

TOMAS

Towards Uniformed Legislation Against CSAM



Title: Towards Uniformed Legislation Against CSAM – Western Balkan countries (Republic of Serbia, Republic of Albania and North Macedonia)

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Acronyms and Abbreviations

- CEOP** – Child Exploitation and Online Protection Command
- CNZD** – Centre for Missing and Exploited Children, Serbia
- CRCA** – Child Rights Centre, Albania
- CSEA** – Child Sexual Exploitation and Abuse
- CSAM** – Child Sexual Abuse Material
- EC3** – European Cybercrime Center
- ECPAT** – End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
- IMPACT 2022+** – European Multidisciplinary Platform Against Criminal Threats
- EUROPOL** – The European Union Agency for Law Enforcement Cooperation
- GI-TOC** – The Global Initiative Against Transnational Organized Crime
- GRETA** – Group of Experts on Action against Trafficking in Human Beings
- IKT** – Information and Communication Technology
- INHOPE** – Association of Internet Hotline Providers
- INTERPOL** – The International Criminal Police Organization
- ISPs** – Internet Service Providers
- IWF** – Internet Watch Foundation
- IISG** – Western Balkans Integrative Internal Security Governance
- NIS** – EU Directive on Network and Information Systems
- NCA** – National Crime Agency
- NCMEC** – National Center for Missing and Exploited Children
- MODS** – Network of Organizations for Children of Serbia
- OCSEA** – Online Child Sexual Exploitation And Abuse
- SECTT** – Sexual Exploitation of Children in Travel and Tourism
- UNCRC** – United Nations Convention on the Rights of the Child
- UNICEF** – United Nations International Children’s Emergency Fund
- UNTOC** – United Nations Convention against Transnational Organized Crime

1 Introductory Remarks

The real number of tech-facilitated cases of abuse and/or exploitation may be significantly higher than those reported or identified.

Towards Uniformed Legislation Against CSAM – Western Balkan countries toolkit came from the eponymous TOMAS project (Towards UnifOrMed Legislation Against CSAM) implemented by the Center for Missing and Abused Children (CNZD) from the Republic of Serbia in partnership with the Child Right Center (CRCA) from the Republic of Albania and First Children’s Embassy in the World – Megjasi from North Macedonia, whose main goal is to fight against materials depicting child sexual abuse on the Internet (CSAM) in Western Balkan countries. This advocacy paper, developed for the countries of the Western Balkans, presents comprehensive resources designed to help government institutions, the private sector, civil society organizations, as well as other relevant actors in getting to know this concept, recognition, prevention and response to the distribution and production of such material. In view of this, this tool provides a strategic and operational framework adapted to the specific challenges of the countries of the region, bearing in mind the broader context of abuse and exploitation of children in the digital environment and cyber security in general. The key goals of this tool are to strengthen the capacities of various actors in the fight against CSAM, improvement of (regional) cooperation, raising awareness and education both general and professional public, as well as an overview of the existing legal framework, relevant conventions, resolutions and other legal acts aimed at protecting children from sexual abuse and exploitation on the Internet. In addition, this publication is open for recommendations of more proactive protection measures and policies, as well as guidelines for their adaptation in accordance with changes in the environment and context of the countries of the Western Balkans.

2 What is Child Sexual Abuse Material (CSAM)?

The sexual abuse of children and production of materials depicting the sexual abuse of children (CSAM) existed even before the advent of the internet. CSAM first appeared as a social problem at the end of the 1970s, which was reflected in changes within legislation around the world. However, just a few decades ago, its exchange was limited by logistical and economic boundaries and was often mediated by mail. Today, technological progress, despite various positive impacts, has led to the increase and spread of criminal acts against children, especially in the context of sexual abuse and exploitation of children (CSAE), but also in the context of the material which shows child sexual abuse (CSAM). Therefore, it

is important to emphasize that the nature and distribution of CSAM also changes with the development of technology. The digital space offers not only easy access to victims, but also uncontrolled environments for the execution of various types of sexual abuse and/or exploitation of children to go unnoticed. Moreover, the online circulation of CSAM has serious and long-term consequences on children, as well as on their families. *Therefore, the child does not have the option to choose not to participate in these actions, from reasons such as lack of experience and/or knowledge, due to stress, carelessness, use of force or unequal power relations between the child and the perpetrator etc.*



Thus, CSAM generally refers to material of a sexual nature involving children, including “any representation, by whatever means of a child engaged in real or simulated explicit sexual activities or representation of the sexual parts of a child for primarily sexual purposes” (OPSC, 2000). There are complexities in the legislation, which means that CSAM can involve different behaviors, such as owning, accessing, obtaining and sharing that content. Namely, the material itself can vary in (1) format (i.e., photographs, movies, drawings, and cartoons; audio representations; live performances; written material in print or online; and physical objects such as sculptures, toys, or ornaments) and (2) in severity, from depicting different parts of a child’s body to depicting abuse of the

child, which often includes humiliating and sexual acts.

In this context, the fact that children are repeatedly victimized through the distribution of CSAM is particularly worrying. The dissemination of CSAM online goes beyond the harm of the initial act of abuse or exploitation, but also the later knowledge that these materials of their abuse, pain and/or humiliation are circulating in the digital space. *Figure 1* shows a classification of the different channels and platforms through which these materials are created and shared. This framework does not represent all resources, but aims to provide some clarity and to synthesize the complex and largely fragmented ways in which technology influences the creation and sharing of CSAM.

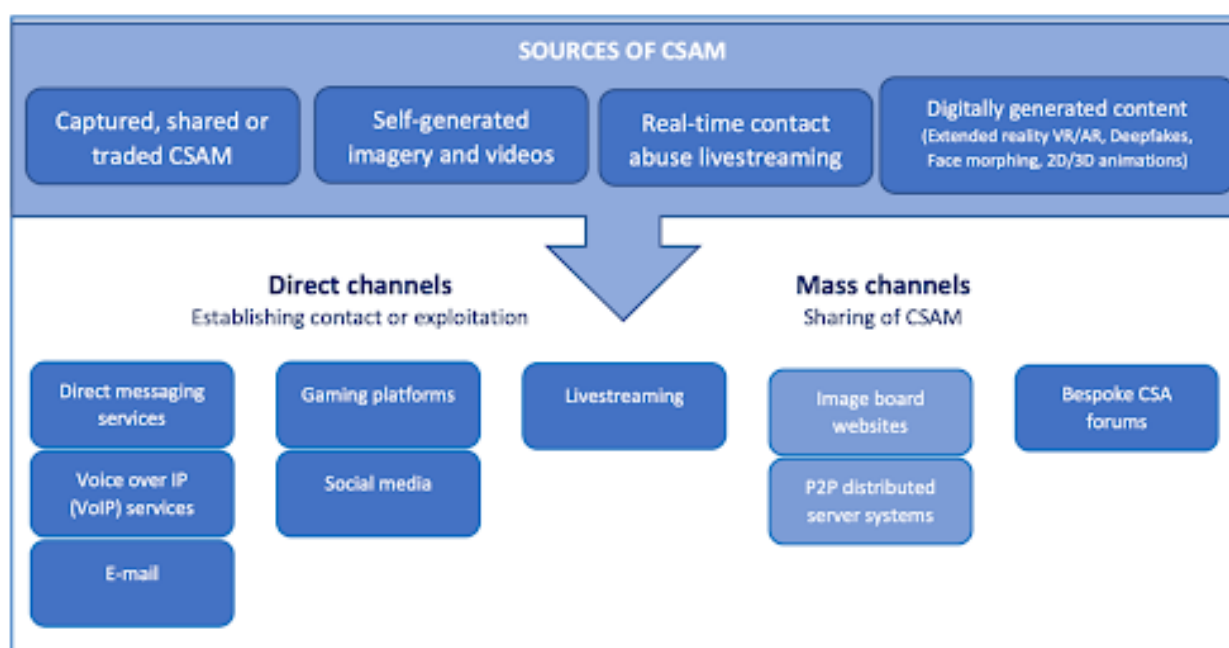
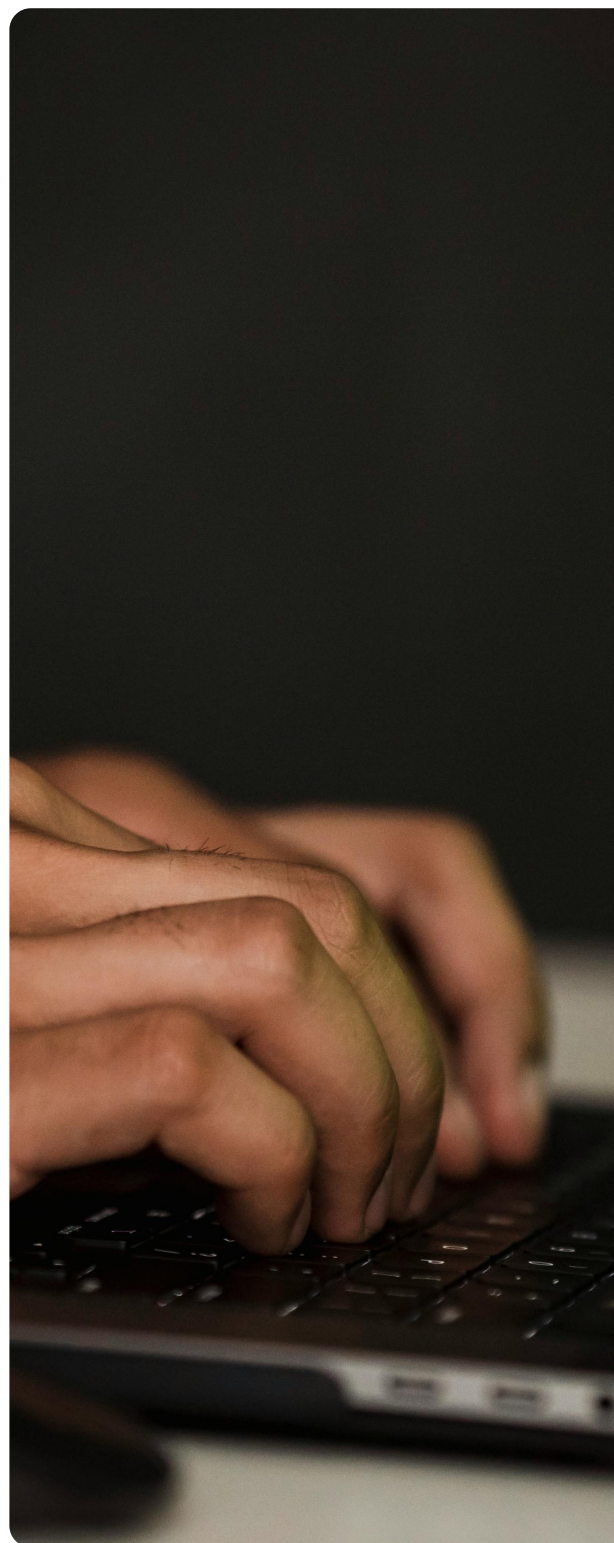


Figure 1. CSAM formats and sources (Dorotic & Jonhsen, 2023: 17)

As explained in *Figure 1*, most CSAMs include images and videos that are pre-recorded and then distributed to other persons through various channels. Further, perpetrators distribute and share these materials among themselves through different communication channels or massively distribute them to certain networks. NCMEC indicates that almost half of the reports contained video footage (45 million out of a total of 85 million), and the other half of applications were based on photographs (approximately 40 million) (National Center for Missing and Exploited Children, 2023).

Also, in the last few years *live streaming of sexual abuse* of children has become more and more popular representing children from three to thirteen years old. This type of child abuse can avoid leaving digital traces and incriminating materials, because it is broadcasted live. A special target are children from developing countries, which are in the epicenters of trafficking and real time sexual abuse. In addition, NCMEC highlights two more contemporary issues: sextortion and *AI-generated CSAM*. Sextortion involves the exchange of sexually explicit images or videos online, followed by the victim being blackmailed with threats to share the content with others, such as friends, family, or the public. This crime is often committed by organized criminal groups, usually based overseas, who are driven by financial motives. Perpetrators typically pretend to be young girls, using fake profile pictures or deceptive tactics to trick teenage boys into thinking they are interacting with a peer. Once they receive a sexual image, the perpetrators threaten to expose it unless the victim pays them. They may also pressure the victim into sending more images. In their threats, blackmailers often include details of the victim's friends and family, demanding money through online payment apps. There has been a global increase in sextortion reports. In 2023, NCMEC's *CyberTipline* received 26,718 reports of sextortion, a jump from 10,731 reports in 2022 and up from 139 reports in 2021. (National Center for Missing and Exploited Children, 2023).



An increasing trend of self-generated CSAM has been noticed - explicit images or videos created, observed and/or distributed or shared by children themselves, usually using the web cameras or smartphones. The Internet Watch Foundation (IWF) reports that almost $\frac{3}{4}$ (or about 72%) of classified materials in 2021 are classified as self-generated content. *Minor girls represent a special risk group because 99% of self-generated content includes girls, and even 81% of all images or videos footage includes girls aged 11 to 13 in their bedrooms or other rooms in the home environment* (Internet Watch Foundation, 2021). As most of the victims of CSAM are girls, it can be said that gender is also a risk factor for CSAM. This trend can also be connected with the popularization of sexting among minors (i.e. sending sexually explicit messages

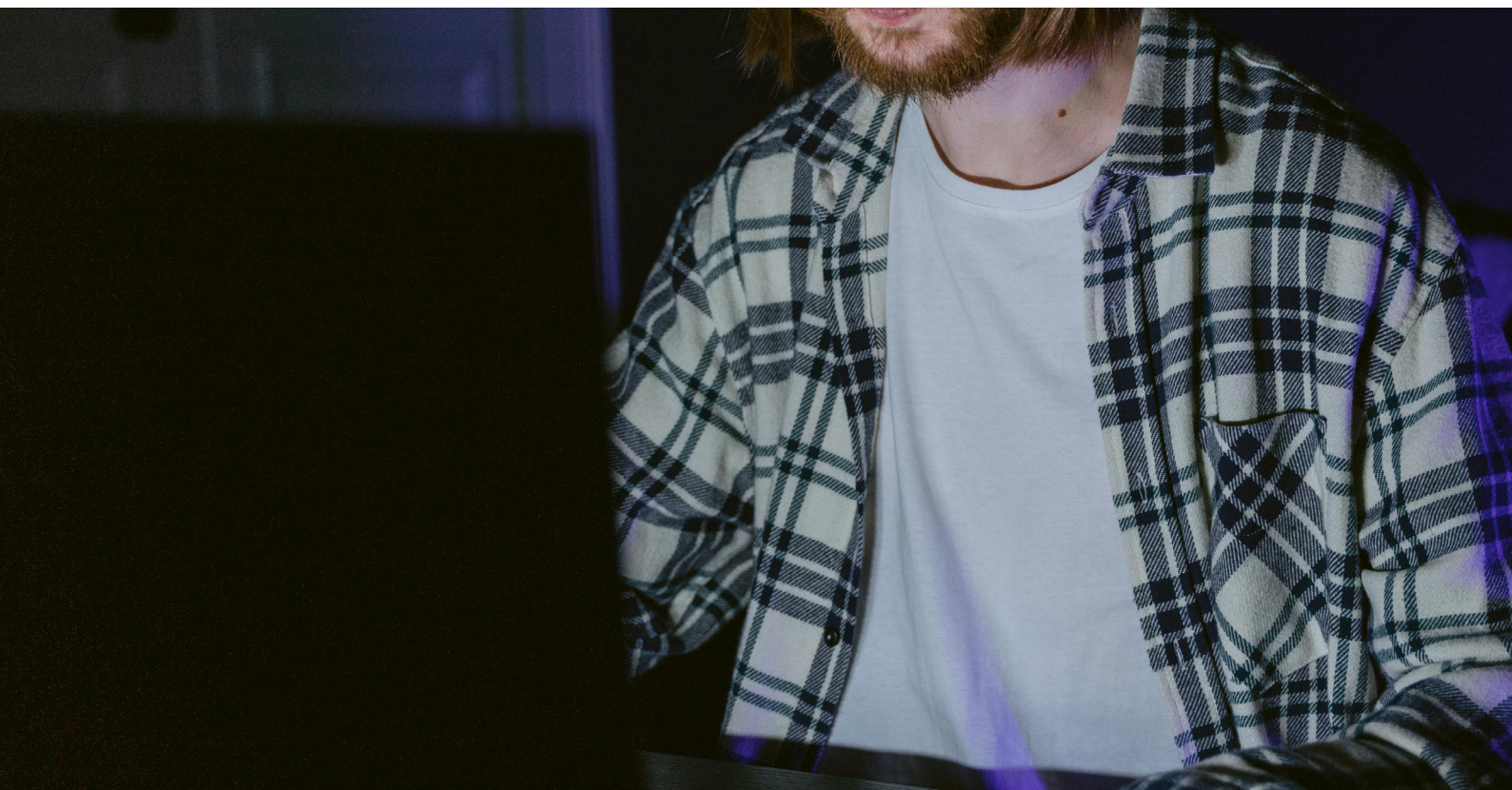
consensually to another person via different technologies). The USA, which surveyed children between the ages of 11 and 13, shows that about 40% of respondents consider it “normal” for people of their age to share their nude photos (UNESCO, 2021).

Sending and receiving of explicit photos increases as children move from early adolescence to later years. From a legal point of view, sharing explicit content and images is legally problematic when the children’s legal consent cannot be proven or when the material is passed on and distributed without consent and/or used for digital abuse and/or exploitation. In this sense, self-generated content becomes especially problematic when used for attracting and enticing children to engage in sexual activities.












Offenders communicate with children via the Internet with the intention of committing a sexual offense using coercion and extortion, including gaining a child's trust with the intention of sexually abusing them while keeping the abuse secret. This process is known as *grooming*. Offenders may also gain the trust of the child's parents, convincing them of their trustworthiness around children. Grooming can take months or even years, gradually breaking down the child's defenses and normalizing physical contact. In 2023, the CyberTipline recorded

over 186,000 cases of online enticement, marking a rise of more than 300% since 2021. Online enticement involves someone communicating with a person they believe to be a child, intending to commit sexual abuse or abduction. This broad category includes crimes like abovementioned sextortion, where a child is groomed or pressured into creating explicit images or even meeting with the perpetrator for sexual purposes (National Center for Missing and Exploited Children, 2023).



Previous research has shown that little is actually known about the real amount of CSAM circulating online. The number of reported exploitation and/or abuse largely depends on the awareness of the victims and willingness of children to report, legal frameworks, the readiness of different systems, especially law enforcement, to respond and more importantly on the willingness of online platforms to search and report CSAM.

It is undisputable that this type of sexual abuse, whether it happened online or offline, affects the well-being and development of children emotionally, psychologically, cognitively, interpersonally and physically. *Sexual abuse that does not involve physical contact can still have very powerful negative effects and consequences for the victim.* Some symptoms may include the following:

-  Learning difficulties and problems with focus, concentration, attention, memory, etc.;
-  Emotional imbalance, such as extreme mood, anxiety, depression, stiffness etc.;
-  Difficulties in establishing relationships and trust;
-  Physical complaints such as headache, stomach ache, chronic pain, etc.;
-  Changes in appetite;
-  Sleep disorders;
-  Self-harm such as cutting, use of drugs and/or psychoactive substances, alcohol consumption, smoking, promiscuity;
-  Sensitivity to sound, touch, movement, taste;
-  Lack of coordination.

As sexual abuse and/or exploitation have long-term negative effects on the child, early detection along with appropriate support is vital for the recovery process. *The entire society plays a part in ensuring efficient prevention and response to this crime.*

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3 Online Child Sexual Exploitation and Abuse (OCSEA) in the Context of Western Balkan Countries

Despite the fact that the countries of the Western Balkans are signatories to various international conventions, existing national legal frameworks that regulate child sexual exploitation and abuse (CSEA) in digital environments are largely insufficiently harmonized with the EU regulations, with no holistic approach that involves the cooperation and coordination of all relevant actors.

The online sexual abuse and exploitation of children (OCSEA) are problems of a global scale. However, in the territories of Western Balkans countries they remain under-researched and under-reported as the awareness of the key actors is very low. All of the above contribute to the fact that currently there are no comprehensive and reliable estimates of the actual numbers of sexually abused victims or number of exploited children on the Internet in the territories of the Western Balkan countries. Also, these issues are rarely mentioned in the media and among the general public. The patriarchal and traditional structure of societies in the Western Balkans encourages a wider belief that sexual violence and exploitation of children on the Internet is not a real threat and does not have as severe far-reaching consequences as a form of violence in the physical environment. In addition, the global COVID-19 pandemic has contributed to a general increase of violence in the digital environment. The lockdown has increased the amount of time children spend in the digital space without supervision of their parents/guardians. On the other hand, the perpetrators also spend more time online. Statistics showed a significant increase in sharing CSAM in this period (Europol, 2020).

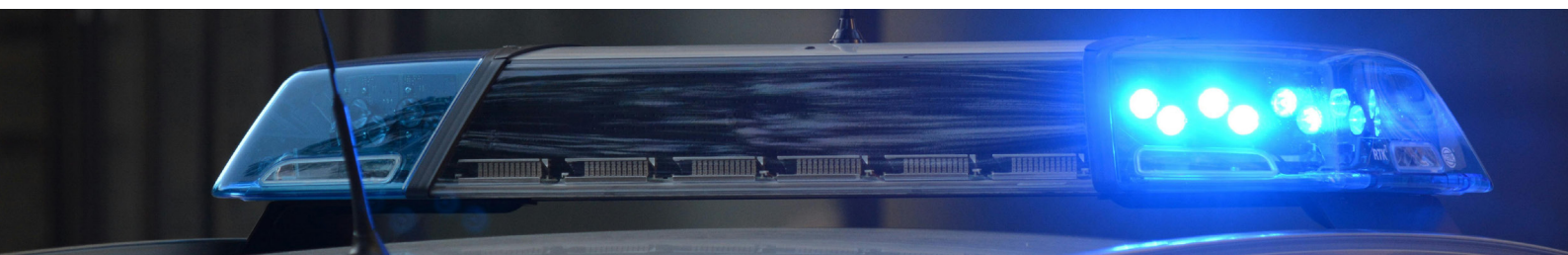
Historically speaking the countries of the Western Balkans have not focused on researching the topic of child sexual abuse material nor the exploitation of children in general, even less regarding the digital environment. It is important to emphasize that the countries of the West Balkans continue to face socio-economic challenges and/or crises. Also, wars in former Yugoslavia, poverty and the collapse of the social protection system contributed significantly to regional vulnerability when it comes to different types of abuse and/or exploitation of children. Unemployment is still more than three times higher than the EU average, with the rate of 35% of unemployed youth in 2020 - one of the highest in the world (The Global Initiative

Against Transnational Organized Crime, 2021b). The World Bank estimated that an additional 300,000 people from Albania, Kosovo, Montenegro, North Macedonia and Serbia fell into poverty during the COVID-19 pandemic. All this increases the number of vulnerable and marginalized adults and children who are at high risk of becoming victims of various kinds of exploitation, including safety in the digital environment. Globally, it is estimated that one out of eight children is a victim of some form of sexual abuse, whether in digital environment or in physical space, while in Europe that number is one in five children (UNICEF, 2021). Approximately every fifth girl and every thirteenth boy experiences sexual violence before they turn eighteen years of age.



When talking about the digital environment in the countries of the Western Balkans, in support of the above mentioned goes the fact that Albania is the third highest in Europe for hosting inappropriate images of children and eighth highest in the world (Dedja, 2023). Albania receives between 5,000 and 20,000 annual reports from international partners that indicate the possession, distribution, production and/or use of CSAM (The Global Initiative Against Transnational Organized Crime, 2021a). According to a UNICEF study in Albania, every fourth child reported having at least one contact online with someone they had never met face to face, and almost two out of ten children stated that they met someone they know only from the internet in person. Furthermore, one out of ten

children reported at least one experience of sexual harassment. ECPAT report from 2021 showed that as many as 56% of respondents and professionals on the front line of intervention in Albania expressed concern about the lack of public awareness of OCSEA, and that the country lags behind in understanding the seriousness of sexual abuse and exploitation of children, both in digital space, as well as outside it. Also, another ECPAT report that focuses on possession, custody, distributing, posting, making and creating materials about sexual abuse of children (CSAM), showed that 55% of respondents were unsure about legal regulations in Albania, which indicates the need for greater clarity, as well as broader and professional public education about the legal framework related to CSAM.



Law enforcement action plays a big role in fighting child sexual abuse and exploitation online in the Region. The Republic of Serbia has a large number of criminal acts classified as high-tech crime, with sexual exploitation of children among the most common. In this context, it is important to mention the operation “Armageddon” and the seizure of more than 15 terabytes of material with sexually abused and exploited children. 200 criminal charges were filed and arrests were made across the UK, USA and other countries. Due to reasons mentioned above, the Republic of Serbia created a special department of MUP, a special department for prosecution, investigation and legal trials within the District Court in Belgrade for criminal cases acts in the field of cybercrime for which these state bodies are exclusively competent. Similarly, the MUP of Albania also organized a unit for cybercrime within the *Directorate for Suppression of Organized Crime*.

These units deal with cyber-related crime investigations, including cases related to hacking, online fraud, abuse of data, as well as sexual exploitation and abuse of children in the digital environment. North Macedonia also recognizes the importance of a special sector that deals with cybercrime - the *Directorate for Suppression of Organized Crime* within the MUP. Reporting and removal of illegal child sexual abuse material online helps to reduce and even stop the continuous victimization of children and, in some cases, prevent other children from suffering abuse by identifying perpetrators. It is also important to emphasize the data provided by the National Center for the Missing and Exploited Children that in cases of CSAM in which perpetrator and victim are identified, 74% of sexual abusers of children belonged the child's circle of trust (parents/guardians, family friends, relatives, neighbors, coaches, etc.).

Various studies (see Dedja, 2023) in Albania have shown certain specific characteristics of victims of OCSEA. Namely, this research showed that the victims are mostly adolescents between the ages of 11 and 17, while non-governmental organizations from North Macedonia report that even younger children are exposed to a great risk, given that the internet is increasingly used by younger children as well.

When talking about drivers of sexual exploitation and abuse of children in digital environment, one can talk about the following:

- Lack of awareness and digital skills;
- Discriminatory gender and broader social norms;
- Irregularities in the balance of power and racism;
- Poverty and inequality;
- Migrations;
- Humanitarian crises and conflicts;
- Lack of effective legal frameworks and protection mechanisms;
- Media and advertising practices that contribute to the tolerance of sexualization of children, etc.

Children from all religious, social and economic backgrounds can become victims of sexual abuse in the digital environment. Even if a child or young person does not have direct access to the Internet, an abuser can lure them offline into sexually exploitative situations, which can result in the production and distribution of CSAM online. Although it is very important to develop children's awareness of and resilience to the risks in the digital environment, relying exclusively on children to protect themselves from OCSEA is not only inefficient but also goes against their rights and best interests as protected by the UNCRC. On the one hand, it is often very difficult for children to understand what is happening to them, especially if they are being manipulated, and even when they do, children do not tend to report such issues. At the same time, denying access to the Internet or imposing strict restrictions is not the solution as children will naturally find ways to bypass them. Such approaches have a negative impact on their rights to information, freedom of speech and thought, among others. Therefore, it is important to strike a balance between interventions that protect children, especially by online platforms, and empower them, not denying them the opportunity to use digital platforms with well-informed supervision.



A study conducted in 2021 by the Global Initiative Against Transnational Organized Crime (GI-TOC) pointed out that, although all countries in The Western Balkans have established national referral mechanisms which facilitate the reporting and processing of cases of OCSEA, the systematic implementation of responsibility for the protection of children faces numerous challenges, above all, in the domain of financial, human and technical support, but also in relation to deficient legal regulations.^t Also, the same research showed that penalties for production/possession of CSAM are minimal in the entire region, abuse and exploitation online are not treated with the same seriousness as physical exploitation and/or abuse. For example, except for

Kosovo, which punishes child trafficking and the production of CSAM with equal penalties (from 5 to 15 years in both cases), Albanian criminal code stipulates a sentence of 10 to 20 years for child trafficking, while the sentences for production of CSAM are from 3 to 10 years. Similarly, the Republic of Serbia punishes child trafficking with at least 5 years in prison, while the production of CSAM is punishable by a sentence of at least one year in prison, and a sentence for distribution of CSAM, may (only) be six months. All this data is nothing new, either specific to the countries of the Western Balkans. Namely, regulatory frameworks often fall behind EU trends, leaving the legislation flawed, which hinders research and responding to this global problem.

There are several explanations regarding the unequal treatment of online and offline child sexual abuse and exploitation. Namely, the exploitation of children is often perceived as a direct form of physical and psychological abuse, whereby the victim suffers long-term and intense trauma, which leads to the aforementioned harsher penalties. On the other hand, CSAM, although (also) implies sexual abuse of children in the production of those materials, it can be perceived as a more “indirect” form of harm, in which the abuse is not physically present when the perpetrator consumes or distributes the material. However, digital technologies nowadays facilitate new forms of abuse that do not require physical contact and that are similar in severity and traumatic effects to physical abuse. For example, in cases of livestreamed child exploitation, there are instances where the perpetrator directs explicit acts remotely, such as instructing the child to engage in self-penetration while streaming the abuse live. This type of exploitation, often orchestrated by criminal networks, represents an alarming use of technology to manipulate, control, and abuse vulnerable minors in real-time, often without physical presence, but with significant emotional and psychological harm.

Here it is important to keep in mind that the consequences for the victims are equal, and can also cause long-term and intense trauma. CSEA in a physical environment often includes a wide range of activities that are visible (e.g. physical coercion of victims, smuggling, etc.), so the investigations are often more extensive. On the other hand, investigations related to CSAM can be technologically very demanding, especially due to the anonymity of perpetrators and the lack of physical barriers of the digital environment to store and disseminate the material.



A recent study by UNICEF, which was conducted in 29 countries, shows that 86% of the countries of the study have only partially implemented national regulations for reporting and removing online child sexual abuse material. These countries cited the lack of dedicated law enforcement units and insufficient resources as the main reasons. Given the global nature of the Internet, this statistic is quite worrying: there is an urgent need to unify legal frameworks focusing on child protection, especially updating existing laws to address new forms of CSEA and harmonizing approaches with the rest of the region and the EU. In absence of strong legislation, the civil sector currently leads the fight against sexual abuse and exploitation of children and CSAM in the Western Balkans, through various projects and programs. However, partnerships between the public and non-profit sectors remain on a quite low level.

In addition, the UN General Comment No. 25 on children's rights in the digital environment puts the responsibility on governments and online platforms to protect children's rights online, including from all forms of abuse and exploitation. Examples of good practice are visible on regional private entities; for example, technological companies in North Macedonia introduced automated filtering technology of inappropriate content, and ICT companies in Albania and Serbia provide education and training for CSAM reporting staff. To uphold this commitment, online platforms should be empowered to proactively detect, remove and report CSAM at a global scale, including in the Western Balkans.

In addition to these safety measures, it is important to also ensure a child-centered and restorative approach to justice, focusing on the support needs and respecting the rights of the victims, the motivation and responsibility of the perpetrator, as well as the role of the local community. This approach includes processes such as victim-offender mediation, supporting activities, and accepting responsibility. Such an approach differs from stricter approaches based exclusively on legal principles (which are necessary in certain stages) and it is possible to be adjusted at any stage of criminal proceedings, including the post-judgment period. This approach contributes to preventing harm and leads to taking responsibility for one's choices and actions.

The region continues to face challenges due to limited financial, human, and technical resources, as well as difficulties in ensuring systematic legislation and implementation.

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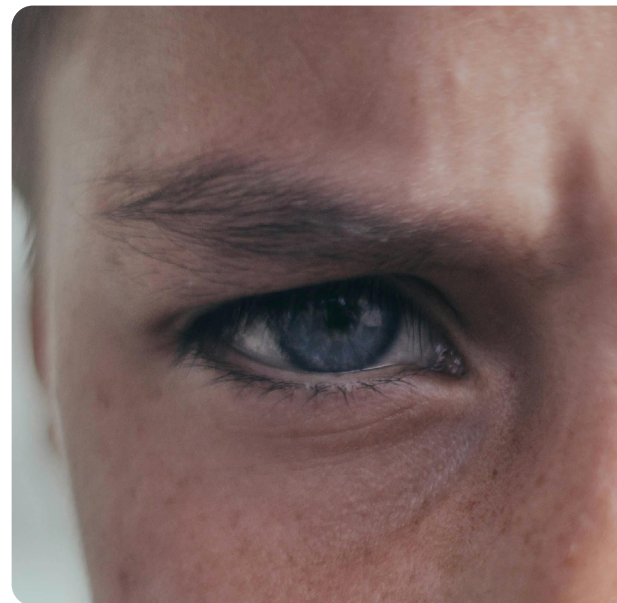
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4 Legal Regulations: (EU) Framework and Implementation

The sexual exploitation and abuse of children, both offline and online, represents a gross violation of the rights of the child. Firstly, it is a violation of the child's right to be protected from all forms of exploitation and abuse and of their right to privacy, as outlined by the UNCRC. Moreover, it seriously impairs the child's development, therefore putting at risk the free exercise of the rest of their rights. In addition, child victims often have limited access to justice and to information about their rights as victims or perpetrators, partially due to weak national laws, ineffective child protection systems and/or corruption.



Many child victims are often completely unaware of their rights, very scared or conditioned by cultural norms, which prevents them from getting adequate support. The rights and wellbeing of child victims of sexual abuse and/or exploitation in the digital environment often remain unrecognized by law enforcement agencies, prosecutors, judges, guardians, and other child protection professionals. In order to have adequate access to justice it is necessary to have an understanding of the rights to which they are entitled. Although information on child protection exists at national level, it is rarely adapted to children, nor to the rights of child victims of sexual exploitation, especially in the digital space. Regarding international mechanisms relevant to digital violence against children (in the broadest sense), it is important to refer to the existing legal instruments of international and regional organizations, namely the United Nations, the Council of Europe and the European Union. Relevant conventions, protocols, resolutions, and other relevant legal documents and frameworks, which regulate or provide recommendations in the field of sexual abuse and/or exploitation of children (in the digital environment) are highlighted below.

4.1 UN Convention on the Rights of the Child

The Convention on the Rights of the Child is an international treaty adopted by the United Nations General Assembly on November 20th, 1989, and it was applied on September 2nd 1990. It is the most widely accepted human rights document in history, by almost universal ratification (all countries of the world, except the United States of America, ratified it). The Convention is a significant step in the protection of children's rights, because it recognizes children as bearers of human rights, and not only as objects of protection. States that have ratified the Convention have undertaken actions to harmonize their laws and practices with its legislations. Legislations which directly talk about the protection of children from sexual violence, exploitation and abuse are also contained in this Convention and complementary instruments (described below). Specifically, Article 34 obliges signatory states to protect the child from all forms of sexual abuse and exploitation, as specified further in General Comments 13 (on the right to freedom from all forms of violence), 18 (on harmful practices against women, girls and children) and 25 (on children's rights in the digital environment). They are obliged to take all appropriate measures on national, bilateral and multilateral levels to prevent: seduction or coercion of a child to any illegal sexual activities; exploitation of children for the purposes of prostitution, or other illegal sexual practices (exploitation of children in pornographic images and materials).

4.1.1 Optional Protocol to the “Convention on the Rights of the Child” about child trafficking, child prostitution and child pornography

The protocol sets concrete obligations for states to criminalize and suppress these forms of exploitation, as well as to ensure adequate support to victims. The Protocol promotes a holistic approach to combating trafficking CSEA and CSAM. Article 3 requires states to ensure that their laws criminalize offering, delivering or acceptance of a child for the purpose of sexual exploitation, transfer of a child's organs for profit, involvement of a child in forced labor; offering, obtaining, brokering, or providing a child for prostitution; production, distribution, import-export, offering, sale, or possession of a child for CSAM purposes (UN 2002: art. 3). Besides that, according to the Protocol, states must adopt effective measures to protect the rights and interests of the child victims in all stages of the criminal justice process, and strengthen international cooperation through multilateral, regional, and bilateral arrangements, in order to identify, investigate and punish perpetrators (UN 2002: art. 10).

4.1.2 General comment no. 25 on the rights of the child in the digital environment

This document provides additional guidelines for the implementation of the Convention on the Rights of the Child in the context of the digital world, emphasizing the need to protect children from digital violence, while at the same time, they promote their rights to expression and privacy on the Internet.

4.2 Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse

The Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse from 2007 (Lanzarote Convention) strengthens the principles established in the Convention on the Rights of the Child. The member states of the Council of Europe and other signatories note that child sexual abuse and exploitation has reached alarming proportions, both on national and international levels. This convention was adopted and opened for signatures in 2007 and entered into force in 2010; by July 2017, it was signed by all 46 member states of the Council of Europe, and 2 non-member states (Russian Federation and Tunisia), including Albania, Serbia and North Macedonia. Namely, the main purpose of this convention is to prevent and combat the sexual exploitation of children, to protect their rights, as well as to improve national and international cooperation against sexual exploitation and sexual abuse. In order to ensure the effective implementation of various legislations by signatories, this Convention establishes a special monitoring mechanism. Having that in mind, the Lanzarote Committee is a body that was established to monitor whether the members of the signatories effectively implement the convention, with the aim of facilitating the collection, analysis, exchange of information, and examples of good practice between the signatory states, when it comes to the problem of sexual abuse and exploitation of children.

For Serbia, North Macedonia, and Albania, the Lanzarote Convention evaluation focuses on their efforts to safeguard children from sexual exploitation and abuse through legislation, prevention programs, and support systems for victims. Each country is reviewed on its laws, enforcement, protective mechanisms, and strategies for both national and regional cooperation in protecting children's rights. In Serbia, for example, recent improvements have been made in updating legal frameworks and establishing specialized units for investigating online abuse, while North Macedonia has focused

on strengthening cross-border collaboration and support services for child victims. Albania has also enhanced its laws and recently introduced campaigns for greater public awareness on child protection issues. These evaluations seek to highlight each country's progress and areas that need further action, promoting a stronger, more unified response to child protection across the region (Council of Europe, 2023).

In this context it is important to note that the signatory states have obliged to encourage participation of the children (according to their age and development) in the development and implementation of state policy, programs, or other initiatives related to the fight against sexual exploitation and abuse of children. In addition, members should encourage the private sector, especially IT and communication sector, as well as civil society organizations, which should participate in the development and implementation of various policies.

4.3 Convention on Combating Human Trafficking

The 2005 Convention on Combating Human Trafficking is a key international document, which focuses on prevention of human trafficking, protection of victims, and prosecution of traffickers. It was signed in Warsaw on May 16, 2005, and was applied on February 1, 2008. The Convention represents a comprehensive approach to solving the problem of human trafficking, with an emphasis on human rights and protection of victims, including the right to assistance and support. The Convention advocates preventive measures, such as awareness raising, education, and training of officials, as well as cooperation with non-governmental organizations and the private sector. Special emphasis is placed on the identification of the vulnerable groups and risk factors that can contribute to human trafficking; *Monitoring and implementation* - GRETA (Group of Experts on Action) is responsible for monitoring the implementation of the Convention against Human Trafficking), a group of experts of the Council of Europe. GRETA periodically evaluates measures taken by member states, and makes recommendations for improvement.

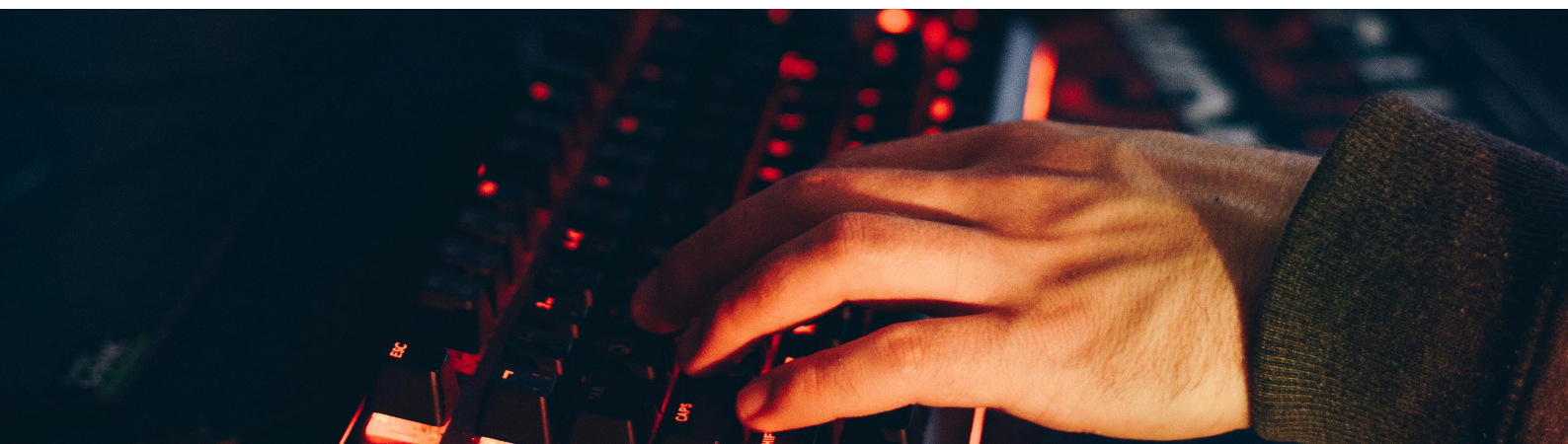
The Convention promotes cooperation between member states in the exchange of information, investigative and judicial procedures, as well as in the repatriation and reintegration of victims. The Convention of the Council of Europe on the fight against human trafficking is an important instrument in the global effort to end human trafficking, because it sets the standards for the protection of victims and their rights. It is binding member states to take concrete steps in the fight against human trafficking, and encourages international cooperation, which is crucial

given the transnational nature of human trafficking. The Republic of Serbia ratified the Convention on April 14, 2009, and on August 1 of the same year the convention was applied. North Macedonia also ratified the Convention in 2009. On September 1, 2009, the convention began to apply. Among the first countries that ratified this Convention was Albania, which did so in 2007. Similarly, the Protocol on preventing, suppressing and penalizing human trafficking, especially women and children (Palermo Protocol) was adopted in 2000, and specifically refers to the prevention, punishing human trafficking, especially trafficking of women and children. Although this protocol is not directly associated with sexual exploitation, it can be discussed in the context of trafficking people for sexual exploitation.

4.4 Convention on Cybercrime

The Convention on Cybercrime from 2001 (Budapest Convention) deals with sexual exploitation in the context of cybercrime. Namely, it regulates the safety on the internet and specifically targets frauds related to computer technology, CSAM, and other security violations. It also serves as a tool for developing comprehensive national legislation against crime in the digital space, including CSAM. The Budapest Convention demands the criminalization of the following acts: production of material on which there are explicit contents of children for the purpose of distribution through a computer system; distributing or transmitting material containing explicit child content via computer system; the acquisition of material containing explicit content of children via computer system, for yourself or for another person; possession of material with explicit content involving children via computer system, or on a data transfer medium.

In 2005, the Legislature of the Republic of Serbia signed the Convention on cybercrime, as well as an additional protocol to that convention, while it was ratified in 2009. Albania signed the Convention in 2003, and it was ratified in 2009, while North Macedonia signed the Convention little earlier, in 2001, and ratified it in 2004.



4.5 Resolution 1307 of the Parliamentary Assembly of the Council of Europe on sexual exploitation of children (non binding agreement)

Resolution 1307 of the Parliamentary Assembly of the Council of Europe on sexual exploitation of children expresses serious concern about the increase in sexual abuse and exploitation of children in Europe and around the world. Namely, this Resolution emphasizes that abuse of children and sexual exploitation are serious crimes which threaten their physical and psychological health, and violate their basic human rights.

The main points of this resolution refer to:

- *Strengthening international cooperation* - especially in the context of information technology development and the Internet;
- *Criminal law and punishments* – member states are invited to criminalize all forms of sexual abuse and exploitation of children;
- *Preventive measures* – member states are invited to create and implement preventive measures, including educational programs for children, parents and the general public, on dangers of sexual abuse and exploitation. It is also recommended to work with teachers, health and social workers, in order to be able to recognize and report abuse and/or exploitation;
- *Support for victims* - The resolution emphasizes the importance of providing appropriate medical, psychological and social support for children who are victims of abuse, both in legal procedures, as well as afterwards;
- *Monitoring and reporting* – states are encouraged to establish monitoring mechanisms for cases of sexual abuse and exploitation of children, as well as to regularly report on taken measures.

4.6 European Declaration on Digital Rights and Principles for the Digital Decade

The draft of the Declaration includes key rights and principles such as digital transformation in the service of man, encouragement of solidarity and inclusion, freedom of choice on the Internet,

encouraging participation in the digital public space, increasing security and protection, as well as strengthening the position of individuals, and encouraging the sustainability of the digital future. Those principles should be an integral part of the everyday life of European citizens: fast digital connectivity at affordable prices everywhere and for everyone, well-equipped classrooms, but also teachers with digital skills, seamless access to public services, secure digital environment for children, no professional demands outside of working hours, access to easy-to-understand information about the impact of digital products on the environment, and control over use and sharing personal data. Also, this Declaration includes the obligation to protect all children from illegal content, exploitation, manipulation, and online abuse, as well as prevention of criminal acts in digital space. In the fight against online sex exploitation, it is important to protect the rights and interests of all parties, and therefore it is important to establish a fair balance between measures for the protection of children, victims of sexual exploitation, and their own fundamental rights, in order to achieve goals of general social interest.

4.7 EU strategy for a more effective fight against child sexual abuse

The EU adopted in July 2020 the EU Strategy for a more effective fight against child sexual abuse to respond to the significant increase of number of cases of child sexual abuse and reports of child sexual abuse online. It sets out 8 initiatives (legislative and non-legislative) to be implemented 2020-2025, including advancing in implementation of existing regulation and enhancing cross-border coordination and better resourcing response mechanisms in Member States. More importantly, it includes two flagship regulative initiatives:



Proposal for a Regulation on preventing and combatting the sexual abuse and sexual exploitation of children

The proposal aims to hold online platforms accountable for limiting the proliferation of child sexual abuse in their services. Essentially it has two sets of obligations:

1. *Prevention*: obliges online platforms to assess the risk of their services being used to abuse children or disseminate CSAM and to put appropriate mitigation measures to make their services safer for children.
2. *Detection*: when these measures are not enough, it obliges online platforms to proactively detect CSAM, remove it from their services and report it to the relevant agencies.

It also sets an EU Centre to coordinate Member States, private sector and civil society to fight child sexual abuse and support victims and survivors. This Regulation is still being negotiated and has not been adopted yet.

B Recast EU Directive 2011/93/EU on combating child sexual abuse, sexual exploitation and child pornography.

The EU adopted Directive 2011/93/EU in 2011 to harmonize legal frameworks for the crime of CSEA across the EU, namely: minimum rules on the definition of criminal offenses and sanctions in the area of sexual exploitation of children, and minimum standards on effective investigation and prosecution, assistance and support to victims, and prevention measures. In 2024, the European Commission reviewed this Directive first adopted in 2011 to identify legislative gaps, best practices and priority actions at EU level in the fight against child sexual abuse online and offline. It highlighted limitations in the directive, particularly in addressing technological advances and terminology mismatches since its entry into force. The proposed reviewed Recast Directive proposes to impose stricter punishments for those who commit sexual crimes against children, including raising the penalties for OCSEA or any form of abuse facilitated by technology (i.e., including ‘pedophile manuals’ and AI-generated content). It also aims to encourage Member States to provide better support for abuse victims.

4.8 Other relevant EU Digital Regulation

Finally, the recently adopted Digital Services Act (DSA) also plays a role in terms of obliging online platforms to put in place measures to ensure the safety, security and privacy of children (Art 28) and by imposing strict obligations for online platforms to monitor and swiftly remove illegal content (including CSAM).

Bearing in mind what was stated above, it can be concluded that the countries of the Western Balkans have not only ratified the relevant international frameworks, conventions and protocols dealing with different forms of sexual abuse and exploitation, they have already introduced certain provisions into their criminal laws. On the other hand, there are still significant shortcomings in national legislation, including shortcomings in the definition of certain key terms and in harmonization with EU rules and standards.

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5 Steps Forward: A Brief Overview of Important Organizations, Legislative Initiatives and Cyber Security in the Western Balkan Countries

As the issue of CSAM imposes specific challenges, it is not solely within the responsibility nor capacity of the police under the coordination of the state. Internet moderation has become a multi-stakeholder issue, requiring the collaboration of other bodies, such as the private sector and civil society organizations. In this context, the public sector is increasingly cooperating with the Internet providers and hosting or interpersonal communication services (online platforms), but also with global interest groups such as the *Command for exploitation of children and Online Protection* (CEOP), *National Center for Missing and Exploited Children* (NCMEC), etc. Here, it is necessary to mention EUROPOL, i.e. the European Agency for cooperation in the field of EU law enforcement. Although Serbia, North Macedonia, and Albania are not members of the EU, they have formal agreements that should strengthen the fight against international and organized crime. Also, the mentioned countries participate in regional initiatives supported by the EU and EUROPOL, such as the Western Balkans Integrative Internal Security Governance (IISG) project, and other platforms in the field of security.

On the other hand, all three countries are members of INTERPOL, that is, the International Criminal Police Organization, which is a global organization for cooperation in the field of law enforcement that enables the police from different countries to cooperate in the fight against international crime. This network enables Serbia, Albania, and North Macedonia to be part of the global network, and respond faster to criminal threats across the borders, which is especially important when talking about sexual abuse and/or exploitation in the digital environment, where cases often transcend physical boundaries.

Another relevant body in the fight against CSAM is INHOPE, an international organization that coordinates internet hotlines for reporting illegal content on the Internet, especially child abusive sexual material. This network was established in 1999, in order to enable fast and effective fight against the distribution of illegal content on the Internet. Serbian hotline *NetPatrola* (www.netpatrola.rs), which is a partner of INHOPE, has a national reporting line of illegal content, which meets the standards of this organization. Similarly, iSIGURTA.al, Albanian hotline joined INHOPE in 2021, and the national line is run by the Center for Children's Rights. The mission of iSIGURTA.al is to empower children, parents, teachers, and all other citizens to use the Internet and technologies, but in a positive, safe and effective way. To date of publication, North Macedonia has not yet developed a national hotline for reporting illegal content, including CSAM, which would meet INHOPE.

Regarding civil society actors, the global network of organizations ECPAT advocates for protection of children from all forms of sexual exploitation and abuse, including CSAM. ECPAT's key activities relate to advocacy and lobbying for protection of children, research and data collection in order to identify new trends, but also risks. In Serbia, the Network of *Organizations for Children of Serbia* (MODS) is a member of the ECPAT network, aiming to improve the national efforts in the fight against sexual exploitation of children. Similarly, CRCA Albania (*Center for the Rights of the Child*) is a part of ECPAT network that contributes to the protection of children, through the improvement of policies, legislations, and access to public services for children and young people, as well as through suppression of sexual abuse and exploitation of children and young people. North Macedonian organisation the *First Children's Embassy in the world - Megjashi*, is also an ECPAT member, promoting equal opportunities for all in the best interest of the child, and fighting against various forms of abuse and/or exploitation of children. The three organisations are also part of the Eurochild network, which advocates for children's rights to be put at the heart of policy making in Europe, including relevant legislation protecting children from online child sexual abuse and other online harms.

In the next section, a brief overview of the legal framework and mechanisms will be presented for all three countries in the context of cyber security and child protection.

5.1 Context of Albania

The Global Cybersecurity Index for 2020 ranked Albania 80th out of 132 countries globally, and 40th out of 46 countries in Europe based on the assessment of cybersecurity measures taken by the state. According to this Index, Albania achieved the best results in the area of legal measures, while it scored the lowest in the areas of cooperative measures and capacity development. Generally speaking Albania has introduced certain changes into its legislation through the *National Cybersecurity Strategy 2020-2025*. This strategy covers various areas for intervention, including cybercrime, radicalism, violent extremism, and child protection online.

Apart from focusing on child protection, the strategy does not overlap with other human rights issues and the protection of other vulnerable groups in cyberspace, such as women, or ethnic, racial, and sexual minorities, which are not included (see Dedja, 2023). During the drafting of this strategy, civil society organizations dealing with children's rights participated in consultations, but no independent human rights institutions were consulted. On the other hand, the *National Cybersecurity Strategy 2021-2023* was strictly focused on national defense issues, and there is no direct correlation with human rights or children's rights issues." Also, Intersectoral strategy in "Digital Agenda of Albania" 2015-2020 covered digitization, economic, social, institutional and administrative processes. This strategy was more oriented towards the provision of services than towards citizens, and none of its goals are directly related to human rights, or children's rights. The only strategic document about cybersecurity in the country, which has a human rights-based approach, was an action plan for safer internet for children in Albania 2018-2020 and it can serve as a good example for this sector.



Also, in *the Strategy against Organized Crime and Serious Crimes for 2021-2025*, Albania places the fight against cybercrime as one of the main components, alongside drug trafficking, human trafficking, arms trafficking, trafficking of artworks and cultural heritage, money laundering, and organized criminal structures. Specifically, the Strategy requires institutions and other actors to increase efficiency in combating cybercrime, particularly in the domain of more proactive detection, monitoring, and investigation of materials depicting the sexual abuse of children.

In 2013 EUROPOL established the *European Cybercrime Center (EC3)* to strengthen the authorities' response to cybercrime in the EU, aiming to prevent and detect all forms of crime related to the sexual exploitation of children. EC3 supports member states operations and investigations by offering operational analysis, coordination, and expertise. EC3 and the Albanian state police have established a national contact point for information exchange; however, there is a noticeable lack of reporting and data from the aforementioned actors on whether this contact point is sufficiently utilized.

“When discussing the protection of children from sexual abuse and/or exploitation, the following laws are considered relevant: *The Criminal Code*, which contains legislation that criminalize the sexual abuse of children, including child pornography, i.e., material depicting the sexual abuse of children, child trafficking for sexual exploitation, as well as online sexual exploitation of children. Additionally, it recognizes sexual abuse via the internet and the distribution of inappropriate content; *The Law on the Protection of Children's Rights* provides comprehensive protection for children in Albania, recognizing the protection of children in the digital space as well; *The Law on the Protection of Children from Violence* recognizes various forms of violence, including sexual abuse and/or exploitation of children and provides various protection mechanisms. It is important to emphasize that this law also regulates the responsibility of schools, the social protection system, and other relevant institutions in terms of prevention and response to sexual abuse; *The Law on Human Trafficking*, which recognizes children as a special category, provides penalties for child trafficking and sexual exploitation; *The Law on the Prevention of Domestic Violence* is primarily focused on domestic violence, but it also regulates the issue of sexual abuse within the family or close environment; *The Law on Social Protection* includes children's rights to social protection, including the rehabilitation of victims of sexual violence and/or exploitation; *The Law on Electronic Communications* regulates the responsibility of service providers regarding the sharing and distribution of illegal content, including online child abuse and child pornography (CSAM).

The Albanian legislation on protection measures is quite complete and conforms to international standards. The legally designed protection measures include the integrated and multi-sectoral child protection system; the individualised protection plan for child victims; social care services; legal and psychological aid; child helplines; reporting and referral obligations; and protection from harmful or illegal online materials. However, implementation of all these mechanisms requires the adoption of sub-legal acts and internal procedures, a *process not yet completed*. Research has shown that Albania has made certain progress compared to the countries in the region when it comes to the protection of children in the digital environment. However, practical implementation faces numerous challenges due to institutional capacities, particularly in the domain of effective cooperation between different sectors.

5.2 Context of Serbia

Over the past few years, the government of republic of Serbia has been working intensively (in cooperation with the private sector and civil society) on defining the legislative and strategic framework for the field of security. Law on Information Security (IS) from 2016, which defines the rights, obligations, and responsibilities of all legal entities and state bodies that manage and use the system. This law describes in detail security measures for challenges, risks and threats associated with IS systems. It also specifies the authorities responsible for the protection of these systems, the forms of coordination between these actors, and the implementation of prescribed measures. Three years after the adoption of this law, it was amended to improve its implementation and to resolve issues identified in practice. In the area of cyber security, by-laws that enable the implementation of this law are of particular importance, as well as other laws in the legal system of Serbia, such as the law on personal data protection, critical infrastructure, electronic communication, and other relevant areas.

Experts assess the quality of the legal framework as solid, often emphasizing that Serbia is the most advanced in the region. However, implementation lags behind the threats developing in cyberspace. Although the normative framework regulates the area of IT security, aimed at protecting critical infrastructure, digital networks, and IS systems, the term most commonly used in everyday speech is cybersecurity, which implies not only IT security but also threats that are not formally part of IT security. Cybersecurity also encompasses the area of cybercrime, which is regulated by a special legal and strategic framework. Lawmakers have opted for the term 'IT security' due to the need to align with international standards in this area.

The current Strategy for Development of the Information Society and Information Security in the Republic of Serbia 2021-2026 is relevant; however, this strategy does not address the issue of sexual abuse and/or exploitation of children in the digital environment in any context.



When it comes to protecting children from sexual abuse and/or exploitation, the key laws that regulate this area in the Republic of Serbia are: *Criminal Code of the Republic of Serbia*, which provides punishments for various forms of sexual violence, including sexual abuse and exploitation (Articles 183, 184 and 185 specifically refer to the production and distribution of materials on which children are sexually abused, as well as their possession); *Domestic violence Prevention Act* provides protection measures for children who are victims of domestic violence, including sexual abuse and/or exploitation; *Law on the Basics of the Education System* stipulates the obligation of schools to react in cases of violence against children, including sexual abuse and/or exploitation; *The Law on Social Protection* provides various types of support for children who are victims of violence, including sexual abuse and/or exploitation; *The Personal Data Protection Act* protects children's rights regarding their own privacy, especially in

the context of exploitation and abuse on the Internet; *Law on Public order* contains provisions on punishment for the dissemination of pornography and other materials that can endanger the safety of children.

Despite a solid legal framework and various regulations, Serbia's fight against sexual abuse and/or exploitation in the online environment is progressing slowly, primarily because many of the aforementioned regulations do not recognize sexual violence in the digital environment, and due to a chronic lack of qualified professionals, as well as the politicized priorities of the relevant institutions. In other words, the regulations do not fully keep pace with technological advancements; as a result, new forms of cybercrime, where computers or computer networks are used as a means or method of execution, remain outside the scope of the law. Insufficient training and/or knowledge about cybersecurity among all actors – primarily judges, lawyers, and police officers – lead to a large number of unprosecuted 'high-tech' criminal acts. Additionally, the absence of a unified law on the protection of children's rights in the Republic of Serbia hinders an integrated approach to child protection in general, but also in this context.

5.3 Context of North Macedonia

North Macedonia is gradually but steadily working on the development of a safer digital environment. In 2018, the government took a significant step in the field of cyber security by adopting the *National Cyber Security Strategy* for the period 2018-2022, including the Action plan, which gave priority to solving cyber threats and improving cyber security.

This document aims to encourage the development of a secure, reliable, and resilient digital environment in the country, defining the main actors in this area, and setting goals, measures, and activities to support the realization of the goals specified in the Strategy Action Plan. North Macedonia's efforts in developing the legal and institutional framework for cybersecurity are also aligned with its efforts to bring legislation into line with standards and protocols of the European Union. The most important thing is that the government of North Macedonia is working on the creation of a new law on the security of networks and information systems, which should comply with the EU Directive on *Networks and Information Systems (NIS)*.

The Global Cybersecurity Index for 2020 recorded these efforts and progress of the country, ranking North Macedonia 38th out of 182 countries. North Macedonia's cybersecurity initiatives are also in line with the commitments undertaken within the framework of *the Western Balkans Digital Summit* (October 26-28, 2020) and *the Multi-Annual Action Plan for a Regional Economic Area in the Western Balkans*, which supports the digital integration of the region.

In the domain of protecting children from sexual abuse and/or exploitation, the following laws are relevant in North Macedonia: *The Criminal Code of the Republic of North Macedonia*, which defines and punishes various forms of sexual violence against children, including rape, sexual exploitation, and abuse. Specific articles address crimes such as the abuse of children in human trafficking and materials depicting sexually abused children. *The Criminal Procedure Code* contains provisions that allow for special treatment and protection of children as witnesses or victims of sexual violence; *The Law on Prevention and Protection from Domestic Violence* also provides protective measures for children who are victims of domestic violence, including sexual abuse and/or exploitation; *The Law on the Protection of Children from Human Trafficking and Exploitation* focuses on combating child trafficking, including sexual exploitation; *The Law on Child Protection* provides measures to protect children from all forms of violence, abuse, and/or exploitation; *The Law on Primary Education* obliges educational institutions to take protective measures if they notice any form of violence, including sexual abuse and/or exploitation; *The Law on Social Protection* provides certain support measures for children who have suffered any form of violence, including the aforementioned; *The Law on Electronic Communications* regulates the responsibility of internet service providers, including the distribution of illegal content and the abuse of privacy; *The Law on Personal Data Protection* enables the protection of children's privacy, including in the context of sexual violence and/or exploitation in the digital environment.

The legal framework of North Macedonia recognizes and sanctions digital violence in various forms to a slightly greater extent than the Republic of Serbia. Additionally, *the Law on Child Protection* greatly facilitates synchronized and coordinated child protection through the direct recognition of protective measures and support for children who are victims of violence in the digital environment.

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6 Concluding Remarks and Recommendations

By adopting various legal acts and ratifying a large number of conventions, the Republic of Serbia, as well as North Macedonia and the Republic of Albania, have created a good foundation for further enhancement of the child protection system against sexual abuse and exploitation. However, practice has shown that formal acts are often not harmonized and not fully implemented, so it is necessary to advance in harmonization and further develop various mechanisms and tools for the protection of children in this context.

Namely, all three countries have legislative foundations for combating child sexual abuse and/or exploitation, but gaps remain. For example, Albania's legal framework most visibly focuses on the protection of children in the digital environment and on cooperation with international networks and/or organizations.

The following grouped recommendations are offered to ensure a more consistent and proactive approach to child safety:

1. Recommendations in the domain of revising and harmonizing legal regulations with international standards

General alignment exists in the broadest sense (general agreement or common understanding among countries regarding the importance of addressing child protection issues. It implies that, while there may be some shared principles or commitments related to child welfare, this alignment is not sufficiently detailed or uniform when it comes to specific aspects like laws, enforcement, and protections against child sexual abuse material); however, when it comes to CSAM (Child Sexual Abuse Material), there are uneven regional protections for children:

- *Creating a unified law exclusively addressing child protection* – In some Western Balkan countries, child protection is currently encompassed within broader legal frameworks and regulations, which include various areas such as social protection, criminal law, education, health, etc. A unified and targeted law would enable an integrated approach, covering all aspects of child rights protection in one place, which is also recommended by the Convention on the Rights of the Child and the Lanzarote Convention.
- *Updating national laws* – Consider and update existing legislation to include new forms of sexual abuse and/or exploitation in the digital environment, and technological innovations that enable such abuses.
- *Harmonizing terminology with EU regulations* – Some Western Balkan countries still use the term “child pornography” instead of “child sexual abuse material” – although many international entities and regulations use the term “child sexual abuse material” as it better reflects the abusive and exploitative nature of the content (ECPAT, 2016: 54). The term “pornography” refers to materials such as images, videos, books, or other media intended to cause sexual arousal and in most cases filmed by actors willingly. Therefore, the involvement of children in such materials should not be defined as pornography but as “sexual abuse or exploitation of children.” Incorrect usage can diminish the exploitative nature of the phenomenon and imply a certain degree of legitimacy by the perpetrator and consent by the child victim.

Moreover, in legal frameworks and regulations, it is necessary to exclude and avoid the following terms: child prostitute or child prostitution; child sex worker; children/adolescents/young people selling sex; voluntary/self-engaged prostitution; transactional sex; webcam child sex tourism/webcam child sex abuse; child sex tourism; self-victimization; child sex tourist. Pornography is a legal business in some countries, which is another reason why it should not be used to describe the sexual abuse and/or exploitation of children. Primarily, because it gives the wrong impression that children are voluntary participants and that they engage in these activities willingly. On the other hand, a child can never consent to this activity, as it is always a criminal act, whether achieved by force or otherwise. Therefore, a clear and linguistically precise article is needed in various legal regulations that will exclusively incriminate sexual abuse and exploitation in the digital environment – leading to uniform practice, as opposed to judges relying on their knowledge to interpret and apply other articles of certain legal regulations;

- *Harmonizing penalties for the CSAM* - would create a more cohesive legal framework, reduce gaps that offenders might exploit, and foster stronger cross-border cooperation in combatting CSAM effectively;
- *Creating and implementing a strategy focused on research, intervention, and prevention of CSAM* – this strategy should prioritize the formation and resourcing of a special unit in the government dedicated exclusively to this topic;
- *Modification/amendment of legal regulations in accordance with the principles of restorative justice* – besides focusing on the needs and rights of victims, it is necessary to influence the motivation and responsibility of the perpetrator, as well as involve the entire community in the work.

2. Recommendations in the domain of technical solutions and infrastructure

Developing and enhancing technical infrastructure and capacities for the prevention, detection, and response to sexual abuse and/or exploitation in the digital environment.

- *Encouraging innovation and research in the field of combatting child sexual abuse and/or exploitation in the digital environment* through various projects, establishing research centers, and collaborating with universities.
- *Building and improving infrastructure* – modernizing network infrastructure and implementing advanced technologies to detect and respond to instances of CSEA. Establishing a special department within the cyber or high-tech crime unit that would closely cooperate with EU-level cybersecurity agencies. Providing resources for the continuous improvement and maintenance of this infrastructure.
- *Creating regional centers for combating CSAM (Child Sexual Abuse Material)* – these centers could contribute to the harmonization of legislation related to combating CSAM, which would enable better cooperation among countries. Additionally, these centers could be valuable resources for developing specialized training and support programs.
- *Joining the INHOPE network for Western Balkan hotlines that are not yet part of this network* – this network will enable faster identification and removal of CSAM, facilitate international cooperation, enhance the capacity to combat sexual abuse and/or exploitation in the digital environment of member states, and improve human resource capacities, as members gain access to training, tools, and other relevant resources that help strengthen the capacities of various actors in the fight against CSAM.

- *Increasing interaction and cooperation with Internet Service Providers (ISPs) and hosting or interpersonal communication services (online platforms)* – increasing interaction and cooperation with ISPs can significantly contribute to reducing materials depicting sexual abuse and/or exploitation of children in the digital environment. *This collaboration is crucial because ISPs possess the technical capacities and resources to detect, block, and remove such content, as well as to provide support to investigative authorities;* technology companies can significantly contribute to reducing this global problem through faster detection and reporting of suspicious activities. Namely, technology companies have advanced technology and resources for data analysis, and the exchange of resources and knowledge can enhance preventive measures.

3. Recommendations in the domain of improving human resources, education, and public awareness

Raising awareness about sexual abuse and/or exploitation in the digital environment among various social groups, including citizens, the business sector, and government officials, as well as developing capacities for prevention and response to various risks.

- *Training and specialization of professionals* – train various actors relevant to recognizing and processing cases of CSEA and CSAM, with a special emphasis on technologically facilitated forms of abuse;
- *Increasing the number of forensic experts and better resourced law enforcement units* – a greater number of forensic experts would enable faster analysis of digital evidence, such as computers, mobile phones, servers, and cloud services. This is particularly important because cases involving CSAM often contain a large amount of data that needs to be processed quickly and accurately to identify perpetrators and potential victims.
- *Establishing integrated multidisciplinary support services in accordance with the Barnahus model* – all necessary services for a child who has experienced sexual abuse and/or exploitation, including legal, medical, psychological, and social services, are provided in one facility. This centralization reduces the need for multiple visits to different locations, thereby reducing stress and additional trauma for the child. Multidisciplinary teams, including experts in social work, psychology, law, and medicine, can quickly identify CSAM victims, provide immediate support, and initiate legal processes against perpetrators;

- *Developing manuals and guides for working with children and youth who are victims of sexual abuse and/or exploitation in the digital environment* – developing manuals and guides for working with children and youth who are victims of sexual abuse and/or exploitation in the digital environment can significantly contribute to reducing materials depicting child sexual abuse (CSAM) through various important aspects. These materials provide professionals, parents, teachers, and other key actors with the knowledge and tools for adequate work with victims, risk recognition, and prevention of further exploitation.
- *Viewing CSEA as a societal problem to increase understanding and education of children, parents, and the wider community* – this approach involves recognizing that CSEA is not just a matter of criminal law or individual cases, but a serious problem affecting the entire community, requiring comprehensive engagement from all sectors of society and/or the region.

Thank you!



This publication was developed with the support of the “SMART Balkans – Civil Society for Shared Society in the Western Balkans” regional project implemented by the Centar za promociju civilnog društva (CPCD), Center for Research and Policy Making (CRPM) and Institute for Democracy and Mediation (IDM) and financially supported by the Norwegian Ministry of Foreign Affairs (NMFA).

The content of this publication is the sole responsibility of the project implementers and does not necessarily reflect the views of the Norwegian Ministry of Foreign Affairs (NMFA) nor SMART Balkans consortium.