

CHILD-FRIENDLY PROCEDURES IN OCSEA INVESTIGATIONS





VICTIM-FRIENDLY SERVICES

A VICTIM-FRIENDLY SERVICE IS A SERVICE WHERE THE DIGNITY AND RIGHTS OF VICTIMS ARE PROTECTED, AND THE VICTIM IS EMPOWERED AND NOT SUBJECTED TO SECONDARY VICTIMISATION AT THE HANDS OF THE CRIMINAL JUSTICE SYSTEM

Basic Principles of Handling Victims

- ▶ Act timeously
- ▶ Ensure the victim's safety
- ▶ Treat every report with the utmost seriousness
- ▶ Treat victims with sensitivity
- ▶ Be calm, reassuring and supportive
- ▶ Be aware of the victim's vulnerabilities
- ▶ Ensure the victim's privacy and confidentiality
- ▶ Provide necessary information
- ▶ Make the necessary intersectoral referrals

CHILD-FRIENDLY JUSTICE

- ▶ Child-friendly justice views justice system as solution to children's legal issues rather than causing further trauma
- ▶ Results in elimination of many traumatic experiences children face in the legal system
- ▶ Fosters greater respect for children's rights
- ▶ Accommodates children in the justice process

FUNDAMENTAL PRINCIPLES OF CHILD- FRIENDLY JUSTICE

- ▶ Best interests a primary consideration
- ▶ Children should be treated with care, sensitivity, fairness and respect with special attention for their personal situation, well-being and specific needs, and with full respect for their physical and psychological integrity
- ▶ No discrimination on any grounds such as sex, race, colour or ethnic background, age, language, religion, political or other opinion, national or social origin, socio-economic background, status of their parent(s), association with a national minority, property, birth, sexual orientation, gender identity or other status.
- ▶ Rule of law principle should apply fully to children as it does to adults

GENERAL ELEMENTS OF CHILD-FRIENDLY JUSTICE

- ▶ availability of information and advice
- ▶ protection of private and family life
- ▶ safety (special preventive measures)
- ▶ specialised training of professionals
- ▶ adoption of a multidisciplinary approach
- ▶ implementation of child-friendly processes before, during and after court processes
- ▶ periodical reviews and monitoring of working methods within the child-friendly justice setting.

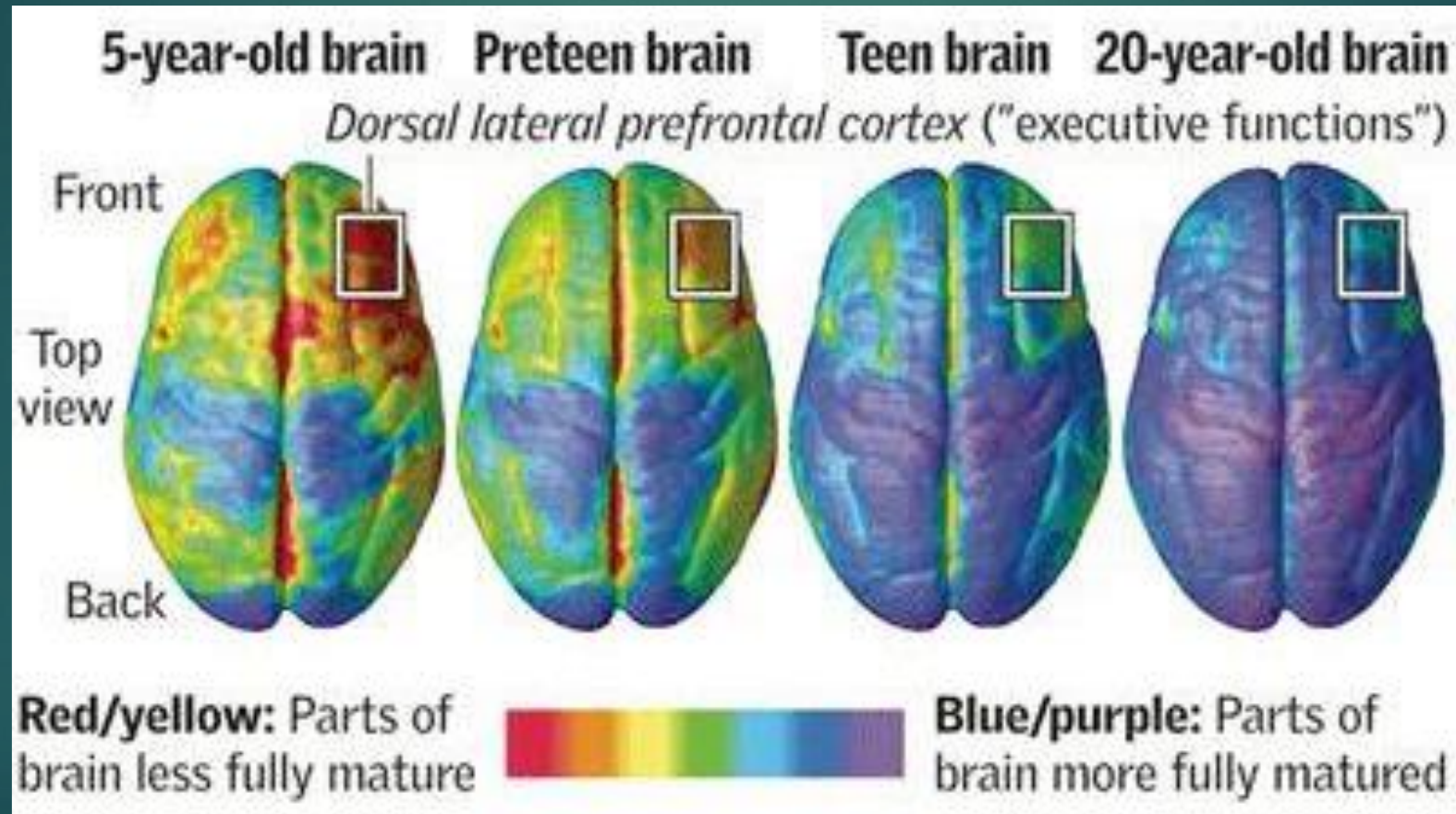
CHILD-FRIENDLY JUSTICE

- ▶ Understanding the dynamics relating to the child
- ▶ Understanding the dynamics relating to the offence

DYNAMICS RELATING TO THE CHILD

- ▶ Cognitive capacity of child
 - ▶ Understanding the capacity of the child at different ages to provide information
 - ▶ Understanding how the brain operates at different ages will explain the behaviour of children

BRAIN DEVELOPMENT

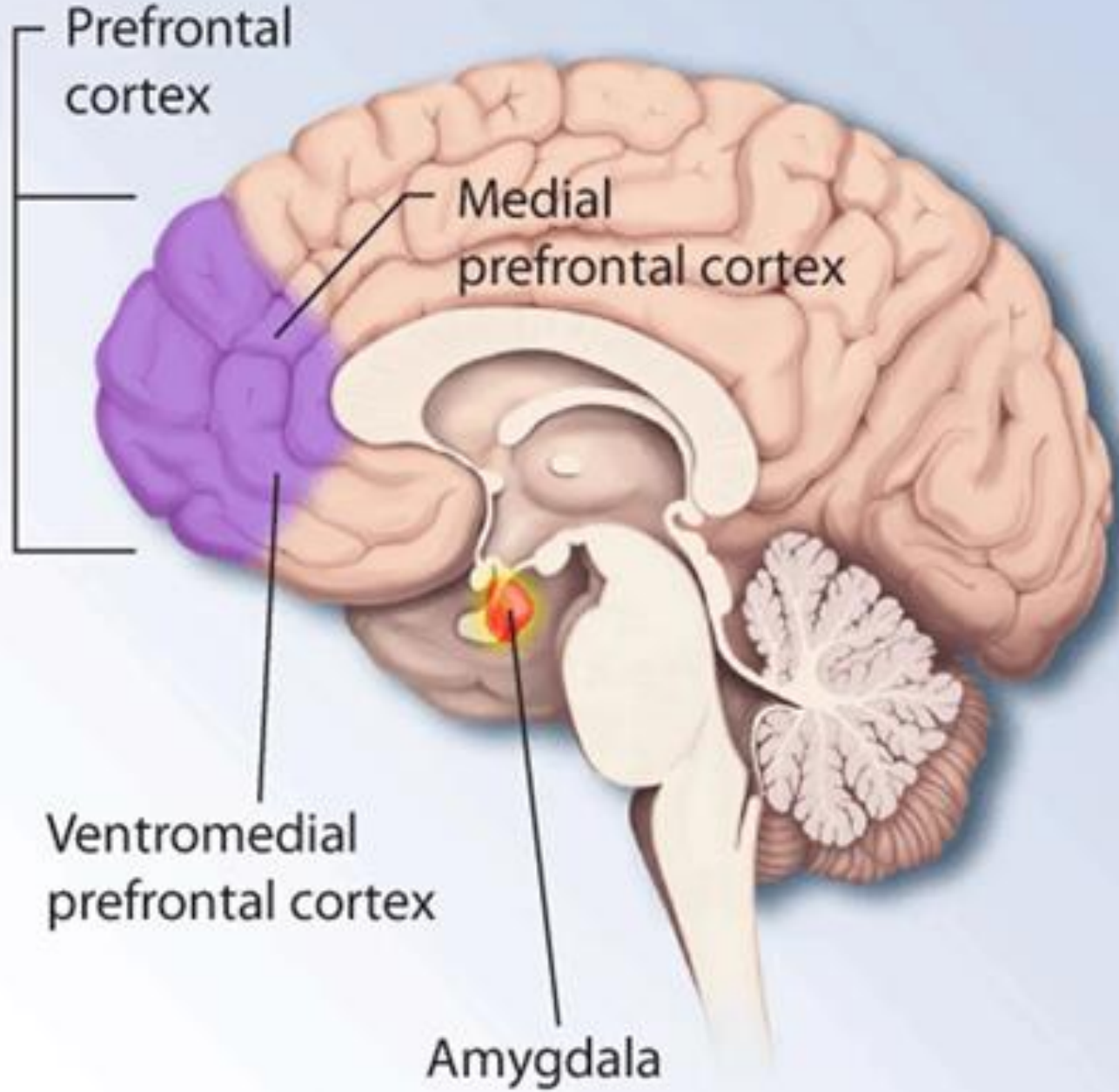


DYNAMICS RELATING TO THE CHILD

- ▶ Socio-emotional capacity of child
 - ▶ Understanding how children develop emotionally and its impact on accessing information from them
 - ▶ Particularly relevant to adolescence
 - ▶ Stage of identity
 - ▶ Stage of intimacy
 - ▶ Both are online

DYNAMICS RELATING TO THE CHILD

- ▶ Adolescent behaviour
 - ▶ Hormonal changes at puberty and brain development impact on emotional state
 - ▶ Volatile emotions and impulsive behaviour
 - ▶ Act without thinking, have low self-control, and an inability to postpone satisfaction
 - ▶ Risk-taking is very common
 - ▶ Thinking about consequences is difficult for adolescents - think in the present
 - ▶ Concerned about perceptions of others
 - ▶ Seek approval from peer group - more susceptible to peer pressure and bullying
 - ▶ Strong desire to belong and “fit in”



DYNAMICS RELATING TO THE CHILD

▶ Adolescent behaviour

- ▶ Prefrontal cortex – responsible for cognitive processing, problem solving, anticipating consequences and emotional control – is far less developed in teenagers than in adults
- ▶ Amygdala, responsible for human emotions, is strongly aroused during puberty
- ▶ So adolescents much more influenced by their emotions than their reasoning
- ▶ Because of way brain develops, adolescents have less capacity to:
 - ▶ make responsible and rational decisions
 - ▶ use reasoned judgement
 - ▶ evaluate risks
 - ▶ balance their emotions

DISCLOSURE

- ▶ Children do not disclose abuse immediately
- ▶ Many reasons why children do not disclose
- ▶ Process often haphazard and dependent on responses

DYNAMICS RELATING TO THE CHILD

Understanding of trauma and its impact on child victims

- ▶ Children who have been abused experience trauma
- ▶ Research shows that CSAM exacerbates trauma experienced by child, who has undergone abuse in addition to being photographed or filmed
- ▶ Most difficult aspect is lack of control over ongoing sharing of abusive images
- ▶ Because of way in which images continually distributed, abuse does not end for the victim
- ▶ Victims are continually traumatised when they think about who might be viewing images online
- ▶ Difficult for victims to find closure

IMPACT OF CSAM

shame, guilt and humiliation

fear that people who saw images would think that they were willing participants

felt it was their fault that images were created

worried that people who saw images would recognise them

worried that friends would see images

embarrassed about police, social workers and others seeing the images

refusal to talk about images

refusal to be photographed or videoed by family or friends

GUILT AND SHAME

Guilt related to:

- choosing to participate in film making
- engaging in different behaviours during filming
- desire for glory or fame

For many victims, using video or the camera was introduced as adventure with promise that child would become a celebrity or movie star

These promises made victims believe they were interested in filming or enjoying it, which exacerbated guilt and shame they experienced later in life

DYNAMICS RELATING TO OFFENCE

- ▶ How children targeted
 - ▶ Social media
 - ▶ Gaming
- ▶ Where CSAM voluntarily made:
 - ▶ relationships
 - ▶ betrayal
- ▶ Where CSAM involuntarily made:
 - ▶ grooming and manipulation
 - ▶ sextortion/ blackmail
 - ▶ entrapment
- ▶ Wide scope for dissemination
- ▶ Inability to control spread (digital persistence)
- ▶ Anonymity

CHILD-FRIENDLY PROCEDURES IN INVESTIGATING OCSEA

- ▶ Manner in which report is received from victim
 - ▶ Attitude of police
 - ▶ No judgment
 - ▶ Trauma-informed response (sensitivity, patience, empathy)
- ▶ Risk assessment to ensure safety of victim (further threats, violence)
- ▶ Immediate steps to remove material (refer to relevant cyber agencies)
- ▶ Do not take in-depth statement immediately
- ▶ Determine need for medical examination and accompany child for forensic examination if necessary

CHILD-FRIENDLY PROCEDURES IN INVESTIGATING OCSEA

- ▶ Determine need for medical examination and accompany child for forensic examination if necessary
 - ▶ Role in medical examination
 - ▶ Explain purpose and need for examination
- ▶ Explain the issues relating to digital evidence:
 - ▶ Need to remove the child's phone and what will happen with it and how long before it will be returned
 - ▶ Other digital evidence, like laptops, computers that were used

CONDUCTING AN INTERVIEW WITH A CHILD

- ▶ Specific guidelines on conducting interviews
- ▶ Specific guidelines on investigating OCSEA
- ▶ Trauma-informed and developmentally appropriate
- ▶ Scientific interviewing structures and techniques
- ▶ Digital investigations

OTHER RESPONSIBILITIES

- ▶ Preparing child for court testimony
 - ▶ Provision of information
 - ▶ Role
 - ▶ Court dates
- ▶ Accompanying child
- ▶ Keeping them informed after testimony

INTERSECTORAL COLLABORATION

- ▶ Intersectoral collaboration for OCSEA requires multi-stakeholder, cross-sectoral approach that connects government, law enforcement, the ICT industry, civil society, and education
- ▶ Legislative and Policy Development: Governments must work across departments to establish comprehensive, up-to-date legislation regarding OCSEA, including policies and guidelines that address ICT-related abuse, illegal content removal, and victim reparations
- ▶ Cross-Border Cooperation: Stronger, faster collaboration is needed between national police forces and international bodies like INTERPOL to link cybercrime databases
- ▶ Specialized Training: Justice and law enforcement sectors need to be trained in digital forensics to identify and manage OCSEA cases.
- ▶ Forensic medical doctors

INTERSECTORAL COLLABORATION

- ▶ Information and Communication Technology (ICT) sector:
 - ▶ Industry Safeguarding Protocols: Technology firms, internet service providers (ISPs), and social media platforms must partner with child protection agencies to implement safety-by-design, identify harmful content, and report abuse
 - ▶ Content Management: Collaboration is needed to quickly remove Child Sexual Abuse Material (CSAM) and implement proactive measures to prevent, detect, and report grooming and exploitation
- ▶ Medical services: Forensic examinations where applicable
- ▶ Support Services: Social development and health departments must work with NGOs to provide psychosocial support and rehabilitation for victims
- ▶ Prevention: Interaction with schools and Education Departments
- ▶ Civil society and NGOs: referral for services or receive information of cases
- ▶ Research institutions: collaboration with data to inform policy and track impact

KENYA

MODULE 1 – OCSEA: THE BASICS

- ▶ SESSION 1: What do we mean by OCSEA?
- ▶ SESSION 2: National legislation and international treaties addressing OCSEA
- ▶ SESSION 3: National and international trends in OCSEA
- ▶ SESSION 4: Covid-19 and OCSEA
- ▶ SESSION 5: Collaborative approaches to preventing and responding to OCSEA

MODULE 2 – PUTTING THE CHILD FIRST: ADOPTING A CHILD-CENTRED, TRAUMA-INFORMED APPROACH

- ▶ SESSION 1: Understanding Trauma for OCSEA Survivors
- ▶ SESSION 2: The impacts of trauma
- ▶ SESSION 3: Trauma-informed care

MODULE 3: UNDERSTANDING PERPETRATORS OF OCSEA

- ▶ SESSION 1: Who perpetrates OCSEA?
- ▶ SESSION 2: How perpetrators of OCSEA offend

KENYA

MODULE 4 – GATHERING AND USING EVIDENCE IN OCSEA CASES

- ▶ SESSION 1: The basics of evidence
- ▶ SESSION 2: Communicating with child survivors
- ▶ SESSION 3: Evidence collection and analysis

MODULE 5: POLICE INVESTIGATIONS OF OCSEA

- ▶ SESSION 1: The role of the police in OCSEA cases
- ▶ SESSION 2: Practicing interviewing survivors
- ▶ SESSION 3: Case law and mutual legal assistance

ICMEC & EUROPEAN UNION

BASIC COURSE

- ▶ Module 1: Introduction to Human Rights of Children
- ▶ Module 2: Violence Against Children
- ▶ Module 3: Child Sexual Abuse and Exploitation Terminology
- ▶ Module 4: Sexual Exploitation of Children

ICMEC & EUROPEAN UNION

Agents of Change Level 2: The Faces of Sexual Exploitation of Children

- ▶ Module 1: Offenders in Sexual Exploitation of Children
- ▶ Module 2: A Victim-Centred Approach
- ▶ Module 3: Interaction Between Online and Offline Environments in Sexual Exploitation of Children
- ▶ Module 4: Sexual Exploitation of Children in Travel and Tourism
- ▶ Module 5: Trafficking of Children for Sexual and other Purposes

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Level two: basic training for Law Enforcement and First Responders, and Prosecutors and Judges

- ▶ First Response to Reports
- ▶ Law Enforcement Specialised Units
- ▶ CSAM and CyberTip Reports
- ▶ Proactive, Reactive and Undercover Investigations
- ▶ Online and Offline Investigations
- ▶ Essentials of Technology-Facilitated Crimes Against Children

ICMEC & EUROPEAN UNION

Level three: advance training course:

- ▶ Advanced Online Exploitation Investigations
- ▶ Psychology of the Child Sexual Offender
- ▶ ICACCOPS and P2P File Sharing
- ▶ Computer Forensics
- ▶ Advanced Technologies and the Use of Technological Resources and Apps
- ▶ Fundamentals of Responding to Missing Children
- ▶ AMBER Alert System

TRAINING CURRICULA FOR OCSEA

1. International instruments
 - ▶ Applicable instruments
 - ▶ Rights of children
2. OCSEA key concepts
 - ▶ Definitions and concepts: online grooming, child sexual abuse material (CSAM), sextortion, live streaming, and self-generated content
 - ▶ Technological Understanding: Training on the layers of the internet (surface, deep, dark web), peer-to-peer (P2P) file sharing, and encrypted apps
3. Victim-Centric and Trauma-Informed Approach
 - ▶ Trauma-Informed response and interviewing
 - ▶ Child-Sensitive Communication
 - ▶ Support Services Coordination

TRAINING CURRICULA FOR OCSEA

4. Investigation Techniques and Tactics

- ▶ Investigating cases of sexual violence involving children
- ▶ Perpetrators of OCSEA: profiles, modus operandi
- ▶ Specialized skills for proactively detecting offenders, including undercover investigations and monitoring online platforms
- ▶ Responding to complaints, identifying suspects, and tracing perpetrators
- ▶ Digital Evidence Collection: Initial handling of digital devices, understanding digital traces, and chain of custody

5. Legal Framework

- ▶ National cybercrime laws and policies
- ▶ Preparing digital evidence files that meet legal standards for prosecution
- ▶ Specialised report writing for digital abuse cases

6. National, International and Inter-Agency Cooperation

- ▶ Cooperation with Service Providers: internet service providers (ISPs) to take down material, provide evidence
- ▶ Mutual Legal Assistance (MLA): Procedures for handling cross-border investigations and working with international agencies (e.g., Interpol NCMEC).

STRUCTURE OF MODULES

- ▶ Levels of courses
 - ▶ Basic to advanced
- ▶ Specialisation requires identifying topics and developing modules to respond that are aimed at different levels of police intervention
- ▶ Training plan must be developed for different officers