

LEGAL CHALLENGES TO INTERNATIONAL COOPERATION AGAINST OFFENCES RELATED TO ONLINE CHILD SEXUAL ABUSE, CHILD SEXUAL EXPLOITATION MATERIAL DURING ARMED CONFLICTS

DESAFIOS JURÍDICOS À COOPERAÇÃO INTERNACIONAL CONTRA CRIMES RELACIONADOS AO ABUSO SEXUAL INFANTIL ONLINE E MATERIAL DE EXPLORAÇÃO SEXUAL INFANTIL DURANTE CONFLITOS ARMADOS

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ABSTRACT

Legal protection of children during armed conflicts is considered as a means to reduce suffering of this highly vulnerable group. Unfortunately, information and telecommunication technologies are intensively used to aggravate humanitarian condition of children being disproportionately affected by military conflicts. Although international humanitarian law contains a significant number of norms providing special protection of children, most issues related to child abuses on the Internet are enshrined in specific treaties that may be not applicable during international military conflicts. Since many treaties may be suspended or terminated during armed conflicts for different reasons, including practical impossibility to exercise international cooperation between law-enforcement agencies, the issue of applicability of cybercrime conventions to international cooperation in the fight against child abuses on the Internet during armed conflicts needs particular academic attention. Thus, the present article addresses the norms of the law of treaties related to the effects of armed conflicts on treaties, including cybercrime conventions; discusses applicability of the existing cybercrime treaties during armed conflicts.

KEYWORDS: Online sexual abuse. Online child sexual exploitation and abuse. Armed conflict. Cybercrime. Operation of treaties

RESUMO

A proteção legal das crianças durante conflitos armados é considerada um meio para reduzir o sofrimento desse grupo altamente vulnerável. Infelizmente, as tecnologias de informação e comunicação são utilizadas de forma intensiva para agravar a condição humanitária das crianças, que são desproporcionalmente afetadas por conflitos militares. Embora o direito internacional humanitário contenha um número significativo de normas que garantem proteção especial às crianças, a maioria das questões relacionadas a abusos infantis na Internet está consagrada em tratados específicos que podem não ser aplicáveis durante conflitos militares internacionais. Como muitos tratados podem ser suspensos ou extintos durante conflitos armados por diferentes razões, incluindo a impossibilidade prática de exercer cooperação internacional entre agências de aplicação da lei, a questão da aplicabilidade das convenções sobre crimes cibernéticos à cooperação internacional no combate aos abusos infantis na Internet durante conflitos armados exige atenção acadêmica específica. Assim, o presente artigo aborda as normas do direito dos tratados relacionadas aos efeitos dos conflitos armados sobre os tratados, incluindo as convenções sobre crimes cibernéticos, e discute a aplicabilidade dos tratados existentes sobre crimes cibernéticos durante conflitos armados.

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PALAVRAS-CHAVE: *Abuso sexual online. Exploração e abuso sexual infantil online. Conflito armado. Crime cibernético. Vigência dos tratados.*

1. INTRODUCTION

Armed conflicts produce adverse effects on the most vulnerable groups, including women, children and older people (Protection from effects of armed conflict, 2020). Children are the most affected by armed conflicts and unfortunately can be subjected to different forms of violence, including killing and maiming, sexual violence, abduction and forced displacement (Resolution 1261, 1999). As for 2023 “violence against children in armed conflict reached extreme levels, with a shocking 21 per cent increase in grave violations”, the UN Secretary General reports (Report of the Secretary-General, 2024, para 4). In particular, “the United Nations verified 32,990 grave violations” against children (Report of the Secretary-General, 2024, para 5).

Children enjoy the freedom from all forms of violence, including sexual abuse, under article 19 of the Convention on the Rights of the Child (Convention on the Rights of the Child, 1989). However, regrettably, children are still greatly exposed to sexual-related violence and abuse (Sapiezynska, 2021). As Lirola comments “sexual violence in armed conflicts continues to be one of the most pressing problems at an international level” (Lirola, 2013).

Despite the fact international humanitarian law provides special protection of children in armed conflicts, it doesn’t provide any duty to cooperate to suppress single or isolated acts of abuses that are not committed in the context of military conflict per se.

Online environment may set preconditions for the multiplication of malicious effects of any crime committed during military conflict, including those involving sexual abuse or related acts committed against children. The Special Rapporteur on the sale of children, child prostitution and child pornography indicates that modern information and telecommunication technologies “transformed what is meant by possession, since the growth in Internet speeds means that it is no longer necessary to download images because they can be viewed online” (Maud de Boer-Buquicchio, para 27), they are paid with a cryptocurrencies and is traded, moving away from the web to peer-to-peer networks (Ibid, para 28). The Special Rapporteur also emphasizes that “child prostitution is facilitated by the Internet in a number of ways, including mobile telephone applications and websites which offer children for prostitution on online classified advertising sites) (Ibid, para. 31). The Internet has led the expansion of the sale and trafficking of children for the purposes of illegal adoption, trade in organs (Ibid, paras. 35-36). Moreover, child abuse is frequently streamed online (Ibid, paras. 42-43).

The fact that any situation of armed conflict promotes for the expansion of sexual abuses committed transnationally, included by organised groups, and that any harmful effects resulted from such crime may be multiplied and aggravated by the use of information and telecommunication technologies requires specific legal response.

Armed conflicts identified as “the contributing factors” to the sale of children, child prostitution and child pornography in the Preamble of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000.

However, international humanitarian law, international criminal law don't contain any specific duties of states parties to international armed conflicts or affected by a non-international armed conflict to cooperate with any other states to suppress the crime that doesn't reach the threshold of international crimes (genocide, war crimes and crimes against humanity). Moreover, none of the existing treaties governing international cooperation in combating cybercrime either at universal or regional level contains specific provisions addressing their applicability during armed conflict.

Taking into account a worrying trend when several states refuse to carry out requests for mutual legal assistance in criminal matters and extradition made by Russia even on cases involving murder, banditry, kidnapping, robbery, fraud and drug trafficking (Еропов И., 2023), there is vital necessity to ensure applicability of treaties against child abuses on the Internet during armed conflict.

Moreover, a state party to an armed conflict can cease to cooperate on criminal matters even with third states, not involved in such a conflict. For instance, the number of cybercrimes committed against citizens of Republic of Belarus from the territory of Ukraine has increased dramatically since 2022. However, international cooperation on criminal matters with competent authorities of Ukraine is practically not available on such cases, which makes it impossible to bring the cybercriminals to justice (Investigative Committee of the Republic of Belarus (rus), 2023).

The fact that respective treaties may be suspended or terminated during armed conflicts significantly complicates the ability to effectively suppress child abuses on the Internet. In particular, as the Ministry of External Affairs of Russian Federation informs “a number of states have officially ceased bilateral cooperation with Russia in the fight against crime, refusing to extradite criminals to Russia and to fulfill requests for legal assistance in criminal cases (Ministry of External Affairs of the Russian Federation, 2023).”

Scholars significantly addressed different aspects of international cooperation in the fight against child abuses on the Internet during armed conflicts (the protection of children in armed conflicts (Bueren, 1994), (Millard, 2001),

(McGhee, 2015), (Lee-Koo, 2018); international cooperation in combating crimes related to sexual abuse of children (B. Netkova, 2021), (T. Liefwaard, 2016), (Lebedinets, 2016), (Alikhadzhieva, 2017); the effects of armed conflicts on treaties (Pronto, 2013), (Dennis, 2005), (TAN, 2013)), however, this topic hasn't been discussed as a complex problem and, therefore, requires specific academic analysis.

Thus, the present research addresses legal challenges for international cooperation in the fight against online child sexual exploitation and abuse during armed conflicts, and suggests certain practical ways to improve it.

2. TERMINOLOGICAL ASPECTS OF INTERNATIONAL COOPERATION IN COMBATING ONLINE CHILD SEXUAL EXPLOITATION AND ABUSE

International treaties use different terminology with respect to online child sexual exploitation and abuse. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography refers to the “sale of children, child prostitution and child pornography” (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000) (Article 2).

The UN Convention against cybercrime, which was adopted by the UN General Assembly on 24 December 2004 and isn't in force yet, contains such terms as “online child sexual abuse or child sexual exploitation material” (United Nations, 2004).

The Agreement on Cooperation between Participating States of the CIS in the Fight against Crimes in the Field of Information Technologies concluded within the Commonwealth of Independent States (CIS) addresses the distribution of materials or objects with pornographic pictures of minors is prohibited (Agreement on the cooperation of members of the Commonwealth of Independent States in the fight against crimes in the field of information technologies, 2018), whereas the Council of Europe (CoE) Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse refers to “sexual exploitation and abuse” (Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), 2007).

The UN Special Rapporteur on the Sale and Sexual Exploitation of Children, along with other special procedures of the UN Human Rights Council, advocates for the elimination of “all forms of child sexual exploitation, abuse, and violence, both online and offline (The global emergency of child exploitation and abuse needs global action, 2002).

Regional conventions on cybercrime primarily prohibit offences related to child pornography. This includes the CoE Convention on Cybercrime (Article 9) (Convention on Cybercrime (ETS No. 185), 2001), the Arab Convention on

Combating Information Technology Offences (Article 12(1-2)) (Arab Convention on Combating Information Technology Offences, 2010), the African Union Convention on Cyber Security and Personal Data Protection (Article 3(1)(a-d)) (African Union Convention on Cyber Security and Personal Data Protection, 2014), and the Agreement on Cooperation between Participating States of the CIS in the Fight against Crimes in the Field of Information Technology (Article 3(1)(д)) (Agreement on the cooperation of members of the Commonwealth of Independent States in the fight against crimes in the field of information technologies, 2018).

Directive 2011/93/EU of the European Parliament and of the Council is adopted to suppress “the sexual abuse and sexual exploitation of children and child pornography” (Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, 2011). The European Union strategy for a more effective fight against child sexual abuse applies a more general term – “child sexual abuse” (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU strategy for a more effective fight against child sexual abuse, 2020).

The proposal or a Directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA developed by the European Commission suggests to replace the term “child pornography” with the concept of “child sexual abuse material” to reflect “internationally agreed standards to avoid an inadvertent legitimising effect of the association with legal adult pornography” (European Commission, 2024). This approach to terminology seems to be reasonable since the child’s freedom from any form of violence is absolute and shall be interpreted in the broadest way for the widest protection of the rights of the child.

For the purpose of the present research the term “offences related to online child sexual abuse, child sexual exploitation material, or other sexually related online acts against children prohibited by state parties” appears sufficiently comprehensive to encompass various types of sexually related online acts against children. This terminology aligns with established legal frameworks in international law and practice.

3. THE OBLIGATION TO COOPERATE IN THE FIGHT AGAINST SEXUAL ABUSE OF CHILDREN

Children have a fundamental freedom not to be subjected to any form of violence, including sexual abuse, under article 19 of the Convention on the

Rights of the Child (Convention on the Rights of the Child, 1989). This is a core human right that is non-derogable and has customary nature. As the Committee on the Rights of the Child emphasizes “the protection from all forms of violence must be considered not only in terms of the child’s right to “life” and “survival”, but also in terms of their right to “development” (Committee on the Rights of the Child, 2011). Despite the fact certain aspects of the rights of children have been considered by the International Law Commission within the context of the topic on peremptory norms of general international law (*jus cogens*), the prohibition of sexual abuse against children *per se*, unfortunately, wasn’t identified as a *jus cogens* norm (International Law Commission, 2019).

Sexual abuse against children was viewed as inhuman or degrading treatment within the jurisprudence of the European Court of Human Rights (European Court of Human Rights, 2009; European Court of Human Rights, 2021 etc.) European Court of Human Rights, 2024) and torture (European Court of Human Rights, 2014). The Inter-American Court of Human Rights considered sexual abuse against children (girls) as a violation of personal integrity, the protection of honor and dignity (Case of Guzmán Albarracín et al. v. Ecuador. Merits, Reparations and Costs. Judgment, 2020, para. 276) as well as the violation of the rights to humane treatment, to private and family life, to rights of the child (Case of Angulo Losada v. Bolivia. Preliminary Objections, Merits and Reparations. Judgment, 2022, para. 116).

Thus, if sexual abuse against a child reaches the threshold of torture, it can be considered as a violation of *jus cogens* norm of general international law (International Law Commission, 2019). Such act is prohibited by all human rights treaties, including by those directly dedicated to the issue (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984; European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987). However, specific regime of international responsibility, which triggers the obligation “to cooperate to bring to an end through lawful means” arises only if such an abuse meets the requirement of “seriousness” (chapter III of Articles on responsibility of states for internationally wrongful acts) (International Law Commission, 2001). When the seriousness of an internationally wrongful act is assessed the criteria of scale or character are considered (International Law Commission, 2001, p. 110).

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment stipulates that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture” (article 2(2)). It also enshrines the duty of a state party to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him (article 5(2)).

The International Covenant on Civil and Political Rights prescribes that “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant” (International Covenant on Civil and Political Rights, 1966). The freedom from torture as well as cruel, inhuman or degrading treatment, the right to dignity are core human rights provided by the Covenant (article 7). They should be provided indiscriminately, including to children, as it’s prescribed in article 2(1) of the Covenant. No derogation from them is allowed even in a time of emergency. As the Human Rights Committee comments “A general obligation is imposed on States Parties to respect the Covenant rights and to ensure them to all individuals in their territory and subject to their jurisdiction” (para. 3) (Human Rights Committee, 2004).

The Human Rights Committee also emphasized that “the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights in so far as they are amenable to application between private persons or entities” (para. 8) (Human Rights Committee, 2004). In fact the Convention on the Rights of the Child contains similar provision (article 2(1) (Convention on the Rights of the Child, 1989).

It’s worth mentioning that the Covenant on Civil and Political rights is ratified by 114 states (STATUS AS AT : 08-11-2024 02:29:23 EDT). The Convention on the Rights of the Child is ratified by 116 states except for the USA (STATUS AS AT : 08-11-2024 02:29:23 EDT). At the same time the USA is a state party to the Covenant on Civil and Political rights. Thus, these two basic human rights conventions set legal basis to ensure core human rights of children discussed above in all states.

All regional human rights conventions contain the obligation to ensure protection from torture and different forms of inhuman treatment (article 3 of the European Convention on human rights and fundamental freedoms, article 5 of the African Charter on Human and Peoples’ Rights, article 5 of the American Convention on Human Rights). Protection against child abuse and torture is contained in article 16 of the African Charter on the Rights and Welfare of the Child.

Thus, from human rights law perspective it’s a duty of states to ensure by all necessary means the protection of children from sexual abuse including committed with the use of information and telecommunication technologies. It means that any state aware of the fact that a perpetrator of such crime is located in its territory shall prosecute him for such activity. Such an element of knowledge may be satisfied when one state informs another one on the matter. In this

situation the existence of armed conflict either between them or in relation to other states doesn't impact the duty to react to such information and assert criminal jurisdiction over an alleged case of sexual abuse of children amounting to torture or inhuman treatment.

International humanitarian law provides for special protection of children in both types of armed conflicts (Art. 27-34 of the Geneva Convention IV (Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949), Art. 48, 51, 75 of the Protocol Additional I (Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977) and Article 3 common to the Geneva Conventions 1949 (Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949) and Art. 4, 13 Additional Protocol II (Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977))).

The Geneva convention (IV) 1949 sets forth an obligation to "search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case" (Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949). The Protocol Additional I, which extends the list of grave breaches in article 85, contains certain provisions on mutual legal assistance prescribing to "afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of grave breaches of the Conventions or of this Protocol" (article 88 (1) and "co-operate in the matter of extradition", "to give due consideration to the request of the State in whose territory the alleged offence has occurred" (article 88 (2) (Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977).

However, such duty extends only to grave breaches of international humanitarian law indicated above and is not related to other crimes that are not committed in the context of armed conflicts and don't reach the threshold of war crimes. Life-streaming or reproducing of such acts online would significantly aggravate the effects of grave breaches of international humanitarian law.

Serious violations of core norms of international humanitarian law against children were addressed by the UN Security Council (Resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015), 2427 (2018), 2601 (2021), 2697 (2023) (UN Security Council, 2023).

Inhuman acts committed against children can also amount to crimes against humanity or genocide (The Office of the Prosecutor, 2023).

The Charter of the International Military Tribunal (Charter of the of the International Military Tribunal , 1945) as well as the Charter of the International Military Tribunal for the Far East (Charter of the International Military Tribunal for the Far East , 1946) didn't contain any specific norms prohibiting sexual-related violence. The Statutes of the International criminal tribunals created by the UN Security Council referred to "rape" as a crime against humanity (UN Security Council, 1993, article 5(g), UN Securirty Council, 1994, article 3(g) and outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault as Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II (UN Securirty Council, 1994, article 4(e). The jursprudence of the ICTY qualified rape as a form of torture (International Criminal Tribunal for the Former Yugoslavia, 2003), rape as a grave breach of the Geneva Conventions and as a violation of the laws and customs of war (International Criminal Tribunal for the Former Yugoslavia, 1998, paras. 269, 275) and sexual enslavement as crime against humanity (International Criminal Tribunal for the former Yugoslavia, 2001, paras. 744, 781). The International tribunal for the former Yugoslavia established that crimes of sexual violence not amounting to rape may also qualify as "other inhumane acts" (The Prosecutor v. Drago Josipović, Vladimir Šantić, Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić & Dragan Papić, 2000, para. 566). Such position was also held by the International Tribunal for Rwanda (The Prosecutor v. Eliézer Niyitegeka (Judgement and Sentence), 2003, paras. 465-467). Unfortunately, children were victims of sexual violence alongside with women in a number of cases held by both tribunals (Department of Peacekeeping Operations, para. 78). Rape of girls was qualified as genocide in a number of decisions of the the International Tribunal for Rwanda (The Prosecutor v. Mikaeli Muhimana, 2005, paras. 204, 273, 276, 291, 304), (The Prosecutor v. Eliézer Niyitegeka (Judgement and Sentence), 2003, paras. 444, 446), (The Prosecutor v. Alfred Musema (Judgement and Sentence), 2000, para. 908) etc.

The jurisprudence of the Special Court for Sierra Leone also included the cases related to sexual violence committed against children that reached the threshold of international crimes (The Prosecutor v. Alex Tambe Brima et al., 2014, paras. 711, 1037, 1041, 1042, 1068 etc.), (The Prosecutor v. Augustine Gbao et al., 2009, paras.1459, 1467, 1473, 1474, 1474 etc.) etc.

Crimes against children that fall within the jurisdiction *ratione materiae* of the International Criminal Court could also be dealt with the Court if all other jurisdictional criteria and admissibility requirements set forth in the Rome Statute are met (in particular, article 11-13, 17, 25). Article 8(1) of the Statute

stipulates that the Court “shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes” (Rome Statute of the International Criminal Court, 1998). As the Pre-Trial Chamber II noted “in the view of the Chamber, the term “in particular” makes it clear that the existence of a plan, policy or large-scale commission is not a prerequisite for the Court to exercise jurisdiction over war crimes but rather serves as a practical guideline for the Court” (Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, ICC-01/05-01/08, 2009). Sexual crimes against children are prohibited by article 8(2)(b)(xxii) in the context of international armed conflict and article 8(2)(e)(vi) in armed conflicts not of an international character.

The contextual element for the crimes against humanity should be established (article 7(1)). It means that violent acts committed against children that aren’t committed “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack” (Rome Statute of the International Criminal Court, 1998) don’t fall within the jurisdiction of the International Criminal Court. Genocide is a special intent crime (Mettraux, 2019). Causing serious bodily or mental harm to members of the group (article 6(b)) may be one of the possible options to qualify sexual abuses against girls of a particular protected group indicated in article 6 (Rome Statute of the International Criminal Court, 1998). Such acts may be considered as “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity” under article 7 (1)(g) of the Rome Statute.

Genocide as causing serious bodily or mental harm to members of the group committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group falls within the scope of genocide prohibited by article 6(b) of the Rome Statute. crime.

Thus, if online child sexual exploitation and abuse during armed conflicts reach the threshold of international crimes (genocide, war crimes and crimes against humanity) the states must cooperate in combating them.

4. INTERNATIONAL LEGAL FRAMEWORK TO COMBAT ONLINE CHILD SEXUAL EXPLOITATION AND ABUSE

Armed conflict is not only conducive to the commission of the most serious offences that amount to international crimes. As Ghada Waly, Executive Director of the United Nations Office on Drugs and Crime (UNODC) indicates “states and regions affected by conflict are considered environments conducive to crime – and particularly organised crime, which takes advantage of weak institutions and the absence of law enforcement and good governance (Organized

crime and corruption in conflict settings). Instability and the lack of resources in conflict-affected states to maintain legal order and prevent crime, especially those committed by organised criminal groups, pose serious risks to children.

If a particular act of online child sexual exploitation and abuse against children falls within the scope of the UN Convention against transnational organized crime, then the rules on international mutual cooperation are applicable (article 18). The Convention against transnational organized crime stipulates the principle “extradite or prosecute” in relation to offences prohibited in it (article 15(3)).

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse provides for the principle “extradite or prosecute” as well as provisions regulating international cooperation (article 25(2), 38). However, it also does not include any norms clarifying its application during armed conflicts.

Some cybercrime conventions enshrine the principle “extradite or prosecute” (article 22(3) of the Council of Europe Convention on cybercrime; article 31(6) of the Arab Convention on Combating Information Technology Offences). This principle is a basis for the fight against impunity against the offenders present in the territory of state parties of these conventions as far as the states “shall adopt such measures as may be necessary to establish jurisdiction over the offences <...> in cases where an alleged offender is present in its territory (Convention on Cybercrime (ETS No. 185), 2001).

However, all other regional treaties against cybercrime regulate only mutual legal assistance in criminal matters (articles 6-7 of the Agreement on the cooperation of members of the Commonwealth of Independent States in the fight against crimes in the field of information technologies, 2018, articles 6-9 of the Protocol on interaction between member states of the Collective Security Treaty Organization in combating criminal activity in the information sphere, 2014). The exercise of mutual legal assistance regulated by these treaties may be delayed or refused under specific circumstances even in peace time (article 7 of the Agreement on the cooperation of members of the Commonwealth of Independent States in the fight against crimes in the field of information technologies, 2018, article 7-9 of the Protocol on interaction between member states of the Collective Security Treaty Organization in combating criminal activity in the information sphere, 2014).

The treaties concluded at universal level and that may be applicable to specific types of offences related to sexual abuse committed against children online don't contain any provisions with respect to their application during armed conflicts. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography enshrines the principle “extradite or prosecute” (articles 4(3), 5-6). Article 6(1) of the Op-

tional Protocol provides for “the greatest measure of assistance in connection with investigations or criminal or extradition proceedings” that States Parties shall afford one another in respect of the offences set forth in this treaty.

Thus, none of the existing treaties governing international cooperation in combating cybercrime at either the universal or regional level contains specific provisions addressing their applicability during armed conflict (Maroz, 2024).

Despite the fact the existence of an armed conflict does not ipso facto terminate or suspend the operation of treaties as between States parties to the conflict and as between a State party to the conflict and a State that is not, the treaties on cybercrime not necessarily continue its effect in such a situation (International Law Commission, 2011). In particular, articles 60-62 of the Vienna Convention on the Law of Treaties of 1969 may provide grounds for terminating or withdrawing from a treaty due to armed conflict (Vienna Convention on the Law of Treaties, 1969). When assessing whether a specific treaty is subject to termination, suspension, or withdrawal due to armed conflict, the nature of the treaty and the characteristics of the conflict must be considered, as outlined in Article 6 of the Draft Articles on the Effects of Armed Conflicts on Treaties of 2011.

Therefore, it can be concluded that multilateral treaties against cybercrime are not automatically suspended or terminated by states involved in a conflict, nor between a conflicting state and a non-conflicting state (Maroz, 2024). Nonetheless, the nature of the treaty and the characteristics of the armed conflict may influence its operation (Maroz, 2024). Additionally, an armed conflict may constitute a fundamental change of circumstances, a material breach, or a supervening impossibility to perform a treaty, potentially leading to its termination or withdrawal by one or more state parties (Maroz, 2024).

For instance, Ukraine withdrew from the Minsk Convention on legal assistance and legal relations in civil, family and criminal matters and the Protocol to the Convention on legal assistance and legal relations in civil, family and criminal matters of 22 January 1993 in 2024 (Verkhovna Rada of Ukraine (ukr), 2022), which was concluded within the Commonwealth of Independent States. Moreover, in accordance with the bill submitted by the President of Ukraine to the Verkhovna Rada of Ukraine a significant number of treaties on criminal matters, extradition and mutual legal assistance in criminal matters, including the UN Convention against transnational organized crime, will be terminated in the relations between Russia and Ukraine, and Belarus and Ukraine (art.I (1-2) of the Bill №0298 (President of Ukraine (ukr), 2025). Moreover, any requests on mutual legal assistance in criminal matters or extradition submitted by the competent authorities of Russia or Belarus shall not be considered (art. II (2) (1)). The wording of article II (2) (1) of the Bill №0298 in fact means, that despite the fact the Optional Protocol to the Convention on the Rights of the

Child on the sale of children, child prostitution and child pornography still is in force in relations between Russia and Ukraine and Belarus and Ukraine (UN OHCHR, 2025), no requests even those ones based on this Optional Protocol will be executed by the competent authorities of Ukraine if this bill is approved (President of Ukraine (ukr), 2025). In fact such norm if approved may lead to providing safe havens to those who engage in cybercrime, enable transnational organized crime (United Nations, 2023) and be conducive to the sale of children (Conference of the Parties to the United Nations Convention against Transnational Organized Crime, 2024, paras. 15, 18).

Article II (2) (1) of the Bill №0298 manifestly contradicts article 27 of the Vienna Convention on the Law of Treaties, which stipulates “a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty” (Vienna Convention on the Law of Treaties, 1969) and principle *pacta sunt servanda* (article 26 of the Vienna Convention on the Law of Treaties). Moreover, it violates universally recognized principle of cooperation set forth in article 1(3) of the UN Charter and principle of good faith fulfillment of international obligations (article 2(2) of the UN Charter).

The aforementioned only stresses the need for a special approach to the issue of the fight against online child sexual exploitation and abuse during armed conflicts. The practice shows that a state party to a conflict may withdraw or terminate the effect of treaties even with third states (member states of the Commonwealth of Independent States not parties to a conflict, including Belarus (OSCE, 2022, p. 3)).

5. LEGAL FRAMEWORK FOR COOPERATION IN THE FIGHT AGAINST ONLINE CHILD SEXUAL EXPLOITATION AND ABUSE DURING ARMED CONFLICTS UNDER THE UNITED NATIONS CONVENTION AGAINST CYBERCRIME

The UN Convention against cybercrime, which was adopted by the UN General Assembly on 24 December 2024, prohibits “offences related to online child sexual abuse or child sexual exploitation material” (article 14) and “solicitation or grooming for the purpose of committing a sexual offence against a child” (article 15). It’s worth noting that the convention hasn’t come into force yet and will be open for signature in mid-2025 (United Nations Office on Drugs and Crime, 2024).

Under article 22(4) each State Party may adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with the Convention when the alleged offender is present in its territory, and it does not extradite the person. Article 22(5) establishes the obligation to consult one another with a view to coordinating their actions when 2 or more states are conducting an investigation, prosecution or judicial proceeding in respect of the

same conduct. Article 40(4) of the document stipulates that “Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party pursuant to this Convention.”

These rules are a basic guarantee against impunity for online child sexual abuse or child sexual exploitation material. However, the Convention doesn't contain any provisions with respect to the operation of the convention during armed conflicts as between States parties to the conflict and as between a State party to the conflict and a State that is not.

Cybercrime treaties or international criminal law conventions are not included in the indicative list of treaties that shall not be suspended or terminated during armed conflicts (International Law Commission, 2011). The existing practice between states shows that state parties to a conflict are unlikely to cooperate in criminal matters; and tend to terminate the respective conventions in relations between them (Ministry of External Affairs of the Russian Federation, 2023; President of Ukraine (ukr), 2025). Moreover, this practice may also involve third states not parties to the conflict (Verkhovna Rada of Ukraine (ukr), 2022).

Therefore, a provision to ensure the applicability of the UN Convention against cybercrime in combating online child sexual exploitation and abuse during armed conflict is necessary. However, unfortunately, the issue hasn't been addressed in the convention. Based on the above considerations, the following provision could have been added to the UN Convention against cybercrime:

«Application of the Convention in the Event of Armed Conflict

1. In the event of an armed conflict between two or more High Contracting Parties, this Convention shall not automatically cease to apply either between them or concerning third States.

2. In any event of suspension or termination of this Convention during armed conflict, the Parties shall nonetheless continue their cooperation to the maximum practicable extent in combating offences related to online child sexual abuse, child sexual exploitation material, or other online sexual acts against children. This is to ensure accountability and to punish perpetrators present in their territory (Maroz, 2024).

Such amendment would have enabled the rule of non-tolerance to sexual violence against children and the implementation of the principle of inevitability of criminal liability against such acts.

At the same time taking into account the fact the text of the United Nations convention against cybercrime as already been adopted, it's possible for states parties to the Convention to formulate declarations based on the provisions suggested above when signing, ratifying, accepting, approving or acceding to this treaty to emphasize their full commitment to the principle of inevitability of criminal liability against such acts and demonstrate zero-tolerance attitude to any online child sexual abuse.

CONCLUSIONS

All aforementioned makes it possible to come to the following conclusions:

1. Children enjoy a fundamental freedom not to be subjected to any form of violence, including sexual abuse. Child abuses during armed conflict may reach the threshold of genocide, crimes against humanity or war crimes. However, international humanitarian law, international criminal law don't directly regulate international cooperation in the fight against online child sexual exploitation and abuse, which don't meet the criteria of international crimes.
2. Online child sexual exploitation and abuse can be viewed as a violation of core human rights of children (inhuman or degrading treatment; violation of the protection of honor and dignity, the right to private and family life, torture etc.). The states are obliged to ensure the protection against such acts in the territory under their jurisdiction or effective control. From human rights law perspective it's a duty of states to ensure with all necessary means the protection of children from sexual abuse including committed with the use of information and telecommunication technologies. It means that any state aware of the fact that a perpetrator of such crime is located in its territory shall prosecute him for such activity. This element of knowledge may be satisfied when one state informs another one on the matter. In this situation the existence of armed conflict either between them or in relation to other states doesn't impact the duty to react to such information and assert criminal jurisdiction over an alleged case of torture or inhuman treatment against children (including committed with the use of information and communication technologies). No references to national law are admissible in such circumstances, since they manifestly violate international recognized principles of international law (principle of good faith fulfillment of international obligations, principle of cooperation, principle of respect for human rights and fundamental freedoms).

3. None of the existing treaties governing international cooperation in combating cybercrime at universal or regional level contains specific provisions addressing its applicability during armed conflict. Moreover, cybercrime treaties or international criminal law conventions are not considered as those that shall not be suspended or terminated during armed conflicts. Thus, in order to ensure the fullest protection of the rights of children against online sexual exploitation and abuse the specific provisions on the operation of treaties against cybercrime during armed conflicts should be prescribed. Based on the above considerations, such a provision could have been added to the text of the UN Convention against cybercrime. In the absence of such provision in the text of the UN Convention against cybercrime it's possible for states parties to the Convention to formulate declarations based on the provisions suggested in the present research when signing, ratifying, accepting, approving or acceding to this treaty to emphasize their full commitment to the principle of inevitability of criminal liability against such acts and demonstrate zero-tolerance attitude to any online child sexual abuse

REFERENCES

African Charter on Human and Peoples' Rights. (1981, June 1). Retrieved from https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf

African Charter on the Rights and Welfare of the Child. (1990, July). Retrieved from https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf

African Union Convention on Cyber Security and Personal Data Protection. (2014, June 27). Retrieved from <https://au.int/en/treaties/african-union-convention-cyber-security-and-personal-data-protection>

Agreement on the cooperation of members of the Commonwealth of Independent States in the fight against crimes in the field of information technologies. (2018, September 28). Retrieved from <https://cis-legislation.com/document.fwx?rgn=110821>

Alikhadzhieva, I. (2017). The Concept of Sexual Exploitation in International Law. *Actual Problems of Russian Law (in Russ.)*, 159-167.

American Convention on Human Rights. (1969, November 22). Retrieved from <https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>

Arab Convention on Combating Information Technology Offences. (2010, December 21). Retrieved from <https://www.asianlaws.org/gclid/cyberlawdb/GCC/>

Arab%20Convention%20on%20Combating%20Information%20Technology%20Offences.pdf

B. Netkova, M. A. (2021). International legal standards in combating child online sexual abuse and exploitation. . 2021. Vol.6 (3). P.111-12. *Journal of Liberty and International Affairs (Bitola)*(6), 111-112.

Bueren, G. V. (1994). The International Legal Protection of Children in Armed Conflicts. *The International and Comparative Law Quarterly*(43), 809-826.

Case of Angulo Losada v. Bolivia. Preliminary Objections, Merits and Reparations. Judgment , 475 (Inter-American Court of Human Rights November 18, 2022).

Case of Guzmán Albarracín et al. v. Ecuador. Merits, Reparations and Costs. Judgment , 405 (Inter-American Court of Human Rights June 24, 2020).

Charter of the International Military Tribunal for the Far East . (1946). Retrieved from https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.3_1946%20Tokyo%20Charter.pdf

Charter of the of the International Military Tribunal . (1945). Retrieved from https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.2_Charter%20of%20IMT%201945.pdf

Committee on the Rights of the Child. (2011). *General comment no. 13 (2011), The right of the child to freedom from all forms of violence*, CRC/C/GC/13 . Retrieved from <https://digitallibrary.un.org/record/711722?v=pdf>

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU strategy for a more effective fight against child sexual abuse. (2020, July 24). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0607>

Conference of the Parties to the United Nations Convention against Transnational Organized Crime. (2024, July). *National issues and priorities concerning child trafficking*, CTOC /COP/WG.4/2024/3. Retrieved from https://www.unodc.org/documents/treaties/WG_TIP_2024/3/CTOC_COP_WG.4_2024_3_E.PDF

Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949, August 12). Retrieved from https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.30_GC-I-EN.pdf

Convention (IV) relative to the Protection of Civilian Persons in Time of War. (1949, August 12). Retrieved from <https://ihl-databases.icrc.org/assets/treaties/380-GC-IV-EN.pdf>

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (1984, December 10). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

Convention on Cybercrime (ETS No. 185). (2001, November 23). Retrieved from <https://rm.coe.int/1680081561>

Convention on the Rights of the Child. (1989, November 20). Retrieved from <https://www.unicef.org/child-rights-convention/convention-text>

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201). (2007, October 25). Retrieved from <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&-treaty-num=201>

Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, ICC-01/05-01/08 (2009, June 15). Retrieved from https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2009_04528.PDF

Dennis, M. J. (2005). Application of Human Rights Treaties Extraterritorially in Times of Armed Conflict and Military Occupation . *The American Journal of International Law*.(99), 119-141.

Department of Peacekeeping Operations. (n.d.). *Review of the sexual violence elements of the judgments of the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal For Rwanda, and the Special Court for Sierra Leone in the light of Security Council Resolution 1820*. Retrieved from https://www.icty.org/x/file/Outreach/sv_files/DPKO_report_sexual_violence.pdf

Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA. (2011, December 13). Retrieved from <https://eur-lex.europa.eu/eli/dir/2011/93/oj>

European Commission. (2020, July 24). *EU strategy for a more effective fight against child sexual abuse, COM(2020) 607 final* . Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0607>

European Commission. (2024, February 15). *Commission Staff Working Document, SWD(2024) 34 final*. Retrieved from <https://data.consilium.europa.eu/doc/document/ST-6241-2024-ADD-5/en/pdf>

European Convention on human rights and fundamental freedoms. (1950, November 4). Retrieved from https://www.echr.coe.int/documents/d/echr/convention_ENG

European Court of Human Rights. (2009, September 15). *E. S. and others V. Slovakia (application no. 8227/04)*. Retrieved from [https://hudoc.echr.coe.int/eng-press#%22itemid%22:\[%22003-2848516-3137536%22\]](https://hudoc.echr.coe.int/eng-press#%22itemid%22:[%22003-2848516-3137536%22])

European Court of Human Rights. (2014, January 28). *Case of O'keeffe v. Ireland (Application no. 35810/09)*. Retrieved from [https://hudoc.echr.coe.int/#%22tabview%22:\[%22document%22\],%22itemid%22:\[%22001-140235%22\]](https://hudoc.echr.coe.int/#%22tabview%22:[%22document%22],%22itemid%22:[%22001-140235%22])

European Court of Human Rights. (2021, June 22). *Case of R.B. v. Estonia (Application no. 22597/16)*. Retrieved from [https://hudoc.echr.coe.int/#%22fulltext%22:\[%22sexual%20abuse%20of%20children%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-210466%22\]](https://hudoc.echr.coe.int/#%22fulltext%22:[%22sexual%20abuse%20of%20children%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-210466%22])

European Court of Human Rights. (2024, September 18). *Case of A.P. V. Armenia (Application no. 58737/14)*. Retrieved from [https://hudoc.echr.coe.int/#%22tabview%22:\[%22document%22\],%22itemid%22:\[%22001-234259%22\]](https://hudoc.echr.coe.int/#%22tabview%22:[%22document%22],%22itemid%22:[%22001-234259%22])

Human Rights Committee. (2004, March 29). *General Comment No. 31. The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*. Retrieved from <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsjYoiCfMKoIRv2FVaVzRkMjTnjRO%2Bfud3cPVrcM9YR0iW6Txaxgp3f9kUFpWoq%2FhW%2FTpKi2tPhZsbEJw%2FGeZRASjdFuuJQRnbJEaUhby31WiQPl2mLFDe6ZSwMMvmQ-GVHA%3D%3D>

International Covenant on Civil and Political Rights. (1966, December 16). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

International Criminal Tribunal for Former Yugoslavia. (1998, December 10). *Prosecutor v. Anto Furundzija, IT-95-17/1-T*. Retrieved from Trial Judgement: <https://www.refworld.org/jurisprudence/caselaw/icty/1998/en/20418>

International Criminal Tribunal for the former Yugoslavia. (2001, February 22). *Prosecutor v. Dragoljub Kumarac, Radomir Kovac and Zoran Vukovic (Trial Judgment), IT-96-23-T & IT-96-23/1-T*. Retrieved from <https://www.refworld.org/jurisprudence/caselaw/icty/2001/en/18198>

International Criminal Tribunal for the Former Yugoslavia. (2003, April 8). *The prosecutor V. Zdravko Mucic, Hazim Delic and Esad Landzo, JP/ P.I.S./743e*. Retrieved from Judgement in the appeal: <https://www.icty.org/en/press/judgement-appeal-prosecutor-v-zdravko-mucic-hazim-delic-and-esad-landzo>

International Humanitarian Law Database. (n.d.). Retrieved from Rule 156. Definition of War Crimes: <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule156>

International Law Commission. (2001). *Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries*. Retrieved from https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf

International Law Commission. (2011). *Draft articles on the effects of armed conflicts on treaties, A/66/10*. Retrieved from https://www.rulac.org/assets/downloads/IILC_Effect_on_Armed_Conflicts_A_66_10_2011.pdf

International Law Commission. (2019). *Fourth report on peremptory norms of general international law (jus cogens) by Dire Tladi, Special Rapporteur, A/CN.4/727*. Retrieved from <https://documents.un.org/doc/undoc/gen/n19/024/33/pdf/n1902433.pdf>

International Law Commission. (2019). *Peremptory norms of general international law (jus cogens), A/74/10*. Retrieved from <https://legal.un.org/ilc/reports/2019/english/chp5.pdf>

Lebedinets, I. (2016). International legal framework for cooperation among states in combating trafficking in women and children (In Russ.) . *Actual Problems of Russian Law*, 186-195.

Lee-Koo, K. (2018). The Intolerable Impact of Armed Conflict on Children: The United Nations Security Council and the Protection of Children in Armed Conflict. *Global Responsibility to Protect*, 10, 57-74.

Lirola, I. (2013). *Sexual Crimes in International Humanitarian Law*. Retrieved from https://www.researchgate.net/publication/308795359_Sexual_Crimes_in_International_Humanitarian_Law

Maroz, N. (2024). International cooperation in combating online sexual acts against children during armed conflicts: context of the UN draft Convention against cybercrime. *Journal of the Belarusian State University. International Relations*, 52-59.

McGhee, J. (2015). *Challenging child protection: new directions in safeguarding children*. Philadelphia: Jessica Kingsley Publishers.

Mettraux, G. (2019). Special Genocidal Intent/Dolus Specialis. In *International Crimes: Law and Practice: Volume I: Genocide* (pp. 161-222). Oxford: Oxford University Press.

Millard, A. (2001). Children in Armed Conflicts: Transcending Legal Responses . *Security Dialogue*(32), 187-200.

Ministry of External Affairs of the Russian Federation. (2023, January 18). Международное сотрудничество в борьбе с транснациональной организованной преступностью. Retrieved from https://mid.ru/ru/foreign_policy/international_safety/crime/1848385/

Oosterveld, V. (2008). The Special Court for Sierra Leone, Child Soldiers, and Forced Marriage: Providing Clarity or Confusion? *Canadian Yearbook of International Law*, 131-172.

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. (2000, May 25). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>

Organized crime and corruption in conflict settings. (n.d.). Retrieved from Interview with Ms Ghada Waly, ICRC, No. 923: <https://international-review.icrc.org/articles/transnational-organized-crime-interview-with-ms-ghada-waly-923>

OSCE. (2022, April 13). *Note Verbale ODIHR.GAL/26/22/Rev.1*. Retrieved from <https://www.osce.org/files/f/documents/f/a/515868.pdf>

Pronto, A. (2013). The Effect of War on Law — What Happens to Their Treaties When States Go to War? . *Cambridge Journal of International and Comparative Law*, 2, 227-241.

Protection from effects of armed conflict. (2020). Retrieved from UNCHR: <https://reporting.unhcr.org/protection-effects-armed-conflict-6>

Protocol on interaction between member states of the Collective Security Treaty Organization in combating criminal activity in the information sphere (in Russ.). (2014, December 23). Retrieved from <https://docs.cntd.ru/document/561354812>

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977, June 8). Retrieved from https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.34_AP-I-EN.pdf

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977, June 8). Retrieved from <https://ihl-databases.icrc.org/assets/treaties/475-AP-II-EN.pdf>

Report of the Secretary-General. (2024, June). Retrieved from Children and armed conflict, A/78/842-S/2024/384: <https://documents.un.org/doc/undoc/gen/n24/095/07/pdf/n2409507.pdf>

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio, A/HRC/28/56. (2014, December 22). Retrieved from Sexual exploitation of children and Information and Communication Technologies (ICTs): https://www.ohchr.org/sites/default/files/Documents/Issues/Children/SR/A.HRC.28.56_en.pdf

Resolution 1261. (1999, August 30). Retrieved from UN Security Council: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD-3-CF6E4FF96FF9%7D/CAC%20SRES%201261.pdf>

Rome Statute of the International Criminal Court (1998, July 17). Retrieved from <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>

Sapiezynska, E. (2021). *Weapon of War: Sexual violence against children in conflict*. Retrieved from https://resourcecentre.savethechildren.net/pdf/weapon-of-war-report_final.pdf

Special Court for Sierra Leone. (2007, June 20). *The Prosecutor vs. Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu (the AFRC Accused)*, SCSL-04-16-T. Retrieved from <https://www.refworld.org/jurisprudence/case-law/scsl/2007/en/91904>

STATUS AS AT : 08-11-2024 02:29:23 EDT. (n.d.). Retrieved from 4. International Covenant on Civil and Political Rights: https://treaties.un.org/pages/viewdetails.aspx?chapter=4&clang=_en&mtdsg_no=iv-4&src=ind

STATUS AS AT : 08-11-2024 02:29:23 EDT. (n.d.). Retrieved from 11. Convention on the Rights of the Child: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4

T. Liefwaard, J. S.-N. (2016). *The United Nations Convention on the Rights of the Child: Taking Stock after 25 Years and Looking Ahead*. Boston: BRILL.

TAN, Z. P. (2013). The International Law Commission's Draft Articles on the Effects of Armed Conflicts on Treaties: Evaluating the Applicability of Impossibility of Performance and Fundamental Change. *Asian journal of international law*(3), 51-76.

The global emergency of child exploitation and abuse needs global action. (2002, November 18). Retrieved from <https://www.ohchr.org/en/statements/2022/11/global-emergency-child-exploitation-and-abuse-needs-global-action-un-experts>

The Office of the Prosecutor. (2023, December). Retrieved from Policy on children: <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-children-en-web.pdf>

The Prosecutor v. Alex Tambe Brima et al., SCSL-2004-16 (Special Court for Sierra Leone January 18, 2014).

The Prosecutor v. Alfred Musema (Judgement and Sentence), ICTR-96-13-T (International Criminal Tribunal for Rwanda January 27, 2000).

The Prosecutor v. Augustine Gbao et al., SCSL-2004-15 (Special Court for Sierra Leone March 2, 2009).

The Prosecutor v. Drago Josipović, Vladimir Šantić, Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić & Dragan Papić, Case No. IT-95-16-T, Judgement (International Criminal Tribunal for the former Yugoslavia January 14, 2000).

The Prosecutor v. Eliézer Niyitegeka (Judgement and Sentence), ICTR-96-14-T (International Tribunal for Rwanda May 16, 2003).

The Prosecutor v. Eliézer Niyitegeka (Judgement and Sentence), ICTR-96-14-T (International Criminal Tribunal for Rwanda May 16, 2003).

The Prosecutor v. Mikaeli Muhimana, ICTR-95-1B-T (International Criminal Tribunal for Rwanda April 28, 2005).

UN OHCHR. (2025). *Status of Ratification Interactive Dashboard*. Retrieved from <https://indicators.ohchr.org/>

UN Security Council. (1994, November 8). *Statute of the International Tribunal for Rwanda*. Retrieved from <https://ihl-databases.icrc.org/en/ihl-treaties/ictt-statute-1994>

UN Security Council. (2001). Retrieved from Resolution 1379 (2001), S/RES/1379 (2001): https://digitallibrary.un.org/record/452943/files/S_RES_1379%282001%29-EN.pdf?ln=ru

UN Security Council. (2023). *Resolution 2697, S/RES/2697*. Retrieved from <https://documents.un.org/doc/undoc/gen/n23/269/50/pdf/n2326950.pdf>

UN Security Council. (1993, May 25). *Statute of the International Criminal Tribunal for the Former Yugoslavia*. Retrieved from <https://ihl-databases.icrc.org/en/ihl-treaties/ictt-statute-1993>

UN Security Council. (2001). Retrieved from Resolution 1341 (2001), S/RES/1341 (2001): https://digitallibrary.un.org/record/433654/files/S_RES_1341%282001%29-EN.pdf?ln=fr

UN Security Council. (2003). Retrieved from Resolution 1469 (2003), S/RES/1469 (2003): https://digitallibrary.un.org/record/490655/files/S_RES_1469%282003%29-EN.pdf?ln=en

UN Security Council. (2004). Retrieved from Resolution 1539 (2004), S/RES/1539 (2004): https://digitallibrary.un.org/record/519994/files/S_RES_1539%282004%29-EN.pdf?ln=en

UN Security Council. (2005). Retrieved from Resolution 1612 (2005), S/RES/1612 (2005): <https://documents.un.org/doc/undoc/gen/n05/439/59/pdf/n0543959.pdf>

UN, S. C. (2000). Retrieved from Resolution 1314 (2000), S/RES/1314 (2000): https://digitallibrary.un.org/record/420507/files/S_RES_1314%282000%29-EN.pdf?ln=ru

United Nations. (2023, December 7). *Global cooperation critical to combat transnational organized crime*. Retrieved from <https://news.un.org/en/story/2023/12/1144507>

United Nations. (2024). *United Nations Convention against Cybercrime, A/79/460*. Retrieved from <https://documents.un.org/doc/undoc/gen/n24/372/04/pdf/n2437204.pdf>

United Nations Convention against Transnational Organized Crime. (2000, December 15). Retrieved from <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

United Nations Office on Drugs and Crime. (2024). *United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes*. Retrieved from <https://www.unodc.org/unodc/en/cybercrime/convention/home.html>

Vienna Convention on the Law of Treaties. (1969, May 23). Retrieved from https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

Верховна Рада України. (2022). Retrieved from Закон України від 01.12.2022 № 2783-IX: <https://zakon.rada.gov.ua/laws/show/2783-20#Text>

Егоров И. (2023, 04 03). *Генпрокуратура: Ряд стран ЕС перестали выдавать России беглых уголовников*. Retrieved from <https://rg.ru/2023/04/03/sudite-sami.html>

Президент України. (№0298 від 06.01.2025). *Проект Закону про зупинення дії деяких міжнародних договорів України*. Retrieved from 0298 від 06.01.2025

Следственный комитет Республики Беларусь. (2023, 12 15). *Представители Следственного комитета рассказали, как в Беларуси борются с киберпреступностью*. Retrieved from <https://sk.gov.by/ru/news-ru/view/predstaviteli-sledstvennogo-komiteta-rasskazali-kak-v-belarusi-borjutsja-s-kiberprestupnostju-13274/>