

University of Tampere
School of Management
Administrative Sciences

European Union Law Enforcement's Factual Capabilities to Act on a Criminal Export; Transnational Child Sex Offenders

Turvallisuushallinnon Maisteriohjelma

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Supervisor: Professor Sirpa Virta

Anette Paavilainen

Summary

University of Tampere, Administrative Sciences, School of Management

Author: PAAVILAINEN, Anette

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Transnational child sex offending is a matter that falls in between different crime categories. Cooperation countering child sex offending at international or European level is often steered with the idea of using ICT for the exploitation, sharing material produced of the physical abuse, which is not necessarily the case in this crime area, though may be, for example in so called streaming cases. Trafficking in children can also have a bearing on this crime. These cross-overs, amongst other things can create a gap or difficulties in steering police actions to countering the crimes committed by Europeans against children living somewhere else.

Studies have been executed and projections have been given on the ecosystem and crime figures touching upon this form of transnational offending; however, there is neither much addressing the role of law enforcement and police in this context, nor on their actions. Police actions depend directly on the chosen strategies, what is deemed important, and what is less so. National situation data is a needed reference point, and the strategic steering of the police is vital for understanding the Pan-European capacity to act. Interviews of leading national police specialists from EU Schengen States can shed light on these questions – at least to some extent.

The results of the study were not surprising, and did not contradict the public image one has of this crime in the EU. Only a few cases are investigated, and many foreign child victims remain unidentified and without compensation - even in cases where the offender is known. There is some strategic management focusing on countering this specific crime area, but the focus is on the cyber context. Some countries put more effort into the investigations and have more cases than others. For the Pan-European approach more direction of the EU MS was requested.

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Abbreviations

API	Advance Passenger Information
APLE	Action pour les enfants (NGO in Cambodia)
CSAM	Child Sexual Abuse Material (also CAM used)
COSI	Standing Committee on Operational Cooperation on Internal Security in the Council of the European Union
ECRIS	European Criminal Records System
Eurodac	European Union (EU) fingerprint database for identifying asylum seekers and irregular border-crossers
EFC	European Financial Coalition
EMPACT	European Multidisciplinary Platform Against Criminal Threats
ETIAS	European Information and authorisation system
EU	European Union
EU MS	European Union Member State
Eu-LISA	EU-Agency for the operational management of large-scale IT systems in the area of freedom, security and justice
Europol	The European Law Enforcement Agency
GO	Governmental Organisation
ICT	Information and Communication Technologies
IJM	International Justice Mission (a NGO in Philippines and elsewhere)
ILP	Intelligence Led Policing
INTERPOL	The International Criminal Police Organization (also ICPO)
NCP	National Crime Prevention
NGO	Non-Governmental Organisation
PNR	Passenger Name Records
POP	Problem Oriented Policing

SIENA	Secure Information Exchange Network Application
SIS II	Schengen Information System, Second Generation (a governmental data base used by EU MS)
TCSO	Transnational Child Sex Offender
TCSO	Transnational Child Sex Offending
THB	Trafficking in Human Beings
Unicef	United Nations International Children's Emergency Fund (originally)
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
USAID	United States Agency for International Development
VIS	Visa Information System on visa applications by Third Country Nationals requiring a visa to enter the Schengen area.

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1. Introduction

I have worked on crimes against children for several years in Europol, the European Law Enforcement Agency. A large part of the work has consisted of actions countering transnational child sex offending, both internally in the EU, and in relation to EU-originated offenders violating children outside its area. The work has included tasks and projects on a large scale in the area of countering child sexual exploitation; strategic initiatives, such as co-driving the EMPACT¹ group on (cyberfacilitated or online) child sexual exploitation², participating in interagency cooperation (such as the working group on the terminology used addressing crimes of sexual nature against children) and operations and actions aimed at countering transnational child sex offending. In recent years, there seem to have been improvements in the area of granting the European Union (EU) Member States' (MS) police more adequate powers to fight the unregulated 'export' of persons from the EU posing a danger to children, for example in the form of a Directive on 'combating the sexual abuse and exploitation of children and child pornography' in 2011. Guidance or a rule is a good start, but does not make much difference when not enforced. Regardless of attempts to collect EU-level situation reports on EU-originating child sex offending, the whole picture remains unclear, especially when referring to civil society approximates on commercial child sexual exploitation around the world. With this study, I hope to find some answers, and give thoughts on what is done to counter EU-originating transnational child sex offending (TCSO), and on what role the strategic guidance plays in the process – first nationally, and then from a Pan-European view.

¹ European Multidisciplinary Platform Against Criminal Threats (EMPACT)

² *cybercrimes which cause serious harm to their victims, such as child sexual exploitation*, are included under Cyber-crime priority area (Europol 2014)

Hidden crime – the problem's magnitude

Only crimes that are reported or investigated end up in crime reports, and only convictions of crimes create conviction data, criminal records. The crimes that go unreported, unnoticed or un-investigated remain unknown. In the area of child sexual exploitation, for example, when adding more dimensions to the crime (it being commercial, taking place outside the perpetrator's home country), it is even more difficult. However, just to get an idea, one can take a look at the projections on children exploited in prostitution worldwide.

Child sexual exploitation in prostitution, sex trade and trafficking in human beings

In the year 2002, it was estimated that 9 million girls and 1 million boys were exploited in prostitution each year and that 2,376,000 infants were born to children exploited in prostitution each year (Ennew et al. 2008, 28). This is perhaps one of the clearest and highest numbers that are presented on the topic that there is to be found. However later it is presented that the amount of children exploited in prostitution remains high, granted that some of this may be due attempts to address the fact that there is no reliable data. In 2016 UNICEF estimated the numbers in millions, not more specifically, due to child sexual exploitation being a '*grey area of crime*' (UNICEF 2016). The U.S. Department of State on its behalf '*estimates that more than a million children are exploited each year in the global commercial sex trade*' (FBI 2016). As the references touch upon the same kind of crimes against children, but from different angles, they are not totally comparable, but good for showing how difficult it is to find any data on children that are sexually exploited by transnational child sex offenders in a '*commercial environment*'³.

³ Not taking into consideration the cases where the offender travels abroad with his victims.

Crimes outside the European Union in the context of national crime records

The generic projections on (commercial) child sexual exploitation cover the whole world. In the area outside of the EU, the children are not only exploited by persons originating from the EU, or the 'West', therefore the numbers as such are neither directly comparable with the local nor EU countries' national statistics. In general the crime statistics only cover the convictions in the country where the judicial proceedings take place, as the countries are responsible for their judicial systems' records, not for others'. Though systems like the European Criminal Records System (ECRIS) make the sharing of data easier inside the EU by the EU MS' prosecution and criminal court personnel (also law enforcement) for judicial proceedings (European Commission 2016a), the system consists only of data on EU MS nationals, not residents, and of convictions passed in courts in the EU MS. The main improvement compared to solely national systems is that the EU are obliged to share their convictions within the system (European Commission 2016c). Referring to the European Commission report on the implementation of Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from criminal records between Member States (European Commission 2016a), I have not been able to find guidance on ECRIS being available for the use of criminal intelligence when not part of criminal proceedings. However, outside of the scope of criminal proceedings, the European Commission states that it can be used for background checks on persons wanting to work with children (by the possible employer) (European Commission 2016e, 4).

The use of information and communication technologies

In 2013, it was stated by Europol that in connection to the opportunities and challenges of the growing Internet adoption around the world, child sexual abuse via streaming had emerged (in a wider scale) in addition to for example the possibility to exchange and store

massive amounts of child abuse material anonymously outside the physical computer. As the Internet develops, there are more possibilities for child sex offenders to stay anonymous, to network and to share knowledge, and more challenges for the laws and their enforcement to keep up to speed. (Paavilainen 2014; 119, 125, 126.) It is claimed that commercial⁴ sexual exploitation of children and child trafficking have become increasingly interconnected due to an increase of possibilities that information and communication technologies (ICT) offers, both for children and criminals, low budget flights to destinations, and for other reasons that serve as causes for a possible increase instead of decrease in the crime (ECPAT 2014).

Although not directly addressed in this study, the crime of using live-streaming for child sexual exploitation or/and ordering child abuse is either recognised as part of transnational child sex offending (though without the physical travel of the offender), or as an act that can lead to hands-on-offending in the destination, or something in between⁵. The area of streaming is not really 'mapped' yet, but there are some attempts to give light to this problem's magnitude. Though it is complicated to estimate the amount of children sexually exploited or abused with the help of ICT in general and on the online streaming cases, the situation with child sexual abuse streaming case referrals to the Philippines⁶ police, according to a non-governmental organisation (NGO) International Justice Mission (IJM), is quite remarkable as the following example shows. In 2014, the Philippines Department of Justice dealt each month with 1,000 international law enforcement referrals regarding online streaming (abuse taking place in the Philippines). In 2015 the amount doubled, and in 2016, only during the first quarter of the year, there were over 18000 such referrals from

⁴ exploitation of children in prostitution, child abuse images (and other cyber facilitated crimes in relation) and sexual exploitation of children in travel and tourism

⁵ A Swede was convicted for the rape of a child in Philippines by the use of live-streaming
<https://www.rnw.org/archive/man-jailed-sweden-child-rape-philippines>

⁶ which has a questionable reputation of being the source for CSE online streaming in many cases

abroad. IJM states that the crime is not under control, and more worryingly the same organisation states that of this child sexual abuse material (CSAM), 86% depicts children at primary school age and younger, 6% being infants. (IJM 2016.) In 2015 the European Financial Coalition also stated that 'live-distant-child-abuse' is taking place at a notable scale. (EFC 2015).

In the end, abusive acts by the use of ICT can be interconnected, The children are not only offended against by their 'owner/provider/parent/or else' following orders via webcam and receiving money transfers; they can also be offered for hands on offending by persons that travel to the destination after or in between 'live-shows' while providing for the services (of abusing children) in different ways. (Paavilainen 2014, 126). The area of using ICT in any crime field changes and develops as the tools develop. What is stated today as an emerging threat is old knowledge tomorrow. One of the many challenges in this crime area is to understand the interactivity between the physical world and Internet.

Transnational and other sexual crimes against children are hidden crimes

As there are no reliable statistics or reporting, on which one can base a study, the assumption is that child sex offending is in general, and in the case of TCSO, a 'hidden crime'. This is one reason why I'm looking for statistics in literature and asking the interviewees for statistics, hoping to see whether this assumption is correct. While I doubt that I will find relevant data directly, I'm afraid that not knowing the full picture will remain a part of the truth. However, it seems fair to say that Europeans and Westerners are quite a visible part of the problem, as for example in Cambodia, where there are public calls for deportation of foreign child sex offenders in order to protect Cambodian child victims (APLE 2016).

2. Focus of the Study and Research Questions

When looking into any specific crime type and the law enforcement (LE) or police actions countering it, strategic governance is a vital part in successes or failures. This study tries to build an overall picture on how a Pan-European policy is strategically managed in the police in different countries. It addresses areas that are steered with a European agreement, so that the interviews can give a possibility for comparison and understanding the wider, EU picture. In this study, the EU-management mechanism is a product of the functioning of the European Union, where at least partially, the national activities to counter the main crime areas touching upon the EU countries are agreed on and instructed with EU level legislative (and less binding) documents. With reference to this specific crime area, Directive 2011/93 on combating the sexual abuse and exploitation of children and child pornography is seen as the driving force for the approach to sexual crimes against children, stipulating rules to be followed, leaving the way of legislating the rule up to a Member State (European Commission 2016d).

The focus

The most important source of information in this study are interviews with EU MS police specialists on their national situation and strategic management on countering transnational child sex offending actions in reference to the existing EU-guidance, and what they think 'can be done'. This study focuses on the physical offending of sexual nature against children taking place outside the EU, while the offender's origin or place of permanent residence is in the EU. In addition, there is a presumed element of commercial exploitation, whether it is money, goods or a promise of anything to the child or someone profiting from the child (exploitation). This leaves out many types of offending, for example any domestic traveling child sex offending or any child sex offending taking place in the EU, whatever the child's status is (EU-citizen or other) and whether the offender is an EU-citizen or oth-

er. I will leave outside of the main scope any other criminal activity that may be openly or hidden in the transnational child sex offending (TCSO) crimes, as though we discuss TCSO, a single event of child sexual abuse may be a part of another or a wider crime or organisation, for example trafficking in children. I will not go into discussion on reasons behind children being 'sold' and exploited, push or pull factors, poverty, or in general possibilities to act differently; however I may address issues that are 'brought to the table' during the interviews, such as commercial streaming of child abuse in any form. My intention is not to concentrate on any specific destination country outside the EU, or on an EU-country that may 'export' many of the abusers, or on a country that is very active in taking responsibility for their nationals abroad. Sexual offending against children in a specific country by its own population is not part of this study either. In addition, I do not go into victimology more than necessary; however, in case there are any results for example on the victim compensation⁷ questions in the interviews, I will include them as widely as I can.

Terminology and its importance to a common view for proceeding

As in the field of transnational child sex offending, we do not discuss one exact crime in any national legislation directly, instead rather the circumstances of a crime, in which a child or children have been sexually offended against. It is important to describe the boundaries and vocabulary used to avoid unnecessary misunderstandings while conducting the research, reporting the findings, and possibly presenting recommendations. The terminology used is as recommended by the International Working Group on Semantics around child sexual exploitation in terminology guidelines (Greijer et al. 2016). In addition to using vocabulary that is not adapted from 1970's set of values (and understanding of this crime), or from offenders' slang minimising their own criminal action and the violation

⁷ compensation for the crime they have been subjected to

of a child, there are further reasons for the need to have similar understanding on matters in one language, not to mention (a)cross the language barriers.

Countering this crime phenomenon is one of many fields in the context of crime strategies or security strategies in a society where all these different areas build the wider security. For example in the area of comprehensive security, M. Branders points out that different security strategies include a certain culture of secrecy. This, together with the dilemma of increasing demand for openness, complicates the possibility to create an overall picture in the (comprehensive) security area. She adds that in order to get the wider picture, have an understanding of the systematic vision, and create connections between different (security) orientations, to understand problems related to continuity and to develop joint understanding and shared experiences, the authorities should have a common language. How else can the civil world join the authorities' actions in building a safe society by joining the common goals, and work to get there? (2016; 31, 32). Though this study focuses only on one crime aspect, the need for common language cannot be denied when discussing one crime area amongst many that are mandated to the same authority at the strategic level. Homogenous vocabulary matters. It is the only way to work towards common goals.

The same problem as Branders described transfers implicitly to countering this crime area that is very much a multi-stakeholder policy area. This makes the correct vocabulary even more important when discussing analysis in policymaking process. As the analysts and politicians have different aims and different ways of thinking, realities must be unambiguous so that one can minimise the risk of misunderstandings – that can take place by accident, or on purpose (George 2014, 9). All in all, one can have a reservation on the crime 'field', and how it is addressed locally, nationally, internationally, in LE cooperation, and in wider cooperation. If there is still no consensus on how it, or the different sides of it, should be addressed, it is a difficult area to study and discuss.

2.1. International Legal Framework around Transnational Child Sex Offending

The area of combatting sexual crimes against children (this including transnational offending) in the EU was guided with a Framework Decision for years (Council of the European Union 2003). Prior to that and contemporary with it, the Council of Europe Convention for the protection of children against sexual exploitation and sexual abuse (CETS N°201), also known as Lanzarote Convention (Council of Europe 2007), was seen as the main agreement for national responses in this area in the signatory countries. When DIR 2011/93⁸ appeared in the end of 2011, it was expected to give further possibilities to combat sexual exploitation of children in the EU and beyond, being legally binding for the signatories⁹. However, it is worth stating that EU countries, on a large scale, changed their respective legislation and systems even before the Directive, both due to the Framework decision and Lanzarote Convention. However counter-actions on sexual crimes against children in general are regulated by and from many aspects in our society. This is clearly visible for example in the Directive that is the focus in this study, where it is stated that for the drafting of DIR 2011/93, in the ordinary legislative procedure, all main international conventions and EU-agreements touching upon the topic were taken into consideration, and at face value. This includes addressing children's rights and children as victims of crime¹⁰, the EU from different perspectives and its functioning¹¹, criminal procedures¹², and other aspects.

⁸ 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.

⁹ *Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application* (DIR 2011/93, point 52). The same comment goes for all the references with DIR 2011/93

¹⁰ United Nations Convention on the Rights of the Child, the Charter of Fundamental Rights of the European Union Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography (the predecessor of the Directive), Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings, the 2000 United Nations Optional Protocol to the Convention on the

2.1.1. Directive 2011/93 on combating the sexual abuse and exploitation of children and child pornography

The deadline by which EU Member States¹³ should have adopted the national transposition measures (incorporate the obligations of the Directive into national law) was at the end of 2013 (DIR 2011/93 Art 27). This process was followed up regularly; less than half of EU MS had fully implemented the Directive in March 2015 (European Parliament 2015), and still in July 2015, six EU MS¹⁴ had not implemented it (Times of Malta 2015). Finally, at the end of 2016, the European Commission stated that though there were several (all, but 12) EU MS that hadn't completed the transposition, the opened infringement proceedings¹⁵ were closed by 8 December 2016 (European Commission 2016e, 6). While the Directive's direct impact on police work is an area of interest in this study, it is not the intention to try to update or repeat a study on its implementation.

In the Description of 'child sex tourism' in DIR 2011/93, the physical crime against a child takes place abroad¹⁶ as described above. Accordingly, EU MS are encouraged (in point 29), where '*child sex tourism*' takes place outside the union, to try to improve cooperation with international organisations and countries outside its area, by the use of available treaties and (inter)national instruments; bilateral or multilateral treaties on extradition, mutual

Rights of the Child on the sale of children, child prostitution and child pornography and the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (so called Lanzarote Convention)

¹¹ Treaty on the Functioning of the European Union, Treaty on European Union, the Stockholm Programme,

¹² Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings

¹³ 'Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application' (DIR 2011/93 (point 52))

¹⁴ Greece, Spain, Italy, Malta, Portugal and Romania, Belgium and Malta para 25 in Directive 2011/93.

¹⁵ for non-communication of national transposition measures

¹⁶ In this study the focus is on crimes taking place outside the EU.

assistance¹⁷, transfer of the proceedings and so forth. In addition, EU MS are encouraged to cooperate with the countries outside the union using the relevant national legislation to prosecute child sexual offenders. Further, in the same point, it is recommended that the jurisdictions '*should be amended*' so that EU-originated child sex offenders can be brought to justice whether they commit the crimes outside the EU or in the area. (DIR 2011/93, (29)). In other words, the member States are tasked conditionally to assist and cooperate with the countries where Europeans abuse children, to bring the offenders to justice where the crime takes place or at home, in case the country where the crime takes place does not act accordingly. A conflict of jurisdiction can occur for many reasons, for example due to international police-cooperation, or multi-stakeholder co-operation encouraged in the Directive. For a conflict of jurisdiction or other conflict, the coordination of prosecution of crimes listed in DIR 2011/93 should be facilitated by the implementation of Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings. (DIR 2011/93, point 4.)

The requirement for dual criminality in sexual crimes against children listed in DIR 2011/93 should have been dropped in the EU. All are ordered to ensure that its '*jurisdiction is not subordinated to the condition that the acts are a criminal offence at the place where they were performed*' (DIR 2011/93 Art 17(4)). In case an offence that is listed in DIR 2011/93 is not considered an offence where it takes place, but the act is criminalised in the MS, the MS is obliged to act upon it. Double jeopardy, or 'ne bis in idem'-principle is in effect in all the EU MS¹⁸, as dictated in the previously mentioned Council Framework Decision on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (The Council of the European Union 2009). In other words, it should not be possible in any of

¹⁷ MLAT, rotatory letters and other legal/judicial processes will not be processed in depth. When there is no specific EU-rule, the world wide agreements in general apply [https://www.unodc.org/documents/organized-crime/Publications/Mutual Legal Assistance Ebook E.pdf](https://www.unodc.org/documents/organized-crime/Publications/Mutual_Legal_Assistance_Ebook_E.pdf),

¹⁸ should have been by 15 June 2012, Art 16

the EU MS to prosecute a person for a second time for the same offence, whether there has been an acquittal, conviction or multiple punishments for same offence¹⁹. The USA has taken a different approach in their policies by basically removing the 'ne bis in idem' protection in cases of TCSO. The US-authorities can '*prosecute and incarcerate individuals who victimize children and remove any statute of limitation on crimes involving the abduction or physical or sexual abuse of a child*' abroad. This has been possible since 2003, after the passage of the federal Protect act. (FBI 2016.) The development concerning offender's liability has been rather different in the US and the EU. The main difference in this development, is that US can bring an offender to justice at home regardless of judicial proceedings in a destination country. In case the offender for example uses corruption to get away with the crime, EU-countries cannot reopen the case, as it has been already dealt with in another justice system. The EU trusts the others' judicial systems.

In Directive 2011/93, the main recommendation directly and solely addressing countering transnational child sex offending as such is in Article 21. It stipulates that countries should have measures against advertising abuse opportunities, organising such for others '*whether or not for commercial purposes*', and arranging travel aiming at committing child sex crimes abroad. The Article focuses on crime prevention; however, as it's obligatory and the results are very difficult to measure, it was not looked into in this study specifically.

2.2. Earlier Studies

On Child Sexual Exploitation and Child Sexual Abuse

The area of TCSO cannot be addressed without discussing the parent category, sexual offending against children, which has been subjected to numerous academic studies over the years; research articles addressing the medical analysis of child sexual abuse images

¹⁹ <http://legal-dictionary.thefreedictionary.com/double+jeopardy>

(Cooper 2011), the psychological aspects, like the impact of abuse allegations (Minto 2016), or interagency cooperation on the terminology used addressing crimes of sexual nature against children (Greijer 2016), and so forth. The area is so wide, that it is impossible to map it sensibly for this study. The executed Google Scholar searches (including articles) give a sense of the amount; the search string *'child sexual abuse'* created 330.000 hits, and respectively *'child sexual exploitation'* created 283.000 hits.

On Transnational Child Sex Offending under the Trafficking in Human Beings Umbrella

The transnational side of child sex offending has been in the focus of several studies during the years, lately discussed for example in "*the Global Study on Sexual Exploitation of Children in Travel and Tourism*" (Hawke et al. 2016), which addresses the crime of child sexual exploitation mainly from the non-governmental-organisation (NGO) viewpoint, very much in parallel to the situation of (adult or legal) prostitution and related trafficking in human beings (THB). The crime (conviction) statistics and national authorities' statements or views are mostly missing from most of the researches available for a wider audience.

Children and exploitation in sexual context are rarely discussed in depth in the serious studies on THB. For example in the European Journal of Criminology, in its special issue on human trafficking, unaccompanied minors and suspected child trafficking are mentioned in a few paragraphs concentrating on addressing the state systems for unaccompanied (asylum seeker) minors. Acknowledging that minors in transit countries are at a high risk of being trafficked (Perrin 2010, 21), the possible sexual exploitation or abuse is not further discussed in the views presented.

On International Police Cooperation

International police cooperation has been studied to quite some extent. One can find, using Google Scholar²⁰ with the search words 'international police cooperation', 2320 results', not including articles, however it is not without effort one finds a study compiling the elements of TCSO (or related) and international police cooperation. The best results in this study emerged from searches within the university library search results. In the book 'International Police Cooperation', though not addressing only crimes against children in specific (Lemieux 2010), Gerspacher and Pujas state that by enhancing (international) cooperation, national law enforcement representatives are clearly after *'the realisation of a much bigger project as this includes the construction of a single judicial area at a regional and/or global level'* (2010, 259), which is in line with DIR 2011/93, giving sexual crimes against children the liberty of double criminality. The Directive states that the MS are obliged to make sure that their jurisdiction is free from the double criminality-condition²¹ (DIR 2011/93 Art 17), creating an area of countries addressing the crime 'with the same principles'. Especially in crimes that victimise people outside the EU's jurisdiction, police and judicial cooperation is key. How else would the victims be compensated and offenders brought to justice?

Though not concentrating on TCSO the same dilemmas as in this area jump out in police cooperation studies, for example B. Caless and S. Tong discuss the concerns of declining budgets, judicial bureaucracy and slow responses on crime. The police is asking for overarching international laws (*corpus juris criminals*), for which there is no political appetite, on the contrary. (2015, 188.) For many reasons, the downfall of the markets, struggling EU economy and migration related chaos, it is easy to imagine that any Pan-European action

²⁰ 29 September 2016

²¹ '... shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the acts are a criminal offence at the place where they were performed'

to promote possibly expensive investigations and laws backing such actions up, does not really seem to be on the horizon.

On Directive 2011/93 on combating the sexual abuse and exploitation of children and child pornography

The adoption, implementation and studies on the implementation processes (by the MS) of Directives take place constantly. DIR 2011/93 is no exception. The studies on this topic concentrate on the adoption and legality processes as such, for example 'The International Legal Research Group on children's rights together against sexual exploitation of children' executed a study 'How has Directive 2011/93/EU on combating sexual abuse and sexual exploitation of children and child pornography been transposed into 12 EU Member States', focusing on the transposition of the Directive after the period for transposition was closed (ELSA 2015). Perhaps the latest study (at the time of writing this) addressing DIR 2011/93 transposition measures taken by Member States is the European Commission report to the European Parliament and the Council on 'assessing the extent to which the Member States have taken the necessary measures in order to comply with Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography' (European Commission 2016e).

2.3. Research Questions

The EU police are expected to act on crime; this includes sexual crimes against children. When it comes to an EU-citizen, or a permanent resident of an EU-country, offending against children, the responsibility of the EU police (or LE) is not limited to the EU. There is an obligation for the respective EU MS' police to act – regardless of the child's location. (DIR 2011/93; (27), (29). Do the EU, or more precisely in this study, Schengen Countries, comply with the obligation?

The research topic to this study was, and the research question remains **'What do the EU MS police specialists think of their possibilities to work on transnational child sex offending (TCSO) taking place outside the EU?'**

- What is the national situation in terms of TCSO-cases? Is there intelligence, and is it acted upon? Are there factors that enable or hinder possible investigations or international police cooperation?
- Is the police in the EU supported nationally by the means or resources, and do they have what it takes for interventions? Does DIR 2011/93 through national adaptation, or some other guidance, give enough tools to MS' police to work within the area of TCSO?
- In case the interviewed experts don't see DIR 2011/93 having had a significant impact in the EU MS in this area, do they think something else has affected the work of police in MS positively or negatively during the last few years?

3. Research Methods and Material

I use this chapter to describe the material used in my study, which consists of a structured literature review and qualitative interviews, more precisely; I chose the general interview guide approach and directive quantitative questions, with the aim to conduct a qualitative research with an evaluative excerpt. It is said that the novelty of produced information is the main qualitative criteria when conducting a research in a previously unknown area (Raunio 1999, 327). Whether this study can create new information, and that way meet the qualitative criteria, is a challenge that depends largely on the interview process and selected methods.

The problem was qualified and conceptualised, the conceptual framework for creating the questions was created, and this framework affected the definition and specification of the theme (Alkula 1994, 34). After developing the research plan, I chose the methods for collecting answers to the questions (Alkula 1994, 36.) At the planning stage, and through the study, limiting the topic properly has been very important (Hirsjärvi and Hurme 2008, 6). The main themes in this study can be divided into two: first, the national situation; second, police strategic management, the two areas being interconnected, and used to developing a wider picture. The first consists of the crime itself and the elements within; crime processes, intelligence on on-going and past cases (statistics), victims, suspects of the crime (procedures, convictions), offenders' Modus Operandi, details on their stay/travel abroad, their financial gain, sanctions and compensation to victims, and more. The second part addresses national choices on strategic management for the police; mainly on law enforcement's possibilities to act, possible limitations and needs for improvement, possible changes DIR 2011/93 may have brought, and possible changes at national police level (Figure 1).

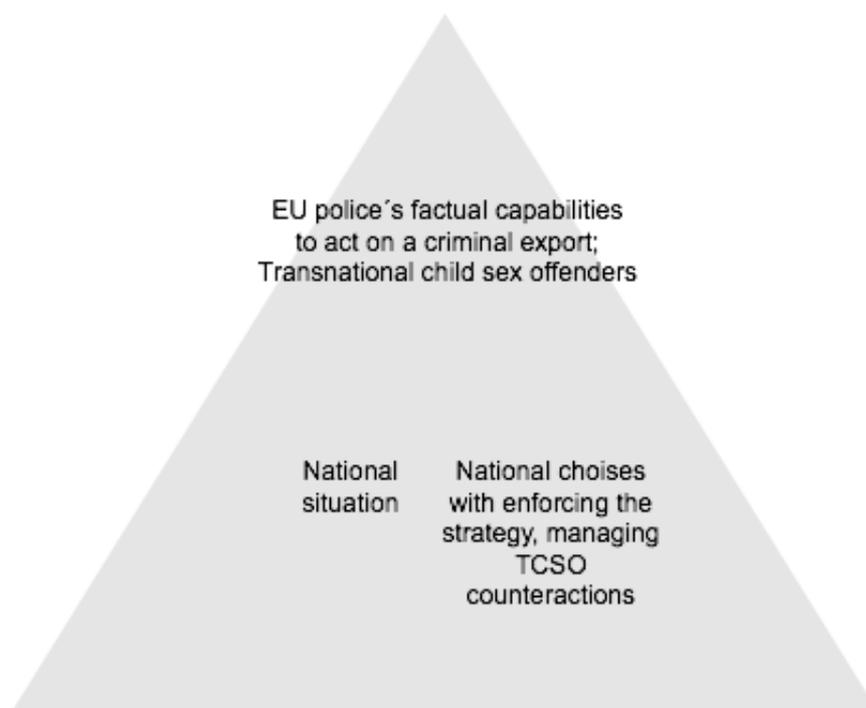


Figure 1. The interconnected national situation and police strategic management for building a Pan-European view

3.1. Literature review

The aim of a systematic literature review is to gain objective research data by collating different (academic) studies and analysing the results. For the execution of systematic literature review, the research topic needs to be clear (Metsämuuronen 2001, 22); in this case the focus is on the strategic management of the EU MS police in their actions countering transnational child sex offending. The material used in this study is two-fold by nature.

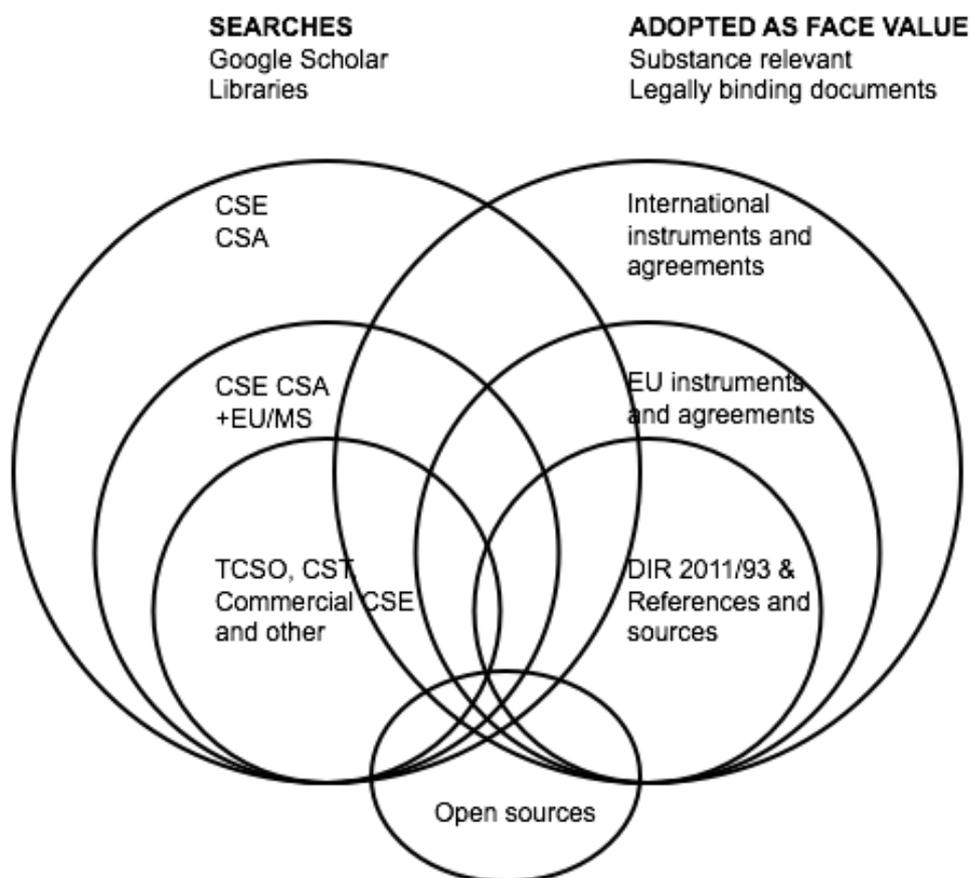


Figure 2. Literature review by sectors in this study

3.1.1.Face value – binding documents

In Figure 2, the cycle on the right hand side represents the material that is adopted at face value for this study, including the main international agreements and tools, the EU legislation and guidance regarding the EU MS' law enforcement actions on transnational child sex offending²², the main reference document being Directive 2011/93/EU²³ 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, replacing Council Framework Decision 2004/68/JHA, the documents referenced in DIR 2011/93, and the preparatory documents of the Directive itself. All the documents discussed in more detail in point 2.1

²² in this study: the countries from where the offenders may originate

²³ originally nr 2011/92, changed in the official journal to 2011/93.

‘International legal framework around TCSO’ must further be seen as relevant for this study, the material being valid as ‘need to understand’ to give the study the proper base, though not all is referenced. There are many cross cutting issues, and when discussing the selection criteria for the used material, it is clear that the legally binding comes first. The more there is a guiding ‘tone’ in any material, the less value it can be given. (cf. Metsämuuronen 2001, 22.) As the study moves in to the area of police management in the EU, the material where Lanzarote Convention²⁴ and DIR 2011/93 have been commented on, or used, and links from these, have taken priority. For the topic of police cooperation, searches in libraries with greater focus on the (Law enforcement or police) co-operation were used, and finally for describing actual events, or situations, open sources resulting from specific searches were subject to greater consideration and focus.

Research limitations

By choosing different tactics or focus at any point, the results would most likely differ, but how much, and whether towards more or less relevant, are valid questions. At best one can build a hypothesis, and be honest about the fact that the whole truth is not being elaborated in this study by any means. When discussing research in general, the importance of source relevance must be underlined, what is included and what is excluded, these choices respond to the perspective, whether chosen or having taken shape during the process (Alkula 1994, 36). Concerning any child sexual exploitation related study, one has to understand the correct parameters – for example unethical and fake research can be done or influenced by persons or bodies advocating for sexual child abuse being legal and natural²⁵. The limiting of the study to correct material is important, or rather, vital (cf.

²⁴ as de facto predecessor of DIR 2011/93

²⁵ For example North American Man Boy Love Association, www.nambla.org/

Metsämuuronen 2001, 24). Not understanding this essential bias and underlying danger, one can harm the work done to protect children.

3.1.2. Database Searches

The cycles on the left side in Figure 2 represent the earlier studies on the topic, in wider and then in more narrow sense. As DIR 2011/93 came into force in 2011, the searches were first limited to `since 2010` for keeping the findings relevant (Metsämuuronen 2001, 24) and for reflecting the possible changes the Directive may have brought with it. There are a few exceptions due to the fact that there was nothing in the selected material that could have been used in this study, as an example, there were not really enough projections on commercial sexual exploitation of children (in prostitution or other similar-enough categories) in any `newer material`²⁶ to be found, therefore also older than 2011 material was used to shed light to the matter.

It is difficult to have a clear picture of the amount of research done on this specific area of interest. The only obviously missing part was on the crime statistics. It is generally understood that statistics do not tell the whole story of a crime, therefore a closer look is needed, in this case starting with the Internet, where Google Scholar was used as the search tool. I developed search term strings for the purpose, starting with a few key words, and then adding focus and exclusion -terms to narrow down the area of hits. In practice, the searches were started (all searches since 2010) with the string `child sexual exploitation` (CSE). This search created over 28.000 hits. `Child sexual abuse` (CSA) and `child prostitution` both created over 20.000 hits for the same time span. By adding `European Union` or `EU` to the previous strings, the `CSE`-search dropped to 17.200, the `CSA`-search to 18.800, and finally the `child prostitution`-search to just above 12.000. By adding further limiting

²⁶ Since 2010

terms to the search string `Child sexual abuse EU`, the hits were reduced as follows: `+migrant` (18.200 hits), `+child pornography` (380 hits) `+domestic` (188 hits) to variable mostly irrelevant topic-results. The child sexual exploitation -search results decreased as follows by excluding further words `migrant` (17.600 hits), `child pornography` (2.100 hits) and `domestic`, finally leaving slightly over 900 hits, again mostly outside the scope of interest. Most of the `child prostitution`-search results on studies were slightly off the scope, again by further exclusion; with the words `migrant` (8.500 remaining), `child pornography` (300 remaining), and finally `domestic`, 137 remaining, most being outside of the topic of interest. The combined search `transnational child sex abuse EU` created 13.200 hits. The combination `transnational child sex exploitation EU` gave 17.000 hits, the same results surfaced with terms `traveling child sex offend EU`, and `child sex tourism prostitution`. `Traveling child sex offend EU` generated over 6.000 hits, `child sex tourism prostitution EU` generated 5.200 hits, and with the exclusion of `USA`, 2.800 hits remained. The only conclusion that can be made, based on all the searches, is that one has to know the substance to make sense of what can be found.

In addition to Google Scholar, the main databases and search engines that were used were the University of Tampere, `Taylor and Francis online`. The main aim was to find publications that would match the focus of the study. I tried to follow the strategy presented by J. Metsämuuronen, in addition to focusing on the relevant time span, first searching databases with chosen keyword strategies, then after checking and accepting the relevant findings, using the literature from these findings as study material, and finally focusing on (series of) publications, searches by reference, and finally grey area literature (2001, 24). Following the path proved to be challenging, as there are many cross cutting issues, and the terminology used in this crime area is vague. For finding relevant academic publications, the University of Tampere library and `Taylor and Francis online` were searched with

various search combinations, and due to the smaller amount of data (than in google scholar), it was possible to search for relevant publications by going through the search results (cf. Metsämuuronen 2001, 24). Nothing exactly matching with (commercial) transnational child sex offending was found, but on a wider scale there were hits matching close enough, all the legally binding documents in the area, to start with, and further publications, such as `sex trafficking and the commercial sexual exploitation of children´ (Miller-Perrin 2016). Searches around child sex tourism also picked up some relevant publications, `the network of interrelations constituting commercial child sex tourism´ (George 2012), and other publications that were of use. Utilising results from the searches, it was possible to go further with the use of references from selected books, and studies. That search was aimed at collecting the data to be used in this study (cf. Metsämuuronen 2001, 24). In the end, further series of publications that were results from (the university library and Google Scholar) searches, were looked into, the European Journal of Criminology, Journal of Women & Therapy among others.

3.2. Qualitative research with an evaluative approach

Process or programme effectiveness evaluation

As this study actually addresses processes in systems that are static by nature, process evaluation is a view to be taken into consideration. The other possibilities, formative or result evaluation, are not so applicable (cf. Tanskanen 2003, 16). According to A. Clarke and R. Dawson, evaluation is an applied research that aims at producing understanding for decision making, and of programmes´ function and effectiveness — therefore also being called programme effectiveness evaluation. They describe the data collection required specifically for the evaluation study, which does not aim at instructing reality as in a ground study, but to increase the understanding of existing knowledge. (Clarke & Dawson 1999, 35). By reviewing the national situation and the national strategic management decisions, the study aims at understanding how the countries´ police actions are ultimately steered at

the European level. The main approach lies more on the side of an evaluation study than a ground study, at least at the level of its goal.

C. Robson states that the link between evaluation and research lies within a planned study design, data collection, analysis and interpretation of the findings. However, the findings and the recommendations can be considered reliable only when scientific research rules are followed. (Robson 2001, 25.) Clarke and Dawson further state that the risk of getting misleading results is high when using wrong methods (Clarke 1999, 36), therefore attention must be paid to being open about the limiting factors concerning this study; it focuses mainly on 9 persons' opinions, all representing quite a homogenous group; representing one police force and the respective EU Member and Schengen Member State. However, evaluation occurs in all environments, both formally and informally. For the reasons explained, this is not a pure evaluation research, as it does not use a specific standard social research method for the purpose of evaluation process (Clarke 1999, 35.) This study is aimed to be a qualitative research with an evaluative touch, based on documentary analysis and general interview guide approach in semi constructed interviews that are mainly built on thematic questions for gaining access to qualitative data.

3.3. General interview guide approach

The general interview guide approach is also called the thematic interview approach in Finnish, which I think is quite telling for the method, because the interviewees are asked the same questions to which they can respond freely. The aim is to understand what is said in the context of the selected themes. In this study, by using the general interview guide approach in the interviews with police experts, the aim was to gain understanding to thematically divided open end questions addressing the national situation in this specific

crime area and the strategic management in place for dealing with it, hoping to see whether there is any noticeable Pan-European guidance.

Having had a long experience in police hierarchy and in international cooperation on the topic, positioning the interviews into a wider context did not seem problematic. One of the main reasons for the use of qualitative interviews in the first place is to gain understanding of the `wider picture` (Hirsjärvi 2008, 35). As the interviews came with the possibility to both contact the interviewee later on, and to place further questions during the interview, unlike when for example sending a quantitative questionnaire alone, there was a good possibility for getting all the information the researcher just understood to ask. The process did not only profit the study, but also professionally, as when working at the international level one has to listen to the top professionals to update one's own understanding. It was decided not to transcribe everything, only the matters in direct connection to the questions, as at minimum the discussed themes of the interviewee's responses during the interviews with general interview approach have to be included in (Hirsjärvi 2008, 138). In this study this means leaving out any delicate discussions that took place, and changing the countries to codes in any reference, to protect the anonymity of the respondents.

Mixed method

The general interview guide approach seemed like the best alternative for the expert interviews; however many of the questions were partially in the form of multiple choices. This was for getting directly comparable data in terms of numbers or yes/no answers, as a quantitative research method. (Hirsjärvi 2008, 30). I placed the questions, following quantitative questions, in the interviews in a semi constructed way, to which answers do not have a certain formula; for example `why do you think this is, do you want to add something?' (Hirsjärvi 2008, 47). The `educated opinions` on themes and individual questions were sought for. I decided case-per-case in which order to present the questions. Some of

the questions were easy, but not all. It can be difficult to pinpoint negative matters (mainly concerning budget, or other sensitive matters), and these answers, I think, are the ones that may give added value to this study.

The qualitative and quantitative methods were used to complement each other. This approach is used widely in the development studies, and though this is not a study addressing development policies, where it is often stated that both quantity and quality data are needed for decision making, for example by USAID: *'quantity and quality of indicator data (is) needed for management decision making and reporting on strategies, projects, and activities'* (USAID 2016, 113), the use of both cannot harm when trying to understand the EU counter-actions and strategic guidance in one crime area. Further, taking a look at the Development Policy Cycle by USAID in Figure 3 (2016, 13), and comparing it with the EU Policy Cycle in Figure 4, (Europol 2016), one cannot miss the seeming similarity in a cycle structure in planning and strategically managing the two different areas.

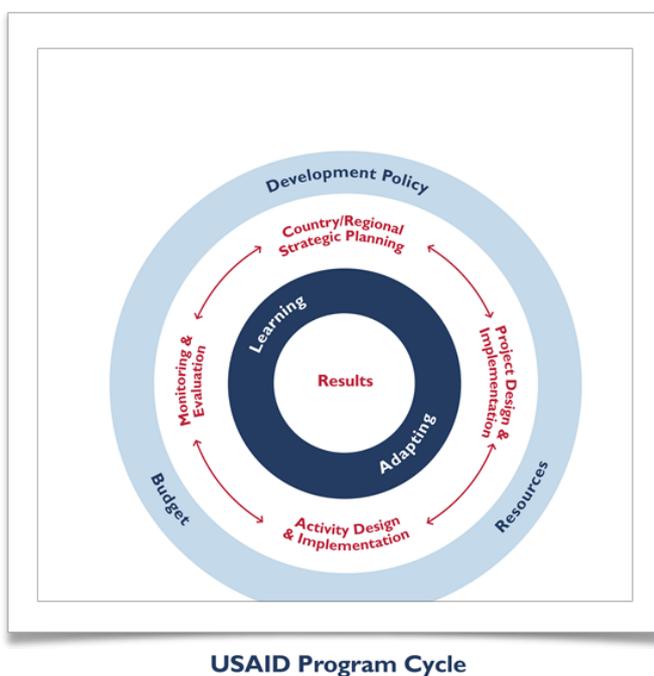


Figure 3. USAID Program Cycle (USAID)



Figure 4.
EU Policy Cycle
(Europol 2016)

Not to mention the similarities with the traditional intelligence cycle presented by Clark, in Figure 5 (2013, 5), and many other cycles portraying analysis or strategic actions, giving a good reason to think that all actions should be based on planning – Information – evaluation before repetition, or keeping the situation in a stand still.

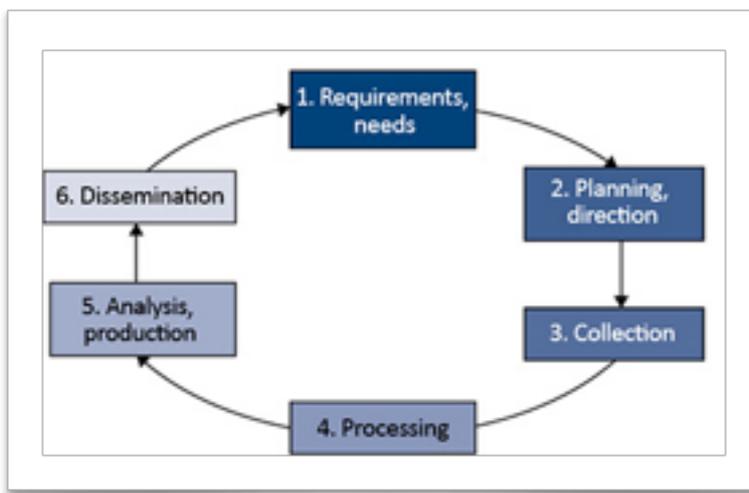


Figure 5. Traditional
intelligence cycle
(Clark 2013)

The area is not mapped

According to Hirsjärvi and Hurme, a good reason for executing a study is that the area is not widely scanned or mapped (2008, 35). That seems to be the case here: studies on transnational child sex offending (or related criminality) in combination with police cooperation, police management, or related governance/management focus within the EU context

are hard to find, especially considering the public access requirement for the study and the study being of adequate quality. For building an understanding of the situation of counter-ing this crime area, as stated earlier, it is not realistic to think that one would find detailed exact criminal records either by studying literature, or by asking the MS to share such records for an open access study. In addition to the difficulty of getting access to national conviction data in the first place in the EU, the ways countries register cases of transnational child sex offending vary. Only a few governmental institutions publish studies or statistics on crimes against children in the first place in the EU. With the exception of the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, who publishes data and research in her circle of interest (Dutch National Rapporteur 2016), there was no usable data for this study.

Fixed questions to police experts for quantitative data

Having access to police specialists in this area is an asset that one is almost 'obliged' to use. They are an interesting subject group, and they should be asked to have a say, and record their thoughts. Knowing that the police specialists understand this problematic area, I was convinced that I would get closest to the truth by investing my time and effort in personal interviews in as many cases as possible. I believed that questions to police experts with a possibility to discuss would reveal some interesting information of the national state of play; whether this crime area is on the radar, whether there are direct efforts to investigate and whether prevention activities are supported in the police hierarchy. When adding management's viewpoint to the picture, I cannot see a better reference group to assess the situation and their view on how the system's hierarchy supports (or hinders) actions against offenders from the LE perspective. Fixed questions, multiple choice formats or approximates, were used in the interviews with the intention to categorise the countries by differences in their activity levels or regularities in the data collected (Hirsjärvi 2008, 149).

In the highly unlikely case that an interviewee would have given an exact crime report or specific convict data, it would most likely have been quite useless. One major limiting factor for the information collection and interviews was the absolute necessity to keep the results anonymous when reporting for the protection of the countries and interviewees' identities; therefore exact numbers are difficult in more than one way.

Interviews and the Interviewees

One can possibly lose nonverbal messages in case the data is not collected "tête a tête" (Hirsjärvi 2008; 64, 119), and as English is not the dominant language of any of the involved parties, personal interviews were preferable. Therefore, the way of conducting the interviews was rather clear, in person and alone. In a few cases it was clear that either a phone or email interview would be the only choice. Also for further questions, phone or email were the choice for contacting most of the interviewees again. It is clear that in a study, the amount of interviews has to be limited (ibid. 2008, 60); in this study it was decided to be at maximum ten. Though a larger number would most likely have given more comprehensive results, one has to compare efforts with possible results, ten or close to ten interviews should be enough to shed light on this matter; after all, the EU consists of less than 30 countries – and Schengen, that I chose to further concentrate on, is even smaller.

At the beginning there was a plan to possibly interview representatives from the biggest world-wide NGOs, INTERPOL or Europol, but for keeping the context in strategic management in the EU MS' police, I dropped this idea, to focus on countries, not on what representatives of bodies outside the national police structures would think or advise, having their own interest. Further, it was considered that countries of medium size in the EU would be addressed, fitting into a size scale between two and ten million persons. That would have enabled a straight forward comparison, and possibly building hypotheses.

However, this idea was dropped, as it would have created more pressure with the selection of interviewees, and prolonged the interview process. Finally specialists from countries inside the Schengen area regardless of their size were addressed, one main criteria for this selection being the fact that the Schengen creates the same kind of legal problems and possibilities in many LE activity areas, for example on the border management side. The selection was intended to enable conclusions to be drawn at some level, possibly by comparing the results firstly by dividing the respondents into groups based on their answers on the closed questions in interviews, in case there is enough variation in the responses.

4. Theoretical Framework

In this chapter, the theoretical background for this study is presented. The idea of strategy and what strategies steer actions in the EU police and in the area of countering crimes against children outside its territory are discussed. The Internal Security Strategy steers the justice and home affairs area, police actions being a part of the Union's internal security pact. The first instance of the processes that need to be addressed is the execution of the EU's security strategy. By deriving the framework from this EU-level cooperation, one can come to conclusions on the efficiency of counter actions by the EU - the EU MS' police and their cooperation. As the EU countries are bound to work towards the same goals (to some extent), the Pan-European police cooperation - or rather the framework of this cooperation - is a part of the study. The focus is on the governance of transnational child sex offending counter efforts in the EU MS' police as a Pan-European process, splitting it down to the national situation and strategic management of the EU MS' police, or rather how the representatives of some of the EU MS' police see their role in this continuum. The most important concepts regarding transnational crimes against children and sources used in the study are represented. Additionally co-operation and legal tools are reflected in where they add value.

4.1. Strategic guidance in the EU and EU decision making

The idea of strategy in this study is adapted from the social sciences tradition, where strategic guidance or management can be linked to the idea of strategic state and in the framework of adaptive strategy, where the essential ideas are the following; the society is built on processes, it is decentralised, and communication is the most important part of it all while adapting strategic management to these (being the final key element). (Branders 2016, 51.) As Branders explains in connection to the idea of comprehensive security that when the society is seen as decentralised and non-dictatorial or without an ultimate leader,

and the complexity of the issues, such as the society's comprehensive security, demand wide cooperation, the hierarchy is not the main issue to consider in the execution of cooperation. Also, the strategy is aimed to the society as the whole network organisation and its environment that create a system for the wide security phenomenon, and the demands it creates for the strategy (2016, 51). Though Branders discusses the broad security approach, the same applies to an international crime that is at the core of security, children's security being a part of a wider security in a society, such as EU.

Systems theory

As the study discussed different systems, a wider systems' theoretical view is relevant for understanding the wider cooperation issues at hand, the functioning of the EU and its police (however, systems theory is not addressed in depth in this study). M. Branders, paraphrasing Niklas Luhmann, explains why strategic guidance is essential in a society, based on the framework of adaptive strategy in the tradition of administrative sciences. This is the case when the society is of a procedural nature, without a centre, and communication is the basis for success. (cf. 2016; 51). Accordingly, as the EU consists of sovereign states, it can be seen as a system that does not have a specific leader or head, and for its functioning, communication is the key together with information and meanings. Further, following Luhmann on communication, in a system like the EU, new chains of communication are created with the aim of causing more action in systems, which is the nexus of communication in the first place (ibid. 69). A system or a society without a centre cannot be sure of its own rationality, but may rely on the partial rationalities representing the functioning systems. These functions, being partial, represent certain functions and their own partial view, which causes competition and take away the focus from the main issues (ibid. 22). What Branders states of the functioning of the society, and the need for strategic guidance, fits the EU. Taking into consideration different driving forces of the independent EU States, it

is a worthwhile viewpoint – the focus may well be distracted when a ‘heavy weight’ state or states have an agenda of their own.

Managing Networks

EU-decision making is done in networks; therefore, managing networks theory is necessary for understanding the functioning of the EU, and the multilateral decision making process, where the participants try to maximise their own interests more than find a systematic decision-making process, which would be a strategic function. Instead the process consists of parts that can turn the process to something unpredicted, open the process or end it – or ‘anything’ in between (Brujn de & Heuvelhof 2008; 24, 27.). For any idea to move on in the EU-structure, and be a part of unilateral decision making, it can start or end as a unilateral process (ibid, 127). The countries can play different roles, and they do. It’s not only the countries that have different drives; there are also different views in the EU-machinery, in different bodies, possibly representing the same country. As an example, ‘all the police’ may agree on a needed way forward regardless of the countries represented, however there are other issues complicating the efforts. In one country something that is seen as correct (for example registering (child) sex offenders), can be seen as persecution of someone having suffered the punishment of the crime perpetrated in another. Therefore the national representatives may work hard against each other in their respective place in the EU-hierarchy. (cf. Caless & Tong 2015, 169.)

What is interesting, is that in many functions of the EU, the persons involved in these processes representing their countries, come from their respective national hierarchies that are relatively stable, representing superiors and subordinates (cf. Caless 2015, 10). So persons used to working in a hierarchy at one (national) level practice network decision making at another (EU), representing their own hierarchy. As there are many contradictory wills and privileges involved, having a Directive in one matter, like child protec-

tion, has to be seen as a major effort joining interests in the end. How the decisions, such as DIR 2011/93, are then executed in and by the Member States is up to the national systems.

The multilevel governance and strategic state

The role of the government is changing, and there is a gap between the realities of the EU-public governance and conventional strategic management. There are also new concepts emerging, such as strategic plans addressing the whole area of national governance, and multilevel governance. (Joyce 2014; 310-315.) Multilevel governance addresses well the functioning of the EU, and the cooperation between different stakeholders. These changes in thinking and theory are visible for example in DIR 2011/93, as not for example only the police is addressed, also other parts of governance, and the idea of comprehensive security are included at some level. On the other hand, this overarching idea of security is not new, as the Organization for Security and Co-operation in Europe (OSCE), in its efforts to stabilise countries in turmoil has used since 1970's *'the concept of comprehensive and co-operative security'*, which rests on the idea of security being invisible. Its foundation is in the cooperation between states (2009, 1). In the EU at the beginning of this millennium, the European Commission took a step towards strategic state-thinking by introducing a planning and reporting mechanism, and suggested a strategic planning and programming function. In this framework the strategic state's capacities would include long term planning-exploration, and the ability to concurrently steer governmental activities. Some states have taken this into use, by looking into streamlining governmental actions. The EU's thriving *'Europe 2020 -strategy'* supports development towards tackling the multilevel governance issues in different sectors. (Joyce 2014; 312-315.) It seems that the more countries cooperate at supranational level, the wider the understanding is for joining

forces towards common goals, at least in principal. There is no denying that national priorities remain the main driving force for any cooperation.

Strategy in place

Due to the nature of transnational child sex offending, the strategy (strategies) to combat the phenomenon have surfaced different EU tools; therefore the way the strategy has come to exist, mainly in connection to DIR 2011/93 is not touched upon further than commenting that any strategy is likely built more or less following Byron's model on strategic visual mapping, the stages being from the start; mission and its main aims, the creation of a strategy and the development of implementation measures. The following, and last stage, the execution of the strategy (Bryson 2014; 14, 15), is in the main scope of this study. Discussing the aim to create a formal development and operationalisation of a strategy, Byron's model is not the only one; there are many possibilities for choosing different models, all leaning more or less to the same concept, the main differences being at the level of details (Mintzberg 1994, 35). In this context, there is no focus as such on how the EU has come to the conclusion to have child protection (outside its area) mandated to its police forces. The assumption is that DIR 2011/93 is the implementation of the existing overarching EU-strategy, and taken at face value in this study simply to limit the length of it.

4.2. Strategic management in the EU police

Management, being necessarily strategic, must be communicated and the direction must be chosen. It must include certain stages, such as strategic steering, planning, objective setting and evaluation. It also matters whose objectives are in question and who chooses the direction (Branders 2016, 49). In the area of combatting TCSO, DIR 2011/93 is the main Pan-European steering document for the EU police, as it creates the legal and func-

tional framework for the MS in many areas; in substantive law, in procedural law and various authoritative and guiding elements to LE in combatting sexual crimes against children. (DIR 2011/93 Art 1, (28), (29)). It should be noted that the objectives are commonly chosen by the EU MS. The main objective of the Directive is to combat sexual crimes against children, and its evaluation at the MS level is encouraged (ibid. (44), (49)), in addition to the European Commission's evaluation, for example of the processes. The Directive seemingly fulfills the main criteria of a document for the use of strategic management.

Criminal policy objectives

Criminal policy is the 'umbrella' policy for a society's actions against crimes. All policies have objectives, the main ones in the criminal policy being crime prevention, reduction of the possibility to commit a crime, focus on high risk (offenders), and minimising the possibility of reoffending after conviction. (Clarke 1999, 114.) Crime prevention policy's main objectives, adapting Clarke above, are all addressed in DIR 2011/93 in the area of sexual exploitation of children and transnational offending, making it the main strategic management tool for the EU MS police in the area, after its adaptation to national legislations. However, as there are crosscutting issues, there is further guidance in other documents, for example on the victim's treatment and rights in the 'Victim Directive' DIR 2012/29/EU (European parliament 2012), and on the cyber-facilitation of the crime in the Budapest Convention, *CETS 185* (Council of Europe 2001) and 'Cyber Directive' (European Parliament. 2016a). On the other hand, DIR 2011/93 is referred to in the 'EU strategy towards the eradication of trafficking in human beings 2012-1016' (European Commission 2012, 7). The exploitation of children is a manifold issue.

4.3. Main concepts in the area of transnational child sex offending

When discussing TCSO, as it is not a specific crime in legal terms, a few concepts must be brought into focus, to underline the cross-crime nature and international elements. Also crime prevention practices²⁷ need to be touched upon in this part, being a part of criminal policy focus.

Child

In this study, 'a child' is any person not-yet 18 years of age, as in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Art 3. c, *'a child shall mean any person under eighteen years of age'* (UNTOC 2000). This is the same as the description of 'a child' from Directive 2011/93 (DIR 2011/93), which states in its article 2b that *'a child' means any person below the age of 18 years.* (DIR 2011/93.).

Transnational Child Sex Offending – terminology

Transnational child sex offending may be regarded as a category of sexual offending against children by adults²⁸ (above the age of 18), or a modality of offenders, the crime physically taking place outside the offender's place of permanent residence or citizenship (Greijer 2016, 88). DIR 2011/93 does not recognise transnational child sex offending as such, but in point 29 describes 'child sex tourism' (CST) as child sexual exploitation where the offender(s) *'travel from their usual environment to a destination abroad where they have sexual contact with children'*, adding the word 'reside' in addition to travel would be exact. It should be noted that the usage of words is changing, and the majority of EU

²⁷ As in LE crime prevention actions, not for example media campaigns by civil society, in this study.

²⁸ Juvenile sex offender can be used of young people, who commit sexual crimes against children (Geijer, 2016).

stakeholders are accordingly moving away from using CST²⁹ to *‘sexual exploitation of children in the context of travel and tourism’*. In the same line it is not correct to discuss a child victim being a child prostitute, but rather, being exploited in prostitution (Greijer 2016; 30, 56).

Attention has been placed on how the crimes against children should be addressed in the first place. As an example, the European Parliament in 2015, in its joint motion for a resolution, states in point 12 that the correct terminology needs to be used for crimes against children, *‘including the description of images of sexual abuse of children, and to use the appropriate term ‘child sexual abuse material’ rather than ‘child pornography’*. (2015.) Though the vocabulary is changing, the wider audience chooses often the terminology more appropriate for the tabloid media, which has a bearing in finding usable material addressing this topic — something a writer-researcher must understand. Different authors describe the *‘ecosystem’* of transnational child sex offending in different ways, terms like traveling child sex offender (Greijer 2016, 88), or USA (FBI 2016) and UK referring to persons offending overseas (CEOP 2013, 14) are used. As the amount of words describing the area around child sexual exploitation (abroad), I created this matrix on the way I understand the words today. The vocabulary changes in time, geographic areas, language and understanding; however, this may serve as a starting point for someone not familiar with the vocabulary in the axis of legality (in principal) and national-international character of terms (Figure 6). The list is not comprehensive.

²⁹ Or CSETT (child sexual exploitation in travel and tourism)

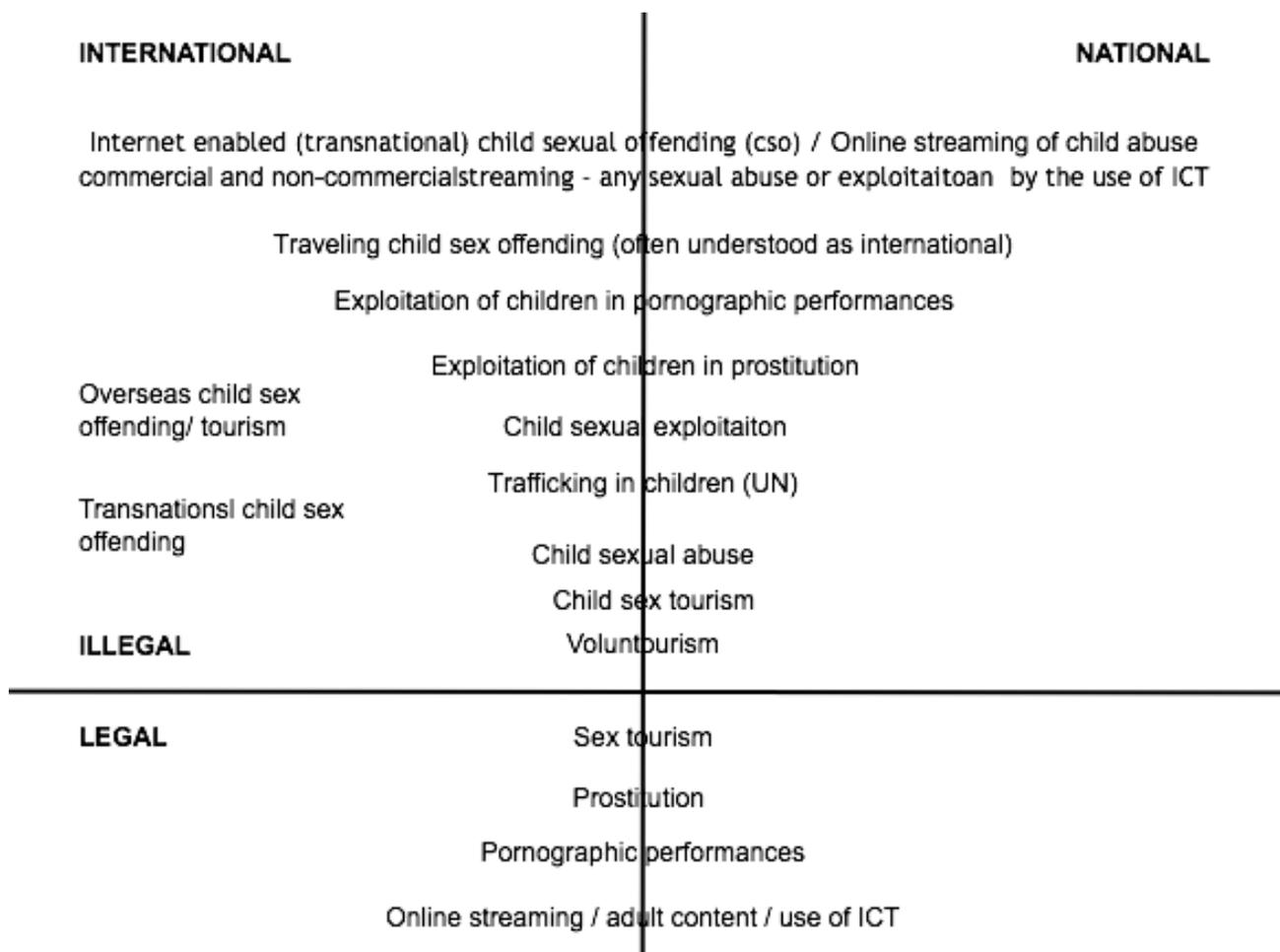


Figure 6. Terminology around TCSO (non-exhaustive list) with illegal-legal, and international-national axis

Transnational child sex offending -ecosystem

For understanding commercial transnational child sex offending, a look at 'the child sex tourism ecosystem' diagram by George and Panko (2011), gives a good overview of the circumstances involved in the crime in tourism context, main features being the offending, and it taking place outside the offender's own domicile. When adding the cross-border element, the picture is the same as (commercial) transnational child sex offending (Figure 7). In case of another context, the ecosystem would be different, for example in a case where foreign military personnel would abuse local children (the Guardian 2015).

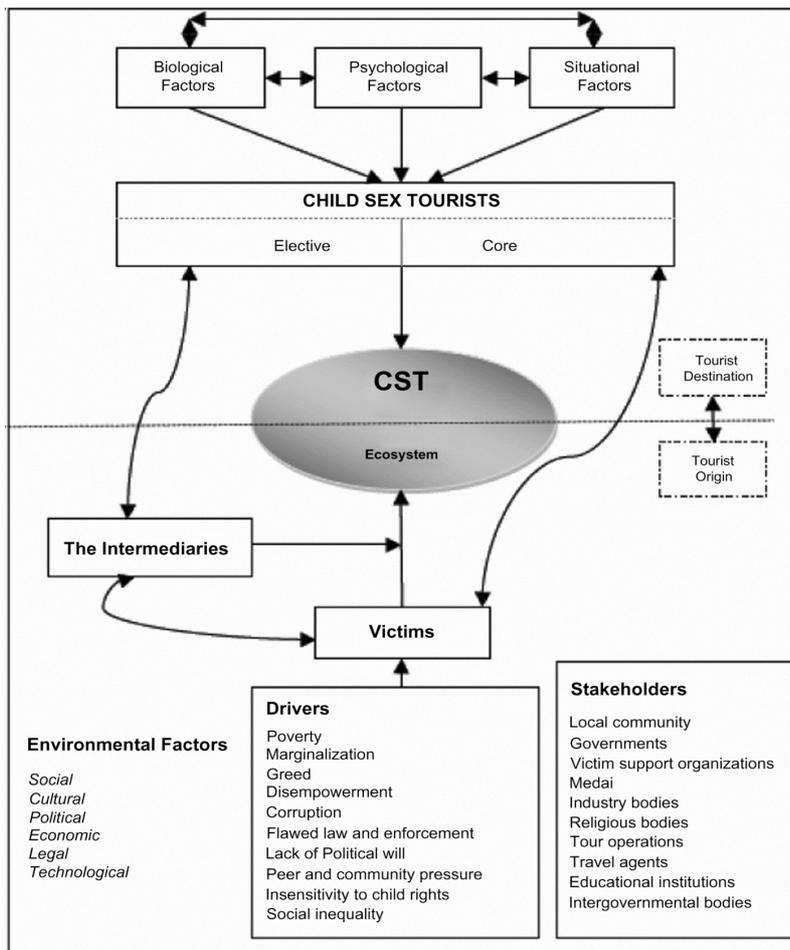


Figure 7. The child sex tourism ecosystem (George and Panko 2011)

There are attempts to further break down transnational child sex offending into typologies. J. Sullivan uses the following; 1. speculative exploring (referring to travel to a destination known for child abuse for possibly exploiting a child); 2. self-contained abuse (travel with child for abuse); 3. networking perpetrators (linking up with other abusers-facilitator in live or online); 4. resident foreigner (residence with the purpose of exploiting the local children); 5. pseudo care-worker (voluntarism or work with the aim to get access to children in care/within reach); 6. formal/informal adoption (adoption or care-taking of children with the aim to abuse); 7. remote child exploitation (the use of ICT to abuse or exploit children in developing countries). Sullivan underlines the need to understand that offenders should not be put into any typology categorically; the typologies refer only to behaviour, not to a person. He also states that more studies are needed on the topic of TCSO. (Sullivan

2016). K. Jonas tends to use only two categories of offenders based on their intentionality, either as 'preferential TCSOs who travel with the intention to abuse younger sexual partners. This group could also be diagnosed with a paedosexual preference along DSM or ICD1 criteria³⁰' or as 'incidental TCSOs who act upon situational opportunities that are being offered to them, or that they seek after initial experiences'. (Jonas & Guadamuz 2016.) Jonas also uses the typologies provided by Sullivan, further breaking them down by the intention of the crime. As these examples alone show, this area is complicated, and the views on approach very much depend on one's own background. In the interviews in this study, the reason for the offenders' residing in or visiting the destination is asked with the aim to understand what is the level of the police possibly seeing the crime the same way as researchers, and whether one could develop interruption strategies at a wider level based on the understanding, or differences. The role the offenders' or victims' gender play is not discussed in this study.

Reoffending, recidivism and returning child sex offenders

Many of the prevention and LE strategies are based on persons known to have a criminal history for sexual offences against children, for example by physical abuse (hands on offenders), or by having had child sexual abuse material (CSAM) in their possession, or by streaming and ordering live sexual abuse of children on the Internet. However, the risk of someone reoffending is not a straight forward evaluation, and there still is no '*reliable body of empirically derived data that can inform and guide decision making about re-offence risk — primarily because of methodological differences in existing studies*'. The authorities' actions, if any, are based on assumptions on recidivism's probability. (Prentky, Knight & Austin 1997; 9, 10). DIR 2011/93 takes a stand on evaluation of the offenders' dangerousness to children (point 39). Not only in the area of sexual crimes against children, but in

³⁰ Juvenile sex offender can be used of young people, who commit sexual crimes against children (Geijer, 2016).

crime prevention programs in general, when measuring the risk of reoffending, it is important to understand that while there is a genuine intent to measure the risk of reoffending, the risk of recidivism may be measured instead (Clarke 1999, 123). In the child sexual offending world, failing to understand (or ignoring) this can cause for example the authorities to conclude that a person's therapy worked as he has not been convicted again; however the truth may be that the person has learned to protect himself better online, dictates child abuse streaming online, or simply travels out of the country to a place where children are available and the law is more flexible, and avoids re-detection by law enforcement.

Logically, the person who offends sexually against a child while abroad returns to his home country, or country of permanent residence, as a hands on child sex offender. However, many of them avoid EU MS' LE radars for many reasons; due to not having been convicted in their home country (or in the EU), or because the home country does not (have powers to) collect conviction data outside its sovereign borders³¹, or due to the person escaping a criminal justice response for the crime where it took place by different means. For example, in Cambodia 'jumping bail' is not unheard of³² (Breaking News 2016).

Child sex offender registers

DIR 2011/93 recommends at point 42 that EU MS may consider additional 'administrative measures in relation to perpetrators', including (child) sex offender registers. Tackling the risk of reoffending is a part of crime prevention, and considered to belong to the mandates of several state bodies - police, health care professionals or social services, amongst oth-

³¹ Outside the EU, outside the ECRIS cooperation

³² ...It was unclear if he would serve his sentence, since he was at large after being released on bail for health reasons.

ers. There are not many countries in the EU, especially in the Schengen area³³, that are known to limit the travel of known (registered child) sex offenders, which makes this topic important for this study in the interview phase. In case any travel limitations are planned systematically, the authorities have to know whose travel to limit, the only way being to focus on those persons that are registered. At the moment, the only EU-countries having a sex offender register are Cyprus, France, Malta and Austria, UK and Ireland (Daily Mail 2015), and most likely Poland soon (Polish Helsinki Foundation 2016).

³³ Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland (not a European Union Member State), Italy, Latvia, Liechtenstein (not a European Union Member State), Lithuania, Luxembourg, Malta, Netherlands, Norway (not a European Union Member State), Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland (not a European Union Member State) <http://www.schengenvisa.info.com/schengen-visa-countries-list/>

5. Describing the phenomenon

In this chapter, I describe the phenomenon that is discussed in this study. The European Member States cooperate in the area of Justice and Home affairs in many ways. The EU's internal security strategy bases on cooperation of different stakeholders, such as law enforcement and border management bodies. The EU attempts to enhance the cooperation between the national police bodies in general and in specific crime areas, especially within the mandate and capabilities of Europol. (European Union 2017). I address the Pan-European operational strategic management in the form of EU policy cycle, the Europol produced Serious Organised Crime Threat Assessment and the ideology behind it; also Crime prevention strategies, and aspects emerging from the Directive, such as possibilities to counter persons posing danger to children, tool recommendations to the police, and the child's role in the criminal process.

5.1. Execution of the European Security strategy

The last updated strategy in the line of (external) security related to the EU and its functions is the '**Global Strategy on the European Union's foreign and security policy**' from October 2016. In it, for example, countering THB and promoting human rights are referred to, with coordination and cooperation in different security areas the main thread through the document, the security of the EU being the main theme, naturally. (Council of the European Union 2016b, 5). As the crime-area of transnational child sex offending does not directly fall into the crimes addressed specifically in the Global Strategy, one can think of ways where this strategy would support countering the crime regardless. For example children exploited sexually in prostitution could fall specifically into the strategy's trafficking part, but then the focus and understanding of the crime would need to change from ultimate EU-protection; trafficking as a 'danger' arriving to the EU from outside,

where the EU is to be protected from organised crime. The shift should address foreign children (in developing countries) needing EU-protection from EU-citizens (and residents) that travel to sexually abuse trafficked children outside the area of the EU. In this shift the European 'travellers' should be seen as persons purchasing sexual services from these (trafficked) children, which is undoubtedly often the case when a financial element is included in the exploitation.

'A Secure Europe in a better world', the **European Security Strategy** was passed in 2003, following the Common Foreign and Security Policy of the EU. The Strategy focuses in keeping the EU safe in multilateral cooperation; the complex problems the EU faces need to be tackled jointly. The global approach is written implicitly through the whole strategy, though it addresses mostly the EU as the area that should be kept safe, and Europe facing threats like organised crime and terrorism. Globalisation and the global reach the EU has are also discussed, however mostly in terms of the dangers globalisation poses to the EU. Working with partners is another underlying theme, and in 2009 in the report on the implementation of the European Security Strategy, it is stated that in the area of combatting organised³⁴ crime, the cooperation with partners should be deepened, for example in police and judicial cooperation. (European Commission 2009, 13-43.)

The European Agenda on Security 2016

Due to the complex new threats the EU faces, the Internal Security strategy was renewed in 2016 for the following five years. Very much of the focus is put on synergies and cooperation at all levels and on the cross-border element in general. In the area of child sexual exploitation, specifically participation in different working groups in countering CSE and law enforcement cooperation are encouraged. Further substance specifically acting

³⁴ I assume Serious crime can be taken along

against streaming of child abuse and the use of PNR-systems for tracking high risk travelers in different crime areas, including child sexual exploitation is encouraged. One of the main activities from the strategic point of view, however, lies in the statement of needing to ensure the full implementation of existing EU-legislation, including DIR 2011/93. (European Commission 2015, 2-20.) The substance related actions are addressed in the respective parts of this study; however, co-operation is the driving theme in the strategy. When comparing the 2003 Security Strategy with the one from 2016, it is obvious that Cyber-crime and cyber facilitated crime together with terrorism are at the top of the countered actions.

The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016

In the area of trafficking in human beings in the EU-context, the *‘enhanced coordination and cooperation among key actors and policy coherence’* remains one of the key priorities, and the need for cooperation across borders and stakeholders in the field of security is referenced throughout the strategy. In addition, DIR 2011/93 is referred to in the area of protection of child victims of trafficking. Hence DIR 2011/93 is seen as an overarching document on the protection of a child – regardless of the whereabouts of a child the EU MS have an obligation to act. (European Commission 2012; 5, 7). The Security Strategy opens many possibilities to work on crimes against children, but when discussing threats posed by the EU citizens to children outside the EU, there is nothing explicit in it.

Strategic guidance from the EU’s political level on police operational actions

TCSO and the operational police counteractions continuously appear high on the EU political level. For example the European Parliament calls the EU MS to cooperate with Euro-pol (in particular through *the Focal Point Twins*³⁵), to secure the exchange of data for de-

³⁵ The team mandated to work on CSE and related crimes in Euro-pol (Paavilainen 2016)

protecting people travelling to countries outside the EU for the purpose of child abuse. This was stated in the Parliament's motion for a resolution on the fight against trafficking in human beings in the EU's external relations (European Parliament 2015c, point 114). The desire to tackle this exact type of offending against children has been discussed in a regularly arranged 'High Level EU-US Meeting', lastly in June 2016. The commitments were made earlier in a similar meeting in 2014, and continued in 2015, where it was stated that both parties should repeat their will to tackle the transnational child sex offender -issue together, and both parties agree on the importance *'of improving operational cooperation to protect children from transnational sex offenders.'* (European Commission 2016b).

Internal security strategy implementation by focusing on assessed threats

In 2010, the EU (JHA) Ministers agreed to try to implement the Internal Security Strategy. The Standing Committee on Operational Cooperation in Internal Security in the Council of the European Union (COSI) was tasked to prepare a methodology that would address the security issues within Europe. Following the implementation of the strategy, the creation of the 'Comprehensive, Operational, Strategic Planning for the Police' (COSPOL) multi-lateral platform for law enforcement cooperation -methodology came into force. (Council of the European Union 2010; 2, 3.) This way the multi-annual policy cycle³⁶ and the European Multidisciplinary Platform Against Criminal Threats (EMPACT) were born with the aim to assist in the fight against serious international and organised crime (Europol 2014).

³⁶ Council Conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime, doc. 15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94

5.2. Pan-European operational strategic management in the form of the EU policy cycle

The EU policy cycle follows the EU organised crime strategy, required by the Stockholm Programme (The council of the European Union 2010, 3). For the present EU policy cycle, *'cybercrimes which cause serious harm to their victims, such as child sexual exploitation'*, are included under the cybercrime priority area (Europol 2014), in which sexual crimes against children without a cyber-component are not unequivocally included. The EU policy cycle consists of multi-annual strategic action plans (MASPs), which are followed by annual operational action plans (OAP) which respectively include selected actions. The current cycle covers the years 2014-2017. (Europol 2016.) The next cycle, starting in 2018, requires assessment of the need for priority areas (which crime areas are selected for EM-PACT cooperation). This is based on the evaluation, by COSI, of the (previous and ongoing) actions' effectiveness on the respective priority threats, and on Europol's (interim) Serious and Organised Crime Threat Assessment (SOCTA). Measures to tackle the priority threats are evaluated, monitored and adjusted. (Europol 2014.) For the new cycle, new MASPs (starting in 2018) are then again to be developed from the selected priorities (priority crime areas) that the EU Council of Justice and Home Affairs Ministers decides in the form of the EU multi-annual policy cycle. The main aim of the cycle is to deliver operational action of coherent and robust quality, targeting *'the most pressing criminal threats facing the EU'* by enforcing effective co-operation in the EU (between the EU MS LE agencies, EU institutions) and with agencies and relevant third parties. (Europol 2014.) As strategic management in the EU by intelligence led decision making on the police's operational activities (in the EU policy cycle: the actions) is based mostly on documents that are not public (Europol 2016), it is impossible to evaluate the cycle, not to mention actions or man-

agement as such in a specific crime area, even less a possible sub-crime area, such as transnational child sex offending³⁷.

Intelligence, strategic intelligence, analysis

Knowledge can be described as 'justified true belief', which on the integrity side of intelligence means that when analysis results are represented to policymakers, they communicate these beliefs. When this part is correct in the chain, the shared knowledge can be relied on. (Bruce 2014, 151.) J. Mclaughlin believes that analysis is the culmination point of the intelligence profession, and the influencing of a policymaker is where all analysis components merge, the connection not being without complications. The relationship between the analyst and the decision maker or customer is often described as challenging, not least due to the cultural differences between policy and intelligence. (2014, 81.) From a slightly different angle, R. Clark explains analysis as '*drawing conclusions from a target model*'. Depending on the customer and time available, the type of intelligence extracted from the model changes. He further states that there is no perfect intelligence categorisation scheme. (Clark 2013, 44.) Intelligence on its behalf can be explained by quoting (like J. Bruce does) the Director of US national intelligence: '*Intelligence is knowledge and foreknowledge of the world...that allows...leaders...to consider alternative options and outcomes in making decisions*' (Bruce 2014, 135). In 2005, the International Association of Chiefs of Police defined intelligence as formed of analysed information. C. Johnson, paraphrasing Ratcliffe, states on the definition of intelligence, in the context of intelligence analysis, that it is the end product developed critically for supporting the decision making of law enforcement. Crime analysis on its behalf uses information available, such as geographics, to all areas of combatting crime; analysis, prevention, solving crime and other problems. (Johnson 2010, 19.) Strategic intelligence on its behalf aims at dealing with far

³⁷ Therefore only the superficial touch upon the operational side in this study.

reaching issues like the creation of national strategies or policies, or monitoring the international situation, and supporting policymakers' actions in the areas, the aim being in a long timeline. (Clark 2013; 46, 50.). The UNODC uses information for 'knowledge in raw form', intelligence for 'information that has been evaluated' or evaluated information being equal to intelligence, and analysis for resolving or separating a thing into its components (UNODC 2013, 1). Europol does not publicly discuss these details, but as OCTA is based on ILP and Rattcliffe's model, one could assume that what is stated on the processes in ILP stands for the process in reference to OCTA. Clearly there are many ways to describe what intelligence and related matters are, in the end depending on the author.

Policing strategies

Intelligence led policing (ILP) is an integrated strategy of problem oriented policing (POP) with the aim to be proactive, and to use intelligence for doing so. Problem oriented policing originally referred to focusing all elements of policing on dealing with the community's problems the best possible way; to analyse the work and results, and find other strategies where the system is failing, capacity building for police officers and highest management involvement being the key elements for this strategy to succeed. (Johnson 2010, 16-18.) POP incorporated policing focused on known 'hotspots' with community oriented policing – where the police focused on areas where particular types of criminal activity took place (ibid. 2010 148). Johnson continues that according to Ratcliffe ILP is built upon POP as an integrated strategy of POP's targeted and objective approach '*to be the direction in which proponents of intelligence led policing are heading*'. (ibid. 2010, 18). The main principles of ILP as such can be split into three main areas in a cycle representing the concept; criminal intelligence, the decision maker and the crime-environment. In short, in this cycle (or tripod), the decision maker can make (educated) decisions to influence the crime environment by the use of intelligence that has been filtered and analysed from the crime-

environment. The aim of ILP is to provide assistance first of all in trouble-shooting possibilities for risks and opportunities. The concept is designed for being used in consistent decision making and at minimum to hamper the criminal actions in the largest/worst crime areas. The decision maker's actions can be based on practice and taking note of what is efficient, and what techniques can be used for changing difficult (and difficult to manage) activities into more manageable outcomes. (Ratcliffe 2004, 42.)

Challenges in the axis analyst/decision maker

The whole idea behind ILP is to influence the decision maker by the means of strategic analysis; however this is not a problem-free process. According to Ratcliffe, one of the main problems is the lack of strategic thinking in general in the police, and incomprehension in linking strategic reporting to one's own organisational thinking. Furthermore, in case one would want to comment on the crime impact, Ratcliffe states that it is very difficult to evaluate the impact crime has, as the police (in general) do not have the full information of all criminality taking place. Therefore it is possible that the analysis and actions produce 'self-fulfilling prophecies', where, while concentrating on a specific crime area, it seems to grow, political pressure grows, and the overall interest creates more feedback. (2004; 7, 197, 205.) According to Johnson, on the business intelligence side, analytics is described as 'extensive use of data', and researchers on this area (Davenport and Järvenpää) in 2008, in their government sector analysis, gave recommendations to public state bodies; as lack of personnel is a given, they should partner strategically with other similar agencies for increasing analytical sophistication for bridging fragmentation gaps. In addition the researchers noticed that in public management in general, analysis is used, but leadership, enterprise orientation and strategic targeting were missing, on managerial innovation and strategic focus on analytics. (ibid 2010, 149.)

Regardless of ILP's success, Ratcliffe is not the only one introducing the need to focus on crime prevention. Johnson paraphrasing Peter Manning, underlined the need to use modern technology in doing so. In addition, data analysis combining police data with non-police data collected should be used for systemising and focusing law enforcement actions, however Manning has been quite reserved with the police ability to use the available technology. Not only Manning, but many others have commented on the police incapability to use the data collected – to under-analyse it. At the end of 1900, progress was sought through the whole process of intelligence, from targeting to dissemination of analysis. (ibid. 20, 21, 23).

Open information or official secrets?

Johnson, quoting Stephen Mercado states that many LE representatives mistake *'secrecy for intelligence and assume that information covertly acquired is superior to that obtained openly'*, law enforcement could benefit from open sources more than it does, based on *'speed, quantity, quality, ease of use, and cost'*. (Johnson 2010; 150, 151), and he is looking for a new hybrid model of policing. That should include successes of the old models, adjusting them to today's needs, the command and control of the police as organisation, a return to contacting citizens (like in community policing principle), and development of partners in the community unlike before. These partners should assist in data collection that can effectively reduce crime and fear of crime. (ibid. 2010 152.) The sharing of information and cooperation is not an easy quest. On the one hand, this is demanded, but then when taking place criticised. This is the case for example with the US intelligence fusion centres that should support the national security. They should integrate data from private and public sector (different levels; national, regional and local); however the centres are criticised for not really doing fusion, data sources being disparate, where intelligence gaps should be identified and *'fixed'*, so that the data was useful for the analysis and the results

useful for prevention. Also privacy and civil rights have been a concern (Clark 2013, 55). Conducting wide reaching strategic analysis for decision making is obviously a challenge, and Johnson suggests that the successful use of ILP in a wider sense works as a decentralised network model, where agencies own their data, but they are cross-searchable. (Johnson 2010, 153).

Serious Organised Crime Threat Assessment -ideology

SOCTA-ideology follows intelligence led policing (ILP) principles (Council of the European Union 2015, 4). That is not surprising, as ILP is seen as the legitimate policing model by means of volume crime analysis (Johnson 2010, 23). The methodology was recently renewed in the SOCTA 2017 document. It underlines the need for EU law enforcement to counter serious and organised crime together in the areas that are selected based on intelligence led policing principles. The main threats and risks are addressed by analysis directly to decision makers, so that the decisions can be made based on intelligence. The SOCTA conclusions and European Council defined crime priorities should be linked, this way the intelligence-led ideology is assured, and analysis directly informing the decision maker. (Council of the European Union 2015, 4.) As earlier, strategic management is aimed at being based on strategic analysis. The intelligence cycle in strategic analysis functions is usually described in stages; assignment, data collection, analysis, dissemination of the product, feedback and review (Ratcliffe 2004, 6). As in all intelligence and analysis based actions, the cycle is not intended to end in the first reporting stage, it should be renewed later. According to Europol, SOCTA is based on this living cycle (Europol 2016a). In SOCTA, the data is collected from the MS (EU law enforcement), Europol, third countries and organisations (Europol 2013, 43), according to Johnson's model of the decentralised network (cf. Johnson 2010, 153).

EU funding for steering EMPACT³⁸ and Pan-European police cooperation

At the operational level, there is an attempt to steer EU police (LE) actions with the use of criminal intelligence (as in ILP principle), and it goes without saying that available EU funding possibilities further may steer the actions. In 2016, in the EMPACT framework alone, seven million Euros from the EU internal security fund were launched for the EU MS to apply in a call for the two remaining years of the 2014-2017 EU Policy Cycle (Europol 2015). By deciding on the funding, the EU takes strategic steering on operational actions by the EU police.

5.3. Crime prevention strategies

As stated earlier, crime prevention is one of the first priorities of a crime policy. The prevention strategies within can be divided in three main categories; primary, secondary and tertiary, depending on the focus; primary strategy aiming to remove or reduce the possibility to commit a crime, secondary referring to actions focusing on risk cases (persons) and tertiary strategy addressing the reoffending. (Clarke 1999, 114.) DIR 2011/93 addresses all three dimensions. The strategies involve different (state) players in the MS, as the execution of Directive is left for the MS. For example the following may involve police or judicial authorities, depending on the State's systems and choices. DIR 2011/93 stipulates in point 40 that for the recruitment of persons to work in *'direct and regular contact with children'*, employers have the right to be informed of the person's criminal records (or existing disqualifications) on offences of a sexual nature against children. This possibility exists also when a company recruits a person for work abroad, for example a teacher. As for the strategies in DIR 2011/93, the aim of Article 40 is to remove the possibility to commit a crime (gaining access to a child) in primary strategies; the persons who are the focus of

³⁸ EU European Multidisciplinary Platform against Criminal Threats

this prevention point, are a risk to children (sexually interest in children) in secondary strategies; and as for tertiary strategy, the risk of reoffending is addressed both by treatment and focusing on the persons that may reoffend. There are fewer ways planned and prepared for persons without a criminal background in offending against children.

5.3.1. Posing a danger to children

Not all actions are obligatory for the States, as DIR 2011/93 states in point 40: *'to prevent and minimise recidivism'*, there should be an assessment of the possible risk to children posed by offenders in terms of repeating child sexual offences; further in point 43, the States are asked to consider *'adopting additional administrative measures in relation to perpetrators'*, these would include convicted child sex offenders' registering in specific sex offender registers. The MS are not obliged to evaluate, register or follow up on persons having offended against children and who still may pose a danger to them. There are some possibilities in available international LE cooperation systems for placing alert requests and to request for information on persons of interest related to CSE. They are all based on targeting a person with a criminal history or criminal intelligence on a person. The possibilities to address persons previously unknown to LE are limited, mainly profiling of the person or travel related data could come into question.

The passenger Name Records

As commented earlier, DIR 2011/93 is not the only tool used in police cooperation in this area. There are new windows of opportunity, for example the Passenger Name Record Directive (PNR DIR) adopted by the European Council 21 April 2016. This should have an impact on EU MS' possibilities to flag persons posing a danger to children; however any reference to this being included in this study is too early, as the European Council only adopted the Directive on 21 April 2016, and the EU MS have two years to *'bring into force the laws, regulations and administrative provisions necessary to comply with this directive'*

(Council of the European Union 2016). In addition to other limitations, only a limited number of specific serious crimes can be combatted by the use of PNR data by law enforcement authorities, the crimes being the same as for the use of the European Arrest Warrant (point 12). The list includes sexual exploitation of children and child pornography³⁹. In addition, the crime has to be subject to a prison sentence of at least three years in the Member State. (Council of the European Union 2016, 8).

Data that can be retrieved from PNR records include (as listed in the ANNEX of the PNR Directive); PNR record locator, Date of reservation/issue of ticket, Date(s) of intended travel, Name(s), Address and Contact information (telephone number, e-mail address), All forms of payment information, including billing address, All travel itinerary for specific PNR, Frequent flyer information, Travel agency /Travel agent, Travel status of passenger including confirmations, check-in status, no show or go show information, Split/Divided PNR information, General remarks (excluding sensitive information), Ticketing field information, including ticket number, date of ticket issuance and one-way tickets, Automated Ticket Fare Quote fields, Seat number and other seat information, Code share information, All baggage information, Number and other names of travellers on PNR, Any collected API information, All historical changes to the PNR listed in numbers 1 to 18, and additional data for unaccompanied minors under 18 years (Name and gender of child, Age, Language(s) spoken, Name and contact details of guardian on departure and relationship to the child, Name and contact details of guardian on arrival and relationship to the child, Departure and arrival agent. (Council of the European Union 2016a.)

³⁹ 2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision Art 2 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32002F0584>

The Advance Passenger Information (API), as stated in the Directive on it, is for the *purpose of carrying out checks on persons at external borders through which the passenger will enter the territory of a Member State, for the purpose of facilitating the performance of such checks with the objective of combating illegal immigration more effectively* (Council of the European Union 2004, Art. 6). The usage of API is primarily limited to the above mentioned crime area, however as each EU MS decides on the exact use of the EU regulation, there are differences in the adaptation of a Directive. It's worth to at least mention what data can be retrieved for this purpose in data transmission; the number and type of travel document used, nationality, full names, the date of birth, the border crossing point of entry into the territory of the Member States, code of transport, departure and arrival time of the transportation, total number of passengers carried on that transport and the initial point of embarkation. (cf. The Council of the European Union 2004, Art. 3.)

The Second Generation Schengen Information System (SIS II) can be (and is) used by the competent EU MS authorities for getting knowledge on persons of interest for example by crossing the Schengen border. The main task for the system is to support border control *around* the Schengen area, *and the related security tasks of police and judicial cooperation*. A Schengen country can decide to request an alert, when a missing person's or a wanted person's data creates a hit with this request. Also lost property or entry bans to the area can be used as alert criteria. The access rights are within the competent national law enforcement authorities. The system is managed, as are the Visa Information System on visa applications by Third Country Nationals requiring a visa to enter the Schengen area (VIS) and the European Union (EU) fingerprint database for identifying asylum seekers and irregular border-crossers (Eurodac) databases, by eu-LISA, the EU-agency for the operational management of large-scale IT systems in the area of freedom, security and justice (European Parliament 2016b).

The Europol Information System (EIS), to which only competent restricted EU law enforcement personnel have access, is designed to assist EU Member States in detecting persons who may be involved in criminal activity. This is achieved by cross matching the personal data against data stored in the EIS. In the area of (transnational) child sex offending, operation RAVEN, in which the EU MS and partners can contribute criminal intelligence or data on persons posing a danger to children to the system has been promoted. The aim is to identify links and crossovers between data, and to *'initiate international co-operation on those links when needed'*. (Paavilainen 2016.)

There are further plans to track persons from the perspective of countering serious crime (terrorism, irregular migration and public health risk), one being **ETIAS; The European Information and authorisation system**, which was brought up to a wider audience last year in the European Commission President's 2016 State of the Union address. Information on travellers to the EU without visa will be collected in ETIAS. Basically, persons who are not obliged to have a visa to enter the EU would need to process an online application prior to entering the area, then either receive an online valid travel authorisation, or in case of refusal continue the process that can end with either allowing the person to travel or enter the EU, or not. The involved bodies are ETIAS Central Unit, ETIAS National Units in the MS, Europol, eu-LISA, ETIAS Screening body and the European Border and Coast Guard Agency. (European Commission 2016f.) The only statement on how this system will or can be used on countering transnational child sex offending, is that it will remain to be seen.

Other possibilities to share information on child sex offenders internationally include the **INTERPOL Green Notices** that are *'international requests for cooperation or alerts allowing police in member countries to share critical crime-related information. Notices are published by INTERPOL's General Secretariat at the request of National Central Bureaus*

(NCBs) and authorized entities'. Interpol Member countries can request to issue a green notice (warnings and intelligence) on persons having committed child sexual abuse, and are likely to reoffend; however according to M. Moran, only 57 INTERPOL member countries use the Green Notice alerts for sex offenders, and he adds that *'there is an identified need to improve sharing of information at the international level on the movement of convicted sex offenders with a risk of reoffending'*. (2016.)

5.3.2. Tools to investigate and the child's role

The need to have effective investigative tools is addressed through DIR 2011/93, referring to the same tools used in organised or serious crime cases available to the responsible persons and bodies in the LE *'responsible for investigating or prosecuting offences referred to in Articles 3 to 7'* (Art 15 (3)). In addition to this, (point 27) specifying that the tools could include *'interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations'*, noting that the seriousness of the offences should be remembered as in the principle of proportionality. Even the use of online undercover activity (use of concealed identity) is encouraged, national laws allowing. Also sanctions on legal persons are included in the Directive's recommended *'tool box'* for LE (Art 13), together with encouraging the use of *'existing instruments on the seizure and confiscation of the proceeds of crime'* (point 23). (DIR 2011/93)

Report by the victim

According to what the European Commission states in their report, the EU MS follow the Directive's Art 17(5). The MS ensure that for their jurisdiction, there is no requirement from the victim in the place where the crime took place, or a denunciation from that state. (European Commission 2016e, 14). Though following the Directive's rule, the procedural

choices differ, for example in Finland (unless it is a question of a minor offence⁴⁰), the police must book a crime report regardless of the way the possible crime (to be investigated) has come to the attention of the police. This is regardless of the possible victim's cooperation, willingness to testify, withdrawal of the report, or reluctance to file the crime. (Criminal Investigations Act, Chapter 3.)

A child victim of the crime

The Directive takes a stand on the states' need (*should*) to have a comprehensive approach on child sexual exploitation, '*covering the prosecution of offenders, the protection of child victims, and prevention of the phenomenon*', and further, all actions should be based on child's best interest, his⁴¹ needs to be assessed, and additional trauma minimised (DIR 2011/93; (6), (30)). Directive 2011/93 builds upon the protection of children regardless of the whereabouts of the child that is sexually exploited or abused. As this study addresses strategic management in EU law enforcement (police), victim related matters⁴², mainly in Article 18 '*General provisions on assistance, support and protection measures for child victims*' are not addressed in depth; however it must be noted that child victims do not have any obligations. A child outside the EU, in case someone originating from the EU offends against him, is not mentioned as an exception anywhere in this perspective (DIR 2011/93).

The Directive addresses the need for protection of child victims in criminal investigations and proceedings. Article 20(4e) stipulates that the MS should criminalise the most serious forms of sexual crimes against children, '*to extend domestic jurisdiction, and to provide for*

⁴⁰ or of the nature where the crime is only recorded when the hurt party files the claim, when not in public interest to prosecute-investigate regardless.

⁴¹ For the victim, 'he' is used instead of 'she or he'.

⁴² Right to protection, assistance, support, legal counseling, treatment, interviews of a child, presumption of being a child, child's family, his privacy and so on.

a minimum level of assistance for victims; further, victims' rights in criminal proceedings, including the right to protection and compensation are addressed. In point 23, *the use of seized and confiscated instrumentalities and the proceeds from the offences...to support victims' assistance and protection* should be encouraged. There is also a notion on non-prosecution or non-application of penalties to the victim, referring to EU MS legal systems. (DIR 2011/93, (30), Art 14). The only restriction concerning the victim's rights addresses the child victim's family. Article 19 on the assistance and support to the family of the child victim, comes with the condition that the family should reside in the EU for gaining access to services. (DIR 2011/93.)

6. Analysis and results

In this chapter, I go through the analysis process by explaining how the data analysis was executed, and what answers the analysis gave to the research questions, possible differences, similarities, repeating patterns or continuities. The main focus is on the national situation and strategic management reflecting the views of the interviewees (EU MS' police specialists) on their possibilities to work on transnational child sex offending (TCSO) taking place outside the EU.

6.1. Data analysis

With reference to the handling process of qualitative data, the analysis started during the interviews. The analysis took place close to the data and the context, focusing on the substance that was collected during the interviews. Instead of trying to verify theoretical main ideas with the use of material, the process was an attempt to understand what was responded to in the context of a Pan-European situation and developments on strategic guidance, and to start drawing conclusions from within the material. (cf. Hirsjärvi 2008, 136.) As I went through the answers to the open ended questions, it became very clear, which questions were missing, vague, or needed further explanation. The handling process of the interview data took place in the following stages; first the analysis (interview) data was split from the original question sets, then the categories were classified by merging them back (synthesis), aimed at creating a holistic picture of the phenomenon from a bird's eye view – with the possibility to interpret the phenomenon's reshaping from a new perspective. (ibid. 2008; 143,144.) In the side-lines of the handling process, more questions, as mentioned, were made and included in the interview data.

The analysis of the interview data

The analysis of interview data can theoretically be presented as a linear action, or as a spiral; where the analysis stages are the existing material's reading, followed by its classification, finding connections, and finally reporting; or as a tripartite without a clear beginning or end, consisting of three steps; consolidation, description and classification of the data (Hirsjärvi 2008, 145). In this study the analysis followed clearly a spiral form, not linear. The analysis that was conducted while interviewing, gave some understanding of the process, of the connections that are missing, giving the possibility to return to the interview phase (material's classification), and again seek for further connections prior to reporting. However tempting it is to remain in a continuum, the area of interest in this project is a 'living process' — and after two rounds of questions (and some further explanatory questions), one had to move on, and start writing conclusions. Understanding at the beginning of the process the way the data should be analysed helped the researcher in the interview process, planning the interviews and their transcription. The transcripts were compiled, and then resolved by themes and topics; after which the transition to analysis took place, intuitively.

Classification criteria for the quantitative data

The aim of the questions of a quantitative nature was the idea of classification of the nine countries' level of activities (national situation). As there is no ready-made classification system, the created categories were as clear as possible and the interpretation followed the questions to minimise any possibilities for mis-interpretation of the interview data. There was no need for theoretic coding actions, on how the different categories link to each other. (Hirsjärvi 2008; 48, 135, 136.) The linkages were made by the use of more elaborating answers to the interviewer's open ended questions.

What answers did the analysis give to the research questions?

The main reason for using the quantitative questions is to find either regularities or differences between the different categories of the data collected. (Hirsjärvi 2008, 149). One can suppose that for example having a national investigation team specialised on sexual crimes against children (or even on transnational child sex offending) would have an advantage over a country without one. In other words, strategic management supporting national actions countering TCSO increases the amount of cases and raises the activity level compared to more passive countries. However, to understand what lies behind, the open ended questions' answers must be taken into consideration for understanding the quantitative data, and the big picture, which in this case is the Pan-European situation, or the way the countries are steered to cooperate and work in the EU-field, and beyond. Most of the data referencing 'national situation' is based first on multiple choice qualitative question, which is followed with a question on further details, or comments, in case the interviewee is in a position to share, or has further comments or knowledge on the issue at hand. The questions concerning 'strategic management' were mostly in the yes/no –axis, and most of the answers are from the open ended questions placed to interviewees. Seeing the scale of efforts, and the verbal further explanations, I think one can get quite close to understanding the input a country is putting in the crime area; how the choices in strategic management influence the cooperation and national situation.

6.2. National situation — statistics, crime, processes

All the questions having included a quantitative element have a matrix added, in which the capital letters represent each country. There were references to streaming cases, but they are not included. However it is clear that there are such cases.

6.2.1. Intelligence on ongoing and past cases

For any intelligence led operations, receiving actionable intelligence is the key. Out of the nine respondents, only three countries' police receive intelligence on their nationals offending against children outside the physical country limits more than once a year. The descriptions of situation included *'rare cases'*, *'closer to never than once a year'*, *'cannot recall any'*. Only one respondent added that all the data is integrated in the database and cross-checked.

	Never	1 x/year	1 x / mth	more
Intelligence on TCSO	CD	BEFI	H	AG

Table 1. Intelligence on ongoing and past cases

6.2.2. Possible targets in the received intelligence

It was noted that there was no significant change prior to and after the Directive entered into force⁴³ (in any of the questions). Though in this case the quantitative question's responses showed an increase for two countries, representatives of both stated that the change is due to them not knowing the situation prior to 2012. Therefore the increase cannot be seen as a relevant finding. The intelligence was reported to originate from various sources; from the country's (or other's) liaison officers or attachés, bilaterally from foreign national law enforcement bodies, private individuals, NGOs, national reporting mechanism,

⁴³ Though the year 2011 is used as the separator, it was mentioned in the interviews that the aim is to focus on before and after DIR 2011/93 came into force in the country.

national hotline on TCSO, from police operations on the possession or distribution of CSAM, and from other criminal intelligence (persons and reports).

	Never/Not known	Prior to DIR 2011/93 enforcement		Post DIR 2011/93 enforcement	
		0–5	6–	0–5	6–
Intel/persons	DEH	BCFI	GA	BFI	GHIA

Table 2. Possible targets in intelligence received

6.2.3. Suspected, but not convicted for hands on abuse abroad⁴⁴

The question was on the countries' nationals and permanent residents having been involved in any role involved with crimes against children, but for any reason not convicted for it. Altogether there were only a few cases known or discussed. Over half of the respondents have not had experience of such cases, however there is a slight increase post-Directive. There was no further speculation on how this has happened. In addition it was stated that the non-convictions have taken place due to poor evidence, suspects 'jumping bail' or for other reasons. One estimated that perhaps 20-30% of cases abroad do not lead to a prosecution or a conviction, but earlier the amount seemed even higher – around 50%. Examples included the offender having paid the victims (or their families) not to press charges or not to testify against them, victims/witnesses/families being threatened, or for various other reasons.

	Never/Not known	Prior to DIR 2011/93 enforcement		Post DIR 2011/93 enforcement	
		0–5	6–	0–5	6–
Suspect, not convicted	CDEIH	BFG		BFH	GA

Table 3. A national a suspect, but not convicted abroad

⁴⁴ not streaming or other ICT facilitated crime

6.2.4. Convicted of hands on abuse abroad as offender

The majority of interviewees stated not knowing of such intelligence, or never having received any at national level. A slight increase again post-2011, from zero to two countries having more than 6 cases. Only a few countries gave more exact numbers. The ways mentioned for getting information on a national having been convicted abroad were through the functions of National Bureau of Investigations (INTERPOL office), liaison officers and attachés.

	Never/Not known	Prior to DIR 2011/93 enforcement		Post DIR 2011/93 enforcement	
		0–5	6–	0–5	6–
Convicted as offender	CDEHI	BFG		BF	GA

Table 4. National convicted as hands on offender

6.2.5. Convicted for another crime or in any other role

Six interviewees of nine did not have knowledge of such cases, any other role including; inciting, aiding, abetting of hands on abuse abroad (Art 7)). One country stated that they have intelligence on several hundreds of persons abroad being involved in CSE in some way, but there are no conviction statistics available. The absence of any records on crimes having taken place abroad was commented on in several interviews.

	Never/Not known	Prior to DIR 2011/93 enforcement		Post DIR 2011/93 enforcement	
		0–5	6–	0–5	6–
Convicted in any other role	BCDEH	FG	A	FG	A

Table 5. National convicted for another offence

6.2.6. The place for the criminal proceedings

Three out of the five interviewees that answered, responded the judicial proceedings having mainly taken place in the origin country of the offender (in cases that they know of). The remaining two countries' criminal cases have mainly taken place in the destination. In one country, after 2012, 10 cases were prosecuted abroad. One of the respondents stated that the amount of cases is increasing, and another that though a majority of citizens are taken to court in the home country instead of abroad, more and more nationals are arrested and sentenced abroad by local police and justice systems. One interviewee stated that there are difficulties in getting details of any proceedings in third countries; therefore it's impossible to respond. One interviewee responded that though the policy is to prosecute where the crime has taken place, the criminal process takes place in the home country in case the person has returned, or there may be severe corruption, or other issues weighing for the procedure to take place at 'home'.

6.2.7. The offenders' 'legitimate' purpose for staying abroad

Of the countries that had any cases of TCSO, or had received intelligence on such cases, interviewees stated that the vast majority was in the foreign country for either travel or tourism (including retirement) or volunteer work/running an orphanage/assisting locals. In the answers, one interviewee stated that 30% were on holidays or retirement, while closer to 70% were 'some sort of beneficiary' or voluntarism (volunteer work/running an orphanage/assisting locals/language teaching). Another stated that the vast majority falls into tourism and related, and 30% is in the 'voluntourism' side one way or another, and added that this form of abuse is on the increase. Private business or work (teaching) was also given as a reason for residence. None of the respondents were aware of cases involving governmental or (civil) crisis management mission personnel. All in all, clearly the majority

of cases derivate from tourism and `voluntourism` related travel and residence, according to the responses.

6.2.8. The way child victims are contacted

Of the countries that reported their nationals having been convicted for sexual offences against children abroad, interviewees answered in quite different ways. One described one process being such that the offender would first go online (possibly adult site, getting contact to streaming facilitator), then abuse children via live-streaming, and then after gaining trust (of the `owner` of the child), organise a visit to the child(ren) in question. Another way (or parallel) being by online communication with likeminded individuals, where the offender gets directed to a `right` area in the destination country (city), there finding a middle man, who leads to physical contact with child, or directly to the child(ren) in question. (The children can be the ones he has `vetted in this online abuse-selection-procedure`, or children he has never met or heard of before). The interviewee added that many times also TOR⁴⁵ is playing an active part in the `finding of children` process`, where the aim is to get into the VIP-side (of a hidden CSE-oriented discussion forum) for new material and best (trusted) guidance. Another stated in contrast that most of the TCSOs made contacts in the country of destination, not on social media. Another stated that the contact takes place sometimes through a `pimp` but most of the time directly with the children. One was very particular in dividing different interest groups; social/humanitarian workers taking advantage of the facility where they volunteer, as they meet due to their `work` with the local police and families, all this leading to the children. Tourists mainly go through local people, `pimps` or they use the guidance originating from other child sex offenders.

⁴⁵ TOR Onion Router – Hidden Services

6.2.9. Transnational child abuse investigated as trafficking in children

This question proved to be difficult. Six respondents either stated that there have not been such cases, did not provide with an answer, or the response did not answer the question. However, one stated that transnational child sex offending and trafficking in human beings are linked. Cases abroad can be investigated and dealt with as either abuse of a child, or trafficking in children, as the national penal code can be used for either, and in a case of trafficking in persons, the destination country can deal with the case within a respective team (the respondent's country can have a team working and cooperating with either choice). In another response, a case example was given, it was investigated as trafficking in children by the offender's own country as the child-victim in the capital originated from a neighbouring country, and was in the capital already prior to the abuse for begging. Another stated that all the investigations have concentrated on the nationals and their criminal liability for the child abuse (not on a wider THB-investigation on 'foreign soil'). Further replies included that THB can be the preferred choice for a case, but then another team in the national hierarchy would deal with it, and in this case there would be no data on the CSE side. The amount of cases referred to was very low.

Never/Not known/not sure	Also as THB	ONLY as CSA
CDEGHI	AF	B

Table 6. Transnational child abuse investigated as trafficking in children

6.2.10. Financial sanctions

The question was on financial sanctions that were used against persons/companies and/or property confiscated. The responses were very clear in seven⁴⁶ cases. There was no knowledge on financial sanctions of any form having been used against the party possibly having benefited from the offending, whether a pimp, a parent, a like-minded individual or any other. Only one interviewee stated that they have imposed financial sanctions on (sentenced) persons, never on a company or organisation though things have improved, and financial intervention is an important part of police strategy. Another stated that financial intelligence team actively researches financial gain and financial constructions behind (these) organised groups (offering children for hand on abuse or via streaming).

	Never/Not known	Prior to DIR 2011/93 enforcement		Post DIR 2011/93 enforcement	
		0–5	6–	0–5	6–
Fin. Sanctions	BCDEGHI	A		AF	

Table 7. Financial sanctions used against persons/companies and/or property confiscated

6.2.11. Children and victim compensation

Six of the nine interviewees stated not knowing of a child having been paid any compensation (in a TCSO case) by a court order at (offender's) home or destination, or didn't have such information. One country stated 'ever' maximum five children abroad having received any compensation, as it is a relatively new idea. Based on the answers, there has been a slight increase in compensations during the last five years. One respondent stated (on the difficulty of dealing with the child's right to compensation) that the national courts have reasoned the underlying problems concerning the amount in very different ways. In one case the child in the destination country received a third of what a child would have been

⁴⁶ One of these included the confiscation of IT-equipment in a streaming case, not as a financial sanction though.

ordered in a national case, due to the imbalance in living costs. But in another case the children in the destination country were granted the same amount as they would have received in a national case. The respondent continued that the worrying part from the LE viewpoint (and further) is whether the funds reach the child, and not the offending parents. One country (that has compensated victims abroad) stated that compensation for minor victims is a principle in the penal code (and it is not dependent on the child's whereabouts). Every offender has the obligation to pay for the damage they have caused to the victim(s), and the victim compensation requests are made in court by the NGO/association funded lawyer assisting or representing the child.

	Never/Not known	Prior to DIR 2011/93 enforcement		Post DIR 2011/93 enforcement	
		0–5	6–	0–5	6–
Compensation	BCDEHI	FG		A	GF

Table 8. Children and victim compensation

6.2.12. Unidentified child victims

The question concerned unidentified child victims obviously originating or residing outside the national borders found in material depicting child sexual abuse (CSAM). There are children, who are victims of sexual abuse or exploitation, and material depicting them circulates on the Internet. Many of the children are unidentified. Law enforcement at national, regional (EU) and international level puts effort on finding the victims. Therefore, in this study, it is of interest to know whether the EU MS police specialists think there are unknown child victims outside their territory (especially) in cases where the material involves their nationals or permanent residents as offenders, producers of the material, or as having had the material in their possession. The emphasis in the question was 'would more resources be needed to focus on victim identification in these cases'.

The answers were manifold. Simple yes was stated three times. In addition, one stated that victim identification as part of the investigation really doesn't exist as the national investigations mainly focus on possession and distributing of CSAM, which is due to (not having the) resources and because there really hasn't been any material (known to have been) produced in that country circulating on the Internet. One stated that their only action is uploading material to INTERPOL ICSE database at the very most, another continued that they deliver the data bilaterally or by using INTERPOL channel to the country where the crime took place for victim identification purposes. In line, and in addition, it was said that there is always (in all CSE cases) a lot of images, that a specialised victim identification group is sought after at national level. One interviewee stated that a truthful answer cannot be provided, as the problem seems bigger than the society wants to recognise, adding that *'definitely more resources would bring more options for investigating transnational cases...'*. It was said that there is no manpower to proceed to the investigation phase abroad (after the initial intelligence phase). In one case, which was given as an example of a case without successful child identification, while the offender was sentenced in court, based on the material he had produced, there were no further efforts to identify foreign children, as the offender was already identifiable in the material. Another shared case example from the same country resembles other *'stories'*; the abuse was also documented and used as evidence in the court in the origin country of the offender. However the prosecutor *'did not bother even trying to identify the children since the case (conviction) was good enough anyway'*.

In a slightly different line to all the others, one responded that there may not really be a need for more national resources, but that international cooperation with foreign police and justice bodies should be better, for example for giving the authorisation to execute international judicial requests leading to victims being identified and for recording of their inter-

views. In the absence of police cooperation and in addition to existing efforts, victim identification being a priority, NGOs and associations are viable partners in the process of identifying abused children abroad due to their location and knowledge of the local situation. In the end, interpreting broadly, eight stated that one way or another manpower is missing in general and in reference to victim identification efforts concerning foreign children in the material the police faces.

6.3. Police Strategic Management

6.3.1. DIR 2011/93 direct impact on countering TCSO?

- **Positive changes**

The question was placed with the hope of understanding whether the interviewees would have noticed any direct (positive) changes due to this Directive in their work. In one case huge changes during the last years were reported, however not due to the Directive, but due to other developments in the country (countering child sexual exploitation efforts in the police now being a priority). One country has had a significant development with having access to new tools, but not manpower. One stated that there is technical development, and in addition an increase in the cyber-related criminal investigations in general. One stated that they may have received more powers in collecting intelligence, but not evidence, and they would need more police powers of evidence collection for the court. One reported for example grooming having been penalised post-Directive, which could hypothetically have an effect in a TCSO investigations. In another case there were amendments made to the Penal Code (for THB and buying of sexual services from a minor). One stated 'not necessarily' as most of the recommendations of the Directive were already integrated in the national legislation, however changes have begun to appear in destination countries; evolution of legislations taking into account sexual offences against children, specialised police units are being created, NGOs have been able to influence the systems

towards investigating TCSO (and CSE), awareness of governments and population. Two respondents stated that there has not been any effect on the TCSO-side.

DIR 2011/93 changes	Yes	POSSIBLY (or for another reason/cannot say)	No
Positive changes at investigations' level	DE	ABCI	FGH

Table 9. Due to DIR 2011/93, positive changes at investigations level

- **Extraterritorial rules in legislation**

Seven of the interviewees responded that either DIR 2011/93 was not the reason for dropping the dual criminality requirement, or that the law was changed earlier than DIR 2011/93 came into force in the country, so that the nationals can be prosecuted for sexual crimes against children abroad regardless of the destination's law.

DIR 2011/93 changes	Yes	POSSIBLY (or for another reason/cannot say)	No
On extraterritoriality due to Directive	I	DE	ABCFGH

Table 10. Due to DIR 2011/93, changes on extraterritorial rules

- **Changes in personnel**

None of the respondent said that DIR 2011/93 would have had an effect on an increase in personnel enabling investigations. One of them stated that there was an increase in personnel (which was not caused by DIR 2011/93), and one commented on a new function of a liaison officer focusing on CSE in South East Asia. Of the nine, seven responded categorically 'no changes', one of them regretting this not being a priority in the country, while one of them stated that through personal development more cases in the area of child sexual exploitation can be handled though there is no increase in the personnel (however this country did not have any cases of TCSO).

DIR 2011/93 changes	Yes	POSSIBLY (or for another reason/cannot say)	No
More Human resources on TCSO	B	ADE	CFGHI

Table 11. Due to DIR 2011/93, changes in personnel

- **Victim Identification efforts (in general in crimes against children);**

Eight of nine responded 'no increase', in addition the following was stated; due to personal development more work gets done, and that personnel working on CSE is interested in learning more on identifying victims from the child sexual abuse material. One country stated that there are more resources; however this is not due to DIR 2011/93.

DIR 2011/93 changes	Yes	POSSIBLY (or for another reason/cannot say)	No
More Human resources in Victim ID		ACDEG	BFHI

Table 12. Due to DIR 2011/93, on victim identification efforts (in general in crimes against children)

- **Any other changes in your legislation/functions/funding post Directive?**

One country responded that the grooming of children had been criminalised, together with other updates in the substantive criminal law, and that a national child sexual exploitation material database established. One responded that as the investigation practices have been enhanced, there has been a general improvement in the area. In five countries there have not been major changes. One country responded that there has been a huge increase in personnel, but unrelated to DIR 2011/93.

DIR 2011/93 changes	Yes	POSSIBLY (or for another reason/cannot say)	No
Other changes in legislation or functions	I	ACDE	BFG

Table 13. Due to DIR 2011/93, changes in personnel

6.3.2. Could more cases be found, or dealt with?

What would you need to change to find any/or more cases? Or do you think there are more cases to be found with reasonable effort? Four countries stated upfront that there is a need for more human resources in the crime area. Other areas needing development named were the organisation (organisational development) of on-going cases, internation-

al cooperation with other countries and international organisations. Further, on international cooperation, police organisations, such as INTERPOL and Europol, it was stated that in all crime areas there is a lot of duplication and confusion. There could be more information if international cooperation worked better, also more resources for intelligence work and investigative level in the local police departments are sought for. More powers in proactive investigations and investing in trying to find cases would bring in more cases (for example reporting from the African continent). One stated that there is enough information, but the (police) organisation doesn't support the investigations in the best possible way. Another stated that there are more cases to be found, but more human resources would be needed to increase cooperation with national and foreign NGOs, civil society, travel industry and the public, to increase the amount of reports coming in. This would include informing the public about the police's existence and that it's possible to investigate and convict in these cases. Interpol and Europol are also mentioned as playing an important role in coordinating information and actions. Europol was suggested to dispatch *'personnel, representing all MS, in strategic places in order to gather information, cooperate with local LEA and NGOs and mingle with potential offenders in bars etc.'* In addition to more personnel, one responder commented that there would be a need for *'operationally based training courses on real cases, technical equipment, digital forensic investigators, psychologists, development unit, giving relevant explanation to policy makers/politicians, networks among LEAs'*.

6.3.3. Why do you think you find or don't find cases?

Many of the countries didn't seem to have a problem in receiving information or intelligence on TCSO cases. One country stated that they are on a good track, and definitely changed for the better during the last few years, however there are never enough people to work all cases (prioritisation needed). Another stated that there are plenty of reports

from private persons and that they receive well information from foreign countries. One stated that organisational development would be needed (to have more on-going cases), and another in the same line, 'we can find cases, but the problem is how to manage and handle them. Answer lies in proactive response and in lack of possibilities'. One stated that the greater public is not aware of the fact that they can report to national authorities (when they see something suspicious abroad, in case they don't report to authorities in the destinations), and that there is a possibility to investigate and prosecute the nationals once back home for the crimes committed. More human resources would be needed for committing better to the proactive work, and to gain more reports from outside the LE community. Though intelligence is a good tool for generating the cases that exist, intelligence personnel must prioritise their cases not to 'drown' the investigative units.

6.3.4. Would you be able to investigate more cases?

Four interviewees responded that if the situation with human resources does not improve, *'it is not possible, with these numbers we reached our limits... it's always a question on where you invest'*. *'What you look at, for how long you continue to investigate, and that is depending on the manpower you have'*. One responded that they always do everything in their cases, the attitude is that all is done. One stated of course more cases could be investigated (if there was intelligence), but more human resources are desired. It was commented that more manpower by (internal) transfers should be found, and awareness raising in police management to understand this⁴⁷ crime, and that there can be TCSOs arriving from/traveling to the neighbouring countries as well; transnational child sex offending does not only take place in 'far away' countries.

⁴⁷ Country is a member of Global Alliance, but this has not changed the attitude in terms of personnel needs.

6.3.5. Are the offenders in TCSO area previously known?

Do you have TCSO cases with persons having history (convictions on any CSE crimes, or previously suspected of any CSE), or new cases, or both? Six countries didn't respond, didn't have the information available, or the response was not clear enough for use. Four responded that they have both, with comments *'many of the offenders have a register'* (for sexual crimes against children) and *'the majority of persons previously convicted or suspected'*.

	Yes	POSSIBLY (or for another reason/cannot say)	No
TCSO cases persons with CSE history	ACFGI	BDEH	

Table 14. Cases on known offenders and new persons

6.3.6. Any means to stop persons with CSE crime records

Do you have any means to stop persons with a child abuse or child exploitation past from traveling, confiscate passports, any other actions...)?

Six stated that they do not have this possibility in reality or not after the case is out of the court. One country stated that they can limit the residence to a certain area, under probational supervision.

	Yes	POSSIBLY (or for another reason/cannot say)	No
Any means to stop one with criminal records?	D	AB	CEFGHI

Table 15. Any means to stop persons with CSE crime records

6.3.7. Any means to follow up on persons with CSE crime records

Do you have the possibility to follow up on movements of persons that have been convicted of CSE (or are you required to do so by law)? For example based on a risk assess-

ment? Eight countries stated that they have no possibility, at the moment, to follow up on a person after pre-trial proceedings; one added that though there is no sex offender register, an offender can (theoretically) be under surveillance on the basis of known dangerousness (in any crime area). One country stated that a framework for this is being created (SIS II is planned to be the flagging system).

	Yes	POSSIBLY (or for another reason/cannot say)	No
Follow up on a person with criminal rec?		D	ABCEFGHI

Table 16. Any means to follow up on movement of persons with CSE crime records

6.3.8. The use of existing flagging systems

Do you use SIS II, PNR, API or any systems to follow up on persons' exit and entry to your country? One country uses SIS II-system and PNR-data when they can obtain it (by using a subpoena). Another uses SIS II, PNR, API and INTERPOL databases. One uses SIS II and some others. PNR/API should be in place in 2017 in one country. Three respondents did not use any of the tools, or did neither know what PNR or API are, nor have access to SIS II. Of these countries one is able to flag a person in a national border management system (only in case of a limited period of travel restriction).

	Yes	POSSIBLY (or for another reason/cannot say)	No
Use of SISII/API/PNR? /any other flagging system?	AEFI	D	BCGH

Table 17. Usage of existing alert and flagging systems

6.3.9. Alerting other countries on persons posing danger to children

Do you alert other countries, if you know of a person posing a danger is traveling to that destination? If so, by what means?

One alerts in case the person has been convicted of crimes against children and there is credible intelligence on him planning to reoffend; in addition, in case there is no further intelligence, LE may confront the subject and ask questions. One uses INTERPOL and Europol channels, and one mainly through their own liaison officers and INTERPOL. *'Not at all'*, *'have not used this during the last 6 years'*, or *'not usually'*, responded 6 countries.

	Yes	POSSIBLY (or for another reason/cannot say)	No
Active alerting of other countries on persons Posing danger to children	AEG		BCDFHI

Table 18. Alerting other countries on persons posing danger to children

6.3.10. A person or a team working specifically on CSE?

Eight countries have a person or a team specialised in child sexual exploitation cases at the national level, either on intelligence side, or executing also the investigations. Only one country stated that they do not have a specialised person or a team.

	Yes	POSSIBLY (or for another reason/cannot say)	No
A team working on CSE?	ABCEFGHI		D

Table 19. At national level, a team working on child sexual exploitation

6.3.11. A person or a team working on TCSO?

Six countries have a person or a team, either working on criminal intelligence or executing also the TCSO investigations; three stated they did not at the national level. In addition, it

was asked, what is the amount of time used for TCSO? Of the responders, one stated that there is a dedicated team (of 5) working only on TCSO. One country has two full time coordinators at national level, and in the regional personnel as a part of other tasks. In two countries the same team works on all sexual crimes against children, including TCSO. One estimated the CSE personnel at national level using 1% in transnational offending, another 5%, and third approximately 20% annually. One did not estimate the use of time.

	Yes	POSSIBLY (or for another reason/cannot say)	No
A team or personnel working on TCSO ?	ABEFGI		CDH

Table 20. At national level, a team working on transnational child sex offending

6.3.12. TCSO investigations in performance management

Is countering or investigating TCSO a part of performance management at team or personal level ? For example a part of your annual appraisal or equivalent system?

TCSO is a part of performance management in four countries, while five countries stated that it is not.

	Yes	POSSIBLY (or for another reason/cannot say)	No
TCSO a part of performance management?	ADFG		BCEHI

Table 21. TCSO being a part of performance management

6.3.13. TCSO included in NCP strategy or similar?

TCSO is a part of the National Crime Prevention strategy in two countries, and missing from seven countries.

	Yes	POSSIBLY (or for another reason/cannot say)	No
TCSO in national crime prev. strat?	AE		BCDFGHI

Table 22. Transnational child sex offending included in National Crime Prevention Strategy

6.3.14. Is TCSO included in NAP?

(In case the country has a National Action Plan on child sexual exploitation counter actions). TCSO is included only in one country's national action plan against child sexual exploitation, while this is not the case in 6 countries. Two did not respond, however it was commented that CSE online is a priority (of the group working on CSE at national level), and that the CSE investigators are aware of TCSO as an issue (and able to act, would it be needed).

	Yes	POSSIBLY (or for another reason/cannot say)	No
Is TCSO included in a National Action Plan (CSE)?	A		BCDFHI

Table 23. Transnational child sex offending included in national counter CSE action plan

6.3.15. What else would you have to comment?

Some interviewees had nothing to say or explain, and some had plenty. There was apologetic commenting on simply not having any nationwide statistics for these crimes, the networking on this crime area being at 'the very beginning', and there not being 'a way to find out what is done at the city or region level'.

Cooperation

Teaming up, joining forces was commented on. It was said by several interviewees that '*countries tackle with this crime area mostly on their own*' and they invest in their national cases taking place abroad, and that the projects are usually small and national. Some MS have designated teams to combat TSO while '*other MS deny the existence of the problem in their countries*', '*if all the MS put the money and effort a few countries do at the moment, the results would be very different... As in EU-cooperation meetings on CSE in general, a few people are talking, the rest remain passive, agree on doing what is a necessary*

must, nothing else'. Organisations like INTERPOL and Europol were asked to take more of a lead, and get the countries to cooperate. Further, it was stated that the EU police need good practices, a common database and close cooperation. Europol was especially pointed out to take an important role in these cases. It was suggested that Europe (the EU) could have a pool of experts cooperating and be better organised. *'A rapid response unit, or a pool of experts could be built at European level, a structure for joint investigations, where each Member State's regional connections and capacity already existing in the area could be shared'*. The importance of prevention was mentioned, *'moving from reactive to all benefiting from protection and planned actions should be done, a specific (EU-level) meeting set up on TCSO investigations and operations only would help us get somewhere, to share wider what is already done in cases where one EU MS helps another in relation to a case in a third country, where the other does not have experience'*.

Seeing the light

In one country an 'awakening' had taken place due to a catastrophic child sexual abuse and exploitation case as follows; there was not enough focus on CSE, and TCSO earlier, but the country learned the reality and there was as a realisation that much more needs to be done, regardless of the whereabouts of a child, or whether the offender in the end originates from this country. The (other) countries were urged to wake up, especially in cases where there are hardly any human resources dedicated to combatting TCSO. The higher level decision makers *'should be made to understand that this is a joint responsibility for (offender) origin countries, and the police to seriously stand behind the need to invest in the area'*. Money and cooperation is needed, *'either this will happen after a national catastrophe or scandal, or can be dictated to the EU MS, there doesn't seem to be another way'*. However it was suggested that maybe there should be, at EU level, an evaluation of all the EU MS' actions in the TCSO-area. With it, countries could be evaluated, objectives

set and how they have been reached evaluated at national level, and then commented on at a high enough EU-level, as *`a responsibility to take care of children that are abused by `our` criminals, and to bring offenders to justice is not anybody`s (any single country`s) work alone`*.

7. Discussion and conclusions

In this chapter, the main results of the study are reviewed and main conclusions presented. The theory and methodology used in this study are discussed. When thinking of my own expertise or understanding, the one clear thing is that there are more questions after than before the study.

7.1. Chosen theory and methodology

The system of the EU functions as a whole could not be assessed in the study due to the time and effort that would have been needed. The EU strategies focus on external and internal security; however this crime type doesn't fit completely in either (though the police are in the internal security 'basket'). This crime doesn't fall into the typical 'online' or cyber facilitated child sex offending; nor does it fit the regular THB discussion, therefore there was a need to focus on different policy and crime areas. The obvious part in the strategy level is the request for cooperation and coordination, regardless of artificial or realistic breakdown in crime areas.

The strategic management of the whole EU, descending to national decisions is quite a long explanation, therefore short and generalising process descriptions were used. Areas like offender psychology, child sex offender registering, danger evaluation, and other aspects, without which one cannot really grasp the depths and dimensions of this offending, were only touched upon. However these various matters are needed for understanding – and at some point for possibly creating counter actions.

The concept of transnational child sex offending alone is wide, and changing, therefore the serious need to try to focus on the absolutely necessary. Corruption, working with the NGOs on place, ability and need for coordinated cooperation with local police, cultural and

political differences, gender of the offender or victim, family's involvement, the child victims possibilities to get a better life afterwards, and many other interesting aspects were not discussed, though for example corruption was mentioned in reasons for the judicial proceedings taking place in the origin country of the offender, but not discussed in depth.

The conceptualising of the problem was clear, however the amount of theory needed to understand and demonstrate the processes in the end, was a surprise to the researcher. When discussing the research methods, they could not really have been much different for the same amount of work and purpose. Naturally a wider group of people could have been interviewed. Taking for example a good practice reference country from the outside of the EU could have been a choice, but then the legal parameters would have varied, most likely, and the EU-focus (Schengen-focus) would have changed, and discussing the strategic management would have differed. The literature review was a good way to recheck one's own understanding, and the execution of it was actually a natural process. The strategic management -related responses to questions through the governance were thinner than the researcher expected, but there is no obvious reason to believe that the responses given would not reflect the reality from the police perspective.

7.2. Response to the stated questions and objectives

As this area is a sub-area for another crime-area (or actually two in cases), it is possibly not the best start for any specific case related questions, however all the interviewees know exactly what the crime consists of, therefore there were no expectations for example for the vocabulary used for example having had much influence on the results. Some concepts needed refining occasionally, which is quite telling when discussing the importance of words used in this crime area. Otherwise there was not really any confusion that couldn't have been corrected. In case there are differences between what is thought of the

EU actions and this study, it may be caused by several components; the amount of countries (not all are represented), there was no need for the interviewees to be politically correct as the interviews were anonymous, there does not seem to be much organisational memory in the MS' police in this field (or not many actions), the interviewees were all specialists in countering child sex offending. In cases of transnational child sex offending, the crime may have been dealt with as something else than child abuse, for example THB, in which case it may have been handled by another department. In any case, there was very little data in the end.

The main idea in the whole study was to shed light on the ability of the EU police to work on TCSO, compiling very basic numeric responses and verbal explanations on national level actions and case data together with national strategic decisions combatting the transnational side of child sex offending, and deducing from this the bigger picture on the governance of TCSO counter efforts in the EUMS, to create an understanding of Pan-European situation concerning strategic management. As this is an open access study, real case data or exact crime numbers by countries could not be used; however the interviewees were very positive towards this study, and shared information. The national situation part gave quite specific data on national experiences in this field, contributing to the understanding that the EUMS do not have very much data, or cases, where their nationals offend against foreign children abroad.

The main reasons for not investigating seem more like not having intelligence or resources, as the will seems to exist at the police specialist level, based on the responses of the interviewees. The factors enabling or hindering possible investigations or international police cooperation were not brought up in quite so much detail, however it was clear that the national police authorities in principle are open for more cooperation (the finances or national decision making in a specific case were not discussed). Lack of tools was not

mentioned as the reason for not having cases or cooperation; instead there were plenty of comments on the need for more resources, particularly in relation to human resources in victim identification of seemingly foreign children (which can be an implication of willingness to work on TCSO more).

Selected interviewees

All the interviewees are specialists working for their respective national police, being involved in the international and EU-wide police cooperation. Not one refused the invitation, and they did not hesitate to answer all questions to the best of their knowledge. Schengen country representatives were selected for the partially similar legal framework for example in border crossing matters. It was hoped to reveal “good practice” that the MS LE police could have use of when considering flagging of criminal, or steering/managing actions at national level. There is nothing tangible to hand that would show the selection to have been well or bad; one reason for this may be the little activity there seemingly is in these countries in general in the crime area. Though the main document focused on was DIR 2011/93, the questions to experts focused on a wider area, with the aim of gaining understanding of a EU-wide picture on possibilities to work on cases, keeping track of persons known for offending against children and possibilities to stop a person posing a danger to children from traveling – after all a Directive can dictate the national strategies at a great length.

7.3. Main results from the interviews, compared with earlier knowledge

A dialogue between old and new

The representations on children exploited commercially, in prostitution like practices, or in TCSO area differ. For example, George and Panko use the number of 2 million to describe

the amount of children forced into prostitution annually globally, they further state that the Americans make a quarter of these child abusers (2011, 135). Compared to these figures the cases known to EU MS police in this study feel rather small. Keeping in mind that George & Panko's study is not focusing on law enforcement, the data is not said to originate from criminal records, and for other reasons, just like with other related studies, they are not comparable to this study's results directly, but the difference is remarkable.

For the results' importance at the practical level, this study states the same as any law enforcement study; the more a hidden crime area is investigated, the more is found. As the interviewees stated; *'these crimes happen abroad, and only by putting effort to investigations, cases appear, and more so through co-operation'*. It seems clear that the split between the countries willing to act and the passive ones will stay, unless the need to act is dictated instead of conditional in the EU law as stated by one interviewee. Only a few of all the EU MS are active at EU-level cooperation. The underlying issue is the effort put in combating something that is not demanded by the EU at the Directive level. The Directive only encourages the EU MS in many of the actions that would be viable for a successful prevention of transnational child sex offending outside the Schengen area.

Data for understanding the national situation

The idea of quantitative data collection seemed good for understanding the national situation; however, as the case numbers were so limited, perhaps a different choice of references could have been a better option for creating differences; that said, with this amount of cases it may not matter, and publishing exact case numbers might have revealed the interviewees. One country's data was off the scale that was originally given as a choice (up to 20 cases). The others were 'happy' to choose from the scale, so it was seemingly 'ok' in eight out of nine cases. For the quantitative data questions, maybe more choice could have been given, or different questions, as without data or cases, there is not much

more to ask. The amount of zero-level or close to zero responses was a surprise. At the moment, it just seems that there are not many cases, and the data is either scattered in a county, or does not exist. After seeing the results, having the access and ability to discuss with the receiver countries' (where the abuse takes place) law enforcement, NGOs and others looks like the key for gaining knowledge on EU-citizens' criminal activities, cases and convictions in the destination countries. This kind of an approach requires time, money, connections, trust, and most of all long time efforts.

The qualitative questions on statistics were on purpose wider than the crime of abuse itself, taking into consideration the surroundings of the crime. There were no bigger conflicts in any of the answers. The amounts of cases are very small compared to open source projections. Five out of nine did not remember having ever heard of (or worked on) a national transnational child sex offender case investigated, while three countries have had maximum five cases in the years prior to Directive, and during the last years only two countries have had more than six convictions, while two had maximum five convictions on TCSOs after the Directive entered into force. There does not seem to be a conflict between the intelligence on persons and convictions either, three out of nine have not received intelligence on their nationals offending against children abroad ever, three had maximum five cases in the last years, and three more than six cases respectively. As only three responders stated that intelligence on cases is received at national level once a month or more often, the numbers seem very low, especially when compared with any open source data on (commercial) child sexual abuse worldwide. One can only draw the conclusion that what is estimated and case data vary very much, from millions to a handful. Whether this is due to the crime remaining hidden, or this still not being a mapped area, or that either of the figures is 'wrong' at some level, are at minimum the remaining questions. Efforts on countering TCSO would benefit from further study and understanding.

There is at least one indication of the crimes taking place more than meets the eye directly. The comments on the need to enhance the work on attempts to identify unknown child victims in child sexual abuse material (CSAM) were clear. All countries, except of one really, stated that more human resources should be given to identifying (foreign) child victims in the CSAM they have in hands. However, the countries with most cases stated strongly that more needs to be done in relation to child abuse outside their own country remits (by whatever means the child abusive material ends up in their hands). Logically, one could assume that the unidentified child victims (foreign and national) end up as CSAM after someone produces and shares the material. Material that depicts abuse of foreign children in a foreign environment starts circulating in the west and Europe somehow. It would be quite interesting, if the Europeans (and Westerners) sharing the material didn't have a role to play in the production of it. Based on the interviews, whatever the way is, the amount of child victims sounds higher than the identified victims, regardless of their whereabouts.

The questions on the circumstances where the TCSO has taken place were asked with the aim of understanding how the offenders and the ecosystem of the crime are seen and understood, hoping to see what kind of knowledge there is, possibly to use categories for prevention of the crime for example. Naturally the interviewer cannot give much weight on the description of cases from an interviewee who claims not to have any knowledge on any national cases, but the answers show more good will in trying to explain or understand the crime, rather than creating a conflict on purpose.

Prevention of the crime

One aim of the interviews was to learn more about the possibilities to act on the presumably dangerous child sex offenders in limiting their access to children outside the EU, by registration, follow up and limiting the travel, and also to find out whether the countries have or plan to have (child) sex offender registers, or follow up on their activities after con-

viction. Only a handful of EU countries register child sex offenders in specific sex offender registers, though DIR 2011/93 encourages this. Of the interviewees, eight stated clearly that there is no possibility (legally or otherwise) to follow up on a person's activities (with criminal records on child sex offending). Six clearly stated that there are no means to stop one (with criminal records on child sex offending) from traveling. Only four stated using any of the available notice or alert systems on tracking persons known for having offended against children, and six stated that there is no activity in alerting other countries of such persons possibly person posing a danger to children. In other words, it seems that not many countries have a de facto possibility of finding a known child sex offender who plans to travel, and to prevent him⁴⁸ from travelling or to notify the destination country.

Prevention of a crime should always be first on the list of any counter crime actions, why would transnational offending against children be any different? The responses leave the interviewer with the feeling that preventing crimes by EU-offenders and protecting children that way may not be enforced widely in the subject group. Naturally the prevention is not only for the police. Are wider development programs used for the wider security in the society, the security and well-being of the children? Are there attempts to influence the national attitude towards child abuse, enhance child protection services, and prevent transnational offenders from not facing consequences of their offending? One part that was not under discussion in this study, was the attitudes on CSE in the country where the crime takes place. Whatever is stated here, trying to influence the destination end to enhance the child protection is vital. As one of the interviewees stated, there are no big changes in the respective Schengen State, but there are changes taking place in the destinations.

⁴⁸ as earlier, he is used instead of he or she

Reoffending

After seeing the small amount of case data compared with comments on the need to improve child victim identification efforts, it seems that child sex offenders should not be divided in too strict categories so that we do not try to put them in one specific type of offender in the police work.

There are studies addressing child sex offending and the reasons behind, but as the data police (in this study) has dealt with is relatively small, one should not jump to conclusions on the offenders' behaviour. It would seem reasonable to conduct wider studies on the prevention strategies and enforcement of the law; however it seems clear that trying to address the issue first of all from the view of persons' sexual interest in children, not separating the offenders by focusing on the tool or access used to abuse or exploit a child, and understanding that the (sexual) interest of the offender can change in time, develop one way or another, is important – as DIR 2011/93 encourages the EU MS to evaluate the person's possible dangerousness towards children.

The interconnectivity of willingness to (re)offend, the wide range of possibilities to change the scene creating new opportunities for offending, the use of IT, changes in behaviour, the lack of follow-up amongst other things makes child protection efforts through criminal policies complicated. In countries, where any follow up on a convicted child sex offender is seen as persecution, it is even more so. This is why the interviewees were asked about the MS' actions on any post-conviction evaluation or a follow-up. In my opinion, this should be one of the number one priorities in countries working against CSE in any way, as a prevention tool, so that society can respond in a correct way — with treatment needs⁴⁹ after

⁴⁹ Though pre-offending treatment is not discussed here, it must be seen as important in the prevention category.

offending and possible sentencing, ultimately limiting the possibility for contact with children (the possibility to limit the travel being mandated to authorities).

Returning offenders

Many of the persons convicted for child sexual offences in the EU travel outside the area for easier access to children; however obviously they are not the only ones the EU MS are (or should be) concerned about. There are also persons that have either not previously offended against children, or are just not known to the authorities of their origin country, prior to this particular plan of travel to offend abroad. Half of the interviewees estimated the offenders abroad were being reoffenders, half stated that they can be either new to hands on abuse, or reoffenders. Logically, after abusing a child abroad, they return as hands on child sex offenders, and may or may not offend upon return, whether known to EU-law enforcement or not. There are many aspects to tackle in international police cooperation.

Flagging, alerting

Alerting other countries would be important, amongst other reasons for the changes in the offenders' modus operandi. Only by having the ability to track and alert can one notify a country where the abuse is likely to take place. As for warning other countries, there seems to be two different data concepts needed for the comparison. First of all the data on persons travelling, and legally obtained data on persons possibly posing danger to children would be needed. Without access to proper passenger data in a timely manner, or offender data, any systematic targeted alerting seems impossible. How can LE cooperate internationally, if national intelligence is missing? Though the following example is not from the EU, it illustrates the cycles of changes in governmental⁵⁰ actions are well understood all over the world, like in this case in Thailand ` *The more child sex tourists and traffickers*

⁵⁰ NGO's, and other stakeholders'

who are sent to Thai prisons or returned to the U.S. for prosecution, said Gen. Tamesak, the more the word goes out that Thailand is no longer a playground for pedophiles and other sexual predators' (FBI 2016.) It seems that persons who are ready to travel to sexually abuse children do so to destinations where they have access, and the LE interference is minimal. Logically, travel would be from rich to poorer areas, from places where legislation is in place to those less fortunate, and all this changes when one destination changes its legislation and practices to less-comfortable for committing the crimes against children. This is also the case when the EU MS enhance their child protection strategies. It would be, again, logical that we are actually 'pushing' the known offenders out of our territory.

As all the interviewed have presumably cases of (national) child sex offending, but many do not really have intelligence or cases of transnational offending I am tempted to conclude that only by obliging the MS to evaluate, follow up and register persons having sexually abused children, possibly to notify the destination, is there hope to prevent them from reoffending abroad. In case a MS does not evaluate, or register persons possibly posing a danger to children, how can they follow or alert a destination country of them, not to mention limiting their travel?

Foreign child victims' right for compensation the financial track

The questions did not include much on child victims. DIR 2011/93 clearly states that the child does not need to testify nor there is a need for a report from by the victim (or local authorities) for opening an investigation in a suspected case of TCSO. Compensation for the violated party is quite a basic victim's right, but as it is a part of a started investigation, it is not as clear as the child's role in the criminal process. The EU MS (Schengen States) that have had cases are in the position to answer on their take on the victim compensation; therefore it was included in the interview process. Clear conclusions include that there

have not really been many cases of compensation paid to a victim abroad; six responders stated never, two stated that in maximum five cases any compensation to the foreign child victim was paid, and only one stated that there were more than five in recent years. It seems a problematic area – how to make sure that the compensation profits the victim in a correct way, so that it wouldn't profit the possibly involved family and wouldn't encourage child abuse with the hope for compensation, or that the compensation would not vanish in a corrupt system. There were no financial sanctions placed on an enterprise in any of the countries the interviewees represented. Only two have sanctioning of the profited party as a strategic priority in the TCSO cases, while financial investigations play a viable role. However the two countries that have the financial aspect heavily onboard have each had at most five cases during the last few years.

Cooperation and national decisions

Interestingly, the countries that have had most cases and have a dedicated team or persons working on TCSO, mostly commented on the need for more and better cooperation. Not so surprisingly the comments on the need for all to start putting money and effort to countering transnational child sex offending were also made from the same direction. The main point being, no one stated that the existing cooperation would be enough.

Based on the interviews and material, it seems that in case the MS are not obliged to put effort on countering this crime type, it will not happen in many of the countries. The numbers referring to national data and cases are low, and any results are from the same countries, the ones putting effort to countering TCSO. Only one country clearly stated that TCSO is in the national crime prevention strategy and included in a national action plan (on child sexual exploitation–crimes). Most likely all countries have a THB-strategy existing, and child trafficking is a part of it, but these two do not seem to find each other in reality. The assumption may be wrong, but not in light of this study.

Not all the countries with cases were large; therefore it seems that the size of the country cannot be the only determinative factor in having a 'bigger' amount of data or cases on TCSO, neither is the language spoken, or a colonial past. A national will to invest seems to be the underlying factor. Though all the interviewees represented (Schengen and EU) countries that have DIR 2011/93 in effect, most of them do not have national cases of TCSO. Perhaps this is the reality, or then in the light of the responses, efforts put in the area bring in cases.

For cooperation, there could have been more precise questions on the international or European area. All the EU MS however are participating in the EMPACT cooperation at the political level, and that forces the countries to cooperate to certain extent in some areas. However as this topic is not one-clear-crime topic, there could have been more questions in the area. On the other hand, the countries did request more tangible cooperation without being specifically asked. Some of the questions included the hypothesis of answering also on cooperation, for example the alerting of others.

When discussing crime prevention, there is not much taking place in the EU in the area of primary prevention of TCSO; removing the possibility to commit a crime, secondary; focusing on the risk persons, and tertiary; focusing on the reoffending. Though some actions take place at national level, a conditional strategic management document does not seem enough, as then there is not a coherent enforcement. As the EU works on decision making in networks, this crime area (that can be specified, if there is will) should be given enough focus for getting included in the processes, so that the strategic guidance would be in line with the high level politician's statements on the importance of tackling the matter.

However, as a strategy should be based on strategic analysis, but as TCSO is 'kind of a' subgroup to child sex offending in general (that is EU-wide or internationally mostly addressed as Internet related, online, or cyber facilitated child sex offending), there has not likely been much specific EU-wide, if any, strategic analysis made for EU- political decision making level, though it is brought up in the high level discussions. There is strategic analysis in police in most advanced countries in the area of putting effort to TCSO, but it is (mainly) not for public use. Though there is strategic analysis conducted on CSE on a wider scale in institutions and countries, often the TCSO part plays a very small role, if any, as the child sexual exploitation is discussed in relation to the Internet. My guess is that streaming child abuse may be changing this, as the purchaser, the one who orders the abuse, is the primus motor for the criminal actions, and it has the same brutal forms as hands on offending, though the tool used is the Internet – streaming and another person on the child's end. Possibly a more holistic picture is being drafted, showing that joint effort is needed, which is already known by the active countries.

Changes due DIR 2011/93 or for other reasons

In the interviews, the divider of time was selected to be the time DIR 2011/93 entered into force in the particular MS. The choice may not have been a full success. The comparison between countries, or categorisation of them was difficult, if not impossible. On one hand there was not much data to compare with clear 'groupings of countries', and the fact that the countries have not noticed much difference in the situation before and after the Directive. The EU MS seem to have adopted DIR 2011/93 successfully; however the matters that are in conditional do not seem to happen. Other guidance was not really mentioned for the reason of changes, neither was the Directive in many cases, really. The comments on the Directive's effect being what they were, may not be because of there had not been any changes, but because of the changes have either taken place earlier, due to the

Lanzarote Convention for example, or perhaps the specialist in question does not connect the change to the Directive, as the changes in national legislation are not straight forward, or 'marketed' necessarily nationally as being caused by the Directive. The responses might have been different, if the questions had been asked to persons being involved in national legislation drafting, but then this study is aimed at giving an insight on the police's take on matters.

What if, what then?

Are there no cases, or could it be that although child centric investigations are mentioned and all LE actions should be done with the child's best interest in view, the convictions are still the 'thing that counts'? As said, for a tangible change strategic steering should change, perhaps with a strategy addressing only transnational offending, legally binding changes in the Directive. These could include an obligation of the countries to cooperate and coordinate at international level with other law enforcement, cooperate with other stake holders, including on the issues of child protection and LE to the development cooperation whether EU- or nation-wide, and further including it in the comprehensive security discussion, though the results would be visible mainly or only outside the EU. All activities should lead to measuring the actions, and further development. This is not a cheap cure though, and would need a strong EU-representation for being 'pushed through' at the political level decision making in the EU.

Further studies would be welcomed, both academic and practical. A more in-depth approach could be useful, for example a study addressing only the EU- strategy, or a pure evaluation study with the correct data collection. In case all the EU MS were to be evaluated, perhaps the main or known destination countries could play a role in collecting data and showing their capabilities in for example border management. For creating usable

prevention methods, offenders could be studied further, for example the dangerousness and categorisation, as when studies for example focus on population originating from a country with sex offender registers and a possibility to stop dangerous persons from traveling. The results may differ from others, and the strategies may not be the same; however at the moment it seems that any study would give more light to law enforcement and the decision makers.

To conclude, I would quote M. Klinge, who says that knowledge alone is not precious, unless it is not engaged with values and many other matters. The basic assumption of reality is ambiguity and problematic (2016).

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Annex 1, QUESTIONNAIRE

Prerequisite:

- The crimes listed in Dir 93/2011
(Article 3 Offences concerning sexual abuse, Article 4 Offences concerning sexual exploitation, Article 5 Offences concerning child pornography, Article 6 Solicitation of children for sexual purposes)
 - The crime has been a hands on crime against a child (excl. grooming and streaming, though these can be included in parts for comments in case)
 - The crime has taken place abroad and against foreign children (not traveling with...)
 - **All the questions include a further question on comments and details.**
-

I NATIONAL SITUATION — STATISTICS, CRIME, PROCESSES

1. Intelligence on ongoing and past cases

1.1. How often do you get intelligence (any kind of) of a suspicion that your national is offending (ongoing or past) against children outside your country? (*tip lines, referrals from LE, etc.*)

- a) Never/not known
 - b) once a year
 - c) once a month
 - d) more often
-

1.2. Of how many persons have you received this kind of intelligence?

- a) none
- b) between 2008 -2010?
 - a) 0 - 5
 - b) 6 – 20
 - c) More
- c) after year 2011 (01/2012)?
 - a) 0 - 5
 - b) 6 – 20
 - c) more

1.2.1. and by what means do you have the intelligence?

2. Victims

2.1. Are there unidentified child victims based on f.ex material confiscated in cases?

2.2. Would you need more resources to focus on victim identification in these cases?

3. The offenders' Modus Operandi, stay/travel abroad

3.1. What was the "legitimate" purpose for your national (permanent resident) for being in the country?

- a) Tourism and travel, retirement, nrs. and comments
 - b) Volunteer work / running an orphanage /assisting locals
 - c) Work for governmental / civil crisis management or military or red cross or other international organisation
 - d) Private work /other business (work for f.ex. IT company, anything not related to above)
-

3.2. How was the connection to children/pimp made in cases above? in person-network-social media usage? And by what means do you have the intelligence/information? Educated guess?

4. Suspects of the crime, procedures, convictions

4.1. Of how many cases are you aware, where your national (permanent resident in your country) has been a suspect of the crime, but not convicted (*jumped bail, found not guilty ...*) And by what means do you have the intelligence/information?

- a) Never / Not known
 - b) Between 2008 -2011?
 - a) 0 - 5
 - b) 6 – 20
 - c) more
 - c) After year 2011 (01/2012)?
 - a) 0 - 5
 - b) 6 – 20
 - c) more
-

4.2. Of how many cases are you aware, where your national (permanent resident in your country) has been convicted of any of the crimes as offender? And by what means do you have the intelligence/information?

- a) Never / Not known
 - b) Before year 2011
 - a) 0 - 5
 - b) 6 – 20
 - c) more
 - c) After year 2011 (01/2012)?
 - a) 0 - 5
 - b) 6 – 20
 - c) more
-

4.3. Of how many cases are you aware, where your national (permanent resident in your country) has been convicted in any other role (*inciting, aiding, abetting Art 7*)? And by what means do you have the intelligence/information?

- a) Never/Not known
 - b) Between 2008 -2011?
 - a) 0 - 5
 - a) 6 – 20
 - b) more
 - c) After year 2011 (01/2012)?
 - a) 0 - 5
 - b) 6 – 20
 - c) more
 - d) Any non-convicted, but partaking to crime according to intel?
-

4.4. What was the place for the criminal proceedings in cases concerning your nationals in any of the above, or approximately? (*F. ex. 1 of 2 known prosecutions at home country*)

- b) destination
 - c) home**
 - d) other
-

4.5. Were any of the cases investigated as THB? F.ex when a child in foreign country is from somewhere else, or the crime took place in an organised manner (*Cambodian child in Thailand/child from countryside in Bangkok, etc.*)

- a) Yes, why?**
 - b) No, why?**
-

5. Financial gain, sanctions, compensation to victim

5.1. If there was financial gain involved to offender (*or pimp, parent, like minded individual...*) were financial sanctions used to persons/enterprises/NGOs and/or property confiscated?

- a) Never-Not known
 - b) Between 2008 -2011?
 - a) 0 - 5
 - b) 6 – 20
 - c) more
 - c) After year 2011 (01/2012)?
 - a) 0 - 5
 - b) 6 – 20
 - c) more
-

5.2. Was the offender ordered by court in your country/destination to pay victims compensation?

- a) Never-Not known
- b) Between 2008 -2011?

- a) 0 - 5
 - b) 6 – 20
 - c) more
- c) After year 2011 (01/2012)?
- a) 0 - 5
 - b) 6 – 20
 - c) more
-

5.3. Were any of the children_in question paid any compensation?

- a) Never-Not known
 - b) Between 2008 -2011?
 - a) 0 - 5
 - b) 6 – 20
 - c) more
 - c) After year 2011 (01/2012)?
 - a) 0 - 5
 - b) 6 – 20
 - c) more
-

II POLICE STRATEGIC MANAGEMENT

6. National Strategic Management

6.1. Do you have at national level a person or a team working specifically on CSE?

6.2. Do you have at national level team or personnel working on TCSO? If yes, Full time/part time? How much of the time (10% - 100%)?

6.3. Are TCSO investigations anyhow a part of performance management in team or personal level? (*F. ex. a part of your annual appraisal or equivalent system*)

6.4. Is TCSO included in national crime prevention strategy or alike?

6.5. If you have A National Action Plan on child sexual exploitation, is TCSO included?

7. Law Enforcement's possibilities to follow, flag, stop the travel

7.1. Do you have TCSO cases with persons having history (convictions on any CSE, or previously suspected of any CSE), or new cases, or both %?

7.2. Do you have any means to stop persons with a child abuse or child exploitation past from traveling (confiscate passports...)?

7.3. Do you have the possibility to follow up on movements of persons that have been convicted of CSE (or are you required to do so by law)?

7.4. Do you use SIS II, PNR, API or any systems to follow up on persons exit and entry to your country?

7.5. Do you alert other countries, if you know of a person posing danger is traveling somewhere? If so, do you use IP Green Notices or other means? (, bilaterally, Liaison officers, SIENA....?)

8. Possible needs for improvement

8.1. What would you need to change for finding/ or more cases? or do you think there really are more cases to be found within reasonable effort?

8.2. Why do you think you find or don't find cases?

8.3. Would you be able to investigate more cases? Yes, no, what needs to change, if something?

9. Has the Directive changed anything at national police level? (Yes-No, details)

9.1. Do you have positive changes that are not due directly/indirectly to the Dir, why?

9.2. On extraterritoriality⁵²?

9.3. More people in any teams enabling investigations? (*investigators, forensics personnel, liaison officers specialised in assisting with crimes against children, etc.*)

9.4. More people enabling more ViD? (*or/and seconded to INTERPOL, etc.*)

9.5. Other changes in your legislation/functions/funding post Directive?

⁵² Extraterritorial rules in place for prosecuting their nationals /permanent residents