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FROM THE SERVICES ABOUT ORGANIZATIONS AND FUNCTIONING VICTIMS PROTECTION AND SOCIAL REINTEGRATION OF OFFENDERS TO PROBATION SERVICES IN ROMANIA

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Abstract

If we accept that notion and scope of the institution of conditional release was stipulated for the first time in the The 1874 Law, known as The Penitenciary Regime Law[1] as a representative of the Romanian system that works today, then yes, for the Romanian Principates this is the official time of probation beginnings for nowadays. Also, the emergence and development of the concept of probation as well as creating the Romanian institutional framework after the December 1989 has evolved timid and audacious - without abandonment but rather with perseverance and loyalty to a valuable desideratum.

At international level "It is difficult to appreciate when exactly appeared this social and legal phenomenon, but most experts are unanimously agreed that the probation first appeared in the system of common law, in the second half of the century XIX."[2] It did not appear suddenly but it was developed as a result of a succession of phenomenon about humanization of justice and as well as an expression of "innovative and avant-garde of some judges into the common law has an absolute authority."[3]

From etymologically, probation term comes from the Latin probation, which designed a period of demonstration or testing, after intervened forgiveness. The convicts who demonstrated desire for change throughout the set period - probation - were forgiven and release for other implications of the criminal justice system.

Keywords: *social reintegration, probation, services, assessment report*

[1] Conceived by Ferdinand Dodun des Perrieres, brought in Moldova during the reigns of Grigore Alexandru Ghica in 1852 to organize the prisons in the country.
[2] Abraham, P., Nicolaescu, V., Iasnic, St., B., *Introduction to probation. Supervision, assistance and counseling to offenders sentenced to non-custodial sanctions;* National Publishing House, Bucharest, 2001, p. 83.
[3] Idem, p. 83

Introduction

If at the end of the XIXth century can be said about the existence of common law in capitalism, in the period before, it can display the principles of English Common Law in the Middle Ages (the conquest of England by the Normans, in 1066), did not have the effect of removing Anglo-Saxon law, but influenced by English law through an administratively centralized manner, favoring the establishment of feudalism with strong military accents and consequently the common law.

Common law is that justice applies on the entire territory of England, unlike local juridical customs which applied only in certain regions. Developing a common law for all of England will be, exclusive, the opera to the Royal Courts of Justice, named after the place where the cases were held, "Courts of Westminster".

These Courts were originally more political than judicial organisms, the object of their activities representing the solving problems belonged to the king and central government, only subsidiary, dealing with problems of individuals. The applicable law at Westminster was characterized by an excessive formalism which prevented almost completely, takeover the Roman law, although, on the other hand the development of feudalism had generated novel legal issues that had to be resolved by suitable rules.

History and evolution of probation. Thus, Courts had developed a new right - the English common law – consisting of numerous local customs of England and very few elements of Roman law).[4]. After XIIIth century expansion, the English common law was in the position of the Roman civil law, which in the classical era was "doubled" by praetorian righteous, respectively for English common law functioned "Equity" – being fair and impartial, which was gradually transformed into a legal doctrine together with common law, so that in the XVIth century to get such a magnitude as to remove the common law – but such event doesn't occurred.

Nineteenth and twentieth centuries were characterized by important changes in English law matters, juridical solutions given by common law also began to be systematically grouped, no longer separate courts in common law Courts and Courts of equity, rules can apply to both common law and equity.

Nevertheless, the traditional character of English law has not been changed, systematization English was not a codification such as the one known by the French system or by other peoples from the family of Romano-Germanic law.

Development of English law remained since then - during the time – at the discretion of the court – the legislator ordering and systematizing -only courts with new possibilities, English law doctrine generating the collection as: „Law raports" or „Law of England" (1865).

Nevertheless, were too, ample modernization of English common law by elaboration of legal administrative acts; this fact shall generate the approaching of the legal systems of other European countries, based in their turn by Roman law, both considering the legal system applied in most of Western Europe - regarding jurisprudence and legal glossary.

Concerning American law, in its early XVIII century form was developed in the English colonies, without applying English common law because a deep resentment toward England which led a policy of oppresion and persecution and chasing their own territories. English

[4] Bobos, Ghe., *General theory of law*, Dacia Publishing House, Cluj-Napoca, 1994, p. 93.

colonies were applying certain local rules „and a right system rather primitive based on some precepts of the Bible. This situation has given rise, often to abuse from the magistrates." (Bobos, p. 107)[5]. However, the next century, the society development by poit of economic view imposed the adoption of legal solutions, and the instrument it has been appealed on English common law, although it could opt for the French one iar ca instrument s-a apelat la dreptul comun englez preferabil celui francez that was the privilege of those established in Canada and Louisiana. „The independence of the English colonies, officially proclaimed in 1783 and forming U.S. have created new conditions for development. Also, were held territorial changes too, that have influenced American jurists.

In 1763 Canada was annexed by England and in Louisiana in 1803 was acquired by United States of America. Thus the, disappeared the French danger for North America and France became the U.S. a friend and an ally; such, hostile feelings have turned again against England.

1787 United States of America Declaration of Independence and the Constitution were the promoters of American law and were the example of independence and American law - which was developed by adopting codes; between the codes, as importance it has been noted the American Civil Code from 1808, drafted and adopted in the spirit of the French Civil Code.

The hostilities toward English law or sympathy for French law finally led to „English common law triumph [...] meaning in fact the triumph of tradition. English language that Americans have not raised the problem to abandon it - was the means that supported the triumph of English common law"[6]. (Bobos, p. 107).

On the other side probation appeared as a result of the evolution of how society considers to penalize people infringing the values protected by the criminal law.

Another reasoning explains probation - expressed by Mr. Professor Pavel Abraham – it represented the binding element of non-custodial sentences, such as fine and those freedom depriving such as imprisonment, respectively for specific situations in which a fine would mean too little to penalize the offender and the application of imprisonment, too much for the gravity of the offense.

On the other, „probation appeared as a result of the evolution of how society considers to sanction those persons who are affecting the protected values by the criminal law"[7].

As mentioned, etymologically the term of probation comes from the Latin *probatio* which singled a period of demonstration or the testing then intervened forgiveness. The difficulty of the term definition consisting in way of acceptance for a penal system by opting for defining concept. Thereby, conceptualization appears different depending on the role the country has in the criminal justice system, the significance of the sentence, the social perception of it, but also the

[5] Bobos, Ghe., *General theory of law*, Dacia Publishing House, Cluj-Napoca, 1994, p. 107.
[6] *Idem.*
[7] Abraham, P., Nicolaescu, V., Iasnic, St., B., *Introduction to probation. Supervision, assistance and counseling to offenders sentenced to non-custodial sanctions;* National Publishing House, Bucharest, 2001, p. 81.

individual's role in society.[8] So, the probation could be seen as a punishment or as a control involved regarding assistance in case if the punishment aims causing suffering or pain, while involved regarding assistance is providing help and support to influencing people's behavior without causing suffering.

In Romania, after the Revolution of December 1989, the emergence and development of the probation concept and creation of the institutional framework has expanded at a timid but audacious - without abandonment but rather with perseverance and loyalty towards its a valuable goal.

Throughout and effective personally participation in various meetings that have had occur in the Bihor County (Romania) even with international presence in the field of probation, at the beginning of activity in Romania I met laudatory remarks, admiring but also nostalgic about the existence and application of the principles and specific methods and the before 1989, the evidence being even existing legal provisions at that time. Romania's Penal Code[9] from 1968 provided by the dispositions of art. 90 and 91 that criminal liability could be replaced by a responsibility which attracted application of an administrative sanction or a form of community social control – achieved by direct addressing of certain causes by the community social control organ; the case was sent to public organization as envisaged in art. no 145 from 1968 Romanian Penal Code – for taking measures or to guarantee or custody the offender to a public organization - means all the public authorities, public institutions, institutions or other legal persons of public interest, management, use or exploitation of public property, public services and goods of any kind that by law are public. Also, could be entrusted for up to one year people who have committed crimes whose punishment stipulated by law was imprisonment for 6 months and these conditions were accomplished such as: if the act in its specifically content and in circumstances in which it was committed shows a reduced degree of social danger and produced no serious consequences and if the offender behavior of the past and present resulted sufficient grounds that it may be straightened without a real penal punishment; as entrust warranty may be revoked if it is found within the term test showed no evidence that the offender correcting.

Also, for juvenile offenders, too was a oversight regime that were working or were studying and he had obligation as well: stringently respect work and teaching program, to respect the measures taken in view of correcting his, to comply with the rules of discipline, to obtain a qualification at the work place or to achieve good teaching results etc.

In 1996, in Arad Penitentiary Institution implemented a pilot program for probation; it was created under the integrated action plan – Partnership for Justice – conceived by *Europe for Europe Organization,* to support fundamental reforms of the criminal justice system in Romania. Basis for initiating this project has been accepted the collaboration in penal executional field that the head of General Penitentiary in Romania issued in 1994, to the British Embassy. British project aimed principles to Romanian conditions by adopting concrete solutions to decongest prisons on Romanian, avoiding the negative effects of jails particularly on minors. Also, to Arad

[8] Abraham, P., Nicolaescu, V., Iasnic, St., B., *Introduction to probation. Supervision, assistance and counseling to offenders sentenced to non-custodial sanctions;* National Publishing House, Bucharest, 2001.
[9] Published in Romanian Official Bulletin, I Part, no. 79-79 bis/21.06.1968.

Penitentiary in 1997 was first experimental application of specific elements of probation by the European legal system authorized with specific activities according to Recommendation - R no. 92 (16) to the Council of Europe.

1997 was a year with an important large scale development because was founded besides rehabilitation center for minors in Gaesti – Probation Center - with activities by the courts but after release, too and in Focsani was created a probation center with Vrancea Social Service with assistance and counseling; in 1997 too, in Cluj-Napoca was founded a probation center in partnership with Gherla Penitentiary.

In 1998 was created Probation Directorate inside of General Direction and Coordination of Legal Strategies Against Crime in Romanian Ministry of Justice.

Mentioning the Probation Center in Iasi with a substantial activity with Social Alternatives Association one of the most visible association on NGO sector (without lucrative purpose).

In 1999 was created three more probation centers to: Pitesti, Targoviste and Timisoara.

Also, Romania became a permanent member to Probation Permanent European Conference.

A significant role among the normative acts has Law no. 129/2002[10] approving R.G.O. no. 92/2000 about the organization and functioning of the social reintegration services for offenders and supervision of the execution of non-custodial sanctions[11] which provided in art. no. 1 that they - known under the law: services of social reintegration and supervision - was founded under the Ministry of Justice, as specialized institutions, without legal personality. Under art. 11 of Law no. 129/2002 is providing that the probation services and social reintegration were chasing straightening of the people sentenced to prison whose total penalty was pardoned by law as well as minors who commited offenses under the criminal law, to which it was removed by law educational measures of admission in a rehabilitation center.

Subsequent, the adoption of Law 123/2006 concerning the Staff Regulations of Probation Services[12] was passed to officially name *probation* without argue that the term will be confused with provision of evidence from a trial.

Starting 2006, probation officers responsibilities increased following the entry into force of *Law no. 275/2006 on the execution punishments and measures ordered by the court during the trial*[13] – abrogated, because for now is in force *Law no. 254/2013 about sentences and custodial execution measures ordered by courts during the penal trial*[14]. Under the Law no. 275/2006, probation counselors were required to attend some activities within the competence of prison territorial - it's about individualizing punishment commissions and probation committees. Regarding the categories of beneficiaries of probation revealed the presence of several different categories of persons convicted for offences, offences generally with a law degree of

[10] Published in Official Gazette of Romania, no. 129/18.03.2002.
[11] Published in Official Gazette of Romania, no. 423/01.09.2000.
[12] Published in Official Gazette of Romania, no. 407/10.05.2006.
[13] Published in Official Gazette of Romania, no. 627/20.07.2006.
[14] Published in Official Gazette of Romania, no. 514/14.08.2013, actualized.

dangerousness and people supervised by probation services as a result of court order to minors, ill HIV/TB, drug users, people with mental disorders and people convicted of various offenses under the prison and preparing for conditional release. (Balica, 2009).

A new change in the entire system of probation has occurred once with *Law no. 252/2013 about organization and functioning of the probation system*[15] in accordance with the entire penal legislation which will enter to force - mentioning principally Romanian Penal Code and Romanian Penal Procedure Code – both in force from 1st of February 2014.

Conclusions: throughout this "journey" in which I showed mainly how was born the concept of probation, generally in law and also in Romanian society before 1989 and after 1989 can be said that in the present moment in our country is in force a modern legislation accordind with part of European norms - enough to ensure fundamental requirements; also I appreciate as against of the stage which began its work, the assessment report of the probation councilor had advisory only for instances, for now his duties have multiplied and gained meaning and signification, the assessment report having even recommendation value by formulating proposals reasoned, as provided for example the Law no. *no. 252/2013 about organization and functioning of the probation system* on par. 3 - art. no. 39: *the probation counselor formulates assessment report, reasoned proposals on measures considered appropriate in terms of reducing the risk of committing crimes.*

Bibliography:

1. Abraham, P., Nicolaescu, V., Iasnic, St., B. (2001), *Introduction to probation. Supervision, assistance and counseling to offenders sentenced to non-custodial sanctions;* National Publishing House, Bucharest, 2001.
2. Balica, E. (2009), *The institutionalization of probation in Romania: situational practice and strategies in the context of the (post-) accession to the European Union*, available at: http://www.revistadesociologie.ro/pdf-uri/nr.3-4-2009/08-EBalica.pdf
3. Bobos, Ghe. (1994), *General theory of law*, Dacia Publishing House, Cluj-Napoca, 1994

****1968 Romanian Penal Code*, published in Romanian Official Bulletin, I Part, no. 79-79 bis/21.06.1968

****Law no. 129/2002 for approving R.G.O. no. 92/2000 about the organization and functioning of the social reintegration services for offenders and supervision of the execution of non-custodial sanctions*, published in Official Gazette of Romania, no. 423/01.09.2000

****Law 123/2006 concerning the Staff regulations of probation services*, published in Official Gazette of Romania, no. 407/10.05.2006

****Law no. 275/2006 on the execution punishments and measures ordered by the court during the trial*, published in Official Gazette of Romania, no. 627/20.07.2006

****Law no. 254/2013 about sentences and custodial execution measures ordered by courts during the penal trial*, published in Official Gazette of Romania, no. 514/14.08.2013

****Law no. 252/2013 about organization and functioning of the probation system*, published in Official Gazette of Romania, no. 514/14.08.2013

[15] Published in Official Gazette of Romania, no. 514/14.08.2013, actualized.

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SEXTORTION – THE NEWEST ONLINE THREAT

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Abstract

Sextortion is a wide-ranging problem and not isolated to one website or app. Perpetrators used many forms of technology to reach victims and 45% of victims reported contact with perpetrators on more than one platform. With connectivity on the rise, sextortion could be an increasingly pervasive threat.

Key Words

Sextortion, social media, blackmail, sexual exploitation, human trafficking

Introduction

In a constant developing world, the techniques used by traffickers are constantly being updated, finding new ways and new methods of exploitation. Now human trafficking is not limited by geography anymore, but spread out over the borders of national states though the powerful yet dangerous platform which is the online.

In this perfect context, a new online threat is born – sextortion – a cybercrime which can be seen as a new form of sexual abuse.

Definition

Sextortion – is a form of sexual exploitation through blackmail in which an individual threatens that he or she will publish pictures of a person with sexual content if the person concerned does not fulfil a list of requirements. Traffickers may obtain those images by various means. They can access an unauthorized storage device of such data or save an image without the consent of the blackmailed person.

In some cases, the image can be sent by victims even unknowingly. Regardless of how the image was obtained, if it was distributed without the consent of the person in the picture, we're talking about an act of abuse with intimate images that traffickers use to exploit the victim. [16]Other reasons for sextortion are revenge or humiliation

"It's a new form of sexual assault because you can do it without being in the person's presence - and you can do it at scale," said Senior Fellow Benjamin Wittes.[17]

The techniques

The techniques used by the criminals are very efficient.

The criminals create fake accounts on online platforms, using the vast world of social media networks and online gaming. Their identities are created depending on the context and the target. Then they contact the victim and start an online grooming process. They earn their trust step by step, building a virtual relationship with the victim and at some point, they will obtain sexually

[16] https://www.wearethorn.org/child-sexual-exploitation-and-technology/, accessed today 18.11.2015.
[17] http://money.cnn.com/2016/05/11/technology/brookings-institution-sextortion-study/ accessed today 29.11.2016

compromising materials with the victim. Then the next step is sextortion. The criminals will blackmail the victim, threatening them, saying that they will publish this online if they don't pay a certain amount of money or if they refuse to send more sexual materials.

Social media and text messages are often the source of the sexual material and the threatened means of sharing it with others. An example of this type of sextortion is where people are extorted with a nude image of themselves they shared on the Internet through sexting. They are later coerced into performing sexual acts with the person doing the extorting or are coerced into posing or performing sexually on camera, thus producing hardcore pornography.[18]

Another method used for acquiring material for sextortion is hacking.

In 45% of cases, perpetrators acquired sexual images of respondents without their knowledge or consent.[19]

The criminal is breaking the computer's security network through different methods like installing a malware program on the victim's computer. In many cases the criminal persuades the victims to install a program which it turns out to be a Trojan horse. This Trojan horse will install a malware in the computer without the victim's knowledge. After that the criminal will gain access to the personal files on that computer, like photos, video, contacts and important details about the victim. More than this, the criminal can access the victim's webcam and can record, take photos and film the victim without them ever being aware of this. The criminal will gather materials and will start blackmailing the victim.

In other cases, the criminals used other ways to acquire materials such as:

• Recorded webcam sessions without respondent's knowledge or consent
(18% of all respondents)

• Recorded images other ways without the respondent's knowledge or consent (12%)

Perpetrators also acquired images from other people, including other people voluntarily sharing the images with the perpetrators or perpetrators taking them illicitly from other peoples' cell phones (9%); created fake or Photo-shopped images (8%); or hacked into devices or online accounts to get images (5%).[20]

Who are the victims:

The main target category when it comes to sextortion are minors because they are easily manipulated

- "71% of the cases involve only victims under the age of 18
- 14% of the cases involve a mix of minor and adult victims
- 12% of the cases involve only adults."

Nearly all adult victims are female, but both minor girls and boys are victimized.[21]

- "78 % of the incidents involved female children
- 12 % involved male children
- In 10 % of incidents, child gender could not be determined
- The average age at the time of the incident was approximately 15 years old, despite a wider age-range for female children (8-17 years old) compared to male children (11-17 years old);"[22]

[18] https://en.wikipedia.org/wiki/Sextortion accessed today 28.11.2016

[19] Janis Wolak, David Finkelhor, *Sextortion - Findings from an online survey about threats to expose sexual images*, Crimes Against Children Research Centre, University of New Hampshire, p. 19

[20] *Ibidem*

[21] http://www.brookings.edu/research/reports2/2016/05/sextortion-wittes-poplin-jurecic-spera

[22] Benjamin Wittes, Cody Poplin, Quinta Jurecic & Clara Spera, *Sextortion: Cybersecurity, teenagers, and remote sexual assault*, Center for Technology Innovation at Brookings, page 8

"Results of the 2016 National Strategy survey indicate that sextortion is by far the most significantly growing threat to children, with more than 60% of survey respondents indicating this type of online enticement of minors was increasing."[23]

How are the victims recruited?

- 42% of sextortion victims met their perpetrators online.[24]
- Social Media manipulation is used in 91% of cases involving minor victims
- Computer hacking is used in 43% of cases involving adults.[25]

Recruiters are very well organized when it comes to getting images with the victim. They will study carefully the victims profile on different social media platforms and learn everything they can about the victim.

"Within a couple of quick clicks, you can find out a lot of information about someone."

[…] a variety of manipulation tactics are used by sexual predators. They will develop bonds with kids through flattery ("You're so pretty" or "You're so hot"). Girls are often a target for sextortion, but […] boys are victimized, as well.[26]

Where does it happen?

Sextortion most commonly occurred via phone/tablet messaging apps, social networking sites and video chats. [27]

- 54% on social networking platforms (Facebook, Tagged, Instagram, others)
- 41% on messaging or photo messaging platforms (Kik, Snapchat, others)
- 23% on video voice call programs (Facetime, Skype, webcam sites, others)
- 12% on email
- 9% on dating platforms (OKCupid, Tinder, others)
- 6% on video sharing social media platforms (Vine, Oovoo, Tumblr, others)
- 4% on gaming platforms
- 8% Missing data [28]

An example of this form of exploitation and where it happens are on online games. The teenager starts playing a game online, networking with thousands of users worldwide. At one point, he needs money online to pass to the next level. One of the users offers to help him with the money in return for provocative pictures of him. After the teenager sends the image, the user is proving to be a trafficker and blackmails him with the sent picture. The trafficker threatens that he will send the picture to the parents and will publish it online if the victim does not do what he says.

Why?

The reasons why the criminals use sextortion vary and depends from case to case, but the most common objectives are these:

76% - To acquire additional, and often increasingly more explicit, sexual content (photos/videos) of the child

[23] National Strategy on Child Exploitation Prevention and Interdiction, US Department of Justice, April 2016, p. 75
[24] https://www.wearethorn.org/child-pornography-and-abuse-statistics/
[25] http://www.brookings.edu/research/reports2/2016/05/sextortion-wittes-poplin-jurecic-spera, p. 8
[26] http://www.beakidshero.com/posts/newest-form-child-exploitation-sextortion/ accessed today 29.11.2016
[27] http://www.missingkids.org/Sextortion accessed today 29.11.2016
[28] https://www.wearethorn.org/sextortion/ accessed today 29.11.2016

6% - To obtain money from the child
6% - To have sex with the child
12% - the objective could not be determined [29]

Being an online danger, this phenomenon is not limited geographically. It's not necessary for the criminal to be physically present to recruit his victims. This is the reason why sextortion has such a high risk and gravity. The market for the victims is huge and is not limited by geographic boundaries.

"The sextortion schemes we uncovered are complex operations that involve people across cultures and nations working together to effectively run a very lucrative business," the report says. "These once again prove that cybercriminals are not just becoming more technologically advanced— creating stealthier mobile data stealers, using complex stolen data drop zone infrastructures, and outsmarting banks to better evade detection—they are also improving their social engineering tactics, specifically targeting those who would be most vulnerable because of their culture." [30]

Once the object of blackmail is posted online, it can be accessed by millions of users from all over the world through the internet.

Online social platforms, chats and video chats are the perfect locations for this activity to take place.

More than this, these exploitation techniques evolve constantly and the mobile phones and tablets are the perfect tool used by criminals to commit these kinds of abuse.

Technology

Sextortion is a wide-ranging problem and not isolated to one website or app. Perpetrators used many forms of technology to reach victims and 45% of victims reported contact with perpetrators on more than one platform. With connectivity on the rise, sextortion could be an increasingly pervasive threat.[31]

There are numerous mobile applications that facilitate targeting, online grooming and recruitment of the victims and after that their coercion to get involved in sexual activities.

In many cases the criminals move the conversations from a platform to another one to avoid being detected. They might start a conversion on a certain social network and then after a while they will move the conversation on a video chat platform or on mobile phone using anonymous and dubious messaging apps. The criminals might use different reasons, like audio problems, to persuade the victim to download and install certain apps that would solve the problem. Once installed, these apps contain viruses/malware which will steal the victim's personal information, like contacts, photo, videos and data that will be used to blackmail the victim.

Sexting

Sexting refers to sending erotic text messages, photos and movies using the cell phone.

We must make a clear distinction between sextortion and sexting. Sexting is an action that takes place with the consent of all parties involved in the communication while sextortion doesn't have the consent.

[29] http://www.brookings.edu/research/reports2/2016/05/sextortion-wittes-poplin-jurecic-spera

[30] http://www.networkworld.com/article/2900829/security0/mobile-sextortion-schemes-on-rise-trend-micro-reports.html

[31] https://www.wearethorn.org/sextortion/ accessed today 29.11.2016

Percent of teens who have sent or posted nude or semi-nude photos or videos of themselves:

- 20% of teens overall
- 22% of teen girls
- 18% of teen boys
- 11% of young teen girls between the ages 13-16
- 15% of teens who have sent or posted nude/semi-nude images of themselves say they have done so to someone they only knew online.

51% of teen girls say pressure from a guy is a reason girls send sexy messages or images

12% of teen girls felt "pressured" to send sexually suggestive messages or images.

1 in 10 sext senders say they have sent these messages to people they don't even know.[32]

Sexting is the method that facilitates sextortion

These are just some of the methods and techniques used by traffickers to recruit victims. And after recruiting them, they end up being sold online as an object, again and again and again. „*People are posted and sold online several times a day, says Asia, a survivor of sex trafficking. As the announcement posted with me ... it's like looking for a car online ... I had a picture, a description and a price."*[33]

Effects

Sextortion has serious negative effects on the victims and some of the consequences are tragic. Victims of sextortion suffer from a strong emotional and sexual abuse.

„Victims confessed that they felt trapped in a form of sexual slavery and lived in a constant state of anxiety, fear and helplessness. One of the victims testified that she felt hollow inside and an FBI agent involved in the study said that sextortion can have devastating emotional effects."[34]

Beside these immediate effects, the victims can suffer depression, dropping out of school, low performance in school, can inflict self-harm and in extreme cases they can even commit suicide.

Law

Because this phenomenon is new, sextortion is not regulated as a crime.

In terms of the Criminal Code of Romania35, in accordance with Chapter I - *Offences against public order and peace* in art.374, offenses and penalties are specified with general aspects as well as penalties regarding *child pornography.*

"Brock Nicholson, head of Homeland Security Investigations in Atlanta, Georgia, recently said of online sextortion, "Predators used to stalk playgrounds. This is the new playground."[36]

How to avoid being sextorted

1. Never send compromising materials (photos/videos/recordings) of yourself to anyone.
2. Turn off your computer when you are not using it.
3. Cover your webcam when you are not using it or any other camera connected to the internet.
4. Make sure you have an up to date anti-virus software.

[32] http://www.guardchild.com/teenage-sexting-statistics/ accessed today 30.11.2016

[33] http://www.huffingtonpost.com/2014/07/25/sex-trafficking-in-the-us_n_5621481.html, accessed today 19.11.2015

[34] http://newcountry999.com/social-media-manipulation-is-most-common-form-of-sextortion-study-finds/ accessed today 05.06.2016

[35] New Criminal Code of Romania / Romanian Criminal Code

[36] Benjamin Wittes, Cody Poplin, Quinta Jurecic & Clara Spera, *op.cit,* page 3,

5. Don't download any programs or apps from people you don't know.
6. Don't open attachments from people you don't know.
7. Watch out for messages from strangers via email or social networking sites and never click on the links form those messages.
8. Don't accept friend request from people you don't know. Fake profiles are easy to create.
9. Don't interact with strangers requesting a video call or cybersex.

What to do if being sextorted

1. Talk about what happened – It's important to understand that you are a victim in this case and that the criminals rely on your silence to continue their abuse.
2. Don't comply with their demands – they will not stop, they will ask for more and more.
3. Interrupt any contact with the criminals – any more contact will expose you more to the criminal's manipulations. Unfriend and block any account on social media that is related to the criminals and deactivate your account for a while.
4. Don't delete any data – any material can be used as evidence to build up a case against the criminal.
5. If the video or other content is posted online, report it immediately to the online content host.
6. Contact the local police, cyber police or ANITP.

Conclusion

The online world can be a dangerous environment especially if we are not aware of its danger. It has become a powerful weapon in the hands of the criminals and the technological developments have created an unlimited market for them. Without geographic limits, human trafficking can develop at ease in different, new forms. This makes it harder for the criminals to be identified and prosecuted.

The forms of exploitation are more and more diverse and recruitment methods more and more advanced, subtle and intelligent. Until now, the traffickers used brutal force to recruit their victims but now this force has changed to intelligent manipulation and persuasive tactics, advanced marketing and management strategies and superior informatics abilities.

We have become very vulnerable because we are not aware of the danger present online. We post without thinking, without protecting ourselves, without being aware of what information we share and how that information can be accessed and used by the criminals against us. We accept friend requests from people we don't know, we share personal information with them, we send photos and videos, we install all sorts of apps without thinking one second that in this way we make ourselves the perfect target.

The criminals constantly update their methods and so should we. We need to embrace all the changes in the online world and start using them to protect ourselves, our families and our communities. It is up to us to be the solution.

Bibliography

General

1. Benjamin Wittes, Cody Poplin, Quinta Jurecic & Clara Spera, Sextortion: *Cybersecurity, teenagers, and remote sexual assault, Center for Technology Innovation at Brookings*
2. Janis Wolak, David Finkelhor - *Sextortion - Findings from an online survey about threats to expose sexual images*, Crimes Against Children Research Center, University of New Hampshire, 2016

Speciality works and related Legislation

3. Noul Codul Penal al României - Legea 286/2009; [The New Penal Code of Romania-Law 286/2009];
4. National Strategy on Child Exploitation Prevention and Interdiction, US Department of Justice, April 2016

Electronic sources

https://www.wearethorn.org/child-sexual-exploitation-and-technology
http://money.cnn.com/2016/05/11/technology/brookings-institution-sextortion-study/
https://en.wikipedia.org/wiki/Sextortion
http://www.brookings.edu/research/reports2/2016/05/sextortion-wittes-poplin-jurecic-spera
https://www.wearethorn.org/child-pornography-and-abuse-statistics/
http://www.beakidshero.com/posts/newest-form-child-exploitation-sextortion/
http://www.missingkids.org/Sextortion
https://www.wearethorn.org/sextortion/
http://www.networkworld.com/article/2900829/security0/mobile-sextortion-schemes-on-rise-trend-micro-reports.html
http://www.guardchild.com/teenage-sexting-statistics/
http://www.huffingtonpost.com/2014/07/25/sex-trafficking-in-the-us_n_5621481.html
http://newcountry999.com/social-media-manipulation-is-most-common-form-of-sextortion-study-finds/
https://www.justice.gov/psc/national-strategy-child-exploitation-prevention-and-interdiction
http://www.makeuseof.com/tag/sextortion-evolved-scarier-ever/
https://www.netsafe.org.nz/webcam-safety-avoiding-sextortion-and-blackmail/
http://cyberbullying.org/sextortion
http://www.cagoldberglaw.com/5-steps-take-youve-sextorted/

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RELAUNCHING OF THE ECONOMY AND THE PROTECTION OF JOBS BY REFORMING THE NATIONAL RULES ON PREVENTING INSOLVENCY AND INSOLVENCY

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Abstract

The reformation of the national rules on preventing insolvencyaims at relaunching economy and protecting jobs. The essence of modern normative goals of insolvency is to identify a balance between debtors' and creditors' interests through their constructive harmonization, for which the legislator provides clear and transparent procedures that dynamically reflect basic principles developed at European Union level and also at international level.

Key Words

insolvency, arrangement with creditors, ad-hocmandate, Insolvency Code.

Introduction

Insolvency is a phenomenon that has grown in Romania as a result of the financial crisis gradually faced by the country from 2008. Although the economic activity in Romania has seen some improvement in the last few years, the statistical data of the Romanian National Office of the Trade Register show that between 2008 and 2013, the number of insolvencies grew, reachingmore than 29,500 companies in2013, 10% more than the number recorded in 2012. However, the number of companies that became insolvent in 2014 decreased by 30% compared to 2013, and in 2015 it decreased by 50% compared to 2014, and in the 01.01.2016-30.09.2016 period by 20.96% compared to the same period of last year.[37]This decrease is an effect of the regulations, measures and mechanismse stablished through the legal rules that support granting a chance to debtorsthat have good faith and are viable, for the efficient and effective business recovery, either through procedures for preventing insolvency, or through a reorganization procedure.

[37]www.onrc.ro;

1. Brief time incursion

Commercial relationships, which are related to the production and circulation of goods and services, are conducted on a contractual basis, and the activity of the professionals – traders is closely interdependent to them. Thus, total or partial failure to fulfil obligations consisting of paying amounts of money can often lead to chain reactions.[38]

Roman law consecrated the first regulations, which, after being improved, subsequently led to the institution of bankruptcy. Without distinguishing between traders and non-traders, Roman law regulated the legal status of debtors, by replacing the enforcement on the debtor with the enforcement on his assets, following the tax enforcement procedure.[39]Bancruptcy represented, for a long time, a personal stigma applied to the entrepreneur eitherdirectly (debtors' prison), or by marginalization or exclusion from the commercial profession (commercial revocations, etc). Commercial failurewas not attributed, during this period, circumstantiations or differentiations, as the result of bankruptcy does not allow for any circumvention of the application of the stigma and social isolation.[40]The tradition of Roman law was maintained and developed in the Medieval law, especially in the statutes of the Italian cities Genoa, Florence and Venice. In this period, the procedure had a criminal and corporate character and was only applied to traders, not to non-traders.

The first complete and systematic regulation of bankruptcy was made through the French Commercial Code of 1807. Under the influence exercised by Napoleon, who was dissatisfied with the behaviour of some army suppliers, the regime of bankruptcy consecrated by the Commercial Code was very intransigent.The influence of the French Commercial Code of 1807 on the legislation of the European laws is no longer disputed by anybody, as each country sought to develop rules and adopt regulations meant to adjust to the requirements of that age.[41]

In a subsequent stage, the interest of the regulation was focused on supporting creditors in maximizing their chances to recover their claims, in establishing certain collective procedures of satisfying the body of creditors by immediate means or by reorganizations meant to allow for the upturn of the debtor's assets. From the second half of the last century, the concept related to the treatment applicable to traders in distress underwent important changes. Thus, the foundations were laid for a new concept, which abandoned the idea of bankruptcy. Starting from the contemporary realities of the commercial activity, it was admitted that the existence of certain financial difficulties in the trader's business, which are not always attributable to him, should not necessarily lead to the trader's disappearance.[42]On the contrary, in such case, it is useful to try to save the respective trader. From this regulatory stage, the notion of bancruptcy was separated from that of inexcusable fault of the entrepreneur, thus accepting the fact that failure is part of the commercial game.

Over time, in Romania there were several legal regulations concerning the treatment applied to traders in difficulty. Each of these regulations was the expression of the concept of the age in which it was adopted.

The first regulations of the old Romanian law, which included certain provisions related to bankruptcy, were*:* The Caragea Code of 1817, which regulated bankruptcy in Part III, Chapter VIII, "For Lending and Debt", and the Calimach Code of 1817

[38]Sorana Popa, *Drept comercial - Obligații, Contracte, Titluri de valoare, Insolvența,* Universul Juridic, Bucharest, 2014, page 223.
[39]M.N. Costin, Angela Miff, *Instituția juridică a falimentului, Evoluție și actualitate*, Revista de Drept Comercial no. 3/1996, page 43 and the following.
[40]Csaba Bela Nasz, *Deschiderea procedurii insolvenței*, C.H. BECK, Bucharest, 2009, page 6.
[41]R. Bufan, Andreea Deli-Diaconescu, F. Moțiu, *Tratat practic de insolvență*, Hamangiu, Bucharest, 2014, p. 23.
[42]Stanciu D. Cărpenaru, Tratat de drept comercial român, Universul Juridic, Bucharest, 2012, p. 667.

respectively, which regulated bankruptcy in Annex I "In Relation to the Organization of Creditors".

The regulation included in the Commercial Book *("Condica pentru comerciu")*, adopted in 1840, is viewed as the first complete Romanian law on bankruptcy. It was a translation of the provisions concerning bankruptcy from the French Commercial Code, in the form amended by the Law of 28 May, 1838.[43]

Using the 1882 Italian Commercial Code as model, the Romanian Commercial code of 1887 maintained the tradition of the French Commercial Code. After the shift to the market economy, after 1989, due to the fact that the provisions of the Commercial Code concerning bankruptcy were no longer appropriate for the requirements of the modern age, a new legal regulation was adopted, which was meant to be applicable to traders in difficulty. This regulation was substantiated in Law no. 64/1995on the procedure of reorganization and judicial liquidation.[44]

The regulatory policy of the approach of economic difficulty in Romania has evolved gradually, first of all due to the experience of the years of financial crisis in which insolvency proceedings left behind, along with a few successful reorganization plans, a few "collateral damages", and secondly due to the strong influence of the European Union law, and more particularly Council Regulation (EC) no. 1346/2000, whose provisions are part of the internal legal order of our country, from the date of Romania's adhesion to the European Union, according to the Union treaties.

Consequently, a special concern of the Romanian administration was related to the systemic crises and the insolvency of state-owned enterprises, and to the role and implications of the bankruptcy of these enterprises within the privatization process.

Law no. 85/2006 on the insolvency procedure[45]was the result of these concerns, to which the requirements related to the integration into the European Union were added. Taking into account the conclusions of the European Commission Report on Romania's progress in 2004 towards accession, according to which the Romanian legal system does not provide for "effective mechanisms for economic operators' exit from the market", thus identifying as main causes of the lack of efficiency "the complexity of the procedure, the uneven application of the in the matter, the law protection of creditors", the Romanian Government set as a priority objective in the Legislative Programme and the strategy for the reform of the judicial system, the development of a normative act for the reform of the judicial reorganization and bankruptcy proceedings[46]. The starting point of the law amendment was the community acquis in the bankruptcy field, more specifically Council Regulation (EC) no. 1346/2000 of 29 May 2000 on insolvency proceedings[47], Directive 2002/74/EC of 22 September, 2002 amending Directive 80/97/EEC on the protection of employees in the event of the insolvency of their employer[48], Directive 2001/17/EC of 19 March 2001on the reorganization and winding-up ofinsurance undertakings[49], Directive 2001/24/EC on the reorganization and winding up of credit institutions[50], laws whose processing was undertaken within the negotiation process. Besides, the Explanatory memoranda of the Bankruptcy Law

[43]This regulation was applied in Wallachia, and from 1864 in Moldavia too.
[44]Official Journal no. 1130 of 29 June, 1995.
[45]Published in the Official Journal no. 359 of 21 April 2006. The law came into force 90 days after its publication in the Official Journal. Law no. 85/2006 was amended by Law no. 86/2006 on the reorganization of insolvent practitioners and by G.E.O. no. 173/2008, approved as amended and supplementedby Law no. 277/2009, Law no. 25/2010, and Law no. 169/2010.
[46]The Explanatory Memoranda of Law no. 85/2006 on the insolvency proceedings.
[47]Published in JOCE L 160 of 30 June 2000.
[48]Published in JOCE L 270 din 8 October 2002.
[49]Published in JOCE L 110 din 20 April 2001.
[50]Published in JOCE L 125 din 5 May 2001.

states that"the best practices in this field of the European Union member countries and of countries with long-standing tradition in this field, such as the United States of America, was taken into account".

The main purpose of Law no.85/2006, as well as of Law no. 64/1995 was to cover the insolvent debtor's liabilities. However, these regulations were criticized for the fact that they do not include, unlike many of the regulations the European Union countries, preventive proceedings meant to avoid debtor's insolvency, and consequently, the application of the judicial reorganization or bankruptcy proceedings.

This gap was eliminated through the adoption of Law no. 381/2009 on introducing the composition agreement and the ad-hoc mandate, with the purpose of safeguarding the debtor in difficulty by amicable procedures for the renegotiation of creditors' claims or of the conditions of such claims. Law no. 381/2009 reintroduced in our law the interest for supporting enterprises in difficulty before the emergence of their insolvency, by introducing the composition agreement and the ad-hoc mandate. Thus, a pre-insolvency period is regulated, with the explicit purpose of preventing insolvency. Consequently, the purpose of this law is to avoid financial collapse by opening the insolvency proceedings. Nevertheless, we can notice that this law has also a social nature, because it is concerned with saving the jobs of the debtor's employees.[51]

Through Emergency Ordinanceno no. 91/2013 on the insolvency prevention and insolvency proceedings – the Insolvency Code**,** which came into force on 25.10.2013, efforts were made for the unification and consistent regulation of both the period preceding the insolvency and of the proceedings themselves. Thus, this regulation, referred to as the Insolvency Code aimed to establish a unitary concept that was better compared to the previous regulations, as well as to correct certain dysfunctions noticed in the application of the insolvency proceedings. Nevertheless, the Decision of the Constitutional Court of 29.10.2013 ascertained that Government Emergency Ordinance no. 91/2013 is unconstitutional, thus being suspended de jure from being published in the Official Journal.

Following the declaration of the unconstitutionality of Government Emergency Ordinance no. 91/2013, its content was taken over, except the unconstitutionality aspects, and became, with amendments, adaptions and completions, Law no. 85/2014on insolvency prevention and insolvency proceedings.[52]

2. Insolvency–a new approach in the Romanian economic and social space

Due to the adoption of the Insolvency Code need emerged, both in the doctrine, as well as in the jurisprudence, for balancing the positions held by the main actors involved in the insolvency proceedings, to modernize the laws, in order to align them to the current trends of the European laws, as well as to streamline procedural mechanisms.

The project for the amendment of the insolvency laws was part of the programme funded by the World Bank and the International Monetary Fund, entitled "Strengthening the Insolvency Mechanism in Romania". Thus, a team of experts of the World Bank analysed, studied and identified the main deficiencies related to the insolvency prevention and insolvency proceedings in Romania, and subsequently drafted recommendations in the report entitled "Report on the Observance of Standards and Codes. Insolvency and Creditor/Debtor Regimes."

Thus, taking into account the economic context that required taking quick measures meant to create the legislative and administrative prerequisites leading to the increase in the efficiency of economic operators, to the increase in the safety of the circular flow and in the investment attractiveness of the Romanian market, the result, following the elimination of

[51]Vasile Nemeş, *Drept comercial*, Hamangiu, Bucharest, 2012, p. 485.

[52]S. D. Cărpenaru, *Tratat de Drept Comercial Român, 5th Edition, updated,* Universul Juridic, Bucharest, 2016, p. 712.

certain exceptions of unconstitutionality, was Law no. 85/2014 on the insolvency prevention and insolvency proceedings.

The current normative purposes of insolvency include supporting the continued activity of debtors, keeping jobs and covering claims on the debtor, focusing mainly amicable procedures for the renegotiation of debts or the conditions of such debts, more specifically the ad-hoc mandate or the composition agreement. Consequently, the rules that regulate the insolvency prevention and insolvency proceedings have also acquired an obvious social nature, because they aim at saving the jobs of the debtor's employees.[53] Moreover, according to the current regulation, the scope of the insolvency prevention proceedings is expanded. Thus, the insolvency prevention procedures are applicable to debtors in difficulty, but the law does not provide other specifications, which means that these procedures are currently dedicated both to corporate debtors, as well as to debtors who are natural persons, the important thing being that they have the legal status of debtor within the meaning of the special law.[54]Moreover, according to the doctrine, the Insolvency Code seems to have eliminated shortcomings, causes that had prevented the debtor from resorting to amicable procedures for the renegotiation of debts, the most important including: the difficulty of homologating the composition agreement, as the current requirement is that the composition agreement project should be approved by creditors representing at least75% of the value of the debts accepted and undisputed, and the value of the disputed and/or litigated debts should not exceed 25% of thebody of creditors, the introduction of the private creditor test, if, through the composition agreement project, reductions of the debts to the government budget are proposed, the elimination of the requirement that the debtor, following the implementation of the recovery measures proposed through the composition agreement project, should pay a certain minimum percentage of the total value of the debts, etc.[55]

We can say that the insolvency laws, and especially the laws on the insolvency prevention proceedings, suffered the inconvenience of being insufficiently known by the business environment, which generally rejected such procedures. This was also due to the fact that the Romanian laws on insolvency were disseminated in too many normative acts, the new Insolvency Codeunifying in a single draft law the entire Romanian legislation on insolvency through Law no. 85/2014 on the insolvency prevention and insolvency proceedings.

The Romanian administration repeatedly tried to streamline the insolvency proceedings, which is why it has aimed at assessing the legal framework in relation to the protection of creditors' rights, the recovery of debts, insolvency prevention mechanisms, as well as to assess the extent to which they are among the most efficient international practice. They tried to identify creditors' expectations, in such a way as to determine, in a better manner, their advantages and disadvantages within the insolvency proceedings, following the guidelines drafted by the World Bank in*World Bank'sPrinciples and Guidelines in insolvency procedures*related to the liability of the corporate debtor's management bodies, opening the proceedings, the effects of opening the proceedings, etc. [56]

Moreover, currently, Law no. 85/2014 lists thirteen principles governing the new regulation, which are taken over from the Principles of the World Bank[57], the European

[53] V. Nemeș, *Drept comercial, 2nd Edition reviewed and supplemented*, Hamangiu, Bucharest, 2015, p. 462.
[54] S. D. Cărpenaru, M.A. Hotca, V. Nemeș, *Codul insolvenței comentat*, Universul Juridic, Bucharest, 2014, p.53.
[55]Csaba Bela Nasz, *Procedurile de prevenire a insolvenței*, Universul Juridic, Bucharest, 2015, p.41.
[56]Gh. Piperea, *Drept comercial, Vol. II*, Ed. C.H. Beck, Bucharest, 2009, p. 178.
[57]In this respect, The World Bank - 2011 Principles for Effective Insolvency and Creditor/Debtor Regimes, http://siteresources.worldbank.org/INTGILD/Resources/ICRPrinciples_Jan2011pdf.

principles concerning insolvency[58]and from the UNCITRAL Guide[59]on insolvency. Their integrating function reflects the Romanian legislator's interest in implementing the entire "insolvency architecture" at internal level, because these principles can also be found in the entire normative structure of the Insolvency Code, undoubtedly adjusted to the differences of structure, purpose, concepts and formulations.0727123152

The new vision and approach of the insolvency phenomenon are also a reflection of the recent communications of the European Commission, by which member countries are urged to encourage the second chance for the debtor, more specifically to grant support for the restructuring of the business, at the beginning, as well as to facilitate the adoption of a reorganization plan in the case of honest, viable debtors.As a matter of fact, the casuistry of certain successful reorganizations at the level of the European an international jurisprudence, such as American Airlines and General Motors[60], reflects even more the need of supporting the debtorin its attempt to recover and stabilize, and the reorganization proves to be a great success in the case of good faith and interest in the honest reinsertion into the economic market.

Moreover, at European Union level, programmes were completed for the improvement and coding of the laws on insolvency, applicableto the internal market.Thus, theEuropean legislatoradopted Regulation no. 848/2015 on insolvency proceedings, and Council Regulation (EC) no. 1346/2000 was repealed, and its text was reworded in such a way as to take into account the developments of the legislations of the member countries on insolvency prevention and proceedings, as well as the jurisprudence of the Court of Justice of the European Union. Mention should be made of the fact that the new text will be applicable to the insolvency proceedings opened staring with June 2017. The regulation is related both to the insolvency proceedings themselves, as well as to the insolvency prevention proceedings (hybrid proceedings).The main objectives of the Regulation are to support the internal market along with the improvement of its functioning in general, facilitating the restructuring of viable companies and improving the treatment of creditors, and is also based on the experience of the activity of the Court of Justice of the European Union, thus making a coding of its jurisprudence.ForRomania, AnnexAmentions the insolvency procedure (reorganization, bankruptcy and the composition agreement, while the ad-hoc mandate is not included in the list due to the confidential nature of this procedure.[61]

Moreover, the involvement of the European bodies and the interest showed by them in this respectare also inferred from European Commission Recommendation no. 135/2014 concerning a new approach of business failure, whose objective is to guarantee the fact that the viable companies facing financial difficulties, regardless of their place in the Union, will have access to national insolvency frameworks which will allow them to structure their business at an early stage, in order to prevent their insolvencyand to maximize the total value for creditors.Inthis respect, the European Commission recommends to the member states to adopt, for honest entrepreneurs, different winding-up measures compared to dishonest entrepreneurs, to develop accelerated proceedings for the companies that went bankrupt in an honest manner. Consequently, the goal is to promote the entrepreneurial spirit, investments

[58]For details, see Principles of European Insolvency Law-1445 wds, http://www.iiiglobal.org/component/jdownloads/finish/39/405.html.

[59]UNCITRAL Legislative Guide on Insolvency Law, http://www.uncitral.org/uncitral_texts/insolvency/2004Guide.html.

[60]See R. Bufan, Andreea Deli-Diaconescu, F. Moțiu, op.cit., p. 598.

[61]Alina Oprea, *Reforma regimului european al insolvenței transfrontaliere: Regulamentul nr. 848/2015*, RevistaRomână de Drept al Afacerilor, no. 1/2016, Wolters Kluwer, Bucharest, p. 76.

and employment, thus contributing to the alleviation of the obstacles in the way to a good functioning of the internal market.[62]

De legeferenda, the Insolvency Codeshould transpose, at internal level, these proposals that can constitute levers for the quick relaunching of honest and viable debtorson the Romanian market, the same legal regime being currently applied to both categories of debtors.

3. The expansion of the insolvency phenomenon–the delineation of a new Insolvency Code

The legislative novelties, such as Law no. 151/2015 on individuals' insolvency, which has not passed the practical test yet, and is going to come into force in December 2016, and the insolvency of the administrative and territorial units respectively, regulated through Government Emergency Ordinance no. 46/2013 and approved by Law no. 35/2016, can be approached by analogy with the Insolvency Code, as well as with the principles and practices used at European Union level and not only at this level, even with unification proposals, with the purpose of concentrating, in a single document, the legislation applicable to insolvency, in order to be able to talk about a proper insolvency code.

Undoubtedly, the provisions of the aforementioned regulatory documents are supplemented by the provisions of Law no. 85/2014 on insolvency prevention proceedings and on the insolvency proceedings, whose corroboration, or even the contrast between them, or their concept of integrating them in an insolvency code do not represent, however, the object of this article dedicated to the insolvency phenomenon viewed from a general perspective, which phenomenon was gradually established in the economic and social space as a lever supporting the economic market, investments, and employment.

Therefore, the adoption of such regulations outlinesthe current European trends, because the European Union legislation does not distinguish between traders and non-traders, natural persons and legal entities, in relation to the application of the insolvency proceedings. Moreover, Council Regulation (EC) no. 1346 of 29 May 2000 on insolvency proceedingsprovides for the fact that there should not be a differentiated regime between traders and non-traders in relation to their insolvency. The regulation does not establish a single and common system of rules applicable to insolvencyin the European Union member countries, but it was considered as imperiously necessary to adopt, as soon as possible, in Romania, a regulation on individuals' insolvency, taking into account that Romania is among the few member countries of the European Union that does not have a regulation in this field. Moreover, Recommendation CM/Rec (2007)8 of the Committee of Ministers to member states on legal solutions to debt problems, concluded, following the analysis of the problems of the of over-indebted individuals that "over-indebted individuals and their families should have effective access to impartial advice and to debt adjustment, for which clear criteria should be established".[63]

Moreover, the legislator's preoccupation to give individuals with good faith and over-indebted, from the consumer perspective, the chance to benefit from a"fresh start",to recover from the financial point of view, through the coverage, to the maximum extent possible, of their liabilities and through their debt discharge,results from important mechanisms that have been regulated recently, more specifically Law no. 151/2015 on individuals' insolvency, aforementioned, and also Government Ordinance no. 38/2015 on alternative dispute

[62]Mirela Iovu, *Efectele implementării Recomandării Comisiei Europene nr. 135/2014 privind o nouă abordare a eșecului în afaceri și a insolvenței*, Revista Română de Drept al Afacerilor nr. 4/2015, Wolters Kluwer, Bucharest.

[63]R. Bufan, Andreea Deli-Diaconescu, F. Moțiu, op.cit., p. 1007 - 1009.

resolution between consumers and traders. The two regulatory documents have the common role to contribute to the legal treatment of consumers' over-indebtedness.[64]

In relation toGovernment Emergency Ordinance no. 46/2013on financial crisisand insolvency of administrative-territorial units, approved by Law no. 35/2016, the doctrine deems that it outlines the idea of gradual decentralisation, which represents the regulatory framework of the transfer of responsibilities from the central to the local level.[65]According to the current concept, decentralisation is the indispensable attribute of democracy and involves the idea of autonomy, the public administration becoming more efficient and more effective by decentralization, and the problems are solved at local level, with utmost efficiency.[66]

Conclusions

There is a continuous preoccupation, at European Union level, with the improvement and coding of the laws applicable to the internal market, in the specific field of insolvency, and the European Commission encourages member states to establish common principles applicable to the insolvency and pre-insolvency proceedings, in order to promote entrepreneurial spirit, investments, employment, to create an attractive market able to outline a good functioning of the internal market. The laws in force in Romania have transposed and applied part of the provisions recommended, and the advantages of the new implementations should become visible as we will have a as many debtors as possible saved from bankruptcy through successfully implemented preventive measures or judicial reorganizations.

Insolvency should be viewedas a manner of protection offered to the debtor in difficulty, in view of a revival and consolidation of a strong, diversified and high-quality industry at national level, through a common acceptance effort, empathy, and interest in creating an attractive economic and social space.

References

R. Bufan, Andreea Deli-Diaconescu, F. Moțiu, *Tratat practic de insolvență*, „Hamangiu" Publishing House, Bucharest, 2014;

L. Bercea, *Convergență normativă sau concurență normativă? Accesibilitatea procedurii insolvenței persoani fizice și a procedurii de soluționare alternativă a litigiilor în domeniul bancar, Revista Română de Drept al Afacerilor 10/2015*, "Wolters Kluwer" Publishing House, Bucharest;

D. Cărpenaru, *Tratat de Drept Comercial Român, 5th Edition, updated,"*UniversulJuridic" Publishing House, Bucharest, 2016;

D. Cărpenaru, M.A. Hotca, V. Nemeș, *Codul insolvenței comentat*, "UniversulJuridic" Publishing House, Bucharest, 2014;

M.N. Costin, Angela Miff, *Instituția juridică a falimentului, Evoluție și actualitate*, Revista de Drept Comercial no. 3/1996, "Hamangiu" Publishing House, Bucharest;

Mirela Iovu, *Efectele implementării Recomandării Comisiei Europene no. 135/2014 privind o nouă abordare a eșecului în afaceri și a insolvenței*, Revista Română de Drept al Afacerilor no. 4/2015, "Wolters Kluwer" Publishing House, Bucharest;

Csaba Bela Nasz, *Deschiderea procedurii insolvenței*, ,"C.H. BECK" Publishing House, Bucharest, 2009;

Csaba Bela Nasz, *Procedurile de prevenire a insolvenței*, "UniversulJuridic" Publishing House, Bucharest, 2015;

[64] L. Bercea, *Convergență normativă sau concurență normativă? Accesibilitatea procedurii insolvenței persoanei fizice și a procedurii de soluționare alternativă a litigiilor în domeniul bancar, Revista Română de Drept al Afacerilor 10/2015*, Wolters Kluwer, p. 85 and the following.

[65] Cristina Oneț, *Din nou despre criza financiară și insolvența unităților administrativ-teritoriale, Revista ACTA - Universitatis Lucian Blaga*, Juridic Publishing House, no. 1/2013, p. 19 and the following.

[66] P. I. Nedelcu, *Descentralizarea - Studiu comparativ*, Universul Juridic, Bucharest, 2015, p. 17.

P. I. Nedelcu, *Descentralizarea - Studiu comparativ*, "UniversulJuridic" Publishing House, Bucharest, 2015;

Vasile Nemeș, *Drept comercial*, "Hamangiu" Publishing House, Bucharest, 2012;

V. Nemeș, *Drept comercial, 2nd Edition reviewed and supplemented*, "Hamangiu" Publishing House, Bucharest, 2015;

Cristina Oneț, *Din nou despre criza financiară și insolvența unităților administrativ-teritoriale*, Revista ACTA - Universitatis Lucian Blagano. 1/2013, "Universul Juridic" Publishing House;

Alina Oprea, *Reforma regimului european al insolvenței transfrontaliere: Regulamentul nr. 848/2015*, Revista Română de Drept al Afacerilor, no. 1/2016, "Wolters Kluwer" Publishing House;

Gh. Piperea, *Drept comercial, Vol. II*, "C.H. Beck" Publishing House, Bucharest, 2009;

Sorana Popa, *Drept comercial - Obligații, Contracte, Titluri de valoare, Insolvența, "*UniversulJuridic" Publishing House, Bucharest, 2014;

http://siteresources.worldbank.org/INTGILD/Resources/ICRPrinciples_Jan2011pdf;

http://www.iiiglobal.org/component/jdownloads/finish/39/405.html;

http://www.uncitral.org/uncitral_texts/insolvency/ 2004Guide.html.

www.onrc.ro.

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HUMAN TRAFFICKING AS CYBERCRIME

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Abstract

Both the surface web and the dark web are utilised by traffickers to recruit and sell victims of human trafficking. This report explores how traffickers are using social engineering and technology to perform their trade. It looks at advances in fighting cybercrime, both legal and illegal and makes recommendations towards an increase of fighting human trafficking in cyberspace.

Key Words

Human trafficking, dark web, cybercrime, online child exploitation, social engineering

Introduction

Human trafficking is a heinous crime against humanity that is devastating the lives of an estimated 45.8 million people in the world today. Many understand that modern day slavery was removed from our world last century with the abolitionist efforts of William Wilberforce, Abraham Lincoln and the many that stood by their sides. However, human trafficking still lives amongst us and is growing at an alarming rate. In fact, there are more people in slavery today than at the time we thought human trafficking left us. There are various factors of evolution in the systems of our modern day society that have contributed to the growth of this blight against humanity. The rise of the internet and particularly the dark web are enabling traffickers to operate their crime with increased ease in today's world.

Human Trafficking

The United Nations defines "trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of 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 organ."[67]

Human trafficking is a criminal activity that is often highly organised in nature, often crossing national borders and legislative reach. Traffickers operate this lucrative business,

[67] United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000; Article 3, paragraph (a).

making use of the latest technology available to hide their criminal activity with little fear of being caught. The advances in technology are fast providing them with more places to hide.

The Internet - A Platform for Human Trafficking

The rise of the internet has not only provided fast access to information for our world but has also provided faster and more efficient ways for organised crime to operate. Robert Hannigan, the Director of Communication Headquarters for the British Government stated that groups like Facebook, Twitter and WhatsApp are the "commend-and-control networks of choice for terrorists and criminals."[68]

Let's look at the example of pornography, a key industry in the human trafficking world. Fifty year ago, if someone wanted to purchase pornography they would need to go to the local criminal or corner store to buy it. Pornography was readily available however buying it had a societal stigma associated with it. The action of physically having to go and buy it would mean that someone else would know the person purchasing it, providing a natural deterrent for its demand.

In today's world, pornography is readily available on the internet. To follow this example, if someone today was to purchase online pornography, it can be done in the privacy of their own home. No one needs to know and the natural deterrent is removed, seeing a marked increase in pornography use today.

The ease in access to pornography has also created a further market and demand for material, some of which is becoming more and more heinous in nature allowing individuals to carry out fantasies in virtual reality. The internet combined with factors such as this are providing a lucrative environment for traffickers to operate their business. Fight the New Drug claim that 25% of all search engine requests are for pornographic material[69].

The Internet – A Platform for Selling

The internet is also becoming a place of choice for traffickers to sell the services they force upon their victims. One can readily access the services of escorts and prostitution online with just a few clicks using services like Backpage, Craigslist, Facebook and the many chatrooms dedicated to these services.

Online advertising is not the only method traffickers use to sell their wares but it is a key component with many traffickers ensuring online listing happens in as many places as possible. Some even force their victims to spend time online advertising themselves with both real and different photo identities. False photos are often used to hide under age exploitation.

Thorn, a NGO set up by Aston Kutcher and Demi Moore to drive tech innovation to fight child trafficking and the sexual exploitation of children, commissioned a survey of sexual exploitation victims to find out the role of technology in trafficking. 63% of the survey participants reported being sold online[70].

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[68] M. Chertoff, T. Simon, *The Impact of the Dark Web on Internet Governance and Cyber Security*, "Center for International Governance Innovation and Chatham House" Publishing House, Canada, 2015; p. 1.

[69] http://fightthenewdrug.org/by-the-numbers-see-how-many-people-are-watching-porn-today/ accessed today 01.12.2016.

[70] https://www.wearethorn.org/wp-content/uploads/2015/02/Survivor_Survey_r5.pdf p 19. Accessed today 30.11.2016.

The Internet – A Platform for Recruiting

The internet is also being used by traffickers as a tool to aid in the recruitment of victims. Traffickers are utilising social media to gather information on victims and create false profiles to create virtual relationships in order to groom future victims for prostitution.

Unfortunately, traffickers are brilliant social engineers. Kevin Mitnick, in his book, "The Art of Deception" details how social engineers gain the trust of their victims[71]. They gain access to private information using innocent sounding questions as a way to help the victim feel like they understand them, providing a false sense of intimacy. They intentionally find out what the victim's dreams and desires are then offer the victim help to achieve this. Eventually they work to gain provocative photos of victims that can be sold and used to blackmail them, or to actually meet the victim. It is at this intersection of human manipulation and social technology that many fall victim to traffickers.

The Dark Web – The New Frontier of Human Trafficking

What has been described so far is human trafficking activity on the *surface web*. This is the part of the internet that can be readily accessed by search engines like Google and Bing. It is the place where most of our everyday internet activity occurs. However, there is more to the web than meets the eye. There is part of the internet that is more than 500 times the size of the surface web[72]. This is known as the *deep web* and it contains the non-searchable part of the web. Beneath this lies another subsection of the web called the *dark web*. It is the part of the internet that is kept intentionally hidden and provides the perfect cover for human trafficking activity.

The dark web near guarantees anonymity to its users through the use of multi-layered encryption technology called *onion encryption*. As the name suggests, access to onion encrypted websites (with the domain .onion) are passed through layers like an onion. At each layer the user's IP address, the identifying address of a computer, is encrypted and passed to another volunteer server and hence the next layer. As the destination website only receives the last IP address in the route process, the website never actually knows who they are communicating with.

The dark web may be accessed by a readily available search engine called Tor[73]. Tor navigates these onion layers and leads the searcher to the desired website without any trace of who they actually are. Tor does not keep record of searches[74] so there is no trace of activity at this stage either.

Other elements of the dark web include Hidden Wiki that provides a directory of what can be found of the dark web including the procurement of assassination services, arms dealing, human experimentation[75] and paedophilia. A study by Gareth Owen at the University of Portsmouth found that 4 out of 5 searches on the dark web involve paedophile

[71] K. D. Mitnick, W. L. Simon *The Art of Deception: Controlling the Human Element of Security*, "Wiley Pub" Publishing House, Indiana, 2002.
[72] M. Chertoff, T. Simon, *The Impact of the Dark Web on Internet Governance and Cyber Security*, "Center for International Governance Innovation and Chatham House" Publishing House, Canada, 2015; p. 2.
[73] Warning: The dark web is accessed at your own risk.
[74] E. Jardine, *The Dark Web Dilemma: Tor, Anonymity and Online Policing*, "Center for International Governance Innovation and Chatham House" Publishing House, Canada, 2015, p. 11.
[75] M. Chertoff, T. Simon, *The Impact of the Dark Web on Internet Governance and Cyber Security*, "Center for International Governance Innovation and Chatham House" Publishing House, Canada, 2015; p. 5.

activity[76]. The dark web also has its own currency called Bitcoin that provides anonymous payment for services along with prepaid debit cards. Even tech giants like Facebook are beginning to make their services available thought Tor[77].

Other Dark Web Activity

Whilst the dark web is being utilised for criminal activity it does also have a good side as does the surface web. It is essentially the human element that makes it for good or for evil. Tor was initially created by the US Naval Research Laboratory[78] in 2002 to communicate online anonymously. It proves useful to journalists, whistle blowers and government officials risking their lives to communicate information safely.

The dark web also attracts another group of people called *hacktivists* that protest outside of the boundaries of law. A hacktivist group called 'Anonymous' rallied together to hack into and lobby Lolita City, a website selling images of child abuse to paedophiles[79].This group contacted the hosting company to remove the material and when they refused they publically exposed the details of more than 1,500 paedophiles.

Whilst on the surface this may appear to be a good thing, it was not done using legal methods and was more of a naming and shaming tactic and may have interrupted criminal investigations. However, it does show that the dark web does not provide guaranteed anonymity.

Cybercrime Counter Human Trafficking Efforts

There are some good advances in tools to fight cybercrime on the surface web and the dark web that should be noted.

Spotlight is a tool created by Thorn in partnership with Digital Reasoning. Spotlight scraps publicly available information from the internet, analyses it and uses it to help prioritise cases for law enforcement[80]. It focuses on child trafficking data and essentially increases the response time of police by providing concentrated data to work with. Lieutenant Chad Gremillion of the Louisiana State Police reported:

> "Seeing Spotlight in action reinforces the idea that we can use technology for good. This is such an incredibly powerful tool in our effort to locate trafficking victims and get them connected to services. It's also made our jobs easier in finding offenders, which is exactly what we did after identifying Karina. With the help of Spotlight, we not only arrested her trafficker, but he's now looking at 30 years to life in prison. We couldn't have asked for a better outcome for her and for this case.[81]"

With cybercrime being fairly recent, new groups are being established to monitor and provide accountability at a global effort. This is especially important as no one group owns the internet. In January 2014 the Global Commission on Internet Governance was established to

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[76] https://www.wired.com/2014/12/80-percent-dark-web-visits-relate-pedophilia-study-finds/ accessed today 30.11.2016.

[77] http://www.bbc.com/news/technology-29879851 accessed Today 01.12.2016.

[78] M. Chertoff, T. Simon, *The Impact of the Dark Web on Internet Governance and Cyber Security*, "Center for International Governance Innovation and Chatham House" Publishing House, Canada, 2015; p. 3.

[79] http://www.telegraph.co.uk/technology/internet/8851242/The-Hidden-Wiki-an-internet-underworld-of-child-abuse.html accessed today 30.11.2016.

[80] http://www.digitalreasoning.com/buzz/using-tech-to-find-victims-of-child-sex-trafficking.1719834 accessed today 30.11.2016.

[81] http://www.digitalreasoning.com/buzz/using-tech-to-find-victims-of-child-sex-trafficking.1719834 accessed today 30.11.2016.

articulate and advance strategic vision for the future of Internet governance[82]. Its key focuses include ensuring human rights online, freedom of expression and cybercrime cooperation.
The United Nation's International Police Organisation (INTERPOL) have created the International Child Sexual exploitation image database[83] that is used by police globally. Google have been working with the National Center for Missing and Exploited Children (NCMEC) to adapt their copyright recognition program to detect child pornography[84]. Likewise, Microsoft have also worked NCMEC to create PhotoDNA to analyse large number of images quickly to detect modified versions of child pornography.

Recommendations

Clearly, fighting human trafficking in the virtual world is a new frontier that is constantly evolving. Human trafficking cannot be fought solely on a legal or technical basis. Prevention efforts need to focus on the intersection of inter-government co-operation, social engineering and technology. It involves human beings and therefore the corruption of human relationship is involved at one stage or another; whether it be the trafficker's promise of a better life or the abuse of physical relations through a John buying the services of his victim or a border official being paid to let someone through.[85]
The following recommendations should be considered as methods to further engage successfully in this area.

- Surveys similar to that commissioned by Thorn on the use of technology to recruit, groom and sell domestic minor sex trafficking victims[86] should become part of each nation's anti-trafficking strategy in order to understand how traffickers are using the internet to recruit and sell victims. This will provide qualitative data on keywords that traffickers are using that can then be used to fine tune the scraping and filtering of large amounts of publicly available information.
- Currently Spotlight is providing tools for law enforcement agencies in the US. This technology should be created on a national level in each country.
- Government funds should be directed towards anti trafficking efforts in each nation.
- National Helpline advertisements should be placed on search engine results for pornography. As traffickers utilise victims to place ads online, this method will alert victims to how they can access help[87]. Ads should be worded as they relate to the victim. That is, they should say "are you being forced to have sex with people so someone else gets money?" as opposed to "are you being trafficked?" Unfortunately, those that are being trafficked often don't realise that is what has happened so the terminology does not resonate with them.
- Global government collaboration is required for international, national and domestic law and accountability of internet usage. Anti-trafficking groups need to be included in the discussion for internet governance as they can contribute to the profiling of

[82] E. Jardine, *The Dark Web Dilemma: Tor, Anonymity and Online Policing*, "Center for International Governance Innovation and Chatham House" Publishing House, Canada, 2015, p. vi.
[83] B. Westlake, M. Bouchard, R. Frank, *Comparing Methods for Detecting Child Exploitation Content Online*, "European Intelligence and Security Informatics Conference (2012)" Publishing House, 2012: p. 156.
[84] B. Westlake, M. Bouchard, R. Frank, *Comparing Methods for Detecting Child Exploitation Content Online*, "European Intelligence and Security Informatics Conference (2012)" Publishing House, 2012: p. 156.
[85] Luz Estella Nagle, *Selling Souls: The Effect of Globalization on Human Trafficking and Forced Servitude*, "Wisconsin International Law Journal, Vol. 26, No. 1, 2008" Publishing House, 2008, p. 133.
[86] https://www.wearethorn.org/wp-content/uploads/2015/02/Survivor_Survey_r5.pdf accessed today 30.11.2016.
[87] https://www.wearethorn.org/wp-content/uploads/2015/02/Survivor_Survey_r5.pdf p. 31 accessed today 30.11.2016.

traffickers with their wealth of information and can help to identify trends in keywords. Internet governance needs to be guided by an understanding of the human side of security.

- Police organisations need to trained at a local level on cybercrime activity and how to respond.
- NGOs need to trained at a local level on cybercrime activity and how to respond. They can help to provide further qualitative cybercrime understanding well after cases are finished legal proceedings.
- Mutual Legal Assistance Treaties on cybercrime need to be formed between nations[88].
- Government needs to work with private companies providing technology to gain access to information that will enable investigative policing to continue[89]

Conclusion

Human trafficking utilises much of the technology available today. Human traffickers are actively utilising both the surface web and dark web to operate their crimes in both the sale and recruiting of victims. Whilst efforts to fight human trafficking as cybercrime are beginning there is much work left to do. This work requires the further understanding of the situation, development of technology, training of those involved as well as governmental cooperation on a global level. It is possible to break into these systems supporting the human trafficking underworld and both prevent cybercrime and hold it perpetrators accountable.

Bibliography

General

1. M. Chertoff, T. Simon, *The Impact of the Dark Web on Internet Governance and Cyber Security*, "Center for International Governance Innovation and Chatham House" Publishing House, Canada, 2015;
2. E. Jardine, *The Dark Web Dilemma: Tor, Anonymity and Online Policing*, "Center for International Governance Innovation and Chatham House" Publishing House, Canada, 2015;
3. B. Westlake, M. Bouchard, R. Frank, *Comparing Methods for Detecting Child Exploitation Content Online*, "European Intelligence and Security Informatics Conference (2012)" Publishing House, 2012: pp. 156-163;
4. S. Kara, *Supply and demand: Human trafficking in the global economy*. "Harvard International Review" Publishing House, Summer 2011, p 66-71;
5. Luz Estella Nagle, *Selling Souls: The Effect of Globalization on Human Trafficking and Forced Servitude*, "Wisconsin International Law Journal, Vol. 26, No. 1, 2008" Publishing House, 2008 pp. 131-162;
6. P. Åström . *Beyond all Tolerance: A growing problem demanding new counter-measures*, "Save the Children" Publishing House, Sweden, 2004;
7. K. D. Mitnick, W. L. Simon *The Art of Deception: Controlling the Human Element of Security*, "Wiley Pub" Publishing House, Indiana, 2002;

Speciality works and related Legislation

[88] E. Jardine, *The Dark Web Dilemma: Tor, Anonymity and Online Policing*, "Center for International Governance Innovation and Chatham House" Publishing House, Canada, 2015, p. 10.
[89] E. Jardine, *The Dark Web Dilemma: Tor, Anonymity and Online Policing*, "Center for International Governance Innovation and Chatham House" Publishing House, Canada, 2015, p. 11.

1. United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons*, 2000; Article 3, paragraph (a)

Electronic Sources

1. http://assets.globalslaveryindex.org/downloads/Global+Slavery+Index+2016.pdf
2. http://fightthenewdrug.org/by-the-numbers-see-how-many-people-are-watching-porn-today/
3. https://www.wearethorn.org/wp-content/uploads/2015/02/Survivor_Survey_r5.pdf
4. https://www.wired.com/2014/12/80-percent-dark-web-visits-relate-pedophilia-study-finds/
5. http://terrorismanalysts.com/pt/index.php/pot/article/view/513
6. http://www.digitalreasoning.com/buzz/using-tech-to-find-victims-of-child-sex-trafficking.1719834
7. http://www.telegraph.co.uk/technology/internet/8851242/The-Hidden-Wiki-an-internet-underworld-of-child-abuse.html
8. http://www.critic.co.nz/features/article/3629/how-to-navigate-the-deep-web
9. http://www.nydailynews.com/new-york/nyc-crime/founder-rentboy-pleads-guilty-prostitution-charge-article-1.2821488?platform=hootsuite
10. http://www.latimes.com/local/lanow/la-me-ln-backpage-ceo-arrested-charged-20161006-snap-story.html
11. http://www.bbc.com/news/technology-29879851