

“INTERNET: CHALLENGES ON  
PEACE AND FREEDOM”

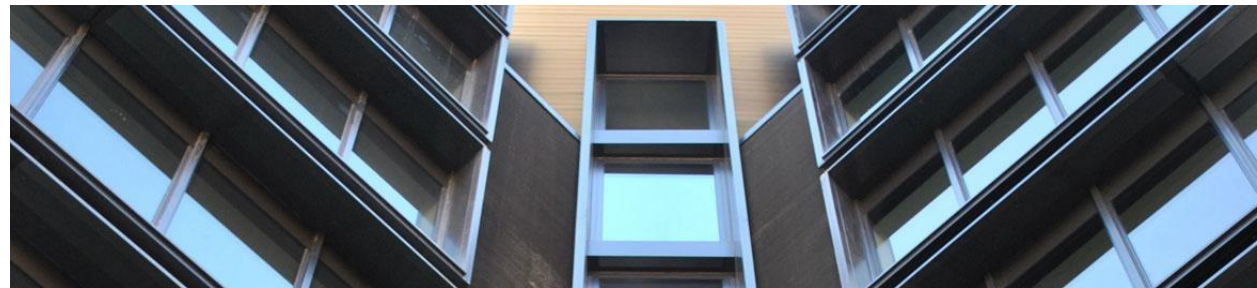
Panel 4. Cybercrime, the Penal  
Code, and the Internet  
Barcelona, 20<sup>th</sup> May 2016



**WORLD JURIST  
ASSOCIATION**  
A WORLD RULED BY LAW, NOT FORCE

MS  
**MOLINS & SILVA**  
Defensa Penal

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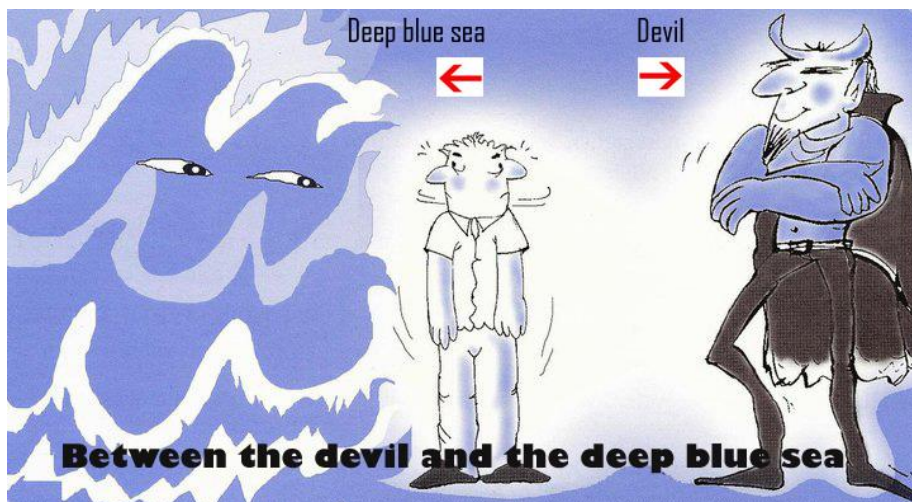
Legal Issues in Identifying and  
Deterring Online Child Grooming  
Outsmarting cybercriminals without legal pitfalls

# Getting started –keeping the Internet safe for minors

1. Naïve minors + online disinhibition effect + environmental pornography = perfect storm, perfect triggers for the beasts.
2. With just a CLICK of a mouse! Braithwaite's Theory of Shaming & Situational Crime Prevention approaches.
3. Anonymity as a solid crime predictor –static or dynamic IP?
4. What about privacy (e.g. a reasonable expectation of privacy when surfing the Internet)?
5. But what about security for our minors? Legitimate social demand v. moral panics.

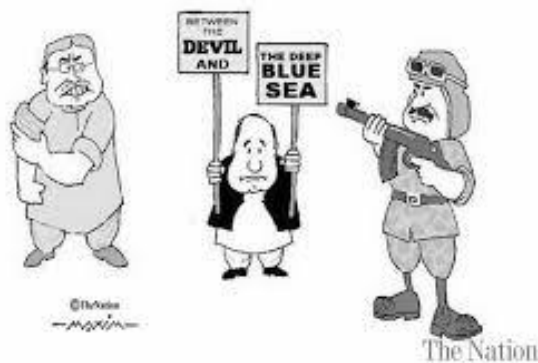
“Between the devil and the deep blue sea” –balancing pros and cons and avoiding legal pitfalls... SWEETIE 2.0

# Dilemma –who is going to be smarter?



Amitai Etzioni (1999)  
*The Limits of Privacy*

Evolution of the concept of  
privacy and the rationale in  
justifying its limits



# Fight on cybercrime –everything is legitimate?



Terre des hommes

Helping children worldwide. tdh.ch

## Sweetie 1.0

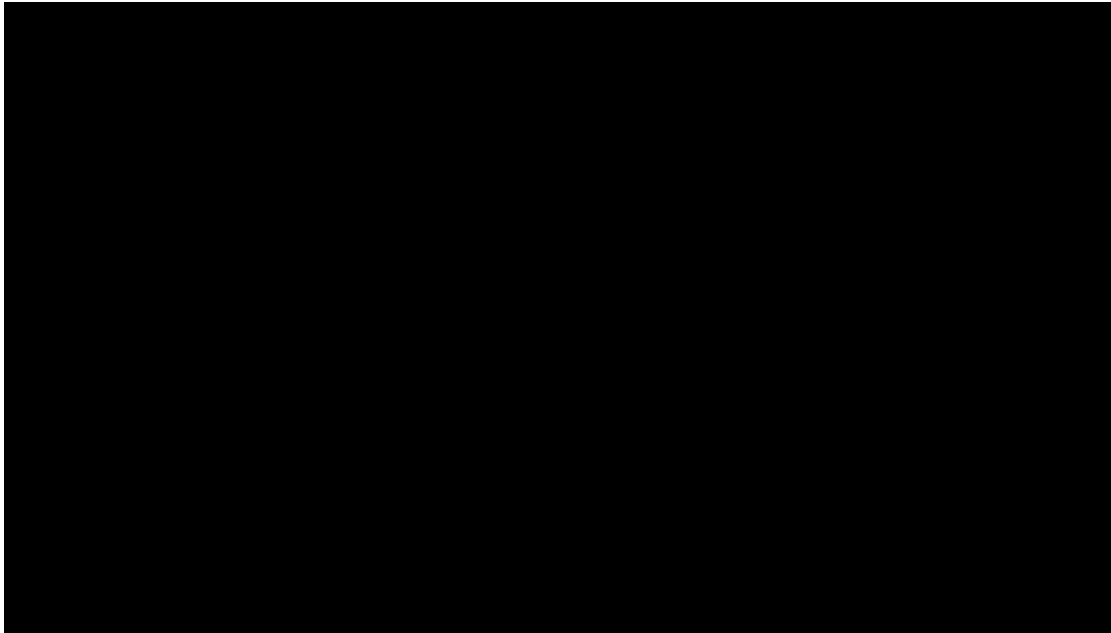
- Terre des Hommes, November 2013 –international awareness of child sex tourism.
- Coordination and collaboration gov't with private sector – importance of social networking websites.
- Computer forensics –legitimacy of police and private actors in identifying child pornography and pedophilia.
- Avatar, 10-year old Filipino girl –750,000 men daily solicit webcam sex with children and > 40,000 public chatrooms
- Successful arrests and prosecutions –developing Sweetie's potential.

# Fight on cybercrime –everything is legitimate?



**Terre des hommes**  
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## Sweetie 1.0



<https://www.youtube.com/watch?v=x38Dgigl14w&feature=youtu.be>

# Fight on cybercrime –new tools for cyber guardians



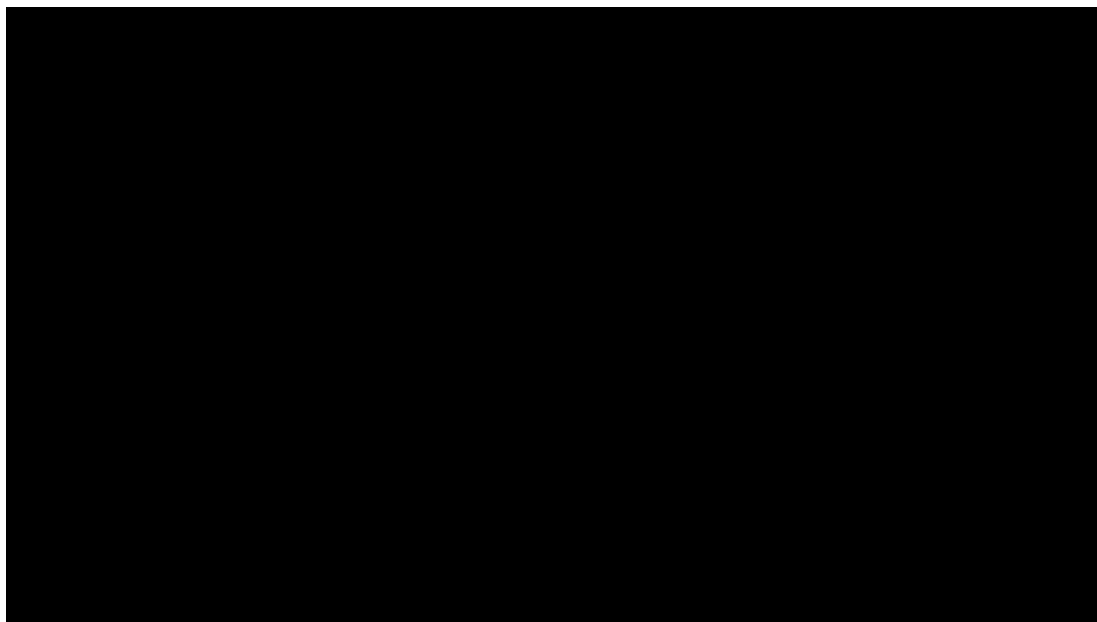
## Sweetie 2.0

- No human intervention
- Automated chat function
- Realistic but does not undress
- Identifying and deterring perpetrators
- Legal study –under WHAT conditions would criminal law and criminal procedure in various countries worldwide allow for the use of Sweetie 2.0 as an investigative method of law enforcement in the fight against webcam sexual abuse of minors?

# Fight on cybercrime –new tools for cyber guardians



## Sweetie 2.0



<https://www.youtube.com/watch?v=0ll1DRSY5UY&authuser=0>

# Legal pitfalls under Spanish criminal procedure rules



## Spanish Legal System

- ONLY investigative measures are legitimate, NOT prospective measures (fishing expeditions, forbidden)
- Similarities Sweetie 2.0 and ‘Cyber Undercover Agent’ (art. 282 bis Criminal Procedure Law) without human intervention!
- 3 key questions:
  - “Hybrid legal impossibility” defense? (no real victim, no crime, therefore no justification)
  - Man-behind-the-avatar = always ‘agent provocateur’ (prohibited by Spanish Law)? Inciting, suggesting or just standing by
  - Fine line between legal and illegal fishing expeditions? Patrolling the street / the Internet



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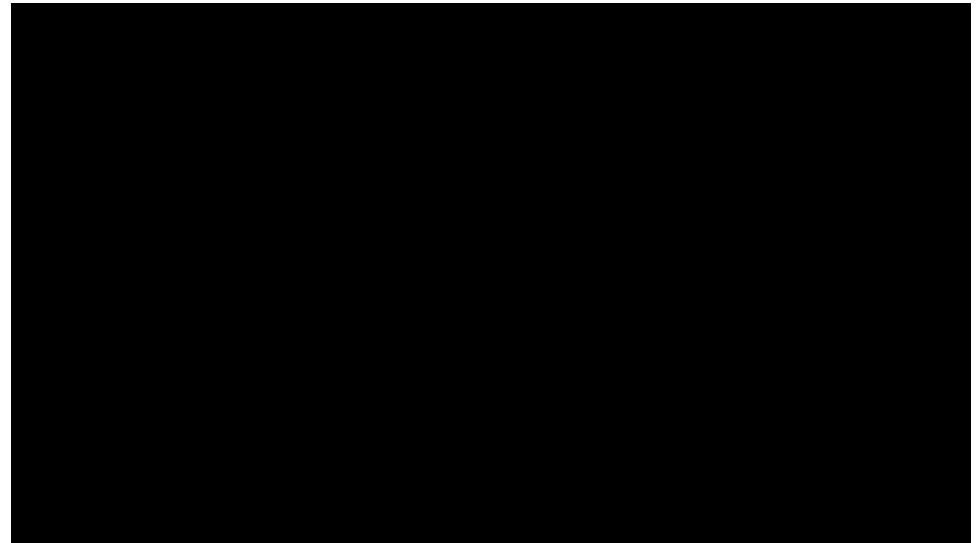
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<https://youtu.be/vj9UYil3Knc>

Vista previa del vídeo Sweetie 2.0 ENG de YouTubeSweetie 2.0 ENG