 prosecutors who are specialized in this field, but not all of them work in a special internal unit.

As a rule, all cases that are related to a specific juvenile offender, must be handled by the same prosecutor. That also includes representation of the case at the court, if it comes to the procedure.

For many years specialized prosecutors have exercised regular discussions in cooperation with the LEAs on the subject of sex abuse towards children. From year 2016 workshops on juvenile crime were also introduced. These events helped to establish interpersonal relations between all specialized prosecutors on one hand and the prosecutors and the representatives of LEAs on the other hand. Such internal cooperation enables the exchange of experiences and opinions on individual cases, especially in complex cases.

Certain cases absolutely require involvement of multidisciplinary teams that (depending on the needs of the specific situation) include experts from the LEAs, medicine, pedagogues, NGOs and other profiles. The purpose is to provide better protection of the victims, to accelerate the proceedings and to improve the collection of evidence.

Police units under 13.1.a and 13.2 are organised within same structure. At the national level, there is one unit within General Police Directorate (three investigators). At the regional level there are 8 units (altogether 23 investigators, with 10 specialized in ICT).

→ Law enforcement:

- a) Police uses procedures for identification of children in incriminated videos/images and for their further protection. So called VID function is not yet put in place, so far all investigators are identifying the victims. In last 5 years the Police has changed the working method, by taking the so called victim-centric approach in all investigative procedures.

b) Yes, since 2015 the Police has 7 qualified ICSE investigators.

Comments sent by / Commentaires envoyés par Association Against Sexual Abuse

Question 13.

We have a specialized police service that manages the control of online abuse, but Specialized Groups for Juvenile Criminal Officers are working with victims and investigating suspicions. We also have specialized courts for juvenile crime, but we do not have specialized courts. But there are no specialized units in the police, as well as in the prosecutor's offices regarding internet abuse.

SPAIN / ESPAGNE

State replies / Réponses de l'Etat

Question 13.1.

Ministry of Interior: There are units specifically dedicated to the investigation and criminal prosecution of offences related to questions 9 to 11.

Guardia Civil has specific Units in charge of minors in risk. Within this police body, the Department in charge of the investigation of all illicit activities in which minors are victims is the Central EMUME (Children-Female Teams) –operating at national level- that also coordinates the activity of territorial EMUMEs –one for each of the Spanish provinces. Among the competences of these teams we can find the investigation for all forms of criminal activities related to the production, funding, distribution, possession and access to child pornographic material.

Without prejudice to the aforementioned, when such activities are performed through ICT, the indicated teams are assisted by experts in technological research integrated in the EDITE (Technological Research Teams) that also exist in every territorial demarcation and even, if necessary, by the Computer Crime Group with nationwide jurisdiction, according to the specific characteristics of the research.

The action of Law enforcements with minors is regulated by Instruction 11/2007 of 12 September, which approves the "Protocol of police action with minors". This rule, is in accordance with Spanish and international legislation, and in particular, in line with the Organic Law 1/1996 of January 15 on the Legal Protection of Minors and Organic Law 5/2000, of January 12, regulating the Criminal Responsibility of Minors, aims to establish the criteria of action of all the Forces and Security Corps. It collects in a systematized form the different precepts and procedural formalities related to all kinds of police intervention with minors, both in the field of protection, as well as in the area of intervention due to administrative and criminal infractions.

This instruction is based on the best interest of the child, which is materialized through the principle of minimum intervention, especially when dealing with non-serious or violent crimes, and the principle of timeliness, to avoid that the police action causes more damage what benefits.

Guardia Civil addresses minor victims according to the following guidelines:

- Involving all Units related to citizen care and security, as well as forming specialized units.
- Ensuring victims adequate, personalized and specific treatment.
- Considering all aggressions they may suffer in all areas (family, work, social, school).
- Acting regardless of the age of the victim and their situation of vulnerability.
- Deriving victim assistance to specific public and/or private protection institutions.
- Implementing protective measures when necessary.

- Investigating criminal acts arising from the exercise of violence.

The territorial units carry out the immediate and direct attention to the victims. It is therefore up to them to receive complaints, provide the help they need and ensure their safety, and, in turn, enforce the judicial orders issued in the corresponding protection orders. Therefore, all the staff of these units, which are dedicated to citizen security, is directly involved in this important work.

As a complement to the action of the territorial units, the Specialized Points of Attention (PAEs) have been established at provincial and local levels since 1995. These PAEs are formed by specialized agents in the care and protection of victims of special vulnerability (especially in minors) and ensure the support and advice to the territorial units. To that end, all actions of the Territorial Units in this area are notified to the SAPs, in order to assess their possible intervention, in turn, monitoring the problem at their level of performance.

There is also a central PAE (in the Technical Unit of Judicial Police) that performs the national analysis of casuistry, coordinates the actions, establishes the technical guidelines for action, advises the provincial PAEs and updates the training of specialists.

Currently there are 276 PAEs throughout all national territory, deployed in a provincial and a local level, composed by 654 specialist in the treatment of minors victims and minors in danger.

Guardia Civil uses the INTERPOL child sexual abuse image database (ICSE), and the tools provided by this application, both to identify the images obtained in the operations against this type of crime and to communicate to other countries the identification of a victim by their Units.

At the National Police, within the Unit of Technological Research of the Intelligence General Department, there are several specialised groups for the investigation of child pornography crimes committed through ICTs. Their scope of competence is at national level and they assume the more complex investigations or those affecting a plurality of lands.

In turn, there are units specialised in technological research operating within the different provincial squads that are also in charge of this type of criminal activities when they are committed through the ICT.

Public Prosecution Service:

Research in criminal proceedings and, where appropriate, the criminal prosecution of all types of criminal activities related to child pornography crimes and/or of people with disabilities, committed by legal age persons through computer systems or, generally through the ICT, fall within the field of competence of the Area of Expertise in Cybercrime established in the Public Prosecution Service in 2011. This is a service at national level, coordinated from the Central Unit based in Madrid and that has delegations (services) in each one of the territorial bodies of the Prosecution Service (provincial prosecutor offices and local prosecutor offices). This Area of Expertise in cybercrime is in charge –in general terms- of promoting, stimulating and/or taking direct action in judicial files/proceedings initiated for any type of illicit activities committed through the ICTs and in particular the activities involved.

In most territories, files related to adults' actions through the technological tools involving telematic harassment for the purpose of production, and also the preparation, distribution, possession or access to illicit material of these characteristics, are directly handled by the Prosecutors within this specialization area. In those territories where direct action is not possible, prosecutors from the area of specialization are responsible for the coordination of the action taken by prosecutors that assume this

task as well as for supporting and collaborating with them in those technical and legal issues arising from proceedings or from the prosecution of facts.

Based on this structure, the unified criteria for the interpretation and application of baseline criminal provisions by the members of the Prosecution Service are being reinforced. Thus, in recent years, the Prosecution Service has developed different documents to establish criteria for the interpretation and application of criminal offences whereby these behaviours are punished. To this respect, the Circular Letter No. 2/2015 on child pornography crimes must be specially mentioned.

Seminars for Specialists in Cybercrime Prosecutors that are annually held are setting the common guidelines for the resolution of technical and legal issues arising from the investigation/prosecution of these crimes.

When people responsible for these behaviours are under the age of 18, competence lies with the Area of Expertise in Protection and Reform of Minors.

Courts:

There are no special jurisdictional rules for the investigation and prosecution of these behaviours that are assigned to judicial bodies according to the ordinary criteria on practical and territorial competence depending, in the first case, of the seriousness of the penalty for the illicit activity and, in the second, of the place of performance of the criminal activity.

The National High Court has jurisdiction in accordance with Article 23.4 of the Organic Law of the Judiciary when dealing with illicit activities against freedom or sexual indemnity committed against underage victims by Spanish citizens or foreigners outside the national territory, whenever they are one of the following cases:

- a. Proceedings are opened against a Spanish national.
- b. Proceedings are opened against a foreign national ordinarily resident in Spain.
- c. Proceedings are opened against a legal person, company, organisation, groups or any other type of entities or groups of persons with corporate headquarters or registered office in Spain.
- d. The offence is committed against a victim that had the Spanish nationality or habitually resided in Spain when facts were committed.

In these cases, for facts to be prosecuted in Spain, it is essential that a complaint be lodged by the Public Prosecution and that none of the circumstances provided for in paragraph 5 of the same Article 23 of the Organic Law of the Judiciary are met.

The AEPD has a unit to deal with issues relating to the privacy of minors, which include providing information on the risks of such situations and, if appropriate, transmitting to competent authorities facts that could constitute a crime.

Depending on the type of actions carried out by this Unit at any given point in time, the staff of the Unit may include up to four people.

Question 13.2.

There is a Juvenile Jurisdiction for offenders from 14 to 18 years old. Special rules are applied to them. There are also specific judicial organs and a prosecution specialised department.

For the rest, see answer above.

SWEDEN / SUEDE

State replies / Réponses de l'Etat

Question 13.1.a.

Yes, at national level there has been a specialized unit/section since over twenty years. This specialized unit is now working within the Swedish Cybercrime Centre (SC3) established on 1 October 2015. Over the coming three years, seven regional cybercrime centres will be established with approximately 300 officers. The mission will be intelligence work, to investigate all sorts of cyber-related criminality and support investigations with cyber expertise. The mission includes child sexual abuse online.

Furthermore, on 6 October 2016 the Government commissioned the Police, in cooperation with the Prosecution Authority, to strengthen its work against child sexual abuse and to develop working methods etc. A series of actions are being taken following the commission such as strengthening the cooperation between police and prosecution, developing the capacity to identify children in child sexual abuse material, establishing a forum with relevant stakeholders (police, prosecution, NGOs, social services etc.) in order to enhance the coordination and improving cooperation co-operation with countries in South East Asia.

Question 13.1.b.

The Swedish Prosecution Authority has no specialized components in charge of dealing with ICT facilitated sexual offences against children (cf. questions 9-11). Within the different prosecutions offices throughout Sweden such crimes would be allotted to prosecutors who specializes in IT-related crimes, in crimes concerning violence and sexual abuse towards children or in gross and organized crimes. The allotment would depend on the facts of the case and available resources. The structure and composition of personnel of the individual prosecution office differs in accordance with the influx of and type of cases prevalent in its area of responsibility. However, at least one of the types of specialized prosecutors described supra would be part of the staff found in every prosecution office. Crimes which are serious, organized and/or international would chiefly be handled by the Swedish prosecution authority's national unit against organized crimes. In addition, there is a national network for prosecutors working with IT-related crimes, with two dedicated contact-persons in every region. In this network issues as ongoing development, new forms of crimes committed, need for education and training etc. would be discussed and addressed. The Swedish Prosecution Authority also has development centers, which monitor the development of the different relevant subject matters, now in question, and write guidelines, manuals and organizes seminars and training sessions etc.

Question 13.1.c.

There are no specialised courts, departments or units that deal only with this kind of cases.

Question 13.2.

There are no specialised courts, departments or units that deal only with this kind of cases involving juvenile offenders.

→ Within the Swedish Cybercrime Centre (SC3) there are five different groups dealing with ICT facilitated sexual offences against children. The groups are specialized in (a) victim identification, crime prevention and intelligence (b) investigation of sexual offences against children, including investigations of Swedes traveling abroad to commit sexual abuse against children (c) handling of notifications from, among others, Swedish authorities and other countries (d) collection of data from the Internet and (e) development of methods.

→ Law enforcement:

- a. Yes. At present there are two dedicated officers working this key task. The function does not have a specific name. This is part of the tasks of the Swedish Cybercrime Centre.
- b. Yes, regularly, from the Swedish Cybercrime Centre.

Comments sent by / Commentaires envoyés par ECPAT Sweden

Question 13.

In 2019, ECPAT Sweden has published two reports which specifically examine the level of knowledge and training of Swedish prosecutors when it comes to child sexual exploitation on the internet. The reports analyse challenges when it comes to the available resources and capacity to investigate such crimes.

The report shows that Swedish prosecutors in general have limited training within this specific area. It is possible for prosecutors to specialise in crimes against children, this includes some training on sexual exploitation, parts of which concern internet-related crime. As a consequence, there are a number of prosecutors in Sweden with extensive knowledge and experience of these types of crime, but prosecutors in general hold a low level of knowledge. The Swedish Prosecution Authority operates through a number of regional public prosecution offices which naturally differ in size and capacity. The work of regional prosecutors is also dependent on a close cooperation with the police, the knowledge and capacity of which also varies between different regions.

In addition, the report points out that the level of knowledge of judges when it comes to these crimes is generally lower than that of prosecutors, which further complicates their work.

ECPAT Sweden, based on these findings, recommend that the Swedish Prosecution Authority is given sufficient resources to prioritise investigations of child sexual exploitation on the internet. This involves training all prosecutors in child sexual exploitation, including exploitation on the internet as well as offline. Given the technical nature of such crimes, such training needs to be updated continuously. It is also recommended that prosecutors have sufficient resources to be able to work in teams or to pair up with a specialised prosecutor if need be.

SWITZERLAND / SUISSE

State replies / Réponses de l'Etat

Question 13.1.a.

- L'Office fédéral de la police (fedpol), Police judiciaire fédérale, Division Informatique, Forensique et Cybercriminalité (IFC).

Au sein de la Division Informatique, Forensique et Cybercriminalité (IFC) les collaborateurs sont, entre autres, chargés de la lutte contre l'exploitation sexuelle des enfants. La coordination d'enquêtes au niveau national et international ainsi que l'identification des victimes mineures d'abus sexuels constituent leurs tâches principales.

- Tous les corps de police cantonaux possèdent des connaissances sur la situation juridique et sur les conseils concernant les infractions en question. Les plus grands corps disposent d'un groupe de protection de l'enfance. Presque tous les corps comptent aujourd'hui aussi des policiers spécialisés dans les mineurs (<https://www.skppsc.ch/fr/projets/formation-policiers-specialistes-mineurs/>). La PSC renvoie toutes les personnes en quête de conseils aux polices municipales et cantonales

[\(https://www.skppsc.ch/fr/contact-police/\)](https://www.skppsc.ch/fr/contact-police/).

Question 13.1.b.

De manière générale, toutes les autorités de poursuite pénale au sein des cantons comptent parmi elles des spécialistes dans le domaine des infractions à caractère sexuel envers les enfants (p.ex. le canton de Zürich: https://www.stadt-zuerich.ch/pd/de/index/stadtpolizei_zuerich/kinder_jugendliche/kinderschutz.html).

Question 13.1.c.

No reply to this question / Pas de réponse à cette question

Question 13.2.

→ Cf. 3.1.

- La poursuite pénale de ces infractions incombe aux autorités cantonales. Les enquêtes sont dirigées par les tribunaux des mineurs qui existent dans chaque canton. Les forces de police sont par contre organisées de manière différente et l'attribution de cette tâche peut varier d'un canton à l'autre (par ex. le canton de Zürich (https://www.stadt-zuerich.ch/pd/de/index/stadtpolizei_zuerich/kinder_jugendliche/kinderschutz.html)).

- Fedpol est chargé de coordonner les enquêtes en matière d'abus sexuels sur les enfants et de pornographie et de lancer les premières enquêtes conformément à la Loi fédérale sur les Offices centraux de police criminelle de la Confédération, LOC (<http://intranet.admin.ch/ch/f/rs/c360.html>). Effectif auprès de fedpol: environ 800 %, Structure: commissariat au sein de la division « Centre de compétence Informatique, Forensique et Cybercriminalité (IFC) »

→ Forces de l'ordre:

- a) Le Commissariat Forensique TI, cybercriminalité 5 compte parmi ses collaborateurs des spécialistes formés dans le but de contribuer à l'identification des victimes d'abus sexuels survenus en Suisse et à l'étranger. Il s'agit du point de contact principal au niveau Suisse et pour les partenaires étrangers. Les enquêteurs des polices cantonales apportent leur soutien dans ce domaine d'activité.
- b) Oui. Depuis 2010, des collaborateurs spécialisés au sein de fedpol (Centre de compétence Informatique, Forensique et Cybercriminalité 5 (IFC)) bénéficient d'un accès direct à ICSE. Ils alimentent régulièrement la banque de données en question en contribuant ainsi à l'identification des victimes. Ils participent également activement à des Workshops internationaux prévus à cet effet.

TURKEY / TURQUIE

State replies / Réponses de l'Etat

Question 13.1.a.

Cyber-crimes Department of General Directorate of Security Affairs (police department) is established for investigation and collection of evidence regarding crimes committed via ICT. The department, apart from investigation procedures, aims also creating awareness-raising among public, promoting international cooperation, training professionals who have expertise in the field of cyber-crimes.

Sexual abuse of children is one of the main working areas of this department. Within the department, there is "Bureau for Child Abuse Crimes". This specialized unit is charged also with crimes such as referred to in this questionnaire.

Question 13.1.b.

Regarding technical side of evidence collection and other investigation procedures, public prosecutors get help from law enforcement, namely from Cyber Crime Units, as stated above. Furthermore, depending on the workload and number of cases, there are Cyber-crimes offices within Public prosecution offices. Therefore, some part of public prosecutors work for crimes committed via ICT, including naturally ICT facilitated sexual abuse of children.

Question 13.1.c.

There are not specialized courts for cyber-crimes in Turkish Criminal System. However, in the case that the offender is a child at the time of committing the crime, she or he will be tried by juvenile courts. Furthermore, courts trying crimes under this questionnaire can use specialized units in law enforcement and get help cyber-crimes offices of public prosecution.

Question 13.2.

In the case where these crimes are committed by juvenile offenders, there are "Child Bureaus" within law enforcement offices in every province and they work in collaboration with cybercrimes units where such offences are committed by children. Furthermore, if the offender is a child at the time of committing the crime, she or he will be tried by juvenile courts and criminal investigations will be carried out by child bureaus of prosecution offices.

→ The Cyber-crimes unit is organized under General Directorate of Security Affairs as a Department. Under this department, there is a special bureau for online child abuse crimes. Cybercrimes units are present in every province within police forces.

Cyber-crime bureaus of public prosecution offices are established depending on the number of cases.

→ Law enforcement:

Cyber-crimes unit work in the field of fight against online sexual abuse of children, including victim identification. According to information submitted, there is an ongoing work for contribution to INTERPOL's ICSE database within law enforcement.

UKRAINE

State replies / Réponses de l'Etat

Question 13.

The National Police Office of Juvenile Prevention operates within the Prevention Department of National Police of Ukraine. One of the main tasks of this office is to prevent crimes against children and crimes committed by children. The Office also monitors the social networks in which children participate in order to follow negative processes that take place in a child's environment and take preventive measures.

In addition, the Cyber police Department of the National Police of Ukraine continuously monitors the Internet social networks, with the help of which criminal offenses are committed. The Department on combating crime in the trafficking of illegal content and telecommunications is the core department of the National Police Cyber police Department of Ukraine, which is specialized in establishing and documenting criminal offenses committed in the sphere of illegal content and telecommunications.

It should also be noted that one of the main tasks of the Department combating human trafficking of the National Police of Ukraine are the implementation of the state policy in combating the criminal offenses associated with trafficking, illegal migration, offenses in public morality and prevention, detection, suppression and detection of criminal offenses related to human trafficking, illegal

immigration and crimes in the sphere of public morality.

Victim identification is performed by using the ISCE Interpolation Image Database, departmental databases and registries of the Ministry of Internal Affairs and the National Police and other public services.

The National Police of Ukraine regularly submits the information to the Interpol database.

Comments sent by / Commentaires envoyés par La Strada

Question 13.1.

Among the units of the National Police of Ukraine is Cyber police whose tasks include:

- Participation in the development and implementation of the State policy on preventing and combating criminal offence, the mechanism of preparation, commission or concealment of which involves the application of electronic computing machines (computers), systems, computer networks or telecommunication networks (the 'field of combatting cybercrime').
- Facilitating, in the manner prescribed by applicable laws, other units of the National Police of Ukraine in preventing, detecting and stopping criminal offences.
No specialised units in public prosecutor's offices or courts exist.

Comments sent by / Commentaires envoyés par Parliament Commissioner for Human Rights

Question 13.

As part of the reform of the law enforcement agencies, the structural units of the Ministry of Internal Affairs of Ukraine - units of the criminal police for the affairs of children, which did not promote the protection of the rights of children, including those who were sexually abused, were liquidated. The work on the establishment of juvenile preventive units was started in 2017.

Comments sent by / Commentaires envoyés par Rozrada

Question 13.1.

We know that specialized units have Police and Special services.