



Course of **International Organization and Human Rights**

SUPERVISOR

CO-SUPERVISOR

CANDIDATE

Academic Year **2021/2022**

*Profondamente grata per il vostro sostegno e la vostra fiducia,
Nonno Leo, Nonna Rosa e Zia Simona.*

*Dedicato a mia madre e mio padre, la mia forza ed ispirazione.
Alle ambizioni che costantemente avete per me, Edoardo e
Beatrice ed al successo che non smettete mai di augurarci.*

Ad ogni traguardo, che è tale solo se raggiunto insieme a voi.

THE IMPACT OF COVID-19 ON ONLINE CHILD
EXPLOITATION:
CHALLENGES AND RESPONSES

Abstract

The present dissertation shed a light on the consequences of COVID-19 on online child sexual exploitation. Due to the pandemic, the majority of students relied on digital appliances which allowed home-schooling and connections with other people. On the one hand, technology proved to be a useful tool for enhancing the right to education. These modern means of communication were used in a constructive manner in order to restrain the effects of the sanitary emergency. On the other hand, digital environment facilitated recruitment and sexual exploitation of people, especially minors. Criminals took advantage of digitalization to exploit most vulnerable individuals. Unawareness and naivety brought many children into the vicious cycles of illicit economies. Several international conventions on children's fundamental rights were consistently violated. For instance, the rights expressed under the CRC or the UDHR were not fully safeguarded. As a matter of fact, the dissertation first made resort to the analysis of these legal instruments. In this example, the legal literature provided necessary tools to frame the universal phenomenon. The framework was further completed by UN reports, official documents or digital sources which furnished relevant inputs.

At this point, it is worth mentioning the way in which the thesis will be divided. First, a general analysis on human trafficking will be furnished. This section will go through main stages of this phenomenon, underlining its universal scale. Secondly, the project will investigate the impact of COVID-19 on child exploitation. Due to social distancing, a remarkable part of daily activities, including education, moved online. Indeed, children became victims of OCSEA. The latter provoked serious challenges which will be examined by chapter three. Considering that human rights were violated through digital appliances, new issues emerged. Videos or images recorded the abuses, which were subsequently shared online. As a consequence, the target was repeatedly victimized. Every time someone had access to such indecent content, their rights were violated. Apart from that, digital progress caused identification issues, increasing difficulties in determining those who were accountable for the crime. In light of this, the last section will furnish plausible solutions to current issues. It will emerge that national efforts are not enough to tackle global threats. These should be complemented by international commitments to constrain the spread of universal phenomena. Nevertheless, it is demanded to acknowledge whether regional or universal organizations are more adequate for the safeguarding of children's rights in

the digital environment. One may wonder whether these instruments are mutually exclusive or complement each other. It is necessary to appoint a more advanced and sophisticated system for the protection of human rights under international law. Cybercrimes should be fought with the so-called cyberlaw, which should provide updated measures. In this regard, social media can be used in a constructive manner in order to raise awareness and disseminate information about existing concerns in the international arena.

Table of contents

List of abbreviations	v
Introduction.....	1
CHAPTER ONE: AN OVERVIEW ON HUMAN TRAFFICKING	3
1. The intertwining between licit and illicit economies.....	4
1.1. <i>The historical background</i>	5
1.2. <i>The scale of human trafficking</i>	11
2. The protection of human rights in international law	16
2.1. <i>Modern international conventions</i>	21
2.2. <i>A modern form of slavery</i>	26
2.3. <i>Notion of children in international law</i>	29
CHAPTER TWO: COVID-19 EFFECTS ON CHILD EXPLOITATION ..	33
1. Different approaches to socio-economic inequalities.....	34
1.1. <i>Vulnerability as a root cause to exploitation</i>	36
1.2. <i>The involvement of children in occult practices</i>	40
2. The online shift of illicitness: the beginning of a new era.....	44
2.1. <i>Phases of the online exploitation of children</i>	46
2.2. <i>Case studies on CSEC: before and after COVID-19</i>	49
CHAPTER THREE: CHALLENGES PROVOKED BY OCSEA	53
1. Challenges provoked by the spread of online child exploitation.....	54
1.1. <i>Repeated victimization of children</i>	54
1.2. <i>Identification challenges of criminals and victims</i>	58
2. A glance into the future: what about next challenges?	60
2.1. <i>COVID-19 and SDGs</i>	62
2.2. <i>Online child exploitation and SDGs</i>	64
3. Fighting cybercrimes with cyberlaw	65
3.1. <i>Implementation of international obligations for OCSEA</i>	67
CHAPTER FOUR: RESPONSES TO CHILD EXPLOITATION	70
1. Plausible solutions	71
1.1 <i>Prevention for OCSEA</i>	72
1.2. <i>National efforts to combat OCSEA</i>	74
1.3. <i>Transnational cooperation to combat OCSEA</i>	76
1.4. <i>Regionalism vs Universalism</i>	78
2. Technology: two sides of the same coin.....	81

2.1. <i>An alternative use of social media</i>	83
Conclusion	86
References.....	88
Final Summary.....	102

List of abbreviations

ACRWC	The African Charter on the Rights and Welfare of the Child
ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
ACtHPR	African Court on Human and Peoples 'Rights
AI	Artificial Intelligence
AIDS	Acquired Immunodeficiency Syndrome
APOV	Abuse of Position of Vulnerability
CAID	Child Abuse Image Database
CoE	Council of Europe
CPPCG	Convention on the Prevention and Punishment of the Genocide
CRC	Convention on the Rights of the Child
CSAM	Child Sexual Abuse Material
CSEC	Commercial Sexual Exploitation of Children
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
Europol	European Union Agency for Law Enforcement Cooperation
Eurostat	Statistical Office of the European Communities
FMU	Forced Marriage Unit
GDP	Gross Domestic Product
HDI	Human Development Index
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICL	International Customary Law
ICJ	International Commission of Jurists
ICJ	International Court of Justice
ICTs	Information and Communications Technologies
IHRL	International Human Rights Law
IHL	International Humanitarian Law

IIOC	Indecent Images of Children
IJM	International Justice Mission
ILO	International Labour Organization
IACtHR	Inter-American Court of Human Rights
IOs	International Organizations
LDCs	Least Developed Countries
LoN	League of Nations
MBN	Mental Behavioral or Neurological Disorders
MNR	Model National Response
NGOs	Non-Governmental Organizations
OCSEA	Online Children Sexual Exploitation and Abuse
OECD	Organization for Economic Cooperation and Development
OPSC	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
OSEA	Online Sexual Exploitation and Abuse
OSEC	Online Sexual Exploitation of Children
SDG	Sustainable Development Goals
SOM	Smuggling of Migrants
Ss	Schutzstaffel
STIs	Sexually Transmitted Diseases
TiP	Trafficking in Persons
TOC	Transnational Organized Crime
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNICEF	United Nations Children's Fund
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
UNTOCC	United Nations Transnational Organized Crime Convention
USA	United States of America
VCLT	Vienna Convention on the Law of Treaties

VGT	Virtual Global Taskforce
WB	World Bank
WFF	Walk Free Foundation
WHO	World Health Organization
WWI	First World War
WWII	Second World War
WWW	World Wide Web

Introduction

The global system has always been characterized by the existence of two parallel markets bound by a deep and intrinsic interconnection. More precisely, illicit practices turned to fuel the expansion of licit economies. Yet, it is worth mentioning, a consistent part of the global growth is provided by informal activities. As a matter of fact, organized crime groups pour upon transnational trade to hide profits, magnifying the dependency relationship between formal and informal sectors. Given that the latter acted in the kingdom of shadows, it has never been clear the scale of such phenomena.

The turn into the new era saw the occurrence of incredible evolutions, which mostly promoted the expansion of the digital sector. The development of technological appliances and social media ended up creating an independent world. Online activities easily reached every corner of the earth, overtaking national legislation or jurisdictional boundaries. The continuous flow of data and the ongoing sharing of information absorbed individuals, who always tended to be updated. In few decades, societies normalized the virtual universe which became part of everyday life. Due to the outbreak of COVID-19 human beings immersed themselves into this virtual reality, which came to be more and more central to their lives. Accordingly, the pandemic accelerated trends, such as the use of social media, that were already emerging. To a certain extent, digitalization attenuated financial crisis because it promoted online trade of commodities, i.e., e-commerce. Global economy rapidly conformed with social changes, by relocating itself on virtual platforms. These transformations, however, comprehended also underground activities which, took advantage of the web. Informal practices demonstrated an ability to keep the pace with social innovations, evolving as well as surrounding societies. By exploiting the utility provided by digital changes, clandestine economies became more advanced and integrated. The removal of every spatial border and the anonymity of actors eased the happening of crimes and violations of human rights. In brief, informal and criminal spaces played on such context, introducing a new way to breach fundamental freedoms.

In light of this, this research aims at examining how the pandemic COVID-19 affected illicit activities, devoting particular attention to one specific shadow economy, namely, child sexual exploitation. The thesis will be divided as follows: first of all, a general overview on human trafficking will be provided. The project will analyze origins and evolution of this phenomenon, intended as a gross threat to the safeguarding of human rights.

The second chapter will look at the way in which this illegal trade conformed with the sanitary emergency and technological development. COVID-19 magnified the scale of online crimes such as cybersex trafficking. In this regard, children fell into the category of the most exposed people. Due to protracted lockdown and restriction of movements, many students relied on digital appliances. Even if technology turned out to be a constructive tool to ensure the right to education, it also allowed the expansion of illicit practices, e.g., child sexual exploitation. In other words, digitalization permitted the establishment of alternative methods to profit at the expense of most vulnerable people.

Following this, the third chapter will go through challenges provoked by the OCSEA. Repeated victimization and identification issues became two of the most concerning issues caused by digitalization. Other than that, a glance into the future will be given. More importantly, the research will throw a light on future challenges that the international arena will have to tackle. Education deprivation, lack of proper mental maturation, violence or unawareness shape circumstances which will certainly provoke social costs. In this example, the research will examine the impact of this clandestine activity on the achievement of the SDGs set by the UN 2030 Agenda.

Lastly, the fourth chapter will analyze plausible solutions needed to constrain violations of children's basic freedoms. One may wonder whether some adequate measures to combat OCSEA exist. The relocation of the global economy on digital platforms only boosted obstacles to the fight against shadow activities. It comes, then, natural to question how to tackle such issues. For sure, national efforts have to be complemented by international cooperation. Regional and universal organizations are required to collaborate in order to tackle multi-jurisdictional menaces. At the same time, a constructive use of new technologies can be enhanced for the development of a more stable and secure international system for the safeguarding of basic rights.

CHAPTER ONE: AN OVERVIEW ON HUMAN TRAFFICKING

1. The intertwining between licit and illicit economies

Illicit economies have always defined the history of humankind. Since the very first moments, economic activities ended up operating in a framework defined by a certain degree of illicitness, which turned out to be fundamental for the existence of the former. As philosopher Marx highlighted in the *Theories of the Surplus Value*, the occurrence of crimes proved to be a significant source fueling the whole economic system because,

The criminal produces not only crime but also the criminal law; he produces the professor who delivers lectures on this criminal law, and even the inevitable text-book in which the professor presents his lectures as a commodity for sale in the market. [...] Further, the criminal produces the whole apparatus of the police and criminal justice, detectives, judges, executioners, [...]¹.

It is known, these two worlds were bound by a deep interconnection which could not be easily divided. This difficulty was further aggravated by the significant number of people working in informal sectors. Several countries strongly relied on the support of illicit practices for the survival of national population. According to some authors, licit and illicit practices cooperated and interacted, almost complementing each other². As a consequence, everyone, even if indirectly, was involved in underground activities. There were cases in which formal markets sold services or commodities produced in an informal manner, such as products of the diamond industry produced through the inhuman exploitation of Africans³. Even if the commodity as such was a legal one, reality showed it was not produced in a licit way. By contrast, there were trades dealing with the illicit selling of non-tradable goods, such as human organs. At this point, one may wonder which could be the tool defining the fine line between licit and illicit. It is thought, informal activities highly depended on national legal system, which through the law was able to establish whether an action had to be considered legal or not. Thus, governments determined the boundary between licit and illicit practices. Accordingly, “States monopolize the power to

¹ MARX (2010), *The Usefulness of Crime*, in GREENBERG (ed.), *Crime And Capitalism: Readings in Marxist Criminology*, Philadelphia: Temple University Press, p. 52 ff.

² CAPELLI (2018), *The Informal Economy in Global Perspective. Varieties of Governance*, Edited by Abel Polese, Colin C. Williams, Ioana A. Horodnic and Predrag Bejakovic, Palgrave 2017, pp.340, in *Interdisciplinary political studies*, Volume 4, Number 2, p. 127 ff.

³ ANYU NDUMBE, COLE (2005), *The Illicit Diamond Trade, Civil Conflicts, and Terrorism in Africa* in *Mediterranean Quarterly*, Volume 16, Number 2, p. 52 ff.

criminalize: laws precede and define criminality. Through their law-making and law-enforcing authority, states set the rules of the game even if they cannot entirely control the play”⁴. Governments, then, were sole regulatory actors able to define which activities were allowed and which ones were not⁵. As time passed, new legislative measures were adopted and actions that were not previously criminalized, such as drug trafficking, became illegal few decades ago. Historical necessities and circumstances shaped not only the perception of specific activities, but also the creation of new clandestine practices.

1.1. The historical background

In light of this, the following research focused on one specific global nuisance, namely human trafficking. The severity of this plague drawn attention of the international arena, which aimed at enhancing the safeguarding of human rights and dignity. It is known, this phenomenon has never been “a uniform business”⁶ because of several influencing factors, such as national past or domestic and foreign circumstances. Even if trafficking in human beings was defined by some constant features, it gradually evolved as well as surrounding society. A first track of this illicit economy could be traced back to the 15th century, when African people were deprived of their freedoms to work in sugar plantations. Such a tendency became even more dominant in the 16th century when the Transatlantic Slave Trade emerged. In this example, human beings were intended as commodities of the market, exploited to provide profits. Americans bought Africans to produce tobacco, sugar or cotton, which were exported to European states. Although the existence of some distinctions between slavery and human trafficking, these actions were bound by the core idea, namely, the inhuman exploitation of human beings to provide economic gains. This trade reached the peak during the 18th century; subsequently movements for the liberation of slaves appeared. However, only

⁴ ANDREAS (2013), *Illicit Globalization: Myths, Misconceptions, and Historical Lessons*, in *The Academy of Political Science*, Volume 126, Number 3, p. 403 ff.

⁵ A legal order is shaped by the law and it should be protected by individuals. However, it is not always feasible to comply with legislative constraints.

⁶ SHELLEY (2003), *Trafficking in Women: The Business Model Approach*, in *The Brown Journal of World Affairs*, Volume 10, Number 1, p. 119 ff.

one century later, fights against slavery achieved successful outcomes⁷, included the liberation of almost 100.000 slaves.

Likewise, global balances tackled relevant transformations due to the Industrial Revolutions⁸. Since then, the world underwent intense periods of social changes and economic progress. The creation of new forms of transportation enhanced interactions among countries, allowing people to travel and migrate⁹ to another state. The setting led to the establishment of an extraordinary degree of interconnection, which also affected financial balances. Economic development was further fueled by the exchange of commodities on the global market. Nonetheless, these innovations influenced shadow activities, that, eventually, benefited from this scenario. As author M. R. Garcia underlined in *The League of Nations and the Moral Recruitment of Women*¹⁰, global interdependence promoted not only progress, but also the diffusion of criminal activities and health issues. In short, modernity gave rise to advantages for both formal and informal markets. A concrete example is given by the white slave trade¹¹ which dated back to the second half of the 19th century. This distinct form of slavery signed the beginning of international trafficking in human beings, involving many states. White slave traffic was based on “the procurement, by force, deceit or drugs, of a white woman or girl

⁷ The British initiative of 1807 for the abolition of slavery represented a watershed in the history. It was strengthened by the 1815 Congress of Vienna which acted for the elimination of this inhuman exploitation of individuals. The effective result materialized with the appointment of the Declaration for the abolition of slavery. Such a tendency reached the United States of America (USA) that in 1865 integrated the Thirteenth Amendment in the Constitution. This disposition established the abolishment of slavery either in the USA or in the territories under their jurisdiction. Other than that, in 1890, during the Brussels Conference, precise measures for the suppression of slavery were appointed.

⁸ The first Industrial Revolution lasted from the second half of the 18th century until the first decades of the 19th century (around 1830); whereas the second Industrial Revolution lasted from the second half of the 19th century until the First World War (WWI).

⁹ An international migration occurs when people decide to migrate to another state. According to the definition of the United Nations Department of Economic and Social Affairs, it is necessary to distinguish between short-term migration and long-term migration: the former lasts between 3 and 12 months, whereas the latter lasts more than 12 months. There are several motivations leading people to migrate, sometimes it is a forced migration, other times it is the outcome of a voluntary decision. On the one hand, natural disasters or instability of political systems and violations of human rights force individuals to leave their home. On the other hand, people can migrate for economic reasons or education. For more information see United Nations, *Refugees and Migrants*, available online.

¹⁰ RODRÍGUEZ GARCIA (2012), *The League of Nations and the Moral Recruitment of Women*, in *International Review of Social History*, Cambridge University Press, Volume 57, p. 97 ff.

¹¹ According to some reports, main victims of White Slavery were Eastern European and Asian women who were sexually exploited in Latin America and in the United States, respectively.

against her will, for prostitution”¹². Hence, women and girls became ‘commodities’ of a new form of illicit trade occurring in Europe as well as in the United States. Accordingly, governments started to commit against such a threat to global security and in 1910, 13 countries¹³ decided to ratify the International Convention for the Suppression of the White Slave Trade. Since the very first article, the agreement established the punishment of those involved in the activity. The provision specifically affirmed,

Whoever, in order to gratify the passions of another person, has procured, enticed, or led away, even with her consent, a woman or girl under age, for immoral purposes, shall be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries¹⁴.

Apparently, the treaty focused on the transnational aspect of this crime, mentioning the penalization of practices “committed in different countries”. By contrast, the Convention entered into force only in 1951, then, the enforcement of these measures required time. Likewise, after the WWI, in order to promote global peace and balance, the League of Nations (LoN) was set up. Even if the LoN’s Covenant did not specifically introduce protection of human rights or minorities, under Article 22 the agreement highlighted the “prohibition of abuses such as the slave trade”¹⁵. Apart from that, during the interwar phase, the LoN addressed international threats by adopting, for instance, the International Convention for the Suppression of the Traffic in Women and Children. Moreover, historical events and political contexts¹⁶ impeded the expansion of human trafficking because of the strict safeguarding of national sovereignty and limited possibility to move. However, the outbreak of the Second World War (WWII) questioned the efficiency of the

¹² WONG (2006), *The Rumor of Trafficking: Border Controls, Illegal Migration, and the Sovereignty of the Nation-State*, in VAN SCHENDEL, ABRAHAM (ed.), *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization*, Indiana: Indiana University Press, p. 69 ff.

¹³ As the United Nations Treaty Collection reported, 13 countries adhered to the International Convention for the Suppression of the White Slave Traffic signed on May 4th, 1910. However, the agreement was concluded only at the 1950 New York Conference. For more information see United Nations Treaty Collection, *Chapter VII – Traffic in Persons*, available online.

¹⁴ HUMAN RIGHTS LIBRARY, *International Convention for the Suppression of the "White Slave Traffic," May 4, 1910, 211 Consol. T.S. 45, 1912 GR. Brit. T.S. No. 20, as amended by Protocol Amending the International Agreement for the Suppression of the White Slave Traffic, and Amending the International Convention for the Suppression of the White Slave Traffic, May 4, 1949, 2 U.S.T. 1999, 30 U.N.T.S. 23, entered into force June 21, 1951*, in *University of Minnesota*, available online.

¹⁵ The Avalon Project Document in Law, History and Diplomacy, League of Nations, December 1924, *Covenant of the League of Nations*.

¹⁶ In the period right after the WWI, the Great Depression occurred. In the 30s the whole world tackled an economic regression defined by the sharp decline of production and the rise of the rate of unemployment.

IO and the conventions. During the conflict, an alternative selling of individuals happened. In this example, life of Jews was sold to the Schutzstaffel (SS) who deported them to concentration camps. According to available data, a child was worth 1500 lire, a woman 3000 lire and a man counted for 5000 lire. Considering that back then a house was worth around 10.000 lire, by denouncing three Jews, people could receive an important amount of money¹⁷. Once again, personal profits got the better of human rights, overcoming any moral value. The direct consequence of the WWII was represented by the adoption of the 1948 Universal Declaration of Human Rights (UDHR)¹⁸ to prevent future violations of fundamental freedoms. Even if the topic became a central issue for the international agenda, organized crime continued breaching basic liberties.

In the 70s, anthropologist Hart officially coined the term “informal economy”¹⁹. The notion initially referred to small transactions that avoided government controls, and surpassing national legislation²⁰. Since then, several studies started to focus on various forms of illicit economies, increasing public awareness on human trafficking. Nonetheless, the matter was not at the core of world politics. Economic changes²¹ and geopolitical tensions of the 80s filled diplomatic tables. The international arena focused on global issues such as the ideological conflict, rather than threats caused by transnational organized crimes (TOC). To a certain extent, the Cold War constrained human trafficking because of the closure of international borders which limited movements. Notwithstanding, the end of the Cold War marked a historical watershed, namely, the beginning of illicit globalization. The re-opening of international frontiers proved to be beneficial for trafficking in persons (TiP) which took advantage of the international instability. Traffickers used migrants and asylum seekers, to secretly relocate victims of human trafficking. Usually, women and children of the third-world were moved from

¹⁷ Nowadays, the Jewish Community of Rome reconstructed the blacklist of those who cheated on Jews, defining an approximation of those who have been sold. According to the data, 747 Jews were sold to SS after the great mopping up of October 16th, 1943. For more information see DI MARZO (2015), *Roma, da 1500 a 5000 lire per vendere gli ebrei ai nazisti*, iL Giornale.it, available *online*.

¹⁸ It is noteworthy mentioning a Declaration is a non-legally binding document respected by states because of moral values.

¹⁹ CHEN, CARRÉ (2020), *The Informal Economy Revisited. Examining the Past, Envisioning the Future*, Routledge Taylor & Francis Group, London, I ed.

²⁰ CENTENO, PORTES (2006) *The Informal Economy in the Shadow of the State*, in FERNÁNDEZ-KELLY, SHEFNER (ed.), *Out of the Shadows. Political Action and Informal Economy in Latin America*, Pennsylvania, p. 23 ff.

²¹ The Fordist approach was developed by the Ford company at the beginning of the 20th century and it enhanced mass production. At the beginning of the 80s, the economic reorganization, namely the shift from Fordism to flexible specialization, occurred. Thus, the economic order shifted from the system of mass production to the manufacturing of specialized goods.

developing countries to industrialized nations of the Western area, where most prominent financial activities were. Also, the arrival of many Eastern European people in Western Europe furnished an input to TOC which found a new target to exploit.

Other than that, it is important to consider events such as the Chinese access to international market, the creation of the Schengen area²² and the Yugoslav conflicts which provided new chances for purveyors of human trafficking. All these changes strengthened organized crime, which ended up representing a global threat. Each and every country, from Turkey up until Brazil, included Italy, Philippines or China turned out to be involved. As a consequence, the international arena started to focus on this menace, trying to understand how to intervene. This concern was expressed during the Vienna International Conference on Human Rights and the Beijing International Conference on Women that took place in 1993 and 1995, respectively. Attention was devoted to human trafficking, occupying a relevant space in the agenda of the international community. As a matter of fact, the setting pushed the United Nations (UN) General Assembly²³ to adopt the Convention on Transnational Organized Crime²⁴ (UNTOCC). Although being a constant menace to the international community, only in the last few decades, concerns regarding human trafficking's threatening power were raised.

The situation was further aggravated by the use of the Internet, which introduced new ways to exploit and recruit victims. This setting facilitated the happening of several criminal practices, introducing social issues that had to be managed by governments. Virtual reality instituted new illicit activities, e.g., online diffusion of images illustrating naked children. The concerning aspect of these transformations was given by the absence of any juridical limit. The advent of modernity and the setting up of digital economy proved to be

²² Schengen is an international agreement concluded among the European countries in order to remove the control of national borders and to enhance international trade. Such an initiative deeply affected illicit markets which benefited from the reduction of regulation to secretly move commodities or people. For more information, see SCHENGEN VISA INFO (2013), *The Schengen Agreement*, available online.

²³ The UN is an international organization composed by six main organs: General Assembly, Security Council, Economic and Social Council, the Trusteeship Council, the Secretariat and the International Court of Justice (ICJ).

²⁴ The UNTOCC represented the main tool for the management of transnational organized crime, referring to crimes occurred in several states or crimes committed in one country but controlled by another nation. Despite this, the convention did not furnish an exact definition of TOC. The reason explaining such a decision was bound to the constant evolution of global challenges. In doing so, the UN did not to constrain the actions of international organizations (IOs) against new forms of organized crime. However, under Article 2, paragraph (a) it is possible to read the main features of an 'organized criminal group'. For more information see United Nations Office on Drugs and Crime, *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*.

both beneficial and detrimental for the global market. Indeed, the web constituted a revolutionary source which eased communications, provided jobs and created alternative balances. World population gradually accepted these innovations. By shifting on online platforms, financial activities did not have any more spatial borders or physical constraints. Moreover, such a tendency helped tracking online financial transactions²⁵, ensuring a certain degree of control. A proper universe, independent from the real environment was set up. Nevertheless, the emergence of the Internet and the establishment of international agreements for economic integration enhanced illicit exchanges. Sometimes, modernization did not support the protection of most exposed people. Digitalization of global economy gave rise to more advanced forms of informal practices. Criminal activities demonstrated an ability to infiltrate strategic national domains and take advantage of recent developments. Accordingly, the scale of such phenomena tackled an unprecedented expansion. The discovery of new means of communication and transportation proved to be beneficial for the underworld: traffickers easily moved victims across distant countries, e.g., the relocation of Brazilian women in European nations²⁶.

As author L. Shelley pointed out,

New technology, communications, and globalization fuel the exponential growth of many of the most dangerous forms of illegal trade—the massive sales of narcotics and child pornography online, the escalation of sex trafficking through web and social media-based advertisements, and the sale of endangered species, for which revenues now total in the hundreds of millions of dollars²⁷.

In this example, it is clear why the 1999 Ministerial Conference for Combating Transnational Organized Crime talked about the “dark side of globalization”²⁸, referring to the intensification of shadow activities. In practice, human trafficking reached every single nation, as “transnational

²⁵ Nevertheless, in order to overcome financial tracking, sometimes criminals use data to exchange goods rather than online transactions.

²⁶ United Nations Office on Drugs and Crime (UNODC), *The Globalization of Crime. A Transnational Organized Crime Threat Assessment*, United Nations, Vienna, available *online*. Usually, Brazilian women are deceived by traffickers’ promises of better living conditions, stable works and secure incomes abroad. In few words, a breakthrough opportunity. But, these are just swindles aimed at procuring profits with sexual exploitation.

²⁷ SHELLEY (2018), *Dark Commerce: How a New Illicit Economy Is Threatening Our Future*, Princeton: Princeton University Press.

²⁸ WONG (2006). Specifically, the expression was quoted by author D. Wong who reported in *The Rumor of Trafficking* the negative consequences of a more integrated international cooperation.

illicit networks have tentacles that reach everywhere”²⁹. For instance, sexual exploitation practices got to several places in different manners. States were distinguished among origin, transit and destination countries. In the first section, there were nations of origin of the victims, e.g., Eastern Europe, Latin America, Africa as well as Asia. Among them, one of the principal countries of origin of victims, was Indonesia³⁰. Transit nations varied depending on the geographical area, as they referred to places where victims passed across. Basically, each and every nation turned out to be part of this category. Lastly, the third category comprehended places with most prominent financial activities such as Western Europe, North America or Asia. Given that criminals pursued economic gains, they wanted to optimize their activities. In this regard, UNODC³¹ reported European countries represented one of the major destinations for victims, who usually came from Latin America. In either way, the Orient played a relevant role for the procurement and the exploitation of marginalized people. In fact, Asia was “estimated to generally account for more than half of all human trafficking cases—origin and destination”³².

Apparently, there was not an effective limit hindering trafficking in human beings, neither national sovereignty nor international authorities.

1.2. *The scale of human trafficking*

Given that this universal phenomenon constantly occurred over time, IOs carried out several investigations to acknowledge its main features. One of the worrying aspects emerged when trafficking was considered in relation to the equilibrium of market forces. This illicit economy was generally recognized as a “market-driven criminal activity”³³, inclined towards economic gains. As any other financial activity, it was determined by the ability of traffickers to meet demand of consumers. According to available

²⁹ MICKLAUCIC, BREWER (2013), *Convergence. Illicit Networks and National Security in the Age of Globalization*, Washington, D.C.: National Defense University Press, I ed.

³⁰ For more information see INDRIATI (2018), *Analysis of International Law on Human Trafficking with Children as The Victims*, in *Semantic Scholar*, Volume 54, p.1 ff.

³¹ UNODC is charged to hinder selling of illicit drugs, crime and terrorism. This international body defined the Internet as “an essential element of modern life for millions”. UNODC, *supra* note 26.

³² MAKEI (2013), *Human Trafficking in the Post-Cold War Period: Towards a Comprehensive Approach*, in *Columbia Journal of International Affairs*, available online.

³³ MASSEY, RANKIN (2020), *Exploiting People for Profit: Trafficking in Human Beings*, London: Palgrave Macmillan, p.5.

data, there was “an abundant supply of victims within the states of origin and a growing demand for the services of the victims in the states of destination”³⁴. By relocating most vulnerable people, it was possible to establish an ideal equilibrium, characterized by the intersection between demand and supply.

Even though there were not parameters to recognize victims because everyone could fall into the vicious circle, some people were more exposed than others. Throughout the analyses emerged a real concern regarding women, who represented 80% of the overall target. Beside them, a significant part of victims was composed by children, who were trafficked for several purposes, such as sexual exploitation or forced begging³⁵. Also, trafficking in human beings followed a gender-based tendency, as male were usually exploited for forced labor whereas women for sexual exploitation. 2020 investigation conducted by the European Commission underlined in the EU, 92% of victims involved in sexual exploitation were women, whereas more than 50% of people involved in forced labor were men³⁶.

Despite this, it is important to highlight it was not easy to define the precise scale of this phenomenon because of the absence of reliable statistics. As the Statistical Office of the European Communities (Eurostat) expressed while researching on human trafficking in the European Union (EU), “measuring trafficking in human beings across countries is a challenging task with many layers of complexity”³⁷. Among the reasons leading to the lack of data, two were particularly significant. First of all, this practice must be understood as a clandestine activity, fleeing from public knowledge and avoiding transparency. Secondly, it is noteworthy mentioning some countries did not identify human trafficking as a proper crime under their national legislation. Then, these places did not report this illicit economy. By contrast, the contribution of IOs turned out to be of fundamental importance, as they provided estimated statistics to establish the size of this shadow activity. The existence of several available sources led IOs to delineate distinct values. For instance, according to the ILO, in 2012 those who were exploited through forced labor³⁸ corresponded to 20.9 millions people, whereas the United States

³⁴ MASSEY, RANKIN (2020: 3).

³⁵ MASSEY, RANKIN (2020: 7).

³⁶ European Commission (2020), *Data Collection on trafficking in human beings in the EU*, Publications Office of the European Union, available *online*, p. 22.

³⁷ MASSEY, RANKIN (2020: 7).

³⁸ The 1930 Forced Labour Convention of the International Labour Organization (ILO) provided a definition of forced labor. More precisely, Article 2, paragraph 1 stated “For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. Research demonstrated forced labor could

Department estimated 27 millions victims. The 2015 Eurostat research underlined that between 2010 and 2012 there were more than 30.000 victims of human trafficking³⁹ in the EU. As time passed, IOs continued their examination, looking at the way in which the modern form of slavery progressed. In 2016, ILO and Walk Free Foundation (WFF)⁴⁰ assessed there were 40.3 million people enslaved. Among them, almost 25 millions individuals were involved in forced labour⁴¹ whereas forced marriage comprehended more than 15 millions victims⁴². Furthermore, in 2017 research emerged sexual exploitation was the most widespread form of trafficking. Based on the available data, in the EU, 60% of victims were involved in this practice⁴³. As underlined by author I. Yen, victims lived in dreadful conditions. The scholar claimed persons trafficked into sex work are “essentially slaves” and that “traffickers routinely beat, rape, starve, confine, torture, and psychologically and emotionally abuse the women”⁴⁴.

However, a more detailed perspective about the evolution of human trafficking was provided by the Business Data Platform Statista. The company illustrated the number of people exploited through this modern form of slavery sharply increased between 2008 and 2020⁴⁵. Specifically, in less than 20 years, the universal phenomenon went from 30.000 victims to more than 100.000 trafficked persons. These data provoked serious apprehension into the international arena, especially in relation to sexual exploitation. In this example, rights of victims were breached either by traffickers or by ‘clients’ who were paying for the service. Consumers preferred to ignore the real situation in which women or children were forced to live. They just decided

include sexual exploitation, violence or deprivation of fundamental freedoms. For additional information see UNODC, *Interlinkages between Trafficking in Persons and Marriage*, United Nations, Vienna, available *online*.

³⁹ The trend in the EU illustrated 70% of human trafficking was covered by sexual exploitation and 95% of the victims were women.

⁴⁰ WFF is an international group founded in 2010, which aims at eradicating any form of modern slavery in order to enhance the safeguarding of fundamental rights. In this regard, *Global Estimates on Modern Slavery* provided an interesting categorization of the modern form of slavery. First, it divided between forced labor and forced marriage. Secondly, it distinguished among state-imposed forced labor, exploitation or sexual exploitation of adults and commercial sexual exploitation of children. For additional information see International Labour Organization & Walk Free Foundation (2017), *Global estimates of modern slavery: forced labour and forced marriage*, Geneva, available *online*.

⁴¹ More precisely, ILO highlighted that forced labour referred to people exploited either in domestic subjection or sexual exploitation.

⁴² MASSEY, RANKIN (2020: 7).

⁴³ European Commission, (2020: 39).

⁴⁴ WEITZER (2014), *New Directions in Research on Human Trafficking*, in *The Annals of the American Academy*, available *online*, p. 6 ff.

⁴⁵ STATISTA RESEARCH DEPARTMENT (2021), *Total number of human trafficking victims identified worldwide from 2008 to 2020*, Statista, available *online*.

to see what they wanted to see, without looking beyond. Unawareness or unwillingness of ‘clients’ fueled the whole financial system created by TiP. Although international conventions and rules imposed a national duty to hinder the demand of human trafficking⁴⁶, the concerned phenomenon was in continuous expansion. Indeed, this crime constituted an important business furnishing huge economic gains. In practice, it turned out to be beneficial not only for traffickers, but also for societies. The latter took advantage of financial growth and progress provoked by exploitation of human beings. In other words, “trafficking sometimes serves an economic function to parties other than the traffickers”⁴⁷. In fact, the practice clearly affected Gross Domestic Product (GDP). As theorist F. Schneider highlighted, undeclared sectors composed a significant part of the formal economy. Illicit activities proved to constitute the “17.9% of GDP in the EU and 8.3% in Australia, Canada, Japan, New Zealand and the United States”⁴⁸. Nevertheless, by being a shadow economy, inaccuracies of these data must be taken into account. Due to the lack of transparency, it is not possible to estimate certain measures.

In light of this, one may wonder which could be economic gains of the shadow activity. In 2019 the International Justice Mission (IJM)⁴⁹ provided an estimation of the real value of this irregular sphere, affirming that “human trafficking industry generates \$150 billion annually, and that two-thirds of this figure originate from commercial sex exploitation”⁵⁰. In addition, the article highlighted that sexual exploitation of minors had a significant financial impact on the effective numbers. Indeed, traffickers abused their weakness, in order to provide ‘services’ to their ‘customers’. Likewise, the European Commission in 2020 furnished an approximation concerning the financial

⁴⁶ In order to overcome such obstacles, the 2005 Convention on Action against Trafficking in Human Beings, under Article 6, enumerated several measures in order to hinder the demand. It stated states had to “a. research on best practices, methods and strategies; b. raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings; c. target information campaigns involving, as appropriate, inter alia, public authorities and policy makers; d. preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being”. For additional information see Council of Europe Treaty Series, 16 May 2005, (197), *Council of Europe Convention on Action against Trafficking in Human Beings*.

⁴⁷ SHELLEY (2003: 130).

⁴⁸ HORODNIC, RODGERS, WILLIAMS, MOMTAZIAN (2018), *The Informal Economy. Exploring Drivers and Practices*, New York: Routledge, 1 ed, p.8.

⁴⁹ The IJM is an NGO created in 1997 in order to promote the protection of fundamental freedoms and the implementation of the law. For additional information see INTERNATIONAL JUSTICE MISSION, *End Slavery in Our Lifetime*, available online.

⁵⁰ RAINES (2022), *Trafficking Without Borders: Why It Is Time for the Law to Properly Address Cybersex Trafficking in the Livestreaming Context*, in *Catholic University Law Review*, Volume 71, Number 1, p. 197 ff.

value of this inhuman exploitation in Europe, and it emerged that they amounted to almost € 29.4 billion per year, underlining that only € 2.7 billion were devoted to the annual costs⁵¹. However, this phenomenon is defined by the asymmetry of information because several factors impeded the assessment of the scale. In other words, the threat was undetected as it was not possible to precisely determine effective numbers.

COVID-19 functioned as accelerator of the already existing trends. On the one side, the crisis provided some relevant issues to illicitness. Protracted lockdown and mobility's restriction suspended some illicit economies, such as drug trafficking, which were based on the meticulous mechanism of international chains. Due to the drastic changes, market equilibrium and prices of commodities evolved. Other activities, such as smuggling of migrants (SOM) or TiP, were forced to abandon the traditional scheme and find an alternative way to profit. On the other side, illicit economies benefited from the sanitary emergency. As the European Union Agency for Law Enforcement Cooperation (Europol) argued, global crises only enhanced trafficking in human beings. Underground sectors were reinforced by exacerbation of socio-economic inequalities caused by both financial and health crises. Many people were deprived of the sole source of income because of the loss of employment. 2021 study of the United Nations⁵² illustrated that between 2019 and 2020 the unemployment rate increased by 1.1 per cent, reaching 6.5 per cent. Among those who were mostly damaged by the effects of the virus, there were minors and women that suffered "employment losses of 8.7 per cent and 5.0 per cent, respectively"⁵³. The aggravation of living conditions affected the fate of the most vulnerable people who ended up falling into the vicious cycle of sexual exploitation, which was facilitated by technological appliances. Due to the closure of international borders and the subsequent curtailment of freedom of movements, the use of technological appliances tackled an unprecedented peak. The pandemic outbreak marked the ineffectiveness of many states to provide adequate support and equal access to public health. Social vulnerability led to the expansion of clandestine activities. In this regard, children turned out to be undefended. They suffered exploitation and abuses

⁵¹ European Commission (2020), *REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*, EUR-Lex Access to European Union Law, available online.

⁵² For additional information see United Nations Department of Economic and Social Affairs Sustainable Development, 8 *Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*, available online.

⁵³ *Ibidem*.

which were not really denounced at international level. Childhood became a weapon used by traffickers, who were pursuing financial aims. One of the countries that was mostly hit by the negative consequences of the crisis were the Philippines where lots of children were sexually exploited online⁵⁴. The peculiar feature of the new form of exploitation was given by geographical localization of victims and customers: although they were in two distinct continents, webcam and the Internet connection allowed the occurrence of crimes. The impact of information and communications technologies (ICTs) should not be underestimated. Advanced means of communications accentuated the transnational character of this crime, permitting its expansion. The innovation overcame any juridical boundary, fleeing national legislations or controls. During the pandemic these cases occurred in several distinct ways, disrupting child's mental health.

Emergencies turned out to be valuable periods of expansion for criminal organizations. At this point, one may wonder how the international law truly managed the protection of fundamental rights and the subsequent emerging threats.

2. The protection of human rights in international law

The involvement of many countries explained the universal character of this modern form of slavery. By being a threat to global security, states must unite to fight breaches of basic liberties. As legal literature underlined, these violations required the intervention of not only domestic legislation, but also international one. Once victims crossed national frontiers, only international law could tackle the matter. The differences among domestic legal orders constituted weaknesses. Several factors, such as historical developments, mode of legal thinking or sources of law shaped national legal families⁵⁵. For instance, in Europe it is possible to find civil law countries or common law countries⁵⁶, based on codified rules or customary norms,

⁵⁴ KAHAMBING (2020), *(In)Visible Children and Covid-19: Human Trafficking in Public Health Ethics*, in *Jurnal Pengajian Umum Asia Tenggara*, p. 47 ff.

⁵⁵ In 1978 David and Brierley identified 4 different types of legal families, namely philosophical-religious law, Romano-Germanic law (or civil law), common law or socialist law. For additional information see DE CRUZ (2007), *Comparative Law in a Changing World*, Routledge-Cavendish, III ed.

⁵⁶ Examples of civil law countries could be Japan or Turkey; whereas an example of a common law nation could be United Kingdom. Thanks to *Comparative Law in a Changing World* by P. De Cruz, it is possible to define main features of these examples. On the one hand, civil law

respectively. Even if it is of utmost importance the respect of each and every legal family, it is also true that such an order led to a high degree of heterogeneity in the international community. In other words, the general rules accepted and respected by governments are needed to ensure coordinated actions against global dangers. However, it is worth mentioning, international law is defined by a variety of sources which are reported under Article 38 of the Statute of the ICJ⁵⁷. Specifically, the passage⁵⁸ provided the founts required to settle international disputes, namely international conventions, general principles of law recognized by civilized nations⁵⁹ or international customs.⁶⁰ This provision was complemented by Article 53 of the 1969 Vienna Convention on the Law of Treaties (VCLT)⁶¹ which recognized the

countries are based on the Roman Law, namely the *Corpus Iuris Civilis* emanated during the Middle Age. Indeed, civil law countries are founded on written rules, which used general principles to settle dispute. In this example, the main models of codified rules in Europe could be traced back to the 1804 French Napoleonic Code or the 1900 German Civil Code. Beside it, other sources of law in civil law countries were scholarships dealing with the interpretation of the law or customary laws. On the other hand, the origin of common law states dated back to the 1066 Battle of Hastings when Normans conquered England. The main issue referred to regional autonomy and decentralization. These nations were court-based, as law evolved only through judges. Differently from civil law countries, common law enhanced an alternative way to settle dispute, namely a case-by-case approach. In addition, main sources of law were customary laws, case law and precedents according to the *stare decisis doctrine*. This principle aimed at avoiding the fragmentation of the law given by the presence of several judges making the law. More precisely, the doctrine recognized the authority of highest courts to decide binding principles for lower courts. Despite these differences, nowadays there are points of convergence between civil law and common law countries.

⁵⁷ Chapter XIV of the 1945 UN Charter affirmed the ICJ Statute was an integral part of the Charter even if it was adopted on April 18th, 1946.

⁵⁸ Statute of the International Court of Justice, Article 38, paragraph 1: “1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply: international conventions, whether general or particular, establishing rules expressly recognized by the contesting states; international custom, as evidence of a general practice accepted as law; the general principles of law recognized by civilized nations; subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law”. For additional information see INTERNATIONAL COURT OF JUSTICE, *Statute of the International Court of Justice*.

⁵⁹ General principles of law are fundamental principles commonly accepted in the international community, either by states or international organizations. Examples of these principles are the principle of good faith or the principle of reparation for caused damage.

⁶⁰ International Customary Law (ICL) depended on two constitutive elements: *diuturnitas* and *opinio iuris ac necessitatis*. The former referred to continuous repetition of a conduct from many states, while the latter regarded the conviction about the compliance of such a behavior with the law. ICL provided binding unwritten norms which states had to respect, regardless of their acceptance. This legal source ensured the protection of specific rights or the prohibition of certain conducts. In other words, ICL guaranteed a certain degree of uniformity in the international arena, considering that governments were not always ready to ratify international conventions accepting sovereignty's costs.

⁶¹ The Vienna Convention was appointed by the International Law Commission of the United Nations and it entered into force in 1980.

existence of peremptory norms of general international law, that is to say, *ius cogens*⁶². Due to their absolute character, these norms⁶³ prevailed over international conventions or customs which did not belong to the same rank. Nevertheless, the establishment of the current system of international law required time. At the beginning, states mainly focused on the protection of national sovereignty, rather than the establishment of transnational cooperation. As a matter of fact, during the 18th and 19th century governments used fundamental freedoms as a tool to preserve national authority, instead of protecting individuals as such. International human rights law (IHRL)⁶⁴ concerned the way in which citizens were treated under the jurisdiction of another state. More precisely, attention was devoted to the treatment of aliens, protection of national minorities⁶⁵ and safeguarding of victims of armed conflicts. Notwithstanding, historical events demonstrated the necessity to limit national power, even with codified rules. The atrocities of the WWII marked a turning point in the history of human rights, underlining risks connected to the ungoverned sovereignty of states. Accordingly, the international arena committed to avoid the repetition of such tragedies, recognizing human rights as an instrument to defend individuals more than domestic interests. In other words, human beings became proper holders of unalienable rights that states were obliged to preserve. The first sign was

⁶²Vienna Convention on the Law of Treaties, Article 53: “A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character”. United Nations, *United Nations Convention on the Law of Treaties Signed at Vienna 23 May 1969, Entry into Force: 27 January 1980*, Lex Mercatoria, available *online*.

⁶³ The protection of human rights under international law could be expressed either by international conventions or costumes. Genocide could be an interesting example. Indeed, right after the WWII, in 1948, the international community adopted the Convention on the Prevention and Punishment of the Genocide (CPPCG). At the same time, this issue fell into one of the norms belonging to *ius cogens*. On February 3rd, 2006 the ICJ, in relation to the case on the Armed Activities on the Territory of Congo (Democratic Republic of the Congo v. Rwanda), affirmed the prohibition of genocide was part of the *ius cogens*. The ICJ further confirmed the *dictum* on February 26th, 2007 during the dispute between Bosnia-Herzegovina and Serbia-Montenegro for the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro).

⁶⁴ The origin of IHRL could be traced back to the second half of the 18th century, when the Virginia Declaration of Rights was appointed. This document was followed by the 1789 French Declaration of Rights of Man and of the Citizen adopted after the French Revolution. However, it is worth highlighting the notion of human rights was completely different from the current one.

⁶⁵ States exactly promoted the protection of religious minorities, namely Christians who lived under the Ottoman Empire. As a matter of fact, in the 19th century some European countries concluded treaties, such as the Treaty of Paris, which aimed at ensuring equality among Christian minorities and Muslims.

expressed by the 1945 UN Charter⁶⁶ under Article 1⁶⁷ which referred to the strengthening of the international cooperation for the safeguarding of basic freedoms. Moreover, this provision was complemented by Article 55⁶⁸ and 56⁶⁹ of the UN Charter concerning states' commitment to unite with the UN for the universal respect of fundamental rights. Since then, also other actors, such as non-governmental organizations (NGOs)⁷⁰ started to act for the safeguarding of human rights. The effective step forward happened when the General Assembly proclaimed the adoption of the UDHR on December 10th, 1948. Even if the Declaration was a non-binding instrument⁷¹, the document laid the foundations for the appointment of other mandatory conventions. Following this, the regional and universal institutionalization of human rights began. As a matter of fact, fundamental freedoms were protected not only at local level, but also at global level. The geographical proximity of some countries allowed the creation of regional systems for the protection of human rights which also provided the setting up of monitoring bodies such as courts or committees. The European region, the American continent and the African area developed the European Court of Human Rights (ECtHR)⁷², the Inter-

⁶⁶ United Nations Peace, dignity and equality on a healthy planet, 26 June 1945, *United Nations Charter*.

⁶⁷ United Nations Charter, Article 1, paragraph 3: "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". To consult the article, see United Nations Peace, dignity and equality on a healthy planet, 26 June 1945, *United Nations Charter*.

⁶⁸ United Nations Charter, Article 55: "With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: higher standards of living, full employment, and conditions of economic and social progress and development; solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

⁶⁹ United Nations Charter, Article 56: "All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55".

⁷⁰ NGOs are independent organizations founded on voluntarily bases. They pursue distinct goals, especially the protection of fundamental rights. Their legitimacy was recognized by the Preamble of the UDHR which mentioned "every individual and every organ of society" can intervene to promote the safeguarding of civil liberties.

⁷¹ UDHR belonged to a specific branch of the international law which referred to provisions without mandatory character, namely, the soft law.

⁷² The ECtHR was the first judicial human rights body to be established. Specifically, it was created in the aftermath of the WWII in order to implement the 1950 European Convention of Human Rights (ECHR) adopted by the Council of Europe (CoE). After the atrocities and crimes against humanity occurred in the 1940s, it was necessary to appoint a system to prevent any other dramatic event. In fact, the Convention was based on the principle of non-recurrence in order to avoid the recurrence of similar crimes. Thus, historical context led the way to the formation of a system for the protection of human rights, ensuring sovereignty's curtailment.

American Court of Human Rights (IACtHR)⁷³ and the African Court on Human and Peoples' Rights (ACtHPR)⁷⁴, respectively. Although these bodies emerged only in three regions, other geographical areas came up with some alternatives, such as Committees or Commissions⁷⁵. In this example, one of the most important achievements was constituted by the adoption of the ECHR of 1950. At the same time, significant goals were reached at universal level. Starting from the 60s, other conventions were universally designated. In 1965, principles of personal dignity and equality were enhanced through the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). One year later, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), which entered into force in 1976⁷⁶, were appointed. The latter also comprehended the promotion of education and the safeguarding of children. Apart from that, the UN promoted conventions for the protection of specific segments of the population, such as the 1981 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 1990 Convention on the Rights of the Child (CRC) or the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour⁷⁷. Other treaties aimed at tackling determined issues related to serious violations of

⁷³ On July 18th, 1978 thanks to the ratification of 11 American states, the American Convention on Human Rights entered into force. This just represented the summit of a long process which began after the end of the WWII with the adoption of the 1948 UDHR. The designation of the American Convention took time because of the contrasting interests among countries which were divided by different political systems. Although the long period required, the document clearly finalized the IACtHR which started to work in 1979.

⁷⁴ As the ECtHR, the occurrence of gross violations of human rights occurred in the 90s highly affected the establishment of the court. Indeed, the turning point occurred between the end of the 1990s and early 2000s due to the Rwanda Genocide, Sierra Leone Civil War, Second Congo War and Darfur Genocide. These events pushed the 67th Session of the Council of Ministers to adopt the Protocol setting up the ACtHPR. Even if the Protocol was appointed in 1998, the ACtHPR entered into force in 2008.

⁷⁵ Other regional human rights bodies were the African Commission on Human and Peoples' Rights, Arab Human Rights Committee, ASEAN Intergovernmental Commission on Human Rights, Inter-American Commission on Human Rights.

⁷⁶ The core decision that led to the establishment of two distinct Covenants was bound to the geopolitical context of that time. Indeed, the conditions affected international law and the protection of human rights, provoking an ideological clash. On the one hand, Western democracies believed civil and political rights prevailed over socio-economic rights. On the other hand, Eastern countries thought socio-economic rights had a prominence over civil and political rights. Thus, in order to take a balanced decision, two Covenants were separately adopted.

⁷⁷ It is noteworthy mentioning this convention was adopted when almost 80 million children were enslaved in inhuman living conditions. For additional information see QUAYLE, RIBISL (2013), *Understanding and Preventing Online Sexual Exploitation of Children*, London: Routledge, 1 ed.

human rights, such as the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT).

2.1. Modern international conventions

Despite the impact of international treaties, it is worth mentioning world politics is characterized by the continuous evolution of phenomena and the arising of new forms of harm. For instance, nowadays the global scenario is defined by asymmetric struggles, i.e., conflicts between parties with remarkable potential differences. The international arena ended up facing crimes committed by global organized networks. Such a tendency became evident in the last few decades, especially right after the end of the Cold war. Illicit economies, such as human trafficking turned out to be a serious plague for international law. Gross violations of civil liberties represented a significant threat to IHRL, considering that the number of victims constantly increased. Millions of people were deprived of constitutional rights and dignity, questioning the effectiveness of some treaties. In practice, a stronger dedication against TOC was needed. For this reason, at the beginning of the 21st century the UNTOC was adopted⁷⁸. In doing so, the Convention conveyed a significant message to the international community, namely, the formal recognition of TOC as a peril that had to be restrained. The UNTOC was complemented by additional protocols which specifically addressed some illicit practices. Through two distinct resolutions the General Assembly designated three protocols. First, thanks to the resolution 55/25 the organ of the UN designated the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children⁷⁹ and the Protocol against the Smuggling of Migrants by Land, Sea and Air⁸⁰. Secondly, with the resolution

⁷⁸ The UNTOC was signed by 147 states, comprehending nations such as China, Russia, India and Brazil.

⁷⁹ The Protocol entered into force on December 23rd, 2003 and it is also known as the Palermo Protocol.

⁸⁰ The Protocol acquired power on January 28th, 2004. It is worth mentioning TiP must be differentiated from SOM. Indeed, the status of victims defined their treatment under international law. People fell into this modern form of slavery were entitled to receive certain services provided by the state. A core distinction was that human trafficking concerned a crime against individuals, whereas SOM referred to illegal activities committed against the state. Other than that, action, means and purpose of SOM were different from those of TiP. On the one hand, SOM regarded the illegal crossing of international borders by migrants who freely decided to leave their country. The action aimed at ensuring the access of migrants in the other nation and providing economic gains. On the other hand, TiP designated the forced transport of people inside or outside the country, tended to exploit human beings. Human trafficking was

55/255 the General Assembly adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition⁸¹.

In such contexts, the Protocol on TiP mainly contributed to combat human trafficking, focusing on children and women. Even though its binding character, 178 states became parties to the Protocol, and 117 countries signed it⁸². States, then, accepted sovereignty costs in order to hinder the spread of a global issue. By contrast, this did not refer to the risks provided by the Internet. Even if it addressed online child pornography, it did not furnish precise measures to deal with the issues.

In addition, the provision appointed the first international definition of this form of slavery. Article 3 paragraph (a) of the Annex II to the Protocol formally described human trafficking as follows:

Human trafficking shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or the use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of the position of vulnerability or of the receiving of benefits to achieve the consent of a person having control over another person, for the exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs⁸³.

based on the deprivation of basic freedoms and human rights. Awareness was an additional difference that must be taken into account. In SOM, people were aware of the aim of their transport and the occurring of some events, whereas TiP was mainly based on victims' unawareness concerning the working conditions and the subsequent constraints. Notwithstanding, reality demonstrated it is quite difficult to distinguish between these two phenomena. It is not easy to precisely define the status of the person and how he or she should be treated under international law.

⁸¹ Even if the General Assembly approved the Protocol on May 31st, 2001, it officially gained power in 2005.

⁸² According to international law, signatories' states must be distinguished from states parties to the treaty. While the former referred to the political support state gave to the treaty, the latter regarded the explicit consent government expressed in accepting the binding character of the convention. In the second case, the state formalized its consent through the ratification, acceptance, approval or accession. Furthermore, signatories' states respected the treaty in light of the principle of good faith, whereas states parties had a legal obligation to respect the convention. Lastly, signatories' states could always decide to withdraw the signature, whereas states parties have the duty to follow the clauses established by the treaty. For additional information see Inside Justice - Equal Justice Under Law (2010), *Legal Obligations of Signatories and Parties to Treaties*, available online.

⁸³ Resolution adopted by the General Assembly, 15 November 2000, 55/25, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, UN Doc., available online.

Even if the Protocol did not foresee the institution of a body charged to settle disputes on its interpretation, several studies framed this universal phenomenon. However, the disposition also delineated main features of trafficking in human beings, illustrating its three core elements, that is to say, act, means and purpose. It is interesting to underline act and means, which usually pushed people into the vicious circle, were multiple. Traffickers used distinct mechanisms to reach their goals, comprehending either coercive measures or deception and fraud. In order to be identified as such, these three main factors needed to be present. An exception was foreseen when children were involved. Minors were not truly aware of their situation and thus, they could not express consent⁸⁴. In fact, means were not considered because they were inevitably coerced. Then sex trafficking was intended as the “recruitment, transportation, transfer, harbouring, or receipt of a child [under age 18] for the purpose of exploitation”⁸⁵.

In either way, this universal activity pursued one single aim, namely exploitation. This concept included a variety of crimes⁸⁶ as victims were trafficked for many distinct reasons such as sexual exploitation, forced labor or removal of organs. The perception of the illicitness of this activity depended also on the cultural tradition of the country. In general, Article 3 of the Protocol reported exploitation concerned sexual exploitation as well as removal of organs. This notion was further analyzed by the 2011 Directive of the European Parliament and of the Council which provided a broader definition. Article 2, paragraph 3 of the EU directive on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, delineated exploitation included ‘begging’ or ‘the exploitation of criminal activities’⁸⁷.

⁸⁴ It is noteworthy mentioning that the notion of minors’ consent varied from country to country. National jurisdiction established the way in which legal consent was perceived inside the society. For instance, in Angola children can give consent when they are 12, whereas in Korea they have to be 20. Differently, the culture in Africa and Middle East established sexual relations’ consent was bound to marriage. For additional information on the age of consent see World Population Review, *Age of Consent by Country 2022*, available online.

⁸⁵ International Labour Organization, United Nations Children’s Fund (2021), *Child Labour. Global Estimated 2020, Trends and the Road Forward*, New York, available online, p. 4.

⁸⁶ Exploitation of individuals could occur in a variety of ways: for instance, children could be sold to be used as soldiers; newborns could be sold in most industrialized countries; girls could be trafficked for forced marriage; people could also be used for forced begging.

⁸⁷ Directive of the European Parliament and of the Council, 5 April 2011, 2011/36/EU, *on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*. Article 2, paragraph 3: “Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs”.

As *Exploiting People for Profit*⁸⁸ illustrated, the latter regarded how traffickers used people to commit crimes such as pickpocketing or shoplifting. The EU directive demonstrated the possibility to adopt a more exhaustive perspective on the perception of human trafficking compared to the one introduced by the additional Protocol of the UNTOC.

It is worth highlighting the generality of Article 3 of the Palermo Protocol, allowed governments to look at this modern form of slavery with more than one viewpoint. Considering the centrality of cultural diversity and domestic necessities, this openness permitted nations to assess which activities could be defined as forms of exploitation. As a consequence, each and every system framed human trafficking in a different context, giving rise to multiple understandings of this crime. This flexibility ensured the possibility to undertake adequate measures in relation to specific national issues. This inclusive approach was needed to tackle those activities which did not fall into the textual definition. Even if it was not possible to adopt a universal and immutable definition of exploitation, the general terms of the definition permitted a variety of interpretations. The Protocol on TiP, indeed, left an open-ended list of forms of human trafficking allowing the possibility to address new threats. For instance, the Palermo Protocol did not refer to Internet menaces which ended up representing a considerable issue for global security.

At this point, one may wonder how this new setting was truly managed under international law. The beginning of the digital era transformed the scenario of each and every activity. Events occurred in different spaces, with another timing and innovative manners. The greatest concern regarded the role of technology in facilitating sexual exploitation. More precisely, the uplift of online child sexual exploitation and abuses (OCSEA) took place. This phenomenon referred to “the use of information and communication technology as a means to sexually abuse and/or sexually exploit children”⁸⁹. The former concerned the sexual abuses that occurred between children and adults. This is based on the coercive measures adopted by the elderly people who is pursuing personal interests or sexual needs. The latter referred to the exploitation of minors who, sometimes, received something in exchange. Due to their similarities, these two practices usually overlapped⁹⁰. In either way,

⁸⁸ MASSEY, RANKIN (2020).

⁸⁹ UNODC, *Online child sexual exploitation and abuse*, in *United Nations Office on Drugs and Crime*, available online.

⁹⁰ Despite some differences between online child exploitation and human trafficking, it is worth mentioning these two illicit activities could also be defined as child trafficking for sexual exploitation. In fact, sometimes these crimes are investigated in a similar manner.

vulnerability of the youngest generations was used as a weapon to commit illicit activities.

Accordingly international law tried to conform with social changes, responding to these new challenges. Given that many domestic systems did not provide an adequate apparatus to face technological crimes, new tools were required. For this reason, in 2001 the CoE adopted the Convention on Cybercrime, also called Budapest Convention⁹¹ used to criminalize computerized crimes. This constituted one of the very first means needed to encourage a more harmonized system for the struggle against new illegal challenges. Other than that, it is worth highlighting this was a legally binding instrument which tended to appoint some general measures to sanction child exploitation. It foresaw the punishment of crimes committed in the virtual universe, e.g., child pornography. However, the convention was ratified by a limited number of countries, either member states or non-member nations of the IO. Among the other things, this provision denounced crimes bound to the production, distribution and possession of materials portraying sexual abuses of children. One may ponder about the meaning of these expressions. The concept of “production” was precisely defined by some courts cases of the 21st century. The jurisdiction explained that “to make” referred to several distinct notions included the downloading of illicit content saved on personal laptops. Furthermore, the World Health Organization (WHO) defined sexual abuses as the practice based on the illicit use of children for sexual purposes. It is worth underlining, the child was forced “to gratify or satisfy the need of another person”⁹², without truly understanding the gravity of these activities.

Few years later, in 2007 the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, also called Lanzarote Convention was appointed. This disposition is also considered as an update of the previous Convention, which tended to address new emerging risks of the web. The CoE adopted this legal instrument in order to prevent crimes related to the sexual abuses of children and prosecute criminals. Article 20 to 23 underlined prohibitions related to child pornography. By devoting attention to this threat, evidently, each and every country was involved in such practices. Some scholars talked about the existence of a “child pornography epidemic”⁹³

⁹¹ The Budapest Convention was adopted by 67 countries all over the world, however, many powerful governments did not take part. For instance, China, Russia, Brazil and India did not sign this legal instrument, restricting its scope of application.

⁹² BROADHURST (2019), *Child Sex Abuse Images and Exploitation Materials*, in LEUKFELDT, HOLT (ed.), *The Human Factor of Cybercrime*, London, p. 310 ff.

⁹³ KALIM (2013), *Addressing the Gap in International Instruments Governing Internet Child Pornography*, in *CommonLaw conspectus: journal of communications law and policy*, Volume 21, Number 2, p. 428 ff.

referring to the widespread distribution of indecent materials portraying minors. Moreover, it highlighted the threatening power of ICTs in relation to the exploitation of minors. These means of communication reinforced two main actors: either the criminal or the consumer. While the activities of the former were facilitated by innovation; the latter easily satisfied personal interests and aims. Despite its relevance, this provision was not universally adopted, as many countries did not undertake the expressed duties. In brief, the challenging aspect of this situation was defined by the absence of a proper global convention dealing with crimes happening in the virtual reality. Indeed,

[...], existing international and regional instruments that address trafficking in persons and/or cybercrime are silent on the use of the Internet and related technologies to: (1) recruit sex trafficking victims; (2) advertise the sexual services of these victims; and (3) provide or receive payments or benefits from the sexual exploitation of children⁹⁴.

Even if the Lanzarote Convention and the Budapest Convention were binding legal instruments, they were regional tools that constrained only states' parties. Several powerful countries did not renounce to their sovereignty in favor of these conventions. As a consequence, the territorial application of these legal instruments was quite limited.

2.2. *A modern form of slavery*

Despite the existence of several forms of human trafficking, these practices were united by one main factor: the gross violation of basic rights. In fact, due to serious breaches of fundamental freedoms, this universal phenomenon was defined as a modern form of slavery. However, international law did not formally mention the existence of a 'modern' form of slavery as such. One may wonder whether TiP could be truly recognized as an alternative enslavement⁹⁵. In order to clarify it, it is necessary to take a step back. By considering previous treaties, it could be possible to highlight similarities or differences between slavery and trafficking in human beings. In fact, Article

⁹⁴ International Centre for Missing & Exploited Children (2018), *Studies in Child Protection: Technology-Facilitated Child Sex Trafficking*, in *International Centre for Missing & Exploited Children*, available online, p. 24.

⁹⁵ As previously seen, slavery constantly menaced the history of humankind. It changed over time, adopting distinct forms. However, such a phenomenon was always based on inhuman exploitation of people in order to provide profits.

1 of the 1926 Convention to Suppress the Slave Trade and Slavery⁹⁶ defined these phenomena as:

Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. (2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves⁹⁷.

In the first paragraph, the Convention provided a definition of slavery, focusing on the right of ownership that some people could exercise over others. Slaves were intended as pure ‘commodities’ belonging to other individuals. The second paragraph determined the concept of slave trade as a financial activity based on the illicit sale of people. This concept was completed by the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery which mentioned the 1926 Convention in the Preamble⁹⁸. The provision furnished interesting definitions of “practices similar to slavery” and “slavery”, referring to the exercise of right of property over individuals. It prohibited objectification of human bodies and the perception of human beings as products of the market. Since the very first article, the 1956 Convention underlined the duty of each and every state to fully abolish and abandon any form of slavery, included ‘debt bondage’ or ‘serfdom’. Apart from that, under Section II, Article 3, the treaty affirmed the interdiction to move slaves across international borders. This recognized state’s responsibility to control national territory in order to prevent illicit trades.

A definite answer on the perception of trafficking as modern form of slavery was given by the ECtHR thanks to the application no. 25965/04 on the case *Rantsev v. Cyprus and Russia*⁹⁹. Under these circumstances, the regional

⁹⁶ The Convention is also called Slavery Convention and it was enhanced by the League of Nations. The treaty was signed in Geneva on September 25th, 1926, but it gained effective power on March 7th, 1927.

⁹⁷ REFWORLD, League of Nations, 25 September 1926, 60 LNTS 253, Registered Number 1414, *Convention to Suppress the Slave Trade and Slavery*.

⁹⁸ United Nations Human Rights Office of the High Commissioner, United Nations, 7 September 1956, *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*.

⁹⁹ Judgment of the European Court of Human Rights, 7 January 2010, Application Number 25965/04, *Rantsev v. Cyprus and Russia*.

Court recognized human trafficking fell into Article 4¹⁰⁰ on the ‘Prohibition of slavery and forced labour’ of the ECHR. The disposition established the outlawing of people’s enslavement, affirming nobody ‘shall be held in slavery’. Moreover, the case *Rantsev v. Cyprus and Russia* highlighted states’ duty to adopt appropriate measures to safeguard victims. Therefore, TiP represented a form of slavery which adapted to social changes and developments.

However, it is also true that trafficking in human beings is defined by several layers of complexity. This phenomenon referred to a variety of activities. In few words, “‘Trafficking’ is an umbrella term for a process that can lead to a variety of outcomes”¹⁰¹. The crime gathered together many distinct illicit economies, from forced labor or organ removal up until sexual exploitation. By being a multifaceted issue, trafficking turned out to be “the most pervasive of all criminal markets globally”¹⁰², reporting the highest score compared to any other underground activity. In fact, the 2021 Global Initiative on Global Organized Crime illustrated the significant impact human trafficking had on global averages regarding criminal markets. Its concerning feature was certainly given by the universality, considering that whoever was threatened: men, women or children. Minors certainly represented an important category of people as they constituted future generations. The investment on children is fundamental to ensure the development of their capacities in order to contribute to the well-being of upcoming societies. By contrast, ill-treatment and exploitation could aggravate socio-economic balances, public health and progress. Many times, vulnerability and unawareness exposed minors to relevant risky situations, such as child labor, child slavery or child trafficking. As it can be deduced, these three phenomena are bound by the core idea, i.e., the deprivation of children’s childhood. In these cases, development of children is hindered by personal interests of other

¹⁰⁰ Council of Europe, European Convention on Human Rights, Article 4: “1. No one shall be held in slavery or servitude. 2. No one shall be required to perform forced or compulsory labour. 3. For the purpose of this Article the term “forced or compulsory labour” shall not include: (a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention; (b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service; (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community; (d) any work or service which forms part of normal civic obligations”.

¹⁰¹ DAVIDSON (2010), *New slavery old binaries: human trafficking and the borders of freedom*, in *Global Networks*, Volume 10, Number 2, p. 244 ff.

¹⁰² GLOBAL INITIATIVE AGAINST TRANSNATIONAL ORGANIZED CRIME (2021), *Global Organized Crime Index*, available online.

individuals¹⁰³. By depriving minors of their childhood, serious future consequences could be encountered. Global demographic growth or social progress could be undermined. For this reason, it is fundamental to ensure the safeguarding of their rights, addressing surrounding threats.

2.3. *Notion of children in international law*

Although international law provided an exhaustive regulation concerning individual's rights or states obligations, ongoing violations demonstrated issues regarding the non-observance. It is necessary dispositions are implemented in an efficient way, otherwise all efforts could be vain. Scholars questioned the efficacy of international law, due to the existing breaches of human dignity and liberties. In this example, particular concerns regarded the exploitation of children, given that they determined future generations.

However, one may wonder which factors truly distinguished children from the rest of the population. Under international law, children are defined by one element, namely, the age. Even if there is not a unique and shared perspective about it, the 1989 CRC¹⁰⁴ under Article 1 established children were all those people below the age of 18 years¹⁰⁵. This was reiterated by the supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, which under Article 3 paragraph (d) defined a child¹⁰⁶. These legal instruments recognized some fundamental entitlements to every child, underlining state's obligations to take all necessary measures to protect them. For example, Articles 34 and 35 of the CRC referred to the "protections against child sex trafficking". The first disposition demanded states to adopt all necessary steps to prevent any situation concerning unlawful sexual practices, included the involvement of children in the production of pornographic content; whereas the second

¹⁰³ Offenders involved in the OCSEA were driven by several distinct motivations: some criminals committed such practices exclusively for financial purposes, others wanted to reach personal satisfaction. In either way, minors were exploited.

¹⁰⁴ Resolution adopted by the General Assembly, 20 November 1989, 44/25, *Convention on the Rights of the Child*.

¹⁰⁵ CRC, Article 1: "For the purposes of the present Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier." Nevertheless, it is worth mentioning the international arena is defined by an ample divergence on the perception of children. Each and every country established its own criteria to recognize a child, either legally or sociologically.

¹⁰⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Article 3, paragraph (d): "'Child' shall mean any person under eighteen years of age."

disposition required states to prohibit the sale or traffic of minors. Notwithstanding, these provisions were particularly vague as they did not provide specific measures states had to undertake. This flexibility, eventually, turned out to be a significant disadvantage which did not ease an appropriate implementation of the law. In fact, children were unfairly exploited in many countries. Their rights, such as the right to education or to a decent standard of living, were distinctly and severely violated. Their lives were affected by lots of events, such as geopolitical balances or public health crises. Difficult living conditions led children to enter illicit economies. They could be exploited in many distinct ways, either through forced labor in agricultural sectors or sexual exploitation. Article 3 of the 1999 Worst Forms of Child Labour Convention granted a clarification on the notion of ‘worst forms of child labor’ referring to:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children¹⁰⁷.

In practice, this disposition covered several forms of child labor, tending to protect adolescents as much as possible. Beside it, at the beginning of the 21st century, two additional Protocols were appointed to complete the 1989 CRC. These addressed two relevant threats to the safety of children, namely the involvement of children in armed conflict and the prohibition on the sale of children, child prostitution and child pornography.

On the one hand, one of the most widespread trends was represented by the use of children as soldiers during hostilities. This practice was common in African countries where youngest were drugged¹⁰⁸ and trained in order to fight. In doing so, these nations violated international humanitarian law (IHL), which also adopted a stricter definition of child, intended as anyone who was below the age of 15 years old. Other times, children were bought to be used as suicide bombers. In both cases, minors were deprived of the first,

¹⁰⁷ NORMLEX, Information System on International Labour Standards, International Labour Organization, 1999, No.182, *Worst Forms of Child Labour Convention*.

¹⁰⁸ CRC, Article 33: “States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances”.

unalienable right that should be granted to everyone, that is to say, the right to life. Either they were forced to struggle or they were directly obliged to commit suicide, their lives were not defended. On the other hand, in 2000 the United Nations promoted the adoption of the second Optional Protocol that addressed new risks, which emerged with the Internet. It is worth noting, this disposition encouraged the extra-territorial jurisdiction of states to prosecute child sexual crimes. Given that the Internet did not have any juridical boundary, it was necessary to strengthen states' authorities. Apparently, the Optional Protocol already recognized the transnational nature of this illicit activity. The Protocol, indeed, constituted the "lead universal treaty specifically addressing the sexual exploitation of children"¹⁰⁹. Article 1¹¹⁰ of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) directly prohibited such treatments. Following this, Article 2 of the disposition provided a definition of these three activities. According to paragraph (a), "sale of children" referred to "any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration"¹¹¹. Paragraph (b), instead, focused on the notion of "child prostitution" intended as the sexual exploitation of minors for financial purposes. Lastly, paragraph (c) provided an explanation of "child pornography", concerning the graphic illustration of a child engaged in sexual activities or the illicit representation of minors' nudity. In addition, Article 3 required states to provide appropriate measures to punish such conducts under domestic criminal law.

An alarming aspect emerged with the outbreak of diseases such as the acquired immunodeficiency syndrome (AIDS) or Ebola. Sanitary emergencies made marginalized people even more vulnerable, leading them to enter vicious cycles in exchange for food or medical care. Apart from that, these crises worsened conditions of many children who were trafficked: through sexual abuses it was more likely to contract infections. Hence, no morality hindered actions of purveyors, who did not even stop before children innocence. The outbreak of COVID-19 accentuated an alternative way to the traditional exploitation, conformed with modernization. Digitalization enabled both transnational connections and diffusion of illicit practices, such as sexual exploitation of minors in the virtual universe. In general, criminal activities concerned the distribution of pornographic images or livestreaming

¹⁰⁹ KALIM (2013: 439).

¹¹⁰ Resolution adopted by the General Assembly, 16 March 2001, A/RES/54/263, *Optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography*, UN Doc., available *online*.

¹¹¹ International Centre for Missing & Exploited Children (2018: 25).

abuses which clearly breached human dignity. The online sharing of such contents allowed access to anyone who had a digital device. Some became subjects of images portraying indecent content. Others were submitted to cybersex trafficking¹¹², i.e., to have online sexual intercourse with other people. Specifically,

Cybersex trafficking is the live-streaming sexual exploitation of children viewed over the internet. Pedophiles and predators anywhere in the world can now search online and wire a secure payment to an adult who sets up the show. Boys and girls—some under 2 years old—are abused or forced to perform sex acts in front of a webcam. The more abusive the show, the more the customer pays¹¹³.

This threat was tackled by UN Resolution 31/7¹¹⁴ on the Rights of the Child which focused on the role of ICTs in relation to the violations of children's rights. The main content of this provision regarded sexual exploitation of children by means of digital appliances.

The unregulated nature of the Internet and anonymity challenged international law and IHRL, which started to tackle advanced forms of human rights violations. The absence of formal regulation dealing with online breaches of liberties, opened a debate in the international arena. In some respects, the pandemic fueled the growth of such phenomena, enlarging difficulties concerning the fight against unlawfulness. Traditional balances and concepts were jeopardized by modernization and the creation of new illicit practices based on the use of advanced technologies. The combination of many innovative factors led to the establishment of a more dynamic world, which was partly shifted online. By contrast, doubts on the adequacy of existing legal instruments arose.

¹¹² At this point, one may wonder which could be the differences between sex trafficking and cybersex trafficking. While the former is defined by the proper sale of human beings, who are trafficked between countries; the latter is known as a rising practice based on the diffusion of livestreaming abuses. Then, these two crimes were differentiated by one main factor, namely the geographical location of the victim, the abuser and the consumer.

¹¹³ INTERNATIONAL JUSTICE MISSION (2016), *IJM Casework series cybersex trafficking*, in *IJM*, available *online*.

¹¹⁴ Resolution adopted by the Human Rights Council, 23 March 2016, 31/7, *Rights of the child: information and communications technologies and child sexual exploitation*, available *online*.

CHAPTER TWO: COVID-19 EFFECTS ON CHILD EXPLOITATION

1. Different approaches to socio-economic inequalities

Despite deep differences among illicit economies, these activities have always been united by two related elements: national laws and secrecy of actions. Given that domestic legislation prohibited the selling of certain goods, criminals moved products with utmost discretion. Actors always tried to act in the kingdom of shadows, minimizing transparency and availability of data needed to define the size of these universal phenomena. As time passed, it became increasingly difficult to assess areas in which illicitness operated. For this motivation, it could be useful to look at the rationality underpinning irregular sectors. It is largely known, occult practices were influenced by several factors, included geographical area and domestic conditions. Indeed, theories on the informal economy demonstrated the emergence of subversive activities was linked to socio-economic conditions of the country. According to this approach, illicit economies acted at the expense of most vulnerable people, who, because of inequalities, were pushed into vicious cycles. More precisely, low rates of employment, limited education and poverty were driving forces for the development of alternative solutions to formal economies. Hence, developing states, that lacked basic infrastructures, underwent higher degree of unlawfulness. Domestic circumstances shaped the evolution and establishment of shadow activities which differed from one another. Depending on internal conditions and resources, there were areas characterized by the illicit production of gemstones as well as those defined by the selling of human beings. Thus, criminal activities partly depended on the environmental conditions which shaped opportunities. Notwithstanding, it is also true this threat did not menace only the Global South, but also the Global North. The latter was characterized by the existence of socio-economic imbalances dividing individuals in social classes.

An interesting categorization of social inequalities was provided by the UN which focused on income, assets, employment, knowledge, politics or medical services and safety¹¹⁵. As a matter of fact, socio-economic differences reached several disparate fields which necessarily gave rise to more advantaged or disadvantaged people. It is worth mentioning, globalization influenced the socio-economic gap at both micro and macro levels. States went through unequal phases of progress, then some were more developed than others. This defined the division between developed and developing

¹¹⁵ BARNER, OKECH, CAMP (2014), *Socio-Economic Inequality, Human Trafficking, and the Global Slave Trade*, in *Societies*, Volume 4, Number 2, p.150.

nations, as the former exploited the inability of less industrialized states to keep the pace with social change. One may wonder which could be some of the reasons leading to such imbalances and divergences. According to the conflict theories, the ability to detain and control power truly conditioned each and every balance. This school of thought believed disparities represented “the social, financial, and political power struggle between those who hold power and those who do not”¹¹⁶. This approach, then, focused on the national ability to detain force and impose authority over others. In such context, it is interesting to consider the world systems theory postulated by sociologist I. Wallerstein¹¹⁷ who stressed the way in which global inequalities were structured. The thesis was based on the three-level hierarchy, according to which countries were labelled into three categories, namely core, semi-periphery and periphery. These nations were bound by a dependency relationship, which could not be easily interrupted. On the one hand, core countries dominated over others, exploiting resources of peripheral areas. On the other hand, the periphery depended on the capital of core countries. Lastly, semi-peripheral areas were placed in an in-between position, holding some features of both core and periphery. The vicious cycle was fueled by the hindrance of peripheral progress. As a consequence, these inequalities pushed least developed countries (LDCs) to find alternative ways, different from traditional ones, to profit. Illegal activities represented a plausible solution to provide some economic gains. In other words, peripheral countries accessed black market economies in order to support modernization. Interestingly, research demonstrated there was a causal link between the spread of illicit economies and poverty in developing states. In fact, underground activities proved to be a relevant source of income for those who could not have good living conditions. Among the clandestine practices, child sexual exploitation was particularly significant as it constituted a relevant source of profit. Minors were sold more than once, providing financial gains to the perpetrators. This modern form of slavery was based on the use of violence which was fundamental to establish control over individuals. It is interesting to point out, this universal phenomenon provided a small-scale illustration of the dependency relationship between core and periphery. To a certain extent, criminals took advantage of susceptible positions of most exposed people to enrich themselves.

¹¹⁶ BARNER, OKECH, CAMP (2014: 150).

¹¹⁷ Study.com (2014), *World Systems Theory: Core vs. Peripheral Societies*, available online.

1.1. Vulnerability as a root cause to exploitation

Vulnerability of victims played a crucial role, as it turned out to be a determinant element easing exploitation of human beings. Some scholars sustained marginalization was among the root causes for the expansion of illicitness. For this reason, one of the core themes of the 2008 Vienna Conference was susceptibility, intended as an element threatening the safeguarding of fundamental freedoms. Furthermore, the concern was accentuated by the variety of factors defining vulnerable people. As the UNODC's report *An Introduction to Human Trafficking: Vulnerability, Impact and Action* designated, social exclusion or economic need represented powerful elements for the growth of occult activities, such as human trafficking. On the document it is possible to read,

Human traffickers prey on people who are poor, isolated and weak. Issues such as disempowerment, social exclusion and economic vulnerability are the result of policies and practices that marginalize entire groups of people and make them particularly vulnerable to being trafficked¹¹⁸.

This was further outlined by the 2020 *Global Report on Trafficking in Persons* which recognized the crucial contribution of susceptibility for the development of TiP. It is not clear, nevertheless, how vulnerability could be perceived. For instance, the UNODC devoted attention to the features of the setting in which people lived. Indeed, [...] “vulnerability” refers to “a condition resulting from how individuals negatively experience the complex interaction of social, cultural, economic, political and environmental factors that create the context for their communities”¹¹⁹. As a consequence, dreadful conditions such as those of irregular migrants or child without parental care strengthened traffickers' power. While the former was threatened by the fear to be reported to national authorities, the latter was not even conscious of the unlawfulness of perpetrators' conduct. In both cases, the universal phenomenon was fueled by worry or unawareness of individuals, who were not conscious of the reality of facts. Such examples represented just stereotypes of those likely to fall into vicious circles of illicit economies. Socio-economic inequalities determined the fate of each and every human being. More importantly, personal disadvantages played a relevant role for

¹¹⁸ United Nations Office on Drugs and Crime (2008), *An Introduction to Human Trafficking: Vulnerability, Impact and Action*, United Nations, Vienna, available online.

¹¹⁹ *Ibidem*.

minors who were even more vulnerable. Childhood, indeed, magnified the number of those who were involved in sexual exploitation or abuses.

Although the profound influence of the context in which people were born, this modern form of slavery was also powered by external factors. Social circumstances forced individuals to accept their destiny without even trying to find an alternative. By considering separate events, it is possible to understand how human trafficking was promoted. For instance, the course of national growth strongly affected the lives of individuals. While economic rise enhanced progress and development, severe financial recessions irremediably hit people. As the UNODC report showed, a decline in the GDP combined with the increasing number of impoverished or unemployed people led to an increase of those in economic need. These conditions inevitably had serious consequences on the living conditions of children. The real concern was represented by the effects on exposed individuals, who under pressure, were more likely to adopt risky decisions. In fact, “the vulnerability that traffickers exploit relates to the higher level of risk that persons in economic need are ready to take”¹²⁰. Accordingly, periods of crises brought people to carry out irrational actions or take unaware choices. Such conducts concerned, for example, the sale of human organs, son or daughters. In any case, the protection of public health and human rights was endangered. In this regard, minors and women fell under the category of most susceptible people.

The outbreak of COVID-19 perfectly illustrated how unexpected external catastrophes changed the destinies of millions of people. This emergency challenged either the living conditions of many or the safeguarding of basic freedoms. The WHO’s recognition of the Coronavirus as a pandemic marked the beginning of a new era. In a few months, the menace turned out to be a global threat to international security that had to be constrained by states. Many countries established a state of emergency, which, eventually, became a double edge-sword: on the one hand, governments tried to safeguard public health by restraining the spread of the virus. Specifically, they appointed measures aimed at reducing movements of people in order to respect social distancing. On the other hand, non-fully democratic states¹²¹ took advantage of the extraordinary circumstances increasing national authority and

¹²⁰ United Nations Office on Drugs and Crime (2020), *Global Report on Trafficking in Persons*, United Nations, Vienna, available *online*.

¹²¹ Countries such as Hungary took advantage of the pandemic to expand national sovereignty at the expenses of human rights. The International Commission of Jurists (ICJ) condemned such a behavior, highlighting breaches of fundamental freedoms through the report *A Façade of Legality: COVID-19 and the Exploitation of Emergency Powers in Hungary*. For additional information see INTERNATIONAL COMMISSION OF JURISTS (2022), *A Façade of Legality: COVID-19 and the Exploitation of Emergency Powers in Hungary*, available *online*.

breaching fundamental liberties. Usually, a state of emergency equips the executive branch with remarkable power, becoming much more influential on the adoption of national choices and measures.

Aside from the sanitary crisis, the virus provoked a severe financial retrogression which caused harsh consequences on the lives of human beings. The World Bank (WB) communicated emergencies such as the one generated by COVID-19 did not occur since the end of the WWII¹²². As a matter of fact, the Organization for Economic Cooperation and Development (OECD) clearly assessed a sharp decline of GDP *per capita*¹²³ in the second half of 2020, highlighting the significant impact of the pandemic on personal wealth of inhabitants. UNODC research already predicted the exponential growth of global impoverishment, outlining that more than 400 million people would have lived in extreme poverty. Likewise, WB data assessed COVID-19 crisis would have worsened living conditions of almost 49 million people. All these events inevitably engaged with informal practices, worsening living conditions of those involved. The absence of social protection or security did not guarantee protection of workers who underwent challenging periods. Due to their impossibility to rely on the support of the state, they were majorly exposed to several forms of exploitation. As Italian judge M. Giammarinaro argued, informal workers “will find themselves at higher risk of poverty, which may lead to turn to risky and exploitative employment”¹²⁴. Such a situation was used by organized crime to strengthen and expand the clandestine network. The combination of sanitary and financial crises widened socio-economic gaps existing in every society. Illicit economies took advantage of the period of emergency to further infiltrate the global economy and national strategic fields. By aggravating inequalities, the pandemic furnished the main ground for the expansion of trafficking. Even if COVID-19 hit everyone, it is noteworthy mentioning, children suffered more than other people. As it could be deduced, childhood became a weapon used by organized criminal groups to pursue their aims. Those who detained financial power exploited the most vulnerable people who lived in increasingly precarious conditions. This susceptibility represented a real menace to the safeguarding of human rights. In this regard, the UN Protocol on TiP already underlined the minacious power provoked by vulnerability, considering that

¹²² United Nations News Global perspective Human stories (2020), *Coronavirus: World Bank confirms deepest recession since World War Two*, available online.

¹²³ GDP *per capita* must be considered as a fundamental indicator illustrating national levels of development and financial performances.

¹²⁴ GIAMMARINARO (2020), *The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons*, United Nations Human Rights Special Procedures, available online.

traffickers abused positions of vulnerability (APOV) to gain control over defenseless people.

At this point, one may wonder which could be structural factors determining social imbalances. Given the multiple approaches to the notion, it could be useful to consider more than one perspective. For instance, the ILO identified 4 types of dangers, namely, family-related risk factors, child-specific risk factors, socio-economic related risk factors and environment-related risk factors. The first category concerned the environment in which children lived their personal growth. The setting where people were born and lived strongly influenced human behavior and its course. Contexts defined by elements such as social exclusion, poverty, absence of parental care, health diseases, or discriminations constituted forms of disadvantage. The second group was closely linked to the first and it referred to socio-economic conditions of the minor as such. Many times, adolescents did not possess identity cards or citizenship, a safe place to live, social protections or financial means. The consumption of drugs or the lack of awareness also accounted for decisive factors. Thirdly, the socio-economic related risk factors regarded general conditions of the geographical area in which people lived. For instance, this section was defined by employment rates, population density, financial situations or national development. Lastly, the environment-related risk factors included the existence of illicit practices in the territory. If phenomena such as sex tourism, corruption, armed conflicts or child labor were present in the country, it was more likely people were involved in such activities. These factors were not mutually exclusive; indeed, they could simultaneously occur.

As the legal literature underlined, the Protocol on TiP, under Article 9¹²⁵ paragraph 4 charged states with the duty to address core components defining vulnerabilities to trafficking. This disposition of the TiP intended marginalized people as those who lived in harsh conditions defined by poverty, underdevelopment or existence of specific inequalities. In other words, those who were in economic need¹²⁶, lacking personal, psychological

¹²⁵ UN Protocol on TiP, Article 9, paragraph 4: “States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity”. United Nations Office on Drugs and Crime, *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*.

¹²⁶ For example, according to the data collected by the ILO in 2016, almost 900 million people in developing countries lived with less than \$2 per day. According to international standards, \$1,90 per day signed the extreme poverty line. Then, in such context, it becomes unavoidable, if not spontaneous, the expansion of the informal market.

or socioeconomic factors to survive, were mostly exposed to this modern form of slavery.

The economic downturn provoked by COVID-19, therefore, magnified the scale of illicitness. This sanitary emergency provoked an unprecedented financial crisis that hit the whole world.

In short, studies demonstrated that economic need was not the only variable enhancing the expansion of this universal phenomenon. Vulnerability stemmed from several layers of systemic stumbling blocks which altogether powered the apparatus for the exploitation. Other elements, such as dysfunctional families, mental behavioral or neurological (MBN) disorders constantly affected human beings' lives. Immigrant status, physical disability or illiteracy also determined status of susceptibility. The combination of all these downsides proved to be beneficial for illicit economies. Under certain circumstances, traffickers did not even have to resort to deceptive strategies, as they were strengthened by elements such as personal precarious conditions of the target. Likewise, financial necessities or unconsciousness prevented people from denouncing their conditions, making the fight against criminal activities even more difficult. It is interesting to look at the specific conditions of minors whose childhood was used as a weapon against them. Naivety and unawareness magnified power of traffickers who pursued their own aims.

1.2. The involvement of children in occult practices

Some scholars questioned reasons bound to the occurring of certain events, devoting particular attention to the inhuman exploitation of children and the violation of their rights. In fact, when minors were involved in informal activities, they were deprived of their childhood and personal growth. By providing a relevant source of profit, this practice threatened the development of future generations. Even if there are not precise statistics, different IOs furnished some approximation on the percentage of children¹²⁷ connected with underground activities. According to the 2014 estimation of the ILO, more than 5 million children were involved in forced labor. A fifth of them was exploited for sexual purposes, as it furnished approximately US\$99 billion per year¹²⁸. 2020 report¹²⁹ published by ILO and UNICEF assessed child labor menaced the health of 160 million children all over the

¹²⁷ In this case children are considered to be people below the age of 18.

¹²⁸ International Centre for Missing & Exploited Children (2018: 2).

¹²⁹ International Labour Organization, United Nations Children's Fund (2021: 2).

world. Among them, boys represented more than a half of the total. Considering that this trend was mainly explained by the vulnerability of the target, it is necessary to underline the crucial role played by the surrounding environment. Usually, traffickers abused exposed positions caused by a variety of factors, such as personal background, poverty, lack of access to education or dysfunctional families. The absence of good living standards eased the ingress into informal markets. Likewise, the happening of catastrophes such as COVID-19 functioned as amplifier of the already existing tendencies. Data demonstrated after the outbreak of the pandemic, almost 10 million children ended up being involved in illicit practices. Even if data reported these estimations, the lack of reliable and precise statistics caused by asymmetric information must be considered.

During the sanitary emergency, the susceptibility of minors was accentuated either by the financial retrogression or by home-schooling¹³⁰. The latter caused several problems for the youngest generations. Communications between students and teachers were curtailed by social distancing which did not allow the creation of interpersonal relations. Other than that, minors started to spend much more time on online platforms, getting closer to virtual dangers. In fact, the compelling aspect of this crisis was given by the intensification of some emerging practices, such as cybersex trafficking. Children became victims of online sexual exploitation. More importantly, parents or relatives, who were pursuing financial aims, pushed their own children in the cycle of child trafficking. Almost 50% of child trafficking cases regarded the involvement of family members, who followed their own interests¹³¹.

However, before going into it, it is necessary to look at the way in which children's human rights were generally violated through occult practices. By considering previous types of exploitation, it is possible to better understand how these breaches evolved over time and compare them. Prior to the outbreak of the COVID-19, geographical areas were characterized by distinct degrees of concentration of the multiple forms of exploitation. Depending on domestic necessities and conditions, each and every country mistreated minors. Usually, developing countries made resort to forced labor; whereas industrialized nations trafficked children for sexual aims¹³².

¹³⁰ It also represented a problem for those who did not have possess digital appliances: many children were deprived of their right to education. Nevertheless, this research does not consider this factor.

¹³¹ RAINES (2022: 203).

¹³² United Nations Office on Drugs and Crime (2020: 82).

Minors were submitted to forced labor¹³³ practices intended as

work performed by a child under coercion applied by a third party (other than his or her parents) either to the child or to the child's parents, or work performed by a child as a direct consequence of his or her parent or parents being engaged in forced labour. The coercion may take place during the child's recruitment to force the child or his or her parents to accept the job or, once the child is working, to force him or her to do tasks that were not part of what was agreed to at the time of recruitment or to prevent the child from leaving the work¹³⁴.

In this example, criminals mainly tapped into specific locations, such as Western or Eastern Africa. These represented the main pools for the procurement of victims. Some places reported that even more than 40% of the whole population was exploited in such a manner. Obviously, among the motivations explaining this trend, cultural acceptance played a crucial role. By normalizing violations of human rights and the taking advantage of children, societies did not denounce such conducts. To make things worse, sometimes families were also involved in the ill-treatment of their own daughters or sons. In this example, financial situations of parents highly influenced the destiny of minors. In some cases, they were sent to work for a few years, until relatives could afford bringing them back at home. Even if the Protocol on Tip did not really mention it, forced labor referred to forced marriage as well. Once again, domestic traditions and culture conditioned the way in which such a phenomenon was perceived inside the community. Author S. Kakar in *Child/Forced/Servile Marriages ⇔ Human Trafficking*, focused on the definition of forced marriage, highlighting that:

Forced marriage shall mean any institution or practice in which:

A woman [person] or child without the right to refuse is promised or given in marriage on payment of a consideration in money or in kind to her [his] parents, guardian, or family or any other person or group.

(ii) The husband of a woman, his family, or his clan has the right to transfer her to another person for value received or otherwise.

(iii) A woman on the death of her husband is liable to be inherited by another person¹³⁵.

¹³³ Forced labour can be carried out either by private actors or by public sector. On the one hand, people could be exploited by private actors through debt bondage, domestic servitude or manufacturing. On the other hand, when forced labor is controlled by the state, the practice pursued some specific goals. For instance, workers could be used to reach economic growth. According to available information on global estimates, forced labor imposed by private is more expanded than the one imposed by national authorities.

¹³⁴ International Labour Organization & Walk Free Foundation (2017: 16).

¹³⁵ WINTERDYK, JONES (2020), *The Palgrave International Handbook of Human Trafficking*, in Springer International, Palgrave Macmillan.

Girls, then, were treated as pure ‘commodities’ belonging to their ‘husbands’. Once they lost their freedom there was nothing to do to set them free. Sometimes they were moved to other countries to be sexually abused and used for domestic servitude. The worrying aspect was represented by the willingness of parents to sell their daughters to other men, accepting the inhuman exploitation of the girl. Forced marriage was used as a financial means through which families repaid debts or earned an amount of money. In this case, they were responsible for the ill treatment of their own children. As underlined by the Optional Protocol on the Prohibition on the Sale of Children, Child Prostitution and Child Pornography, those who sold children had to be held accountable for an unlawful conduct. Nevertheless, because of the lack of data, it is not possible to consider precise statistics concerning the real number of children involved in such an illicit practice. Indeed, marriage is conceived as a cultural event which is differently understood by societies. Several elements, such as religion, traditions or customs frame the way in which union of two people is ideated.

As regards the commercial sexual exploitation of children (CSEC), it mainly happened in Central America, East Asia, Europe or in the Caribbean. However, children from all over the world were concerned. It referred to a complex phenomenon based on a variety of activities. In general, it was based on the relocation of children in other countries, where they were continuously exploited. Specifically, this modern form of slavery included activities such as sex tourism, pornography, prostitution and child trafficking. Minors could also be forced to engage with online sexual practices. Due to the lack of transparency, it is not feasible to precisely assess the effective scale of these phenomena. At the beginning of the 21st century more than 1.5 million children were estimated to be involved in CSEC. One may investigate reasons underpinning the expansion of this trend. It emerged this practice tended to generate profits or fulfil personal interests of criminals. For sure, prominent financial interests drove the occurring of these events. According to data, this form of exploitation strongly depended on the levels of the GDP *per capita*: countries with lower values of this indicator saw higher number of children involved in the clandestine activity. Socio-economic inequalities determined the way in which fundamental rights of the youngest generations were protected and promoted inside the society.

In brief, the ill-treatment of children by means of unlawful activities depended on domestic necessities of each and every state. Even if some general patterns could be identified, these universal abuses took place all over the world. Maybe, some crimes were more recurrent in specific geographical areas than in others. In either way, the safeguarding of human rights was

threatened. Given that these conditions were further worsened by the outbreak of COVID-19, one may wonder how children's exploitation truly evolved. The pandemic provided new challenges to illicit economies and international safeguarding of human rights. For this reason, it is necessary to look at the new forms of informal practices emerged during the crisis. By increasing socio-economic inequalities, the spread of the virus provoked alternative challenges to international security. The sanitary emergency led to unprecedented changes. More importantly, human rights started to be breached in a different manner. The peculiar feature of these violations was given by its unusual transformation, revolving around new role of technological appliances. Virtual universe proved to have a deep dark side, which was not previously considered. The Internet facilitated many underground practices, permitting the access to anyone who had a digital appliance. For instance, users could utilize Facebook either to advertise the selling of human organs or to sell sexual services of victims.

2. The online shift of illicitness: the beginning of a new era

At this point, it is essential to understand the manner in which conditions of children were affected by the outbreak of the pandemic. Their vulnerabilities were particularly abused during the crisis. Although, crimes were hindered by the adoption of measures needed to constrain the spread of the virus, reality witnessed new challenges emerged. COVID-19 functioned as accelerator for the diffusion of online offences. Virtual crimes were already present in the 80s¹³⁶, these were not as diffused as today. For instance, pornographic content already circulated in the past, however, modernization facilitated accessibility and diffusion. As the UNODC argued, "In the COVID-19 era, many criminal activities are already moving online, taking advantage of the increased time people spend connected at home, or going further underground"¹³⁷. Violations of human rights shifted from the physical space to the cyberspace. The latter became an essential means to engage with recipients. The Internet represented a great breakthrough because it overcame international borders and national jurisdictions. The unregulated nature of virtual reality fled either from domestic or foreign laws. Due to protracted

¹³⁶ The process based on the illicit production of pornographic pictures was already present in the past. This is witnessed by the 1978 Protection of Children Act which intended "indecent photographs of children" as a proper crime, violating international law.

¹³⁷ United Nations Office on Drugs and Crime, *Impact of the COVID-19 pandemic on trafficking in persons*, United Nations, Vienna, available online.

lockdowns and movement restrictions, people mainly relied on online activities which turned out to be a lifeline during the situation of emergency. Children represented those who were mainly exposed to these new risks. The closure of schools and online learning pushed students to spend more time online. In fact, schools were closed in more than 150 countries and 1,6 billion students¹³⁸ were forced to home-schooling. Almost the 90% of the student population could not go anymore to school because of the spread of the virus¹³⁹. The shutdown of such structures, then, proved to be an issue for the safeguarding of minors' basic rights. By spending much more time online, children's vulnerability made them an easy target to sexual exploitation. Indeed, sexual abuses moved online, overcoming physical restrictions imposed by COVID-19. Sometimes, the situation was aggravated by the involvement of parents or relatives who directly trafficked their children. The Internet directly connected the youngest generations with emerging online threats. The lack of a proper knowledge of online menaces allowed deception and eased the occurrence of violations of basic freedoms. Due to their unawareness, children represented an object to exploit. Most of the time, they were not conscious of the existing virtual dangers. As a matter of fact, virtual activities were also characterized by the possibility of incurring into several threats. More precisely, risks usually concerned three categories, namely content, contact and conduct. The first group included content risks, which regarded the possibility of running up against inappropriate materials online. People were differently influenced by pornographic pictures or websites enhancing harmful behaviors. Children acting without any control ended up being more exposed to the menace. The second category regarded contact risks, as social media eased communications with strangers. Yet, the youngest generations were certainly swindled. Their naivety and innocence did not make them aware of the real deception. Lastly, conduct risks referred to the combination of both content and contact dangers¹⁴⁰. By means of social media, adolescents got in touch with strangers, who forced or induced them to carry out unusual activities. Sometimes they had sexual conversations, other times online exploitation concerned the promulgation of erotic pictures or videos. Some cases reported about traffickers, who recorded online sexual intercourses that girls and boys had. Once perpetrators detained child sexual

¹³⁸ United Nations (2020), *Shared Responsibility, Global Solidarity: Responding to socio-economic impacts of COVID-19*, available online.

¹³⁹ This represented a significant concern, especially because schools must be understood as places where children establish their own safety zone, far from family imbalances or social risks.

¹⁴⁰ For additional information see United Nations Children's Fund (2017), *Children in a Digital World*, New York, available online.

abuse materials (CSAM), the target could not get rid of the vicious circle. Victims were afraid that the content would have been shared with other peers.

2.1. Phases of the online exploitation of children

As mentioned above, human trafficking is defined by act, means and purpose. By applying the three core elements of this modern form of slavery¹⁴¹ to the OCSEA, it is possible to provide a first useful analysis for the understanding of this phenomenon. In the context defined by the pandemic, criminals took advantage of children in alternative manners. Act referred to the cruel activities the minor had to carry out online. More precisely, minors were involved in practices such as the production of pornographic content or livestreaming abuses. The worrying aspect concerned the violation of minors' dignity, breached either by offenders or 'clients' who imposed their own authority. Again, OCSEA did not require means because the activity implicitly foresaw coercion of the youngest generations. Indeed, minors could not be consentient for their own sake as they were still under the age of legal responsibility. Purpose remained the same of human trafficking, namely the effective exploitation of the victim. Even if this practice constituted a modern dimension of TiP, it is worth highlighting it did not always foresee the relocation of victims. The Internet permitted transnational connections, overcoming physical boundaries. Some people used the situation of emergency¹⁴², which ended up being a source of profit on the lives of most vulnerable people. Traffickers continuously pursued financial gains. Some scholars already underlined the significant impact this occult economy had on global market. It is estimated that the selling of indecent materials accounted for a considerable amount of money, between US\$3 billion and 20 billion per year¹⁴³. Given these considerations, it is demanded to acknowledge the precise steps of this virtual offence which threatened the international arena. It is interesting to analyze the three practical phases defining online child exploitation.

First of all, traffickers made resort to Deep Web to carry out illicit practices to profit at the expense of minors' wellbeing and rights. The web site was composed by web pages and systems which were secured by passwords.

¹⁴¹ For additional information see p.24 on the core elements of human trafficking.

¹⁴² Online exploitation emerged at the beginning of the 21st century, but the outbreak of the pandemic accentuated such a trend.

¹⁴³ BROADHURST (2019: 26).

Also, specific platforms or social media were used to deceive people with misleading opportunities. The aggravating factor was represented by unawareness and naivety of many children which pushed them to trust any announce or anyone who could seem reliable.

The second step concerned the recruitment of targeted people who were directly contacted and deceived. The web facilitated international connections, easing communications among individuals who were not in the same city or even continent. Other than that, it is worth considering abusers could simultaneously deal with more than one victim at a time, amplifying their network and molestations. This is a significant change provided by the advent of the technological era, as it allowed criminals to get in touch with numerous victims through one device. Accordingly, traffickers took advantage of the cyberspace which furnished a greater pool to recruit victims or clients. In this regard, the number of people that could potentially become part of the vicious circle sharply grew. Although different levels of progress among countries¹⁴⁴, the high-speed Internet and cheap mobile phones ensured transnational connections to lots of individuals. Digital progress encouraged more straightforward ways to recruit victims. The illicit economy used three main platforms, namely, social media, classified web pages and free-standing web pages. The UNODC specifically outlined,

[...] three broad typologies of platforms have been identified:

Social media, including Facebook, Myspace, Skype, WhatsApp and V Kontakte; Classified webpages for advertisement, referring to generic websites where individuals post advertisements or browse for items or services to buy or sell; Free-standing webpages, referring to websites created by traffickers that do not form part of larger domains¹⁴⁵.

Cyber traffickers strategically used these platforms, taking into account several variables. For instance, the age of the target shaped the way in which victims were recruited. Given that young people mainly used social media, they were enticed through such means. These methods were reinforced by the application of some strategies, namely, hunting and fishing. On the one hand, hunting referred to the several ways in which traffickers approached individuals on social media. What is worth highlighting is the notion of fluid identities: social networks permitted people to embody more than one identity at the same time. For instance, a case concerned the use of distinct profiles to

¹⁴⁴ According to Statista, in 2020 almost the 80% of the global population detained a smartphone and more than a half of the people living on earth could have access to online activities. See O'DEA (2021), *Global smartphone penetration rate as share of population from 2016 to 2020*, Statista, available *online*.

¹⁴⁵ United Nations Office on Drugs and Crime (2020: 122).

deceive the target through the acquisition of his or her trust. While an account was used to threaten the individual, the other user was utilized to demonstrate apprehension. The adoption of such a manipulative conduct permitted traffickers to ‘groom’ the victim. In other words, the offender tried to create a relationship with the target in order to manoeuvre his or her mind. As a matter of fact, “online grooming” constituted “the process of establishing/building a relationship with a child either in person or through the use of the Internet or other digital technologies to facilitate either online or offline sexual contact with that person”¹⁴⁶. In this example, offenders resorted to public and private mediums to get in touch with the child. First, criminals used public groups to identify those who were more likely to be exploited. Later, they moved to private forums in order to flee from public agents and other actors, ensuring secrecy. On the other hand, fishing concerned the use of misleading advertisements on non-existent working positions. Extremely poor people who wanted to support their families were an easy objective to lure by means of false job offers such as modeling. In doing so, these online tactics had a relevant impact on the expansion of illicit practice as they tricked potential vulnerable individuals. To better acknowledge these strategies, it is useful to think about the quotation reported below:

With the help of the internet, traffickers have learnt to adapt their strategies to effectively target specific victims, by actively ‘hunting’ those who they deem as vulnerable to falling victim to trafficking, or passively ‘fishing’ for potential victims by posting advertisements and waiting for potential victims to respond¹⁴⁷.

Apart from that, perpetrators recruited their victims via online games. These platforms were useful to get in touch with minors. In 2016, for example, criminals resorted to Pokémon Go, an application that shared the geographical location of players. So that, attackers monitored where victims were.

Lastly, the third phase regarded the Internet-based exploitation, i.e., the practical violations of human rights. This phenomenon had a variety of forms as it could happen in many distinct ways. Offenders just needed a digital device to exploit children. In this example, the physical setting was not anymore an obstacle to the occurrence of the illicit practice.

It is worth highlighting, these new activities depended on levels of computer literacy which shaped actions on cyberspace. In some cases, hackers or experts managed the whole process, giving rise to extremely sophisticated practices. In other circumstances, others used less advanced methods by

¹⁴⁶ International Centre for Missing & Exploited Children (2018: 14).

¹⁴⁷ United Nations Office on Drugs and Crime (2020: 119).

means of smartphones. Children were either way deprived of their dignity and childhood. Purveyors took advantage of their vulnerabilities, selling their services to clients who were ready to watch that pornographic content. Several social media were useful to commit the crime.

At this point, it is interesting to illustrate which were the defining features of OCSEA. It concerned the possession, distribution and production of sexual images portraying minors. Obviously, these practices constituted serious threats to the safeguarding of human dignity. Under international law, this activity was referred to as the production of indecent images or videos. The concept also concerned the circulation of erotic pictures showing children. Sometimes these materials even represented the engagement of minors in sexual activities. In whatever way, it is noteworthy mentioning how physical contact with victims was easily substituted by the purchasing of visual materials. Thanks to the high degree of interconnection, proximity among people was not required anymore. Networks guaranteed a more advanced deprivation of fundamental freedoms, which overcame any jurisdictional boundary. This innovation gradually adapted to social changes, drawing its own advantages. Indeed, the use of the Internet became crucial for each and every phase of child exploitation, facilitating the occurrence of certain events. As the 2018 report of the International Centre for Missing & Exploited Children perfectly highlighted, the network was “cheap, anonymous, fast, leaves only digital traces, can be hard to locate, and the perpetrator does not have to leave home”¹⁴⁸. Thus, online offences benefited of several advantages. First of all, costs were reduced as the Internet allowed international connections, reducing expenses bound to the movements of people. Additional to this, the whole process became faster, as contacts with victims were immediate. This modern form of slavery achieved a global reach, as anyone with a smartphone could take part to this phenomenon.

2.2. *Case studies on CSEC: before and after COVID-19*

In order to better understand OCSEA, the following section provided two case studies, one occurred before the outbreak of the pandemic and the second one happened after the spread of the disease. In both cases, online sexual exploitation of children (OSEC) happened in the Philippines, as the

¹⁴⁸ International Centre for Missing & Exploited Children (2018: 5).

place constituted one of the main hubs for this violation. According to UNICEF, this geographical area was the epicenter of cybersex crimes involving the youngest generations. Reasons explaining such trends were bound to domestic socio-economic conditions. The territory was characterized by factors such as “high levels of poverty, inexpensive internet access, a high level of English language proficiency, and an established commercial sex trade infrastructure”¹⁴⁹, which altogether eased OSEC. The second element, namely the low-priced Internet, was particularly significant as it allowed access to many people. The whole setting was further aggravated by the relevant role of the family members who, most of the times, trafficked minors. According to some data, 80% of people managing such a crime was composed by relatives or parents of the involved target.

The first case study referred to the occurrence of livestreaming abuse and cybersex trafficking. These phenomena happened in a variety of manners. Sometimes, abuses on minors were instantaneously transmitted online, reaching a considerable number of viewers. The Internet shared exploitation of children, who were either forced to carry out sexual activities or to engage in sexual intercourses with elderly people. In this example, the minor talked about her history as a victim of sexual abuses. Due to her poor living conditions, the girl decided to rely on the words of a stranger who offered her a job in Manila. Eventually, the proposal turned out to be a priming used by the trafficker who took possession of the destiny of the 12-year-old girl. After having taken a naked picture of the victim, the perpetrator began to exploit her through cybersex trafficking. In doing so, the criminal economically gained at the expense of the vulnerable child. The girl remained trapped for three years, losing her childhood and going through mental trauma.

Unfortunately, this is just one of the multiple cases regarding sexual exploitation of exposed adolescents. Sometimes sex trafficking could last for years, provoking not only serious psychological and emotional scars, but also physical issues.

The second case study referred to the judgement of 4 women who were held accountable for cybersex trafficking crimes in Cebu. This story confirmed one of the trends previously mentioned, namely, the complicity of a mother selling her son for financial purposes. This represented one of the innumerable cases that happened during the pandemic. Indeed, other investigations found out that sex trafficking in Camarines Sur included minors aged from 2 to 17 years¹⁵⁰. Therefore, the concerning aspect of these crimes

¹⁴⁹ RAINES (2022 : 205).

¹⁵⁰ Foundation for Media Alternative (2021), *Mid-year Cybercrime and Human Rights Report – June 2021*, available online.

was constituted by the involvement of people who contributed to the expansion of this form of exploitation. On the one hand, the role of parents played a remarkable role. Sometimes, children were threatened by their own families who sometimes became their perpetrators. On the other hand, also ‘clients’ were responsible for the expansion of OCSEA. By watching livestreamed abuses, they ended up being accountable for the crime as well as traffickers.

Thanks to this analysis, it came out these examples were not defined by deep differences. Similarities on the way in which these illicit practices were carried out, emerged. These case studies shed a light on the crucial role of digital appliances in the expansion of illicit economies. Human rights activists identified the menacing power of digitalization, intended as a tool used to deprive adolescents of their childhood and to breach their fundamental freedoms. However, it is worth noting online crimes have experienced an unprecedented increase right after the beginning of COVID-19. Even if between 2010 and 2015 reports on online selling of minors for sex were growingly denounced, from 2020 the phenomenon officially skyrocketed. The outbreak of the pandemic provided more opportunities to the expansion of these activities. The increasing number of users on social media boosted risks connected to online sexual exploitation of children. The presence of illicit content on sexual abuses of minors tripled compared to 2019: specifically, additional 1,29 million illicit materials were shared on the world wide web (WWW)¹⁵¹. This is proved by the number of reports on alleged cases on sexual exploitation of children that the National Centre for Missing and Exploited Children has received. As a matter of fact, compared to 2019, the institution estimated an increase of 106%¹⁵² on the denunciations dealing with such a clandestine activity. A consistent part of this content was produced in Southeast Asia. Once again, this geographical area strongly contributed to the development of child sexual exploitation. Filipino children fell into the vicious circle to accomplish financial aims of cybersex traffickers¹⁵³. Estimations demonstrated that in this area, breaches of fundamental freedoms experienced an increment of 264% in relation to the year before the spread of the pandemic¹⁵⁴. In other words, the Office of Cybercrime noticed the extraordinary growth of cyber tips collected in May 2020 compared to those

¹⁵¹ Foundation for Media Alternative (2021).

¹⁵² EqualityNow A just world for women and girls (2020), *COVID-19 Conversations: The Crisis Of Online Child Sexual Exploitation*, available online.

¹⁵³ REUTERS (2020), *Coronavirus fuels cybersex trafficking fears for children in Southeast Asia*, available online.

¹⁵⁴ 10ThousandWindows, *Cybersex trafficking and Covid-19* (2020), available online.

of 2019: the office received almost 280 thousand denunciations in 2020 in comparison to the 80 thousand of 2019¹⁵⁵.

In brief, it is clear this universal phenomenon is in constant evolution, conforming with contemporary changes and necessities. The Internet provided several downsides for the safeguarding of children's freedoms. Struggles against the deep interconnection between modernization and informal markets are becoming more and more challenging. Even if these stories were united by some similar characteristics, it is always tough to understand the functioning of this system and to identify responsible individuals. Traffickers just tried to maximize benefits stemming from the crisis and the correspondent social change.

¹⁵⁵ RAINES (2022: 212).

CHAPTER THREE: CHALLENGES PROVOKED BY OCSEA

1. Challenges provoked by the spread of online child exploitation

It is largely known that the involvement of minors in illicit practices provoked serious disparate consequences. They should be considered as proper rightsholders, who are entitled to some basic fundamental freedoms such as right to development. Nevertheless, these entitlements were violated. More precisely, the following section examined some of the key challenges provided by online sexual exploitation or livestreaming abuses of minors. It emerged that children's main rights were digitally violated. Even if there were not physical constraints, their liberties were restrained. This chapter underlined two of the main issues caused by online trafficking, i.e., the repeated victimization of children and identification problems. On the one hand, the record of OCSEA allowed to continuously access illicit content. In doing so, children's rights were repeatedly violated. These traumas deeply affected survivors, arousing long-run effects on personal well-being. These experiences influenced psychological health of each and every victim, impeding the possibility to heal such wounds. Criminals illicitly took possession of children, without respecting any moral value. Considering that abuses were recorded, survivors constantly feared someone could have access to that material. The advent of the Internet allowed a global expansion of OCSEA, increasing difficulties to combat it. On the other hand, technology permitted higher degrees of anonymity and secrecy which increased difficulties in identifying either victims or criminals.

In short, progress stimulated innovation as well as challenges to international law. However, in order to fight cybercrimes, more updated means are needed. In this example, a more sophisticated international legal system able to deal with new menaces to global security is encouraged.

1.1. Repeated victimization of children

OCSEA is an illustration of the gross breaches of children's fundamental rights expressed under international law. More precisely, minors are deprived of their basic freedoms enunciated by the 1989 CRC¹⁵⁶ and other

¹⁵⁶ In this regard, it is interesting to point out the CRC represented the most comprehensive tool for the safeguarding of children's rights. At regional level, indeed, there are not lots of legal instruments to protect minors' freedoms. The African Charter on the Rights and Welfare of the Child (ACRWC) provided dispositions for the safeguarding of children's rights in the African region or the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) which focused on actions against child trafficking.

international legal instruments such as UDHR¹⁵⁷. These documents intended children as rightsholders, nonetheless, they were not truly considered as such. Core entitlements such as right to survival, development, protection and participation were continuously violated inside the international arena. In order to better understand why these should be considered crucial rights, the following section furnished a brief inspection on their real meaning.

The right to survival is also known as right to life and it referred to the combination of basic needs required to live in the surrounding environment. This disposition foresaw a variety of rights such as the acknowledgment of citizenship or the right to adequate food. The recognition of the nationality assured the individual benefited of multiple advantages, stemming from state's duties to protect its citizens. Secondly, the right to development concerned diverse entitlements e.g., not only education, but also social participation and inclusion. It is important to guarantee equality and non-discrimination among participants of national communities, preventing intolerance and conflicts. As UNICEF highlighted, "A child today is an adult of tomorrow"¹⁵⁸, because minors constitute upcoming societies. For this reason, it is crucial to promote safe development and growth of future generations. However, the OCSEA accounted for a relevant violation menacing the effective safeguarding of this principle. Victims are not allowed to enhance their potential and abilities. This could lead to serious consequences on their mental health and well-being. Other than that, international law acknowledged the right to protection, aimed at avoiding inhuman exploitation or abuses of children. In other words, the international arena committed to preventing offences involving the youngest generations, who should not be forced to work and deprived of their education. This should be adapted to social circumstances and surrounding evolutions. Flexibility is fundamental to prevent the emergence of gaps in the existing legal system. Thus, defense of minors should be ensured also in the digital space and virtual universe. Lastly, international legal system recognized the right to participation intended as the possibility to take part to political or social processes. In this regard, freedom of expression, thought and right to information should always be secured. Digital appliances constituted relevant democratic tools encouraging engagement of everyone. The censorship of online content determined a contrasting factor to the practical exercise of these

¹⁵⁷ Article 25, paragraph 2 of the UDHR states: "Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection". United Nations, *Universal Declaration of Human Rights*, available online.

¹⁵⁸ United Nations Children's Fund for every child (2021), *What is the Convention on the Rights of the Child? Child rights we should all know*, available online.

rights. This inevitably conditioned the community because innovative ways of thinking of adolescents give rise to significant social and political change.

As underlined under the legal literature, minimum standards of living conditions and basic rights should always be guaranteed either by parents or by the state. Social support is required when relatives are not able to meet basic needs. Likewise, it is worth mentioning governments' intervention cannot be taken for granted. The absence of efficient democratic systems does not manage to prevent breaches of civil liberties. In this respect, the existence of an unfavorable context does not permit the real development of minors' capabilities. It is generally believed that childhood should not represent a menace to the full development of the person as such. Victimization of children causes long-run consequences on upcoming societies. For this reason, the international arena should raise awareness about the vulnerable position of children, who constitute a relevant segment of the population. The outbreak of the pandemic and the further digitalization of illicit activities challenged the protection of their rights. It is worth mentioning, their entitlements were digitally violated on the cyberspace¹⁵⁹. Naivety and unconsciousness of children did not protect them from risks associated with the Internet. The latter demolished long-established social protections. By going online, individuals were exposed to content, behavior and contact dangers coming from the exterior environment. Children were differently hit by these prospects. The magnitude of issues and dangers differently affected people. Depending on personal age and ability to understand, minors were less or more exposed to the perils. Some were more vulnerable than others because of several factors such as domestic environment or education. The concerning aspect was related to the absence of a "clear agreement on when time spent on digital technology shifts from moderate to excessive; 'how much is too much' is highly individual, dependent on a child's age, individual characteristics and broader life context"¹⁶⁰. The lack of specific rules and adequate supervision pushed many children to the obscure side of digitalization, letting them fall into the vicious cycle. In fact, this universal phenomenon caused inevitable consequences to mental health. Offences that occurred in the virtual reality proved to be much more threatening than past ones. The concerning aspect of OCSEA regarded the proper meaning of such threats. The possibility to record abuses experienced by people under the age of 18 years provoked serious

¹⁵⁹ Digital rights represent a recent category of fundamental rights emerged when the Internet was created. Even if they differed from the traditional concept of crucial freedoms, it is important to understand online users are entitled to right to privacy, confidentiality or protection of identity and data. Digital rights should be enhanced to secure the virtual reality and safeguard individuals.

¹⁶⁰ United Nations Children's Fund (2017: 25).

concerns. The online distribution of indecent images or videos assured that such materials remained available for an undetermined period of time. Its sharing on the Internet allowed to look at the content more than once, leading to continuous violations of human rights. By taking pictures or livestreaming sexual abuses, traffickers were able to eternalize breaches of civil liberties. As a consequence, every time someone obtained access to these contents, human principles were not met. In other words, digitalization of occult practices led to the establishment of a new menace in IHRL¹⁶¹, that is to say, the possibility of continuously breaching the dignity of minors. The portrait of adolescents' bodies constituted clear evidence of the event, ensuring the memory lasted over time. In doing so, a process of re-victimization was established.

Moreover, the Internet enlarged the network of people that could have access to these images, permitting a global distribution of such contents. The online diffusion made protecting fundamental freedoms even harder. This virtual universe increased difficulties to cease the occurrence of multiple crimes, expanding victims' sense of powerlessness. Thereby, it is clear why some scholars talked about the concept of "ongoing vulnerability", referring to the long-term consequences caused by the spread of illicit materials. Survivors constantly lived in a state of anxiety, dreading the potency of indecent content. Photographs restored memories of the abuses, leaving a gaping wound. In this example, it is interesting to consider the witness of some survivors who expressed their awes. The following quotation reported the fear of one of the victims, who told:

"Even after more than 30 years I still worry the photos or films will somehow return to haunt me or my family." The fact that pictures could be circulating and could always resurface or be accessed not only planted fear and discomfort among the survivors but also made them feel as if they were re-victimized. Some survivors distinguished between unfilmed child sexual abuse, and child pornography. According to them, every abuse eventually ends, yet with child pornography, when images circulate, it feels as if the abuse is constant and continuing¹⁶².

Thus, images had a threatening power persisting over time. As a matter of fact, these illicit materials did not have any limit as they could freely circulate. Even if many victims tried to delete their pictures from the virtual world, feelings of shame, humiliation and susceptibility remained. For this

¹⁶¹ In fact, online child pornography was not considered when the CRC was appointed. More importantly, this crime was not properly regarded as such. However, over time, it became a serious issue of international matter.

¹⁶² GEWIRTZ-MEYDAN, WALSH, WOLAK, FINKELHOR (2018), *The complex experience of child pornography survivors*, in *Child Abuse & Neglect*, p. 238 ff.

reason, many tried to restrain the continuous diffusion of illicit content, intended as a powerful tool menacing psychological health of people.

In short, the inappropriate use of digital appliances and the Internet turned out to be a new menace to the protection of human rights. Illicit globalization hindered the safeguarding of basic liberties. Cyberspace fueled the repeated victimization of children who were not fully protected under international law. This caused issues on the well-being of the youngest generations who could not really get rid of the violations they were submitted to.

1.2. Identification challenges of criminals and victims

Because of the pandemic, the virtual setting became the new scenario of universal offences. The online shift of illicitness facilitated offenders who pursued their own aims. Criminals proved to be able to adapt to new settings, exploiting advantages of the crisis. These practices demonstrated an ability to keep the pace with social change, progressing as well as surrounding environment. More importantly, more sophisticated means for the exploitation and advanced strategies to deceive the target were appointed. The increasing use of technology provoked new obstacles to the fight against illicit economies. The use of digital appliances guaranteed higher degrees of protection to criminals who were powering the whole system. Given that actors hid themselves behind a screen, it became increasingly difficult to protect victims. In fact, this illicit practice turned out to be a meticulous system based on secrecy and anonymity of actors. These features strengthened criminals, whose actions were protected by the impossibility to determine their identity. The worrying aspect about anonymity referred to its consequences on human behavior. Studies demonstrated individuals were less prone to self-regulate their conducts as they would have not been identified. In other terms, criminals did not control their actions because it was not easy to punish them. Difficulties bound to establish individual accountability, encouraged abusive behaviors. At the same time, countries were not able to respect the obligation established under the UNTOC¹⁶³, namely the duty to

¹⁶³ The UNTOC established judicial measures that states have to undertake in order to fight transnational organized crime. The Resolution of the General Assembly number 55/25 that led to the adoption of the Convention expressed the obligation “to deny safe havens to those who engage in transnational organized crime by prosecuting their crimes wherever they occur and by cooperating at the international level”. For additional information see Resolution adopted by the General Assembly, *supra* note 83.

prosecute criminals. Due to anonymity and non-traceability, the fight against those who were responsible became tougher. They were able to flee from justice. As a consequence, it became tougher to estimate number of victims involved. For sure, the sharing of indecent pictures or livestreaming of sexual abuses enlarged number of people involved in these practices. Data could not truly assess the effective power of this threat. Asymmetric information and lack of testimonies impeded approximation on the number of people concerned. Most of the times, children did not denounce their personal experiences and situations. This was exacerbated by home-schooling which hindered possibilities to establish interpersonal relationship with reliable people such as professors. Due to the pandemic, it was not possible to get in touch with teachers who, usually, represented a point of reference. As some authors affirmed, “many adults who would typically identify signs of abuse and maltreatment (e.g., teachers, childcare workers, coaches, extended family, community members, child and family welfare workers) are no longer in regular contact with children”¹⁶⁴.

Another thing to consider concerned the payment of the ‘service’, as viewers easily paid on virtual platforms. The introduction of the digital currency constituted a significant advantage because it removed track of illicit transactions. For instance, Bitcoin payments corresponded to cash activities which permitted the non-traceability of parties involved. Programmes such as *Money Gram*¹⁶⁵, were utilized for the finalization of transactions. In this regard, coded languages ensured anonymity of operations. Such an innovation represented a considerable opportunity for both criminals and customers who did not want any financial association. Cybersex traffickers or purveyors of indecent materials were less exposed to forms of punishment or prosecution. Likewise, authorities were not even able to identify victims, who turned out to be much more invisible. In fact, some scholars argued minors were “suffering in silence”¹⁶⁶ as they did not alert the surrounding environment.

In short, even if the turn into the digital era provoked benefits, this innovation also caused other consequences. The other side of the coin must be considered because,

“technology is taking slavery into a darker corner of the world where law enforcement techniques and capabilities are not as strong as they are

¹⁶⁴ BABVEY, CAPELA, CAPP, LIPIZZI, PETROWSKI, RAMIREZ-MARQUEZ (2020), *Using social media data for assessing children’s exposure to violence during the COVID-19 pandemic*, in *Child Abuse & Neglect*.

¹⁶⁵ International Centre for Missing & Exploited Children (2018: 5).

¹⁶⁶ BARON, GOLDSTEIN, WALLACE (2020), *Suffering in silence: How COVID-19 school closures inhibit the reporting of child maltreatment*, in *Journal of Public Economics*, p. 1 ff.

offline”. Relative to in-person trafficking, OSEC crimes are low-risk. The increase in access to, and use of, forms of payment such as cryptocurrencies adds an additional layer of anonymity to an already difficult-to-trace crime¹⁶⁷.

Therefore, the state of emergency provoked by the pandemic magnified the possibility to fall into traps.

2. A glance into the future: what about next challenges?

Apart from repeated victimization and identification issues, it is necessary to underline that the spread of occult practices will also provide future challenges. More precisely, illicit economies will inevitably affect pre-established aims pursued by the international arena. Illicitness, indeed, is defined by a threatening power which undermines the successful achievement of future goals. The suitable example is represented by the 2030 UN Agenda on the SDGs which was appointed in 2015 and it aimed at reaching social, economic and environmental development. States represent the first addressees of this initiative, as they are encouraged to realize these purposes. The agenda focuses on 17 core objectives which should be reached by 2030. The interesting aspect of these goals is given by their deep interrelation that enable them to mutually reinforce each other. This relationship is perfectly understood through the examination of two SDGs, namely, goal no. 1 and 4. These provisions pursued the fight against poverty and quality education, respectively. The former referred to the global eradication of poverty as this factor deeply influenced lives of minors. By living in extreme conditions, “they are less likely to access social services to prevent and respond to violence; and the services available to them are of low quality. As a result, they endure a never-ending cycle of deprivation, neglect and exclusion”¹⁶⁸. Then, socio-economic differences define not only living conditions, but also effective support people receive. Furthermore, this situation constitutes a relevant factor fueling child exploitation. Likewise, sometimes poverty hinders access to schooling, depriving minors of their right to education. The latter determines a core pillar for the personal development of students and the subsequent progress of the surrounding society. Thus, it is clear clandestine

¹⁶⁷ RAINES (2022 : 204).

¹⁶⁸ SOUTH ASIA INITIATIVE TO END VIOLENCE AGAINST CHILDREN, ECPAT INTERNATIONAL, UNITED NATIONS CHILDREN’S FUND (2016), *Implementation of the Sustainable Development Goals Relating to Ending Violence against Children in South Asia: Meeting Report*, South Asia Coordination Group on Action against Violence against Children.

practices delay some of the purposes established by the 2030 Agenda such as inclusive economic growth, decent working standards or the achievement of peace and justice. In this regard, goals no. 3, 5, 8, 10, 16 seem to be particularly affected by illicitness. These aims refer to the realization of good health, gender equality, decent working conditions, reduction of inequalities and justice. The reaching of these objectives is restrained by illicit economies which, sometimes, violate human rights. For instance, human trafficking does not ensure protection of personal health and wellbeing. Victims are exposed to sanitary risks as criminals do not take care of them. Living conditions are defined by the lack of hygiene and unhealthy environments. At the same time, personal health is threatened when people are forced to work in unsafe working places, e.g., mines. For this reason, the SDGs no. 8 (8.7) “calls for effective measures to end forced labour, modern slavery, and human trafficking, as well as child labour in all its forms”¹⁶⁹.

Other than that, the UN tended to restrain inequalities either gender disparities or socio-economic differences within countries. By enhancing equal opportunities, it is more likely to reduce the expansion of abusive behaviors and number of victims. In fact, goal no. 16 of the 2030 Agenda tends to get to peace, justice and strong institutions. This provision particularly focuses on the restraint of the use of violence against minors. This must be intended as a factor impeding real progress. Violence should be considered as a force that tends to destroy, either physically or mentally, someone or something. Therefore, it constitutes a dividing factor inside the community, affecting the most vulnerable people. Abusive conducts are magnified when national culture does not condemn specific behaviors or does not provide strong institutions.

Then, it is interesting to look at the way in which these goals were challenged by the outbreak of COVID-19. The sanitary emergency redefined national priorities and plans, affecting also the realization of the 2030 Agenda. Despite this, it is also true that “the world was already off track to achieve child-related SDGs even before COVID-19, contending with mounting humanitarian crises, persistent fragility, climate change and inequalities”¹⁷⁰. Thus, it is worth highlighting the crisis just delayed the achievement of pre-established objectives.

¹⁶⁹ International Labour Organization and Walk Free Foundation, “Global estimates of modern slavery: forced labour and forced marriage”, Geneva, 2017, p. 9.

¹⁷⁰ United Nations Children’s Fund (2020), *Responding to COVID-19: UNICEF Annual Report 2020*, New York: United Nations Children’s Fund, available *online*.

2.1. COVID-19 and SDGs

The breakout of COVID-19 caused serious implications for the execution of the 2030 UN Agenda and the achievement of the SDGs. Obviously, this global crisis provoked significant consequences on global growth and progress. The sudden changes led to the necessity to reschedule the realization of certain aims. This situation framed new priorities and concerns, e.g., public health, which overcame the reaching of future goals. However, this did not mean the abandonment of the SDGs. On the contrary, “Investing in sustainable development must remain a global priority and, if done effectively, can help us achieve future development outcomes well beyond what was likely prior to COVID-19”. It is important to acknowledge that, all of a sudden, global security ended up facing new challenges. The sanitary crisis, financial retrogression, digital violations of human rights posed new concerns to the international arena. The spread of the global disease questioned certainties and objectives that were previously established. In this regard, the UN devoted attention to the worrying aspect of a plausible protracted financial slowdown. Such an economic retrogression would definitely influence the fulfillment of purposes set not only by the 2030 Agenda, but also by the Paris Agreements on Climate Change. More precisely, low and medium human development nations would be disproportionately affected by the Coronavirus. At this point, a brief overview on the way in which COVID-19 generally affected SDGs is provided.

The pandemic conditioned each and every goal established by the 2030 UN Agenda. Given the deep interconnection between these aims¹⁷¹, risks of a domino effect arose. From the very first objective, i.e., global eradication of poverty, it is possible to look at these changes. Coronavirus, indeed, led to a global increase of poverty. Even if there are not precise evaluations on the effective numbers, it is thought that lower-middle income countries were mainly touched. For instance, the WB estimated that COVID-19 is “increasing poverty in 2020 by between 88 and 115 million [...]. The World Bank (2020a) also projects that the COVID effect on poverty will have a lasting impact through 2030”¹⁷².

¹⁷¹ For additional information, see United Nations (2020), *Shared Responsibility, Global Solidarity: Responding to socio-economic impacts of COVID-19*, p.12, *supra* note 139.

¹⁷² HUGHES, HANNA, MCNEIL, BOHL & MOYER (2021), *Pursuing the Sustainable Development Goals in a World Reshaped by COVID-19*. Denver, CO and New York, NY: Frederick S. Pardee Center for International Futures and United Nations Development Programme.

Other than that, it is believed, health, education and quality of life were the three mainly hit's dimensions. These three factors constituted relevant variables for the Human Development Index (HDI)¹⁷³. It emerged that education was severely affected by the global crisis. Interestingly,

UNICEF estimates that more than 168 million children have lost a full year of education because of school closures due to COVID-19 lockdowns, while data from UNESCO shows that education has been significantly disrupted for over 800 million students worldwide who lost two thirds of an academic year on average¹⁷⁴.

This is particularly relevant when the SDG no. 4 is taken into account. This provision pursued the achievement of quality education for everyone. Nevertheless, because of social distancing and virtual education, the pandemic magnified difficulties in reaching this objective. Countries that did not provide sufficient tools to ensure equal access to online education saw an increase in social inequalities. In this context, multiple factors should be considered, i.e., enrollments saw a sharp decline, quality of education worsened, interpersonal relations between student and teacher were impeded. This did not permit the "leave no one behind"¹⁷⁵ because virtual education did not assure the right to education to everyone. Likewise, this affected goal no.10 which tended to diminish inequalities between and among states. The sanitary emergency accentuated existing socio-economic differences, worsening living conditions of those who were already in need. Social distancing and suspension of economic activities posed serious challenges to the global population. People who could not make resort to smart-working, ended up losing source of income. COVID-19 exacerbated international balances, increasing the number of unemployed people. More precisely, statistics demonstrated that the effects of the crisis were much more severe than those provoked during the 2008 financial retrogression.

The whole setting highlighted the need of a transnational cooperation to combat these unbalances. Again, regional and universal organizations are demanded to cooperate in order to reach efficient outcomes. Despite the rise of backlash movements against globalization (see goal no.17), during the pandemic the international arena realized how fundamental partnerships are.

¹⁷³ The HDI is a measure that takes into account several variables in order to evaluate countries' degree of development.

¹⁷⁴ ABIDOYE, FELIX, KAPTO & PATTERSON (2021), *Leaving No One Behind: Impact of COVID-19 on the Sustainable Development Goals (SDGs)*, New York, NY and Denver CO: United Nations Development Programme and Frederick S. Pardee Center for International Futures.

¹⁷⁵ HUGHES, HANNA, MCNEIL, BOHL & MOYER (2021: 14).

In fact, among the core pillars of the 2030 Agenda¹⁷⁶, it is possible to find Partnership.

At this point, it is engaging to look at the connection linking online child exploitation and SDGs.

2.2. *Online child exploitation and SDGs*

According to the SDGs everyone should benefit from progress and modernization, without leaving anyone behind. Given that the 2030 Agenda is deeply connected to the universal protection of human rights, it is worth mentioning children represent a relevant part of the addressees. They should not be submitted to violence, forms of harm or exploitation. For this reason, the achievement of SDGs also refers to minors, who are directly affected by several factors such as poverty, climate change, education and so on. Notwithstanding, during COVID-19 this section of the global population was not truly protected by the emerging threats. Many children experienced serious violations of human rights through OSEA. Their freedoms were unfairly breached by criminals who took advantage of digitalization.

Thus, it is interesting to underline the impact of online child exploitation on the SDGs. In this regard, it is clear OCSEA hindered the reaching of goal no. 16 on peace, justice and strong institutions. According to international law, states should take all necessary measures to ensure “the right of every child to live free from fear, neglect, abuse and exploitation”¹⁷⁷. Nevertheless, these conditions are frequently unmet because many times minors are submitted to abusive behaviors. Accordingly, each and every sphere, such as social, financial or demographic aspects will have to tackle drastic changes due to the exploitation of children. These events inevitably cause irremediable effects on future balances and social progress. For instance, online or offline sexual exploitation affect school performance of children. This means that they are prevented from maturing capacities and abilities which will be useful for the society as a whole. Human capital will be directly affected. In the long-term, this phenomenon will provide serious consequences on the number of people efficiently contributing to national productivity and growth. In addition to this, it is important to underline “adults who experienced maltreatment as children have lower levels of education,

¹⁷⁶ It is said that the 2030 Agenda is based on the 5Ps intended as 5 distinct dimensions, i.e., People, Partnership, Peace, Prosperity and Planet.

¹⁷⁷ Sustainable Development Goals Knowledge Platform, *Violence against children*, available online.

lower earnings, and are more likely to engage in crime”¹⁷⁸. Sometimes, victims become perpetrators, who recruit new victims.

Therefore, the worsening of school performance, the impossibility to access education or the inability to fully develop personal skills will negatively impact upcoming communities. At the same time, public spheres will experience a significant loss. In short, ill treatment of minors will provoke unforeseen effects either on children’s well-being or social progress. The investment on human capital is fundamental to ensure the development of future societies. By contrast, violence will only raise new obstacles to the effective realization of pre-established aims.

3. Fighting cybercrimes with cyberlaw

Despite these challenges, the greatest concern regarded the international legal system. Even, international law provided a comprehensive system for the safeguarding of basic liberties, human security is continuously threatened by the emergence of new threats. Digital violations of human rights raised new complications for the safeguarding of basic freedoms. More sophisticated breaches overcame past boundaries set by international law. Consequently, questions on the adequacy and efficiency of existing legal instruments arose. It is natural to question the appropriacy of existing international conventions and protocols. Considering that “No country is immune to this form of child exploitation”¹⁷⁹, general norms and rules are required. The concerning aspect regarded the absence of a universal binding instrument dealing with offences related to sexual abuses occurring in the virtual universe. Either the Budapest or the Lanzarote Convention are regional instruments appointed by the CoE. Only those countries that accepted their authority are bound to respect certain values and to prevent cybercrimes. Then, children’s rights are not secured by a global document¹⁸⁰ on online crimes. In light of this, criminal activities are strengthened by the empty places of power which originated from the lack of universal rules covering matters associated with OCSEA. In order to ensure a steady safeguarding of fundamental freedoms, nations are required to update domestic legal system.

¹⁷⁸ BARON, GOLDSTEIN, WALLACE (2020: 1).

¹⁷⁹ International Centre for Missing & Exploited Children, *Despite Increase in Global Child Protection Laws Many Countries Still Do Not Consider Child Pornography A Crime*, available online.

¹⁸⁰ The creation of universal treaties is always a challenging task. Indeed, many countries are not willing to accept sovereignty costs stemming from new conventions. States are not always ready to consign part of their authority to new international judicial bodies or instruments.

More importantly, the Palermo Convention and the Optional Protocols thereto should be adapted to digital environment. In brief, “legislation should remain relevant, in the context of technological advances and emerging practices”¹⁸¹.

For this reason, U.S. Senator J. Kerry suggested the adoption of a more comprehensive concept of law and a more effective system for its enforcement. He underlined the necessity “to globalize law and law enforcement”¹⁸² to furnish a “holistic global response” based on the combination of several factors. Multi-jurisdictional issues emerged from online sexual exploitation and dissemination of indecent materials. Accordingly, it is essential to combine the potential of more than one state to tackle these questions. Illicit economies took advantage of several crucial elements for their expansion. Likewise, the increasing interconnection among countries and the creation of new means of communication magnified the expansion of new dangers. On account of this, scholars focused on the dark sides of modernization, emphasizing the unexpected and serious effects provoked on the lives of most exposed people. In order to fight progress’s threats, it is necessary to better acknowledge the nature of the menace. Once this is done, it is possible to focus on the means needed to restrain the diffusion of such practices.

First of all, OCSEA must be understood as a cybercrime, drawing its strength from the “criminogenic qualities of the Internet”¹⁸³. In fact, the network facilitated the happening of criminal activities. After having assessed it, it is essential to acknowledge these menaces have to be fought with the exact same tools. A constructive use of machine learning or artificial intelligence is encouraged to protect human rights. The foreword of the UNTOC reported the words of former UN Secretary General Kofi Annan, who affirmed:

[...] the enemies of progress and human rights seek to exploit the openness and opportunities of globalization for their purposes, then we must exploit those very same factors to defend human rights and defeat the forces of crime, corruption and trafficking in human beings. [...] “uncivil society”. They are terrorists, criminals, drug dealers, traffickers in people and others who undo the good works of civil society. They take advantage of the open borders, free markets and technological advances that bring so many benefits to the world’s people¹⁸⁴.

¹⁸¹ Committee on the Rights of the Child (2021), *General comment No.25 (2021) on children’s rights in relation to the digital environment*, available online.

¹⁸² ANDREAS (2013: 403).

¹⁸³ QUAYLE (2020), *Prevention, disruption and deterrence of online child sexual exploitation and abuse*, in *ERA Forum*, available online, pp. 439.

¹⁸⁴ United Nations Office on Drugs and Crime, *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*, Foreword.

Opportunities and advantages created by a more integrated global system have to be used for the safeguarding of civil liberties. The adoption of modern tools is required in order to tackle modern issues. In doing so, it is possible to hinder the spread of occult practices, securing the protection of human dignity. Digital appliances constitute adequate means to combat clandestine activities. Nonetheless, in order to reach successful outcomes, it is seriously demanded states' commitment. Ratification of treaties should be complemented by the effective implementation of the dispositions. In fact, "governments often ratify human rights treaties as a matter of window dressing"¹⁸⁵, without a real interest in respecting international law. If the precise implementation of legal measures is ensured, it is more likely to find plausible solutions.

3.1. *Implementation of international obligations for OCSEA*

Despite the comprehensive character of IHRL, it is true some gaps still exist. The international arena continuously tackles challenges, which, however, are not always beaten. History witnessed sometimes governments undertake obligations which they do not truly honour, giving rise to the "paradox of empty promises"¹⁸⁶. In doing so, nations do not effectively constrain existing menaces. This context raised doubts concerning the efficacy of international law and the legitimacy of national legislation in securing human rights.

Global institutionalization of civil liberties provoked two main opposite effects. These are precisely explained in *Human Rights in a Globalizing World: The Paradox of Empty Promises*, where it is possible to read the following words:

On the one hand, global human rights treaties supply weak institutional mechanisms to monitor and enforce regime norms, offering governments strong incentives to ratify human rights treaties as a matter of window dressing rather than a serious commitment to implement respect for human rights in practice. [...] On the other hand, human rights advocates regularly mobilize around these treaties, leveraging the emergent legitimacy of human rights as a global norm of appropriate state behavior to pressure states to improve actual human rights practices¹⁸⁷.

¹⁸⁵ HAFNER-BURTON, TSUTSUI (2005), *Human Rights in a Globalizing World: The Paradox of Empty Promises*, in *American Journal of Sociology*, Volume 110, Number 5, p. 1373 ff.

¹⁸⁶ HAFNER-BURTON, TSUTSUI (2005: 1373).

¹⁸⁷ *Ivi* (2005: 1378).

In addition to this, it is worth underlining some legal systems did not keep the pace with social change as illicit economies did. As time passed, it came out the international law had to conform with social challenges and evolutions in order to ensure the protection of human rights. The advent of the Internet and the outbreak of the pandemic placed new complications for the defence of civil liberties. The protection of such values started to face new relevant issues which transformed all balances. Considering that virtual reality is defined by the absence of a defined and concrete boundary, each and every country questioned the effectiveness of national security. The worrying aspect was constituted by the high degree of legal heterogeneity that characterized the international arena. While some states ratified conventions to protect children who were sexually abused online; other countries did not provide an efficient system contrasting virtual threats. Specifically, some national legislations did not criminalize offences that took place in the web-based universe. For instance, more than 50 countries did not condemn child pornography, which was not considered as a crime¹⁸⁸. A significant number of states took into account sexual offences that happened exclusively offline. Such circumstances enabled criminals to adopt unlawful conducts which were not even considered illegal by the local legislation. As a matter of fact, some governments did not have appropriate tools to manage illicit conducts of anonymous individuals acting online. Globalization brought several innovations which were used by traffickers and criminals at the expense of the most vulnerable people. Children turned out to be among the most exposed individuals because of the pandemic, protracted lockdowns and home-schooling. As the analysis of the UNODC highlighted, on a sample of 187 countries, more than 90 nations did not provide the right legislative measures needed to address crimes committed online, such as child pornography¹⁸⁹. Global governance did not demonstrate an ability to keep up with the rapid growth of the Internet, creating a *power vacuum*. Virtual areas remained unregulated, without a real authority able to manage this parallel online world. Likewise, implementation of the law and prosecution of criminals became even more challenging because of the issues associated with extra-territorial application of the jurisdiction. In fact, the Internet de-territorialized the occurrence of crimes, which did not take place in a specific location. As a consequence, there were no precise national laws dealing with such activities. Also, most of the times, countries are focused on the protection of their own sovereignty rather than the curtailment of their own power. This setting

¹⁸⁸ International Centre for Missing & Exploited Children, *supra* note 146.

¹⁸⁹ United Nations Office on Drugs and Crime, *supra* note 26.

strengthened criminals who just wanted to make profits. In other words, due to modernity the enforcement of the law and the pursuance of international justice became increasingly difficult.

As author Moises Naim pointed out, globalization promoted decentralization and liberalization. This setting led to an expansion of illegal markets and illicit activities. After all, it made “the task of fighting global criminals more difficult”¹⁹⁰. Innovative methods to ensure non-traceability and anonymity hindered national commitments against TOC. For this reason, some authors talked about the emergence of new kind of conflicts, i.e., the ‘wars of globalization’¹⁹¹. The peculiar aspect of these wars was given by their asymmetry, a feature emerged right after the terrorist attack of September 11th, 2001. States started to fight against organized groups, rather than other nations. Although their significant potential asymmetry, states were always on the losing side. As a matter of fact,

[...] Governments are at a disadvantage in these wars. While their enemies can exploit the advantage of moving freely between jurisdictions, nations are bound by sovereignty, borders, and international law. States have to rely on centralized, hierarchical, Weberian bureaucracies to fight against highly mobile, decentralized networks of highly motivated individuals. [...] Fourth: In each of the five wars the government side is not winning and in some of them it is in fact losing. Drugs, weapons, pirated products, illegal aliens, and opportunities to illegally move, hide, and launder money internationally have not become scarcer despite governmental efforts to do so¹⁹².

Organized crime is advantaged by its decentralized structure and progress, which permitted a more integrated system and more flexible regulation. The infiltration of occult practices in the global economy was further enhanced by the outbreak of COVID-19.

¹⁹⁰ WONG (2006).

¹⁹¹ NAIM (2002), *Five Wars of Globalization*, in *American University International Law Review*, Volume 18, Number 1, p. 1 ff.

¹⁹² NAIM (2002).

CHAPTER FOUR: RESPONSES TO CHILD EXPLOITATION

1. Plausible solutions

This chapter tried to furnish some responses to reduce the breaches of IHRL, securing fundamental freedoms of the youngest generations. It emerged sophisticated measures are needed to constrain the spread of such universal phenomena. In order to keep the pace with social change and progress, justice should conform with modern tools as offenders did. A global consensus and cooperation to hinder the diffusion of emerging illicit activities is required. On the one hand, states should implement at local level adequate measures to hinder the phenomena. Domestic legislation should demonstrate a real commitment in contrasting abusive behaviors. On the other hand, a transnational partnership is fundamental to achieve successful outcomes. In fact, the international aspect of organized crime was strengthened by the Internet. The latter overcame national jurisdiction, menacing each and every country. By enhancing national and international commitments, it is possible to protect children's rights.

The absence of a universal treaty dealing with technology-facilitated child sex trafficking became a menace to global security. Despite this, the Palermo Protocol suggested general plausible solutions to combat human trafficking, which could represent a starting point for the fight against OCSEA. The core objectives of this legal instrument were the so-called 3 Ps which referred to Protection, Prevention and Prosecution. Subsequently, in 2009, these three practices were completed by the integration of the "fourth P" for the promotion of international Partnership. These activities enhanced the adoption of specific behavior in order to restrain the spread of the modern form of slavery. The following paragraph tried to apply these 4 Ps to OCSEA.

The defining feature of protection was constituted by the victim-centered approach which placed human beings at its core. Children should be fully protected from digital offences. This purpose aimed at providing necessary tools and services in order to support survivors. However, states should encourage a co-creation approach based on the cooperation between governments and victims. In other words, these two subjects should identify adequate measures to hinder illicit practices.

Secondly, prevention tended to uproot this universal phenomenon, avoiding violations of human dignity. In this regard, it is fundamental to increase public knowledge, with the dissemination of precise information on the serious concerns of this threat. The adoption of strategies seeking to notify

local populations of digital risks and its modes of action is strongly recommended. In light of this, civil society and public institutions should cooperate in order to raise awareness. In this example, it is known that schools play a crucial role in educating the youngest generations.

Although the international legal system tried to prevent specific conducts, it is true these activities constantly took place. For this reason, the Palermo Protocol underlined the necessity to prosecute offenders. The implementation of national criminal law and an effective commitment of domestic authorities constitute the main pillars. Criminals should be truly held accountable for unlawful conducts. It is necessary to penalize everyone who is involved: apart from traffickers, partners in crime should be also penalized as they participate to the exploitation of human beings.

Lastly, the fourth P, i.e., partnership referred to the collaboration among several actors, such as NGOs or public institutions. Schools and teachers, governments and policy-makers, parents as well as caregivers detain remarkable power to promote the safeguarding of children's rights and to ensure the creation of a safe virtual environment. All these actors actively influence the lives of the youngest generations; then, they have the duty to defend them from external threats. All together, these entities could provide services, information and support to survivors. This cooperation, nevertheless, must be complemented by a transnational partnership with other states. A global commitment can truly eradicate OCSEA.

1.1 Prevention for OCSEA

Given that the Palermo Protocol was based on the adoption of preventive measures, it is necessary to better acknowledge what could be useful preventive tools to restrain OCSEA. As the Resolution adopted by the Human Rights Council stated, measures should “effectively prevent and eradicate new and emerging forms of online sale and sexual exploitation and abuse of children”¹⁹³. In order to pursue this goal and protect the childhood of the youngest generations, some innovative programs and measures are required.

First of all, living conditions of minors deeply influence their future. When children live in social exclusion or economic need, they are more

¹⁹³ Resolution adopted by the Human Rights Council, 22 June 2020, 43/22, *Mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, available online.

exposed to specific risks. In this regard, education is fundamental for the safeguarding of children. As a matter of fact, the Lanzarote Convention under Chapter II (from Articles 6 to 8) highlighted the relevance of education and awareness raising in relation to threats of the virtual universe. This section of the Convention focused on the necessity to warn minors about the threatening practices existing in the surrounding world. More precisely, the first disposition referred to children's education, emphasizing the need to inform them about sexual exploitation and abuses. Moreover, safe learning environments should be assured in each and every country. Other than that, this provision underlined the duty of schools to provide students with adequate tools to protect themselves. The article expressed concerns about the role of ICTs, focusing on the menacing power of digital appliances. Article 7 provided some preventive intervention programmes or measures which should be ensured to anyone who could be touched by such offences. Lastly, Article 8 furnished measures for the general public, i.e., the duty to raise awareness about virtual dangers to which children are exposed¹⁹⁴. By raising awareness about such menaces, it is feasible to reduce the number of victims involved in this illicit economy. As Nelson Mandela once said, "Education is the most powerful weapon which you can use to change the world"¹⁹⁵. The lack of knowledge causes serious issues for the protection of human rights. Given that the Internet has increased challenges for the safeguarding of fundamental freedoms and dignity, it is essential to inform about the real power of technologies and online activities. Above all, children should be notified about existing risks. For instance, the Philippines launched an initiative to raise people's awareness. Schools implemented a Training Package which comprehended the cybersafe project. This proposal aimed at securing online activities of each and every individual, especially minors. The three core pillars were education, awareness and safety (of fundamental rights and from web-related risks). This plan foresaw lessons and teaching materials tailored for the specific audience. Likewise, it is required to schedule adequate social support to potential victims. The protracted closure of schools hindered social interactions between teachers and students. In some cases, professors represented a point of reference for most vulnerable people. Nevertheless, homeschooling undermined these relationships, increasing difficulties to identify the exploited target. Then, societies should find innovative ways to safeguard minors' health from digital menaces.

¹⁹⁴ Council of Europe Convention, Council of Europe, October 2012, *Protection of Children against Sexual Exploitation and Sexual Abuse*.

¹⁹⁵ Thrive Global, *Education Is the Most Powerful Weapon You Can Use To Change the World*, available online.

By contrast, some scholars provided an alternative perspective with respect to OCSEA. Specifically, these authors emphasized the role played by domestic circumstances and the surrounding environment. In other words, states should not train children to prevent their exploitation; rather, governments should ensure the creation of a safe society without risks associated with the exploitation of minors. In fact,

Our goal is not to produce children who are skilled at avoiding danger, but to create an environment in which they do not have to. In doing so, these approaches have the potential to prevent harm not only for this generation of children, but also for the generations to follow¹⁹⁶.

To conclude, there are two distinct perceptions on the way in which OCSEA can be prevented. On the one hand, some believe children should be notified about real harms to which they could be exposed. Digital education is a powerful tool to curtail the field of action of organized crime. It is up to the social system to organize workshops or initiatives aimed at safeguarding childhood. On the other hand, others argue that states have the duty to secure the environment where people live, avoiding the occurrence of specific offences. This is a more preventive approach focused on the crucial role played by national authorities which should ensure the complete eradication of specific threats. In either way, it is necessary to acknowledge real measures that can be practically implemented.

1.2. National efforts to combat OCSEA

Online crimes represent the social and financial inability of governments to safeguard the rights of their own people during times of crisis. In order to restrain the spread of OCSEA, it is necessary to act on two fronts: either national initiatives or international measures. Some authors provided interesting solutions that should be implemented at the domestic level. In this regard, states have the duty to protect the population, without leaving anyone behind. During periods of crises, nations have the responsibility to schedule an effective plan needed to protect everyone, above all children. It is believed exceptional times call for extraordinary measures. In this case, states are asked to adopt initiatives to tackle the dark side of digitalization. It is worth mentioning, users are differently affected by online dangers. Minors are more exposed to these risks because of their unawareness. It is fundamental governments ensure the full development of their personality and capacities.

¹⁹⁶ QUAYLE, RIBISL (2013).

Projects must be tailored in relation to the age and necessities of victims. Maturity and understanding of events shape the way in which issues are conceived. For this reason, states should promote age-appropriate initiatives. Even if states are free to decide how to tackle their own problems, some general recommendations can be identified. During the pandemic, national authorities were technically charged with providing same opportunities and necessary services. For instance, government should have ensured access to digital appliances and Internet connection for home-schooling. Likewise, they should have restrained the occurrence of some crimes, such as the OCSEA. Tech enterprises should have enforced programmes “to keep children safe online and guarantee free access to child helplines and safe educational platform”¹⁹⁷. Governments should have enhanced a more constructive use of social media, denouncing online risks and dangers. In doing so, they could have raised awareness about OCSEA and prevented deceptions. Reality witnessed nations were not truly ready to tackle sudden changes. Domestic efforts to identify and provide support to victims should have been strengthened. In fact, the crisis constituted an important event to underline existing gaps that defined the domestic system. Moments of distress potentially determined opportunities for the reframing of order. Sometimes,

The crisis might also represent a unique opportunity to implement universal social protection systems to erode sharper social inequalities. As affirmed by the Human Rights High Commissioner, COVID-19 is a test for societies, communities and individuals. The way States will react to this global crisis will set the foot for future generations and provide an opportunity to make societies fairer, more inclusive, and free from trafficking and exploitation¹⁹⁸.

Despite the relevance of the role of national authorities, it is also true that international threats require global commitments. The powerful element provided by the Internet is, indeed, defined by de-territorialization of crimes because it did not exist a specific crime-scene. Victims, criminals and clients could find themselves in three distinct geographical areas. In order to curtail the power of transnational crimes, it is necessary to adopt a multifaceted response based on the cooperation of several disparate stakeholders. Either states or international companies and civil societies should collaborate to protect human rights. The response to such menaces must be multidimensional, coordinated and decisive. In short, “Online child sexual exploitation is a complex crime that requires a multifaceted, gendered, legal,

¹⁹⁷ GIAMMARINARO (2020: 8).

¹⁹⁸ GIAMMARINARO (2020: 10).

and technological response with global cooperation involving governments, international bodies, tech companies, survivors, and CSOs¹⁹⁹.

1.3. *Transnational cooperation to combat OCSEA*

Online child sexual exploitation must be analyzed as a problem of human security, affecting the whole globe. In this context, it is fundamental to acknowledge this threat did not menace only one nation. In fact, this universal phenomenon involved each and every country, without any limit. Digitalization of illicitness overcame jurisdictional boundaries, provoking threats to the global order. As the UN underlined, “When a crime is planned in one country, with victims in another country, and a customer in a third one, law enforcement authorities face practical challenges such as finding and securing evidence, as any investigation requires cooperation across borders and a certain level of digital expertise²⁰⁰. As a consequence, it is required a global cooperation against online sexual exploitation of minors. In this regard, the Palermo Protocol already underlined the necessity to encourage international commitments to fight human trafficking. Article 18 on the Mutual Legal Assistance (MLA) represents one of its core pillars. According to this disposition states have to adopt collaborative conducts, by sharing information with foreign jurisdictions. The provision textually stated countries have to ensure “widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings” and to “reciprocally extend to one another similar assistance where the requesting State Party has reasonable grounds to suspect that the offence [...] is transnational in nature, including that victims, witnesses, proceeds, instrumentalities or evidence of such offences are located in the requested State Party and that the offence involves an organised criminal group²⁰¹. Disparate actors must unite to work on combating modern violations of human rights through transnational cooperation. Comprehensive, integrated and multidisciplinary attempts are needed to discourage the sustained violation of fundamental freedoms by means of the Internet. By promoting international coordination, governments’ efforts could be more effective. The establishment of the 2012 Global Alliance

¹⁹⁹ EqualityNow A just world for women and girls (2020).

²⁰⁰ United Nations News Global perspective Human stories (2021), *Traffickers abusing online technology, UN crime prevention agency warns*, available online.

²⁰¹ United Nations Office on Drugs and Crime, *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*.

represent a significant starting point to combat illicitness. This association devoted itself to constrain online minors' sexual abuses. It is worth mentioning, in 2014 also the Philippines joined this transnational institution in order to safeguard fundamental rights of Filipino children. This is a landmark event given that this area constitutes one of the main hubs for OCSEA. Later on, this global policy merged with the British initiative WeProtect. The latter aimed at safeguarding childhood of the youngest generations, avoiding sexual risks. The interesting aspect of this organization is determined by the real commitment states, technology companies, Ios or NGOs demonstrated. Thanks to its comprehensive approach, almost 100 countries, and more than 50 enterprises decided to join the WeProtect Global Alliance. This is a remarkable aspect of the association expressed by the core statement of this organization which is:

Protecting children from abuse and exploitation is everyone's business. The sexual exploitation of children online cannot be dealt with by any one country, company or organization working in isolation; it demands a coordinated global response by governments, international organizations, technology companies and civil society²⁰².

In other words, in order to curtail the field of action of this threat, a multisectoral cooperation of several stakeholders is needed. Nevertheless, this project enhanced a local implementation of several initiatives. Exactly, it tended to support countries that wanted to develop their own national response to OCSEA. In fact, WeProtect Global Alliance furnished the Model National Response (MNR) that has to be enforced at domestic level. This ensured governments and actors adopted coordinated actions to hinder violations of children's rights. In doing so, they guided national responses, promoting the execution of effective policies.

Another important organization that furnished a global response to OCSEA is the Virtual Global Taskforce (VGT). This institution was based on the transnational partnership of several agencies for the enforcement of the law. Specifically, this project was

Established in 2003 to help respond to and investigate serious CEM cross-border cases, VGT coordinates investigative responses to multinational

²⁰² UNICEF for every child, *The WeProtect Global Alliance, Working Examples of Model National Response Capabilities and Implementation*, available online.

child exploitation material cases and uses information provided by INHOPE, ECPAT and other civil society groups as well as Interpol's ICSE-DB²⁰³.

Both these cases underline the seriousness of OCSEA. However, the important feature of such an international cooperation is given by the ability to adapt to social change in order to tackle new emerging risks posed by the Internet. Technological offences require technology-based solutions. By adopting the exact same tools, it is possible to provide an adequate response. For this reason, "Successful technological solutions must be nimble and adaptive in such a rapidly changing landscape"²⁰⁴. The Tech Against Trafficking constitutes just an example of the powerful capacities stemming from the cooperation of several technology companies. Either the invention of new applications or the creation of more sophisticated tools, such as "satellite imagery and geospatial mapping"²⁰⁵ represent plausible means to face these crimes.

Nevertheless, it is worth mentioning these organizations did not engage with the whole international arena. Not every country took part to these initiatives. Then, one may wonder whether universal or regional cooperation have to be appointed to promote safeguarding of basic freedoms and prevent the long-lasting effects of virtual child exploitation.

1.4. Regionalism vs Universalism

The international arena pursues the promotion of collective peace and safety. More importantly, it aims at creating a safe environment based on the protection of human rights. Nevertheless, human lives and surrounding societies are increasingly affected by the diffusion of unlawful activities in the digital world. Given that online threats are defined by a cross-border nature, national commitment is not enough. As previously seen, international cooperation represents a significant tool to restrain the diffusion of illicit practices. The involvement of several stakeholders reinforces the fight against digital violations of freedoms. It is known, there are disparate ways in which collaborative conduct can be enhanced. At this point, it is necessary to understand which could be the appropriate partnership to encourage for the safeguarding of children's rights in the virtual universe. Considering that

²⁰³ BROADHURST (2019: 26).

²⁰⁴ QUAYLE, RIBISL (2013: 21).

²⁰⁵ Interagency Coordination Group Against Trafficking in Persons (2019), *HUMAN TRAFFICKING AND TECHNOLOGY: TRENDS, CHALLENGES AND OPPORTUNITIES*, available *online*.

global governance is characterized by the interaction of regional and universal organizations, one may wonder whether a universal approach or regional perspective could be more appropriate to tackle current and upcoming threats. These entities are defined not only by strengths, but also weaknesses which determine the whole system. At this point, it is essential to grasp core differences among these two kinds of organizations. Only through this examination, it is feasible to understand which setting can be more appropriate and efficient.

It is generally believed, universal tools establish a more homogeneous international system, based on the sharing of common values. The involvement of all the states of the international arena enhances the joint commitment of each and every country to combat human rights violations. The setting of some general rules ensures that abusive conducts are identified and punished. In this regard, the establishment of a universal tool and the creation of a centralized authority represent interesting inputs. If truly implemented, this determines a strong tool for the protection of children's rights. However, it is important to consider cultural diversity, which increases difficulties in establishing universal values. In fact, the international community is defined by several countries which pursue their own interests and traditions. Therefore, it is difficult to combine this pluralism. There are cases in which countries do not share the same ways of thinking or acting of others.

By contrast, regional cooperation enhances a more integrated cooperation among countries that are united by some factors such as beliefs, culture or geographical proximity. By claiming the same values, member states are more willing to implement certain activities. The creation of regional bodies to control the conduct of circumscribed spaces is an interesting initiative. In this regard, in 2011, UNICEF's Executive Director²⁰⁶ underlined the fundamental role of cross-regional cooperation in eradicating violence against children. Regional representatives, indeed, are encouraged to cooperate with one another. They act for individuals who are united by cultural values, traditions or thoughts. Then, this kind of cooperation implements at regional and local level the international initiatives. This represents an effective way to use international collaboration to safeguard human rights. Notwithstanding, this setting turns out to be a promoter of fragmentation in the international arena. Regional perspective promotes

²⁰⁶ United Nations (2011), *Regional organizations establish strategic cooperation mechanism to prevent violence against children*, available online.

several distinct approaches to solve issues or understand menaces. Sometimes, this diversity provokes additional struggles.

Despite differences between regionalism and universalism, the real message to understand is just one. In order to reach global security and peace, it is essential that regional organizations complement universal ones. In doing so, more effective and successful achievements can be assured. For instance, the UN legitimacy should be reinforced by regional organizations. In fact,

Elsewhere I've explored the trade-offs between relying on the *prix fixe* menu of universal institutions (like the UN) and exploiting a *la carte* "coalitions of the willing." The challenge is to ensure that reliance on ad hoc and regional arrangements complement and reinforce, rather than undermine, the UN's legitimacy and capacity²⁰⁷.

However, questions arise when it comes to tackle issues related to digital breaches of children's human rights. More precisely, doubts on the effective cooperation of these organizations emerge. In 2020 the United Nations Interregional Crime and Justice Research Institute (UNICRI) in cooperation with the Ministry of Interior of the United Arab Emirates launched an initiative named the Artificial Intelligence (AI) for Safer Children which aimed at taking advantage of the AI to safeguard children²⁰⁸. This project constitutes a suitable example of collaboration. Also, UNICEF provided an initiative to safeguard children's rights. This programme foresaw the involvement of individual states and regional organizations. Interestingly, activities of this agency had already begun long before the spread of the pandemic.

At national and regional levels, UNICEF has supported efforts across four main areas: empowering children and supporting parents and caregivers to help children stay safe online; providing a safe online learning experience for students; making online platforms safe and accessible for children; and strengthening national prevention, response and support services. Some of this work commenced before COVID-19 but was adapted and/or intensified during the pandemic²⁰⁹.

²⁰⁷ PATRICK (2012), *The UN Versus Regional Organizations: Who Keeps the Peace?*, Council of Foreign Relations, available *online*.

²⁰⁸ United Nations Interregional Crime and Justice Research Institute, *A High-Level Side-Event to the 76th Session of the United Nations General Assembly*, available *online*.

²⁰⁹ United Nations Children's Fund (2021), *Ending Online Child Sexual Exploitation and Abuse. Lessons learned and promising practices in low- and middle-income countries*, New York, available *online*.

Right after the outbreak of COVID-19, the intensity of this work was further incentivized. Considering that online crimes increased, it was demanded to adopt a stronger commitment against these risks.

Thus, regional and universal organizations cannot be seen as mutually exclusive, rather they should be considered as entities that complement each other. Under specific circumstances, this cooperation can bring social change and combat serious threats. More importantly, it can achieve significant results in the fight against violations of children's rights in the digital environment.

2. Technology: two sides of the same coin

It is certain technology will continue its expansion, given that it is naturally becoming part of everyday life. This trend will be causing either positive or negative effects. Digital development will furnish social as well as financial benefits. Advanced and sophisticated means of communication will allow a more integrated international system, based on the sharing of information, services and commodities. Apart from that, computer-generated innovation will lead to the setting up of smart cities, based on an alternative use of resources and continuous progress. This will also provide new opportunities for the members of the community. Notwithstanding, digitalization will also increase the power of illicit economies which constitute a threat to global security. This will furnish new ways to profit at the expense of most vulnerable people and human rights. In fact, innovative technologies will aggravate online human trafficking, widening the severity of this global crisis. This is witnessed by the current situation defined by the outbreak of COVID-19. The sanitary emergency functioned as a leverage for the expansion of existing menaces. It led to an increment of the socio-economic inequalities and crimes committed online. This global crisis underlined disparities among individuals that "have long been an issue for a variety of people"²¹⁰. In this case, technology eased children sexual exploitation who were recruited and deceived in the online world. In other words, due to the pandemic the "negative side-effects associated with crime facilitation in a digital age"²¹¹ emerged. For this reason, it is required to define main teaching from these events in order to avoid the recurrence of similar crises. First of all,

²¹⁰ KATELLA (2021), *8 Lessons We Can Learn From the COVID-19 Pandemic*, Yale Medicine, available *online*.

²¹¹ KALIM (2013: 452).

it is fundamental to acknowledge the hidden potential of digital appliances. These instruments can truly affect global governance and international law. According to some, the COVID-19 highlighted the crucial role played by two factors: community and technology. As a matter of fact, it came out that human beings need to be part of a group and communicate with other people. Then, this sense of belonging was ensured by technology. Networks overcame limits posed by social distancing, allowing communications between individuals who lived in the same city as well as those who were in different countries.

Community is essential—and technology is too. What happened: People who were part of a community during the pandemic realized the importance of human connection, and those who didn't have that kind of support realized they need it. What we've learned: Many of us have become aware of how much we need other people—many have managed to maintain their social connections, even if they had to use technology to keep in touch, Dr. Juthani says. "There's no doubt that it's not enough, but even that type of community has helped people²¹².

Digital devices permitted national connections and international interactions, getting over geographical boundaries. In this regard, it is fundamental to recognize the relevant role played by social media. These means of communication were initially appointed to connect people all over the world. Over time, they ended up becoming a threat to human rights' protection and security. Criminals misused these platforms to achieve their personal interests and satisfy their own needs. In order to hinder the spread of these innovative practices, it is required the use of the same innovative tools. At this point, it is demanded to acknowledge whether some digital solutions to OCSEA can be settled. Even if the answer to this question is not so straightforward, one may wonder which could be the role of new technologies given the progressively advanced means employed by purveyors. In other words,

The question that naturally follows is the following: what role can technological solutions play in aiding those with a vested interest in protecting children (e.g. law enforcement agents, children's services, parents, schools) in the face of the increasingly sophisticated technology base utilized by offenders? [...] Unfortunately, the answer is neither that simple nor that straight-forward. The Internet is an open medium²¹³.

²¹² KATELLA (2021).

²¹³ QUAYLE, RIBISL (2013: 21).

Given that social media can truly advocate for the safeguarding of fundamental freedoms, it is efficient to encourage a constructive way to use them.

2.1. An alternative use of social media

If Facebook were a country, it would be the largest in the world, with over 2 billion users. It would also be ruled by an opaque, unaccountable, and undemocratic regime. Social media has become the modern public square, which is run by unseen corporate algorithms that can manipulate our access to information and even our mood ²¹⁴.

The relevance of this statement is bound to the perception of Facebook, intended as a significant place where a considerable part of the global population has access. That is to highlight social media could definitely have an impact on human beings' lives. Therefore, it is interesting to understand whether such tools can be efficiently used to fight illicit practices. More precisely, one may investigate the efficiency of social networks in relation to the protection of human rights. Thanks to their potential, technological appliances can easily bring social and political change in the international arena. These means can be used to disseminate information, raise awareness and promote confrontation among several people.

Over time, activists launched initiatives which tended to enhance an alternative and constructive use of these platforms. The #MeToo movement constitutes a practical example of the effective power of social media platforms. This project aimed at sensitizing people on the vulnerable position of women. Specifically, it wanted to reduce sexual violence against them. Eventually, it succeeded in underlining the real magnitude of this phenomenon, increasing public knowledge on the threat. Another example is demonstrated by Feroza Aziz who used TikTok to denounce crimes against Uighurs committed by the Chinese government. In fact,

The popularity of Aziz's videos shows how TikTok has increasingly become a new home for discussion of politics and current events among young viewers on the Web. But the suspension has fueled concerns over how TikTok

²¹⁴ Human Rights Watch (2018), *Social Media's Moral Reckoning. Changing the Terms of Engagement with Silicon Valley*, available online.

will respond to a growing level of acrimonious debate and discussion of issues critical of the Chinese government²¹⁵.

She became an important figure who tried to spread awareness about violations of human rights. Even if social media stimulated people's activism, higher authorities are still able to adopt abusive behavior and silence unconventional voices. The account of Feroza Aziz was temporarily blocked. Therefore, sometimes also the democratic nature of social media can be undermined.

At this point, it is compelling to acknowledge whether social media are adequate to constrain digital violations of minors' fundamental freedoms. The pandemic COVID-19 had a strong impact on the scale of the phenomenon, leading to an expansion of these illicit practices in the virtual universe. After having assessed the threatening power of child exploitation, one may wonder why this phenomenon is not really denounced at international level. Other illicit trades, such as drug trafficking, are more condemned than OCSEA. There are no straightforward reasons explaining why the international arena criticized more drugs market rather than gross violations of human rights. Despite this, it is sure that modern tools are needed to hinder modern threats. Given that illicitness has shifted online, it is necessary the involvement of technology enterprises to fight these new menaces. Only the digital industry can provide sophisticated and advanced tools for the curtailment of criminals' authority. By using the same weapons, it is possible to restrain online risks.

Despite being designed for different purposes, the vast majority of social media sites have been used in attempts to sexually exploit children. As a result, technology companies have joined together to combat this problem. Tagged.com and other tech companies work together to share brain power, best practices, and "hashes" — shortened data packets that represent known bad content — in an effort to disrupt the use of social media to abuse one of society's most vulnerable populations, our children²¹⁶.

Thus, education and information determine the right equipment to combat unconsciousness and indifference of people. It becomes crucial to enhance the creation of a safe digital space, where everyone is able to express individual opinions and thoughts. The sharing of personal experiences and open discussions about violence can certainly contribute to the creation of a feeling of solidarity. This trend is already maturing inside the digital spaces, as people resorted to social media platforms to alert certain offline unlawful

²¹⁵ HARWELL, ROMM (2019), *A 17-year-old posted to TikTok about China's detention camps. She was locked out of her account*, The Washington Post, available online.

²¹⁶ THORN (2014), *Combating Child Sexual Exploitation On Social Media*, available online.

conducts. By enhancing the online and offline participation of the members, these means of communication ease the creation of a sense of belonging. In the digital era, it is essential to promote democratic values online and to initiate movements against social threats. In other words, societies must be able to take advantage of the positive aspects of digitalization.

Nevertheless, in order to have a complete perspective of the issue, it is fundamental to consider also the other side of the same coin. Although social media constitute a significant tool to disseminate knowledge and raise awareness about existing online dangers, it is true these networks are also defined by some downsides. First of all, fake news spread much faster than the truth. Most times, people tend to share information even if they are not completely sure about the reliance of the source. Investigations demonstrated that

According to a 2019 study in Science, researchers found that falsehoods are 70% more likely to be retweeted on Twitter and will reach 1,500 people six times faster. There are a few reasons why this might happen, including the simple fact that disinformation tends to be more interesting. When it comes to an emotional area like human rights, people are also likely to share without fact-checking because they want their communities to know they care²¹⁷.

Apart from that, social media can be misused in several different ways. Sometimes politicians resort to such means of communication to pursue their own goals. For instance, “in the Philippines, President Rodrigo Duterte (who ordered police forces to kill anyone believed to be connected to the drug trade) weaponized social media – which is extremely popular in the country – to push his agenda and threaten critics”²¹⁸.

To conclude, an alternative use of social media constitutes an interesting measure which needs to be implemented. If used in an ethical manner, these platforms definitely play a significant role in denouncing violations of children’s rights. Social media can be useful tools to raise awareness and disseminate information about facts. By promoting a constructive way to use these platforms, it is possible to reduce the number of people falling into illicit cycles.

²¹⁷ Human Rights Careers, *How Can Social Media Help Defend Human Rights*, available online.

²¹⁸ *Ibidem*.

Conclusion

The protection of human rights is influenced by several variables, including domestic circumstances and external events. In this regard, progress and development affected the safeguarding of fundamental freedoms. The turn into the new era saw the emergence of modern threats which raised new challenges to the international arena. The outbreak of COVID-19 represented a watershed in the history of humankind. This crisis led to an unprecedented uprise in the use of digital appliances. The virtual universe became much more central to the lives of human beings, because it provided several opportunities. Cyberspace got over physical constraints imposed by the pandemic, becoming the new setting for human activities. People exclusively relied on the Internet which allowed to work, study or communicate. Then, digitalization was incorporated in the daily activities of the majority of individuals. Nevertheless, technology has to be conceived as a double-edged sword, because it is also characterized by some downsides. It furnished new opportunities for illicit economies that developed more sophisticated strategies. This research shed a light on the threatening power of technology and social media platforms for the OCSEA. The dissertation demonstrated how human rights can be violated even when personal freedoms are not (really) curtailed. The establishment of a new digital order imposed issues that were not tackled by the international arena. In fact, criminals committed digital crimes without being identified. Accordingly, cybercrimes tackled an unprecedented increase. The Internet eased practices associated with online recruitment and exploitation of minors. Their childhood turned out to be a violent weapon used by perpetrators who took advantage of their vulnerability. An alternative form of modern slavery based on the digital violation of children's rights emerged. However, it is not sure whether this universal phenomenon obtained enough attention from the international community. Only a collective intervention can bring social change, reducing the expansion of existing dangers. The international community has the duty to undertake multi-jurisdictional initiatives to protect each and every individual, especially the youngest generations. Childhood, indeed, should not be considered as a vulnerable factor used by criminals. On the contrary, children should be free to exercise freedoms expressed under international conventions, i.e., CRC.

Given that globalization will further enhance progress and development, people are required to learn from the past in order to avoid the recurrence of similar events. New digital instruments are needed to face emerging threats. Periods of crises cannot represent threatening moments

during which children's rights are not safeguarded. States, tech-companies, NGOs and IOs must unite to combat breaches of civil liberties. Above all, national authorities and the international community are demanded to adopt essential measures to protect minors. They represent next generations and it is fundamental to encourage the development of their capacities. In doing so, social costs will be restrained and more efficient upcoming societies will be created.

Considering that the world is gradually shifting online, international actors must be ready to tackle upcoming challenges. In light of this, the international legal system has to be updated. More sophisticated and modern initiatives are required. It is fundamental to acknowledge that the protection of human rights must prevail in every dimension, either offline or online.

References

Articles

- ANDREAS (2013), *Illicit Globalization: Myths, Misconceptions, and Historical Lessons*, in *The Academy of Political Science*, Volume 126, Number 3, p. 403 ff.
- ANYU NDUMBE, COLE (2005), *The Illicit Diamond Trade, Civil Conflicts, and Terrorism in Africa* in *Mediterranean Quarterly*, Volume 16, Number 2, p. 52 ff.
- BABVEY, CAPELA, CAPPA, LIPIZZI, PETROWSKI, RAMIREZ-MARQUEZ (2020), *Using social media data for assessing children's exposure to violence during the COVID-19 pandemic*, in *Child Abuse & Neglect*.
- BARNER, OKECH, CAMP (2014), *Socio-Economic Inequality, Human Trafficking, and the Global Slave Trade*, in *Societies*, Volume 4, Number 2, p.148 ff.
- BARON, GOLDSTEIN, WALLACE (2020), *Suffering in silence: How COVID-19 school closures inhibit the reporting of child maltreatment*, in *Journal of Public Economics*, p. 1 ff.
- CAPELLI (2018), *The Informal Economy in Global Perspective. Varieties of Governance*, Edited by Abel Polese, Colin C. Williams, Ioana A. Horodnic and Predrag Bejakovic, Palgrave 2017, pp.340, in *Interdisciplinary political studies*, Volume 4, Number 2, p. 127 ff.
- DAVIDSON (2010), *New slavery old binaries: human trafficking and the borders of 'freedom'*, in *Global Networks*, Volume 10, Number 2, p. 244 ff.
- FORE (2021), *Violence against children in the time of COVID-19: What we have learned, what remains unknown and the opportunities that lie ahead*, in *Child Abuse & Neglect*, Volume 116, Number 2.

- GEWIRTZ-MEYDAN, WALSH, WOLAK, FINKELHOR (2018), *The complex experience of child pornography survivors*, in *Child Abuse & Neglect*, p. 238 ff.
- HAFNER-BURTON, TSUTSUI (2005), *Human Rights in a Globalizing World: The Paradox of Empty Promises*, in *American Journal of Sociology*, Volume 110, Number 5, p. 1373 ff.
- INDRIATI (2018), *Analysis of International Law on Human Trafficking with Children as The Victims*, in *Semantic Scholar*, Volume 54, p.1 ff.
- Interagency Coordination Group Against Trafficking in Persons (2019), *HUMAN TRAFFICKING AND TECHNOLOGY: TRENDS, CHALLENGES AND OPPORTUNITIES*, available online.
- International Centre for Missing & Exploited Children (2018), *Studies in Child Protection: Technology-Facilitated Child Sex Trafficking*, in *International Centre for Missing & Exploited Children*, available online.
- International Justice Mission (2016), *IJM Casework series cybersex trafficking*, in *IJM*, available online.
- International Justice Mission, *Cybersex Trafficking*, in *IJM*, available online.
- KAHAMBING (2020), *(In)Visible Children and Covid-19: Human Trafficking in Public Health Ethics*, in *Jurnal Pengajian Umum Asia Tenggara*, p. 47 ff.
- KALIM (2013), *Addressing the Gap in International Instruments Governing Internet Child Pornography*, in *CommonLaw conspectus: journal of communications law and policy*, Volume 21, Number 2, p. 428 ff.
- MAKEI (2013), *Human Trafficking in the Post-Cold War Period: Towards a Comprehensive Approach*, in *Columbia Journal of International Affairs*, available online.
- MARTINHO (2021), *Impact of Covid-19 on the convergence of GDP per capita in OECD countries*, in *Regional Science Association International*, Volume 13, Number 1, p. 55 ff., available online.

- NAIM (2002), *Five Wars of Globalization*, in *American University International Law Review*, Volume 18, Number 1, p. 1 ff.
- POBLET BALCELL, KOLIEB (2018), *Responding to Human Rights Abuses in the Digital Era: New Tools, Old Challenges*, in *Sandford Journal of International Law*, Volume 54, Number 2, p. 259 ff.
- QUAYLE (2020), *Prevention, disruption and deterrence of online child sexual exploitation and abuse*, in *ERA Forum*, available online, p. 429 ff.
- RAFFERTY (2008), *The Impact of Trafficking on Children: Psychological and Social Policy Perspectives*, in *Child development perspectives*, Volume 2, Number 1, p. 13 ff.
- RAINES (2022), *Trafficking Without Borders: Why It Is Time for the Law to Properly Address Cybersex Trafficking in the Livestreaming Context*, in *Catholic University Law Review*, Volume 71, Number 1, p. 197 ff.
- RODRÍGUEZ GARCIA (2012), *The League of Nations and the Moral Recruitment of Women*, in *International Review of Social History*, Cambridge University Press, Volume 57, p. 97 ff.
- SHELLEY (2003), *Trafficking in Women: The Business Model Approach*, in *The Brown Journal of World Affairs*, Volume 10, Number 1, p. 119 ff.
- UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, *UNICEF Child Protection Strategy 2008*, in *Save the Children: Child Rights Resource Centre*, available online.
- WEITZER (2014), *New Directions in Research on Human Trafficking*, in *The Annals of the American Academy*, available online, p. 6 ff.

Books

- CHEN, CARRÉ (2020), *The Informal Economy Revisited. Examining the Past, Envisioning the Future*, Routledge Taylor & Francis Group, London, I ed.

DE CRUZ (2007), *Comparative Law in a Changing World*, Routledge-Cavendish, III ed.

HORODNIC, RODGERS, WILLIAMS, MOMTAZIAN (2018), *The Informal Economy. Exploring Drivers and Practices*, New York: Routledge, I ed.

KÄLIN, KÜNZLI (2019), *The Law of International Human Rights Protection*, United Kingdom: Oxford University Press, II ed.

MASSEY, RANKIN (2020), *Exploiting People for Profit: Trafficking in Human Beings*, London: Palgrave Macmillan.

MICKLAUCIC, BREWER (2013), *Convergence. Illicit Networks and National Security in the Age of Globalization*, Washington, D.C.: National Defense University Press, I ed.

QUAYLE, RIBISL (2013), *Understanding and Preventing Online Sexual Exploitation of Children*, London: Routledge, I ed.

RONZITTI (2016), *Introduzione al Diritto Internazionale*, Torino: G. Giappichelli Editore, V ed.

SHELLEY (2018), *Dark Commerce: How a New Illicit Economy Is Threatening Our Future*, Princeton: Princeton University Press.

SHELLEY (2010), *Human Trafficking. A Global Perspective*, United States of America: Cambridge University Press, I ed.

WINTERDYK, JONES (2020), *The Palgrave International Handbook of Human Trafficking*, in Springer International, Palgrave Macmillan.

Book Chapters

BROADHURST (2019), *Child Sex Abuse Images and Exploitation Materials*, in LEUKFELDT, HOLT (ed.), *The Human Factor of Cybercrime*, London, p. 310 ff.

CENTENO, PORTES (2006) *The Informal Economy in the Shadow of the State*, in FERNÁNDEZ-KELLY, SHEFNER (ed.), *Out of the Shadows*.

Political Action and Informal Economy in Latin America, Pennsylvania, p. 23 ff.

MARX (2010), *The Usefulness of Crime*, in GREENBERG (ed.), *Crime And Capitalism: Readings in Marxist Criminology*, Philadelphia: Temple University Press, p. 52 ff.

SARIKAKIS, RODRIGUEZ-AMAT (2012), *Human Rights Online or on the line? The Role of New (social) Media in Human Rights Protection*, in: Nowak, JANUSZEWSKI, HOFSTÄTTER (ed.), *All Human Rights for All*, Vienna: Neuer Wissenschaftlicher Verlag p. 552 ff.

VAN SCHENDEL, ABRAHAM (2006), *Introduction: The Making of Illicitness*, in VAN SCHENDEL, ABRAHAM (ed.), *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization*, Indiana: Indiana University Press, p. 1 ff.

WONG (2006), *The Rumor of Trafficking: Border Controls, Illegal Migration, and the Sovereignty of the Nation-State*, in VAN SCHENDEL, ABRAHAM (ed.), *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization*, Indiana: Indiana University Press, p. 69 ff.

Case Law and Legislation

Committee on the Rights of the Child (2021), *General comment No.25 (2021) on children's rights in relation to the digital environment*, available online.

Council of Europe Treaty Series, 16 May 2005, (197), *Council of Europe Convention on Action against Trafficking in Human Beings*.

Council of Europe Convention, Council of Europe, October 2012, *Protection of Children against Sexual Exploitation and Sexual Abuse*.

Directive of the European Parliament and of the Council, 5 April 2011, 2011/36/EU, *on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*.

European Court of Human Rights, *European Convention on Human Rights*.

Human Rights Library, *International Convention for the Suppression of the "White Slave Traffic," May 4, 1910, 211 Consol. T.S. 45, 1912 GR. Brit. T.S. No. 20, as amended by Protocol Amending the International Agreement for the Suppression of the White Slave Traffic, and Amending the International Convention for the Suppression of the White Slave Traffic, May 4, 1949, 2 U.S.T. 1999, 30 U.N.T.S. 23, entered into force June 21, 1951, in University of Minnesota, available online.*

International Court of Justice, *Statute of the International Court of Justice*.

Judgment of the European Court of Human Rights, 7 January 2010, Application no. 25965/04, *Rantsev v. Cyprus and Russia*.

Judgment of the Supreme Court of Seychelles, 17 April 2020, no. Cr S/63/2019, *R v ML & SHERLOC Sharing Electronic Resources and Laws on Crime*, available *online*.

KOHEN, SCHRAMM (2019), *General Principles of Law*, Oxford Bibliographies, available *online*.

NORMLEX Information System on International Labour Standards, International Labour Organization, 1930, No. 29, *Forced Labour Convention*.

NORMLEX, Information System on International Labour Standards, International Labour Organization, 1999, No.182, *Worst Forms of Child Labour Convention*.

REFWORLD, League of Nations, 25 September 1926, 60 LNTS 253, Registered No. 1414, *Convention to Suppress the Slave Trade and Slavery*.

Resolution adopted by the General Assembly, 15 November 2000, 55/25, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, UN Doc., available *online*.

Resolution adopted by the General Assembly, 16 March 2001, A/RES/54/263, *Optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography*, UN Doc., available online.

Resolution adopted by the General Assembly, 20 November 1989, 44/25, *Convention on the Rights of the Child*.

Resolution adopted by the Human Rights Council, 23 March 2016, 31/7, *Rights of the child: information and communications technologies and child sexual exploitation*, available online.

Resolution adopted by the Human Rights Council, 22 June 2020, 43/22, *Mandate of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, available online.

The Avalon Project Document in Law, History and Diplomacy, League of Nations, December 1924, *Covenant of the League of Nations*.

United Nations, *United Nations Convention on the Law of Treaties Signed at Vienna 23 May 1969, Entry into Force: 27 January 1980*, Lex Mercatoria, available online.

United Nations, *Universal Declaration of Human Rights*, available online.

United Nations Peace, dignity and equality on a healthy planet, 26 June 1945, *United Nations Charter*.

United Nations Human Rights Office of the High Commissioner, United Nations, 7 September 1956, *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*.

United Nations Office on Drugs and Crime, *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*.

United Nations Treaty Collection, *Chapter VII – Traffic in Persons*, available online.

Digital Sources

10ThousandWindows, *Cybersex trafficking and Covid-19* (2020), available *online*.

Child Rights and You UK, *Child Rights Importance*, available *online*.

Child Rights International Network, *Protection of the Rights of the Child and 2030 Agenda for Sustainable Development*, available *online*.

DI MARZO (2015), *Roma, da 1500 a 5000 lire per vendere gli ebrei ai nazisti*, iL Giornale.it, available *online*.

EqualityNow A just world for women and girls (2020), *COVID-19 Conversations: The Crisis Of Online Child Sexual Exploitation*, available *online*.

EqualityNow A just world for women and girls, *Ending Online Sexual Exploitation and Abuse Globally*, available *online*.

Foundation for Media Alternative (2021), *Mid-year Cybercrime and Human Rights Report – June 2021*, available *online*.

HARWELL, ROMM (2019), *A 17-year-old posted to TikTok about China's detention camps. She was locked out of her account*, The Washington Post, available *online*.

Human Rights Careers, *How Can Social Media Help Defend Human Rights*, available *online*.

Human Rights Watch (2018), *Social Media's Moral Reckoning. Changing the Terms of Engagement with Silicon Valley*, available *online*.

Inside Justice - Equal Justice Under Law (2010), *Legal Obligations of Signatories and Parties to Treaties*, available *online*.

International Centre for Missing & Exploited Children, *Despite Increase in Global Child Protection Laws Many Countries Still Do Not Consider Child Pornography A Crime*, available *online*.

International Justice Mission, *End Slavery in Our Lifetime*, available online.

International Labour Organization, United Nations Children's Fund (2021), *Child Labour. Global Estimated 2020, Trends and the Road Forward*, New York, available online.

International Organization for Migration (2017), *The Difference Between Trafficking in Persons and Smuggling of Migrants*, INTER PRESS SERVICE News Agency, available online.

KATELLA (2021), *8 Lessons We Can Learn From the COVID-19 Pandemic*, Yale Medicine, available online.

Minderoo Foundation Walk Free, *We can end modern slavery in our generation*, available online.

MITCHELL, *The Role of Technology in Child Sex Trafficking*, University of New Hampshire, available online.

NSPCC Every childhood is worth fighting for, *Child sexual exploitation*, available online.

O'DEA (2021), *Global smartphone penetration rate as share of population from 2016 to 2020*, Statista, available online.

PATRICK (2012), *The UN Versus Regional Organizations: Who Keeps the Peace?*, Council of Foreign Relations, available online.

REUTERS (2020), *Coronavirus fuels cybersex trafficking fears for children in Southeast Asia*, available online.

SAFE ONLINE 2021 OPEN CALL. END VIOLENCE PARTNERSHIP LAUNCHES TWO SAFE ONLINE OPEN CALLS FOR FUNDING FOR US\$ 15 MILLION TO MAKE THE INTERNET SAFE FOR CHILDREN - #SAFEONLINE, End Violence Against Children, available online.

SCHENGEN VISA INFO (2013), *The Schengen Agreement*, available online.

STATISTA RESEARCH DEPARTMENT (2021), *Total number of human trafficking victims identified worldwide from 2008 to 2020*, Statista, available online.

Stop It Now. Helping prevent child sexual abuse, *What are sexual images of children*, available online.

Sustainable Development Goals Knowledge Platform. *Violence against children*, available online.

The Crown Prosecution Service (2018), *Indecent and Prohibited Images of Children*, available online.

THORN (2014), *Combating Child Sexual Exploitation On Social Media*, available online.

Thrive Global, *Education Is the Most Powerful Weapon You Can Use To Change the World*, available online.

United Nations, *Refugees and Migrants*, available online.

United Nations (2011), *Regional organizations establish strategic cooperation mechanism to prevent violence against children*, available online.

United Nations Children's Fund for every child, *Child rights and why they matter. Every right, for every child*, available online.

United Nations Children's Fund for every child (2021), *What is the Convention on the Rights of the Child? Child rights we should all know*, available online.

United Nations Department of Economic and Social Affairs Sustainable Development, *8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*, available online.

United Nations Interregional Crime and Justice Research Institute, *A High-Level Side-Event to the 76th Session of the United Nations General Assembly*, available online.

United Nations News Global perspective Human stories (2020), *Coronavirus: World Bank confirms deepest recession since World War Two*, available online.

United Nations News Global perspective Human stories (2021), *Traffickers abusing online technology, UN crime prevention agency warns*, available online.

United Nations Office on Drugs and Crime (2013), *UN Crime Body to Combat Online Child Abuse*, United Nations, available online.

United Nations Office on Drugs and Crime, *Online child sexual exploitation and abuse*, available online.

Study.com (2014), *World Systems Theory: Core vs. Peripheral Societies*, available online.

World Population Review, *Age of Consent by Country 2022*, available online.

Report

ABIDOYE, FELIX, KAPTO & PATTERSON (2021), *Leaving No One Behind: Impact of COVID-19 on the Sustainable Development Goals (SDGs)*, New York, NY and Denver CO: United Nations Development Programme and Frederick S. Pardee Center for International Futures.

COUNCIL OF EUROPE (2021), *Member state responses to prevent and combat online child sexual exploitation and abuse*, Baseline Mapping, available online.

European Commission (2020), *Data Collection on trafficking in human beings in the EU*, Publications Office of the European Union, available online.

European Commission (2020), *REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on*

preventing and combating trafficking in human beings and protecting its victims, EUR-Lex Access to European Union Law, available online.

GIAMMARINARO (2020), *The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons*, United Nations Human Rights Special Procedures, available online.

Global Initiative Against Transnational Organized Crime (2021), *Global Organized Crime Index*, available online.

HUGHES, HANNA, MCNEIL, BOHL & MOYER (2021), *Pursuing the Sustainable Development Goals in a World Reshaped by COVID-19*. Denver, CO and New York, NY: Frederick S. Pardee Center for International Futures and United Nations Development Programme.

International Commission of Jurists (2022), *A Facade of Legality: COVID-19 and the Exploitation of Emergency Powers in Hungary*, available online.

International Labour Organization & Walk Free Foundation (2017), *Global estimates of modern slavery: forced labour and forced marriage*, Geneva, available online.

International Labour Organization, United Nations Children's Fund (2021), *Child Labour. Global Estimated 2020, Trends and the Road Forward*, New York.

INTERNATIONAL LABOUR ORGANIZATION, *Commercial sexual exploitation of children and adolescents. The ILO's response*, International Programme on the Elimination of Child Labour (IPEC) ILO, Geneva.

LATONERO (2011), *Human Trafficking Online. The Role of Social Networking Sites and Online Classifields*, University of Southern California Annenberg: School for Communication & Journalism, available online.

M'CORMACK (2011), *Helpdesk Research Report: The impact of human trafficking on people and countries*, Governance and Social Development Resource Centre, available online.

OSCE OFFICE OF THE SPECIAL REPRESENTATIVE AND CO-ORDINATOR FOR COMBATING TRAFFICKING IN HUMAN BEINGS AND TECH AGAINST TRAFFICKING (2020), *Leveraging Innovation to fight trafficking in human beings: A comprehensive analysis of technology tools*, Vienna.

SOUTH ASIA INITIATIVE TO END VIOLENCE AGAINST CHILDREN, ECPAT INTERNATIONAL, UNITED NATIONS CHILDREN'S FUND (2016), *Implementation of the Sustainable Development Goals Relating to Ending Violence against Children in South Asia: Meeting Report*, South Asia Coordination Group on Action against Violence against Children.

THE UNITED STATES DEPARTMENT OF JUSTICE (2020), *National Strategy for Child Exploitation Prevention and Interdiction*, in *Department of Justice*, available online.

TRANSNATIONAL ALLIANCE TO COMBAT ILLICIT TRADE, *Executive summary: mapping the impact of illicit trade on the sustainable development goals*, available online.

United Nations (2020), *Shared Responsibility, Global Solidarity: Responding to socio-economic impacts of COVID-19*, available online.

United Nations (2021), *Conference of the Parties to the United Nations Convention against Transnational Organized Crime. Successful strategies for addressing the use of technology to facilitate trafficking in persons and to prevent and investigate trafficking in persons*, Vienna, available online.

United Nations Children's Fund (2017), *Children in a Digital World*, New York, available online.

United Nations Children's Fund (2020), *A Generation to Protect: Monitoring violence, exploitation and abuse of children within the SDG framework*, Data and Analytics Section, New York, available online.

United Nations Children's Fund (2020), *Responding to COVID-19: UNICEF Annual Report 2020*, New York: United Nations Children's Fund, available *online*.

United Nations Children's Fund, *The WeProtect Global Alliance, Working Examples of Model National Response Capabilities and Implementation*, available *online*.

United Nations Children's Fund (2021), *Ending Online Child Sexual Exploitation and Abuse. Lessons learned and promising practices in low- and middle-income countries*, New York, available *online*.

United Nations Office on Drugs and Crime (2008), *An Introduction to Human Trafficking: Vulnerability, Impact and Action*, United Nations, Vienna, available *online*.

United Nations Office on Drugs and Crime (2020), *Global Report on Trafficking in Persons*, United Nations, Vienna, available *online*.

United Nations Office on Drugs and Crime, *Impact of the COVID-19 pandemic on trafficking in persons*, United Nations, Vienna, available *online*.

United Nations Office on Drugs and Crime (2020), *Interlinkages between Trafficking in Persons and Marriage*, United Nations, Vienna, available *online*.

United Nations Office on Drugs and Crime (2010), *The Globalization of Crime. A Transnational Organized Crime Threat Assessment*, United Nations, Vienna, available *online*.

United Nations Office on Drugs and Crime (2020), *The impact of COVID-19 on organized crime*, United Nations, Vienna, available *online*.

Final Summary

CHAPTER ONE: AN OVERVIEW ON HUMAN TRAFFICKING

The current global system is characterized by the intertwining between licit and illicit economies. Due to their strong and deep interrelation, sometimes, it is not even straightforward the distinction between these two activities. It is known shadow economies constantly constituted a relevant part of the financial system. However, they evolved over time, adapting to social circumstances. In this regard, this research mainly focused on the study of human trafficking, intended as a practice through which human beings are sexually exploited or abused. This universal phenomenon has always defined the history of humankind, determining a menace to the security of the international community. Since the very first moments, some powerful people pursued their own interests at the expense of others' rights.

In order to precisely frame this practice, the first chapter furnished a brief overview on the development of trafficking in persons (TiP), highlighting the impact of either domestic or external factors. Indeed, TiP evolved as well as surrounding environment. The first track of inhuman exploitation can be traced back to the 16th century when the Transatlantic Slave Trade emerged. During that period, people were traded to work in American plantations. In doing so, they were unfairly deprived of their fundamental freedoms. Nevertheless, even after the end of triangular trade, new forms of exploitation appeared. Modernity turned out to be a fundamental input for the setting up of more advanced and sophisticated methods to violate fundamental freedoms. This is proved by the Industrial Revolutions which enhanced progress, transport and communications. This development accentuated the expansion of criminal activities as well. As a matter of fact, in the second half of the 19th century, the White Slave Trade came out. This truly signed the beginning of human trafficking, intended as a danger to international human rights law (IHRL). Human beings became pure 'commodities' of the illicit 'trade' which had a worldwide impact. For this reason, in 1910 the International Convention for the Suppression of the White Slave Trade was introduced in the international legal system. This tool aimed at condemning this occult activity based on the exploitation of women or girls. The fight against these menaces became more central right after the end of the First World War (WWI), when the League of Nations (LoN) was appointed. This international organization (IO) aimed at safeguarding global peace and security. As regards trafficking, the Covenant of the LoN expressed the

prohibition of slave trade. Other than that, the LoF adopted the International Convention for the Suppression of the Traffic in Women and Children. Despite its efforts, the outbreak of the Second World War (WWII) questioned the effectiveness of the IO. During the World conflict, the greatest violation of human rights took place. As a consequence, the international arena adopted the 1948 Universal Declaration of Human Rights (UDHR). This non-legally binding instrument tended to prevent future violations of fundamental freedoms. Since then, binding conventions addressed to specific segments of the population or to particular threats were adopted. Starting from the 60s, universal instruments were designated to protect human rights. For instance, in 1965 the Convention on the Elimination of All Forms of Racial Discrimination (CERD) was approved. One year later, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), which entered into force in 1976, were appointed.

By contrast, the second half of the 20th century was defined by the geopolitical tensions of the Cold War which filled diplomatic tables. For this reason, the fight against TiP was not the first concern of the international agenda. Only after the end of the ideological conflict, the era of illicit globalization began. The combination of several events, such as Chinese access to the international markets, the creation of the Schengen area and the advent of the Internet furnished new opportunities to traffickers. As a consequence, in 2003, the United Nations approved the Convention on Transnational Organized Crime (UNTOCC). This conveyed a significant message to the international community, namely, the formal recognition of transnational organized crime (TOC) as a peril that had to be restrained. The UNTOC was complemented by additional protocols which specifically addressed some topics. Through two distinct resolutions the General Assembly designated three protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. In this context, attention is mainly devoted to the first protocol, also known as Palermo Protocol. The latter, under Article 3, furnished a general definition of human trafficking, underlining its three main elements: act, means and purpose. It is noteworthy mentioning, the universal phenomenon pursued one aim, i.e., exploitation of people. Article 3 of the Palermo Protocol left an open-ended list of forms of human trafficking allowing the possibility to address new threats. Considering the high degree of legal heterogeneity and domestic necessities, this openness permitted

nations to assess which activities had to be defined as forms of exploitation. For instance, the instrument did not refer to online menaces which ended up representing a considerable issue for global security. The beginning of the digital era transformed the scenario of each and every activity. Human trafficking occurred in different spaces, with other timing and innovative manners. The Internet introduced innovative ways to recruit and exploit human beings. The greatest concern regarded the role of technology in facilitating online children sexual exploitation and abuses (OCSEA). The compelling aspect of these online activities was given by their cross-border nature which did not have any juridical boundary. It is clear, then, each and every country ended up tackling virtual risks and threats.

The outbreak of COVID-19 accentuated this alternative way to breach fundamental freedoms. Due to protracted lockdowns and social restrictions, more and more people relied on digital appliances. Nevertheless, children constituted one of the categories mostly hit by the dark side of digitalization. Due to home-schooling, minors started to spend much more time online. As a consequence, they became the principal target of criminals who wanted to satisfy their needs and pursue financial aims.

As time passed, violations of human rights underwent significant evolutions. The breakout of the pandemic COVID-19 questioned the effectiveness of the legal system for the protection of human rights. This crisis unlocked a new debate concerning the way in which the relationship between digital appliances and breaches of liberties should be managed.

CHAPTER TWO: COVID-19 EFFECTS ON CHILD EXPLOITATION

Human trafficking is conditioned by several factors that interact with one another. Theories on the informal economy demonstrated either domestic circumstances or external elements determined the establishment of occult practices. On the one hand, national opportunities and living standards of the population influenced the scale of illicitness. According to this approach, illicit economies acted at the expense of the most vulnerable people, who, because of inequalities, were pushed into vicious cycles. Susceptibility proved to be one of the main root causes for the expansion of human trafficking²¹⁹.

²¹⁹ Vulnerability of victims turned out to be a determinant element easing exploitation of human beings. Some scholars sustained marginalization was among the root causes for the expansion of illicitness. For this reason, one of the core themes of the 2008 Vienna Conference was

Low rates of employment, limited education and poverty were driving forces for the development of alternative solutions to formal economies. Hence, developing states, that lacked basic infrastructures, underwent higher degree of unlawfulness. Even if some areas were more exposed to the diffusion of TiP, this phenomenon had a worldwide impact. It is true this threat did not menace only the Global South, but also the Global North.

On the other hand, this modern form of slavery was powered by external factors. The outbreak of COVID-19 perfectly illustrated how unexpected external catastrophes changed the destiny of millions of people. The combination of the pandemic with the gross financial crisis provoked serious consequences on national balances as well as international order. States, IOs, individuals were put under pressure. Not only developing countries, but also developed nations tackled sanitary and financial issues. People became more vulnerable because of the new imbalances. Such a situation was used by organized crime to strengthen and expand the clandestine network. Illicit economies took advantage of the period of emergency to further infiltrate the global economy and national strategic fields. The combination of the sanitary and financial crises widened socio-economic gaps existing in every society. Many people became much more vulnerable and exposed to illicitness. In fact, the pandemic imposed social distancing which did not permit the same course of facts. Most of the activities moved online: people relied on digital appliances to work, to study and to communicate. Physical borders were overcome by the Internet which allowed national and international connections. At the same time, cyberspace furnished advantages to criminal activities which also shifted to the virtual universe. The latter became the new setting for the expansion of alternative methods of exploitation. Technology provided the adequate tools to violate human rights without really constraining personal freedoms. As the UNODC pointed out, “In the COVID-19 era, many criminal activities are already moving online, taking advantage of the increased time people spend connected at home, or going further underground”²²⁰. Indeed, sexual abuses and exploitation moved online, getting over restrictions of COVID-19. Although this phenomenon hit everyone, it is noteworthy mentioning, students suffered more than others. The closure of schools and online learning pushed children to spend more time

susceptibility, intended as an element threatening the safeguarding of fundamental freedoms. This was further outlined by the 2020 *Global Report on Trafficking in Persons* which recognized the crucial contribution of susceptibility for the development of TiP.

²²⁰ United Nations Office on Drugs and Crime, *Impact of the COVID-19 pandemic on trafficking in persons*, United Nations, Vienna, available online.

in the virtual universe²²¹. Accordingly, they became an easy target for predators. Sometimes, the situation was aggravated by the involvement of parents or relatives who directly trafficked their children online. The Internet directly connected the youngest generations with emerging online risks²²². The lack of a proper knowledge of online menaces allowed deception, introducing new ways to breach basic freedoms. Due to their unawareness, children represented an object to exploit. Thus, digital offences turned out to be a great concern for the international arena. Thanks to the analysis of two case studies, it emerged that digital appliances played a fundamental role in the spread of illicit economies. Precisely, the dissertation took into account the situation in the Philippines. This place, indeed, constituted one of the main hubs for OCSEA. A consistent part of indecent content was produced in Southeast Asia. According to UNICEF, this geographical area turned out to be the epicenter of cybersex crimes involving the youngest generations. Reasons explaining such trends were bound to domestic conditions, i.e., the low-priced Internet, poverty and knowledge of English.

Even if OCSEA already existed before the pandemic, COVID-19 led to its unprecedented expansion. Estimations demonstrated that these breaches of human rights experienced a remarkable increment in relation to the year before the beginning of the sanitary emergency. For sure, due to the pandemic, the number of cases on OCSEA skyrocketed. Digitalization gave rise to several opportunities for the spread of illicit activities online. Data demonstrated that illicit content on sexual abuses of minors tripled compared to 2019. This is proved by the number of reports on alleged cases on sexual exploitation of children that the National Centre for Missing and Exploited Children has received.

CHAPTER THREE: CHALLENGES PROVOKED BY OCSEA

It is becoming increasingly difficult to combat emerging online threats. From the advent of the digital era, the international arena started to tackle more sophisticated challenges which increased difficulties for the promotion of justice. It is largely known that the involvement of minors in illicit practices

²²¹ In fact, schools were closed in more than 150 countries and 1,6 billion students were forced to home-schooling. Almost the 90% of the student population could not go anymore to school because of the spread of the virus.

²²² There are three main categories of online risks: content-risks, contact-risks and conduct-risks. For additional information see chapter 2, paragraph 2.

provoked serious disparate consequences. For this reason, the third chapter focused on key issues provoked by online sexual exploitation or livestreaming abuses of children. Sophisticated breaches of fundamental freedoms overcame physical boundaries set by COVID-19. This section underlined two of the main issues caused by online trafficking, i.e., the repeated victimization of children and identification problems.

Digital violations of human rights raised new complications for the safeguarding of basic freedoms. Offences that occurred in the virtual reality proved to be much more threatening than past ones. Serious concerns arose due to the possibility to record abuses experienced by people under the age of 18 years. The online distribution of indecent images or videos assured that such materials remained available for an undetermined period of time. Thereby, it is clear why some scholars talked about the concept of “ongoing vulnerability”, referring to the long-term effects caused by the distribution of illicit materials. Its sharing on the Internet allowed the possibility to look at the content more than once, leading to continuous violations of human rights. By taking pictures or livestreaming sexual abuses, traffickers were able to eternalize breaches of civil liberties. Every time someone had access to that material, victims’ fundamental freedoms were breached. In brief, people were repeatedly victimized.

Other than that, it is worth mentioning the Internet became the new scenario for offences. This setting strengthened criminals considering that the use of digital appliances guaranteed higher degrees of protection. Perpetrators fled from prosecution because they easily hid themselves behind a laptop. Offences, payments and exploitation moved online. The web de-territorialized places in which crimes occurred, getting over international law. There were no precise national laws or international rules dealing with online offences. Due to modernity the enforcement of the law and the pursuance of international justice against illicitness became increasingly difficult. At the same time, secrecy and anonymity proved to have effects on human behavior. Studies demonstrated individuals are less prone to self-regulate their conducts when they cannot be identified. In other terms, the impossibility to hold people accountable for their actions, encourages abusive behaviors. Accordingly, estimations on the number of people involved in this universal phenomenon could not be assessed. Asymmetric information and lack of testimonies impeded approximation on the number of people concerned. Sometimes, children were not able to denounce their personal experiences and situations.

One may wonder whether existing legal tools are adequate and sufficient to constrain the spread of OCSEA. First of all, OCSEA must be understood as a cybercrime, drawing its strength from the “criminogenic

qualities of the Internet”²²³. In reality, it emerged virtual areas remained unregulated, without a real authority able to manage this parallel online world. The network facilitated the happening of criminal activities. In light of this, U.S. Senator J. Kerry suggested the adoption of a more comprehensive concept of law and a more effective system for its enforcement. He underlined the necessity “to globalize law and law enforcement”²²⁴ because cybercrimes have to be fought with cyberlaw. The international legislation should be updated, keeping the pace with modern challenges. Opportunities and advantages created by a more integrated global system have to be used for the safeguarding of civil liberties. Nonetheless, in order to reach successful outcomes, it is seriously demanded the effective implementation of dispositions. Ratification of treaties should be complemented by the effective enforcement of the dispositions. In fact, “governments often ratify human rights treaties as a matter of window dressing”²²⁵, without a real interest in respecting international law. If the precise implementation of legal measures is ensured, it is more likely to find plausible solutions.

CHAPTER FOUR: RESPONSES TO CHILD EXPLOITATION

By living in a progressively globalized world, it is necessary to learn from the past in order to take advantage of future developments. More precisely, main lessons from the current challenges have to be drawn, so that it is possible to avoid the recurrence of similar crises. Periods of distress constitute opportunities to prove the efficiency of the system. At this point, it is necessary to understand whether some plausible solutions to respond to OCSEA could be settled. In other words, it is required to acknowledge whether measures to restrain the obscure side of digitalization exist. Even if the answer to this question is not so straightforward, some proposals are given. In this case, prevention constitutes the core tool for eradicating the spread of this phenomenon. By educating and raising awareness about online risks, it is possible to reduce the number of victims involved. Parents and caregivers should be trained in order to supervise children. This could enlighten about

²²³ QUAYLE (2020), *Prevention, disruption and deterrence of online child sexual exploitation and abuse*, in *ERA Forum*, available online, pp. 439.

²²⁴ ANDREAS (2013), *Illicit Globalization: Myths, Misconceptions, and Historical Lessons*, in *The Academy of Political Science*, Volume 126, Number 3, p. 403 ff.

²²⁵ HAFNER-BURTON, TSUTSUI (2005), *Human Rights in a Globalizing World: The Paradox of Empty Promises*, in *American Journal of Sociology*, Volume 110, Number 5, p. 1373 ff.

fundamental rights' relevance and web-related risks. Even if preventive conducts are strongly recommended, this research highlighted that it is fundamental to act on two more sides: at domestic and international level.

National authorities are encouraged to adopt adequate measures to hinder the phenomenon. It is believed exceptional times call for extraordinary measures. During periods of crises, nations have the responsibility to schedule an effective plan needed to protect and support people, above all children. Projects must be tailored in relation to the age and necessities of victims. Depending on the maturity and understanding of events, some people are more exposed than others. For this reason, states should promote age-appropriate initiatives. By providing adequate opportunities and services, it is feasible to protect the childhood. The legislative system should fully implement laws for the safeguarding of children's rights. Governments are demanded to ensure the full development of their personality and capacities.

Despite the relevance of the role of national authorities, it is also true that international threats require global commitments. Online child sexual exploitation must be analyzed as a problem of human security, affecting the whole globe. In other words, OCSEA is a multi-jurisdictional issue and only a multifaceted response can be appropriate. The latter must be based on the cooperation of several disparate stakeholders. IOs, states, tech-companies, non-governmental organizations (NGOs) are incentivized to cooperate with one another. The WeProtect Global Alliance or the Virtual Global Taskforce (VGT) constitute interesting examples of cooperation. These bodies were created to combat OCSEA. However, one may wonder whether these new digital menaces can be better managed by a universal cooperation or regional organization. It is generally believed, universal tools establish a more homogeneous international system, based on the sharing of common values. The involvement of all the states of the international arena enhances the joint commitment of each and every country to combat human rights violations. By contrast, regional cooperation enhances a more integrated cooperation among countries that are united by beliefs, culture or geographical proximity. By claiming the same values, member states are more willing to implement certain activities. This represents an effective way to use international cooperation to safeguard human rights. Notwithstanding, this setting turns out to be a promoter of fragmentation in the international arena, because only states' parties are constrained by its norms or rules. Sometimes, this diversity provokes additional struggles. Beyond the differences between regionalism and universalism, the real message to understand is just one. In order to reach global security and peace, it is essential that regional organizations complement universal ones.

Apart from that, it is also true that modern threats need to be constrained with modern tools. Illicit economies took advantage of progress in order to appoint alternative ways to profit. Then, new threats to global security emerged. COVID-19 witnessed the effective power of digital appliances. These means can either provide advantages or downsides. In this context, it is fundamental to acknowledge risks connected to a more digitalized world. At the same time, these dangers should be hindered exactly by same technological appliances. Considering that social media can truly advocate to constrain illicit practices and safeguard fundamental freedoms, it is useful to encourage a constructive way to use them. Social networks can really inform people about existing online menaces. If used in an ethical manner, these platforms could definitely play a significant role in denouncing violations of children's rights.