

Examining the strategies to support victims of sexual cybercrimes by document review and Delphi analysis

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Abstract

With the spread of cyber space and the availability of this technology to everyone and the emergence of aspects of criminal law in it, the need to support the victims of this space became important and necessary. In analyzing its main purpose, this research has criticized and analyzed this issue by using the analytical method, using the opinions of the panel of experts without bias and interfering with the author's personal opinions and with a realistic attitude, and the criminal protection solutions for the victims of sexual crimes in the cyber environment have been discussed with the focus on criminal proceedings, and the topics discussed have been centered around the answer to this basic question, which basically the domestic criminal law, in terms of the criminal proceedings process, has considered what solutions to support the cyberspace sexual victims. The results and findings of the research confirm that the criminal procedure has provided special protections to the victims of sexual crimes, including sex tourism, sex trafficking, pedophilia crimes, sexual abuse, and the like in cyberspace, which examples of it can be considered, including the solutions of the assignment of special judges, the capture lawyer, transnational judicial cooperation, the possibility of receiving moral damages and the like.

Keywords: cyber sexual crimes, sexual victims of cyber crimes, criminal proceedings support for cyber sexual victims, Delphi analysis

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1 Introduction

Supporting the victim (a real person) is supporting a new approach in criminal science, which by injecting it into the body of criminal policy, a model of a criminal justice system can be drawn, which, in addition to the circuit of the criminal, also revolves around the circuit of the victim (a real person), the outstanding feature of this new approach is the variety of its constituent components. The role of the judicial system in the framework of a victim (real person) oriented criminal justice policy should not be ignored. The belief that the victim (a natural person) enjoys personal rights, like the defendants and criminals, must be instilled in the body of the judicial system and all parts of the justice system, so the role of judges in guaranteeing the basic protection of the victim (a natural person) is very prominent and sensitive. The impartiality of the judge plays a decisive role more than anything else in achieving this basic protection, and with consistent laws, judges better protect the victim (a real person). Usually, cybercriminals target critical and

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vital points of societies to deliver the most fundamental blows. The main concern of all the audience of this work is heavy and irreparable financial and human losses. Using unlimited resources, individuals or cybercriminal groups will be able to compromise cyberspace around the world with the push of a key, and by employing expert forces in the field of information technology and by spreading malicious computer malware within a few seconds, infect thousands of computer and telecommunication systems in the world. The terrible results of cybercrimes lead to the destruction of computer hardware, disruption of power lines, disruption of emergency systems and severe physical and mental injuries in society.

Currently, internet crimes are committed in various forms based on Iran’s law on computer crimes and the international convention on computer crimes known as the "2001 Budapest Convention on Cyber Crimes" [1], in four main areas including: crimes against data and system computer crimes, crimes related to content, crimes of Internet service providers, trafficking of telephone conversations, explaining the concept and nature of Internet crimes and examining different types of Internet crimes as well as criminal jurisdiction in the field of cyber crimes. Among the most important challenges faced by the victim (real person) in order to assert their rights, the following can be mentioned: Non-discrimination towards the victim (real person) and their access to justice: taking a "group" approach towards the victim (real person) in such a way that in group crimes it causes the victim (real person) as a "group" "should not be treated as "individual" and "individual" which, considering the individual differences between the victims (real person), can lead to discrimination and ultimately the impossibility of their effective access to justice. According to the above-mentioned cases, in this research, an attempt is made to analyze and analyze the challenges by collecting the data of the problem and examining its surroundings and provide practical and executive solutions related to the protection of victims of sexual cybercrimes in criminal proceedings.

2 Research method

The research method of this research is qualitative and Delphi analysis method is used. In qualitative research, experts and specialists should be used so that the interviews have proper validity. The statistical population of the research is lawyers and legal experts and experienced lawyers. To implement the fuzzy Delphi method, the following steps have been taken:

The first step: after preparing the evaluation factors, a questionnaire was prepared to prepare the experts’ opinions and the experts were asked to give 1 to 5 points according to their agreement with the evaluation factors in the form of a fuzzy spectrum, and if necessary, add items to the provided list and provide explanations if they disagree with the evaluation criteria.

Second step: After collecting and reviewing the questionnaire data, a number of experts announced the factors that should be removed from the proposed list.

The third step: another questionnaire with a complete list including the initial list and new opinions of experts was prepared and sent to the experts to give their opinion so that they could rate the factors again.

Fourth step: Every expert in every step must consider a level for each of the considered criteria and dimensions.

These levels have been provided to the experts in the form of language variables (very low, low, medium, high, very high). whose numerical values in the form of fuzzy numbers are defined as triangular fuzzy numbers as follows:

Table 1: Fuzzy numbers equivalent to verbal expressions

Very low	Low	Medium	High	Very high
(5 and 2 and 0 and 0)	(5 and 5 and 2 and 0)	(5 and 7 and 5 and 5 and 2)	(10 and 5 and 7 and 5)	(10 and 10 and 5 and 7)

At the end of each stage, the fuzzy average of each question has been calculated according to the following formulas.

$$\begin{aligned}
 F &= \langle U, R \rangle \\
 U_R(x) &= \{y \in U \mid xRy\} \\
 \underline{apr}_R(X) &= \{x \in U \mid U_R(x) \subseteq X\}, \\
 \overline{apr}_R(X) &= \{x \in U \mid U_R(x) \cap X \neq \emptyset\} \\
 POS_R(X) &= \underline{apr}_R(X) \\
 BND_R(X) &= \underline{apr}_R(X) \setminus \overline{apr}_R(X) \\
 NGR_R(X) &= U \setminus \overline{apr}_R(X)
 \end{aligned}$$

$$\begin{aligned} \gamma(P) &= \sum_{X \in P} \frac{|POS_R(X)|}{|U|} \\ IT &= \langle U, A, V, \rho \rangle \\ IND(B) &= \{(x, y) \in U \times U \mid \forall a \in B(\rho(a, x) = \rho(a, y))\} \\ \delta(x) &= \{y \in U \mid \Delta(x, y) \leq \delta\} \\ \Delta(x_1, x_2) &= \left(\sum_{j=1}^m |x_{x_1j} - x_{x_2j}|^p \right)^{1/p} \\ R_\delta &= \{(x, y) \in U \mid \Delta(x, y) \leq \delta\} \\ \underline{apr}_{R_\delta}(X) &= \{U_{R_\delta}(x) \subseteq X\} = \{x \in U \mid \delta(x) \subseteq X\} \\ \overline{apr}_{R_\delta}(X) &= \{U_{R_\delta}(x) \cap X \neq \emptyset\} = \{x \in U \mid \delta(x) \cap X \neq \emptyset\} \\ P &= \{G_1, G_2, \dots, G_c, \dots, G_k\} \\ b_c &= \left\{ \frac{\sum_{x \in G_c} x}{|G_c|} \right\} \quad (|G_c| \neq 0), \text{exception handling} \quad (\text{otherwise}) \quad \frac{c_{nearest} = \arg \arg \|x - b_c\|}{1 \leq c \leq k} \\ T &= \{l \mid \|x - b_l\| - \|x - b_{c_{nearest}}\| \leq t, l \neq c_{nearest}\} \\ x \in U(c_{nearest}) \quad \text{and} \quad x \in U(l), \quad \forall l \in T \quad (\text{if } T \neq \emptyset) \\ x \in U(c_{nearest}) \quad \text{and} \quad x \in L(c_{nearest}) \quad (\text{otherwise}) \\ b_c &= \left\{ w_{low} \frac{\sum_{x \in L(c)} x}{|L(c)|} + w_{upp} \frac{\sum_{x \in U(c) \setminus L(c)} x}{|U(c) \setminus L(c)|} \quad (U(c) \setminus L(c) \neq \emptyset) w_{low} \frac{\sum_{x \in L(c)} x}{|L(c)|} \right\} \quad (\text{otherwise}) \\ b_c &= \left\{ w_{low} \frac{\sum_{x \in L(c)} x}{|L(c)|} + w_{upp} \frac{\sum_{x \in U(c)} x}{|U(c)|} \quad (L(c) \neq \emptyset) w_{low} \frac{\sum_{x \in U(c)} x}{|U(c)|} \right\} \quad (\text{otherwise}) \\ 0 &\leq w_{low}, \quad w_{upp} \leq 1, \quad w_{low} + w_{upp} = 1. \end{aligned}$$

Answers received from each of the experts:

$$A^i = (a1^{(i)}, a2^{(i)}, a3^{(i)}, a4^{(i)}) \quad i = 1, 2, \dots, n$$

$$A_m = (a_{m1}, a_{m2}, a_{m3}, a_{m4}) = \left(1/n \sum a1^{(i)}, 1/n \sum a2^{(i)}, 1/n \sum a3^{(i)}, 1/n \sum a4^{(i)} \right).$$

Calculation of average opinions of experts in each stage as fuzzy numbers:

Fifth step: At the end of each step, a threshold value is selected in order to screen inappropriate factors. Basically, the threshold value is determined by the subjective judgment of the decision maker and will directly affect the number of factors that are screened. There is no simple way or rule of thumb to determine the threshold value. Often, the number 3 is considered as the threshold. This research also considered the number 3 and eliminated the factors that had a geometric mean lower than 3.

3 Examples of sexual abuse in cyberspace

Some of the most important crimes and misdemeanors that take place in cyberspace are sexual and against chastity, including sexual abuse, virtual pornography, etc., which we will explain in this speech.

3.1 Injury caused by virtual pornography

Child pornography through the Internet shows the dark side of human nature in cases where technology is used to perform inhumane, dangerous and offensive behaviors, and this technology becomes a tool in the hands of criminals [7]. According to paragraph "C" of Article 2 of the Optional Protocol of the Convention on the Rights of the Child regarding the sale, prostitution and pornography of children approved in 2000, it is to prepare obscene writings and photos of children of any representation, by any means, of children engaged in real or simulated explicit sexual activity or any representation of child sexual parts for substantive sexual purposes [2]. Of course, it should be noted that this abuse of children must be in line with sexual acts and any image of children cannot be considered pornography. Even

children's images of children taking a bath are not subject to child pornography laws, but the laws cover only the obscene display of a child's genitals or engaging in sexual activity [12].

Interpol's group of experts for crimes against children also states in this context that child pornography is the result of sexual exploitation or abuse committed against a child. It can be defined as any means of depicting or encouraging child sexual abuse, including print or audio, focused on sexual acts or sexual organs of children [7], and in connection with false, imaginary and fabricated images of pornography, which today, due to the advancement of photography technologies, editing and computer programs such as Photoshop, by manipulating real images, creates and exposes people, especially children, to irreparable harm that some national laws do not include false and fake pornography related to child pornography or are not clear about it, this pornography usually involves the visualization of a child even if he is not actually involved in the physical scene. These simulated images of children are created by a computer or parts of the child are actually placed in contact with an adult's body, while some countries, such as the United Kingdom, have changed their laws to include false and fake child pornography, other countries, such as France and Belgium, are still awaiting the necessary reforms from this point of view. After all, porn producers can take an innocent picture of a child and change it to look like the child is naked or while committing sexually explicit acts, it is virtually impossible to distinguish real images from altered images, Pedophiles can then use the altered images to reduce the discomfort of the child, to sexually arouse the child or themselves, to describe their favorite sexual acts, before, during or after sexual activity with the child, or to threaten the child and to The purpose of his employment is to use sexual activity.

In fact, fake child pornography, like real child pornography, causes many dangers, for example, any type of child pornography can be used by pedophiles in order to overcome children's resistance to sexual advances, and this has happened. Members of the International Association of Prosecutors have come across many cases where pedophiles in one act showed children pornography in order to convince them that child sexual acts are normal, normal and pleasurable. What difference does it make to the child victim whether the images used to break his resistance are real or fake?

Child pornography can appear in different forms: 1. Visual child pornography, which consists of encouraging a child to engage in real sexual activity or simulating or displaying sexual organs. 2. Audio pornography on a child, which includes the use of any audio interface that uses the voice of a real or simulated child with the intention of sexually motivating the user [9]. A complete definition of child pornography can be any visual representation that represents a person who is a child or appears to be a child and one who is employed or appears to be employed in an explicit sexual activity, or circumstances involving the sexual display of a child's female genitalia or anus, and any auditory representation of a child or person who appears to be a child and a person who is employed or appears to be employed for explicit sexual activity and finally any audio or visual representation that suggests, advocates or advises unlawful sexual activity with children; regardless of the manner or quality of the medium that represents the seduction, without prejudice to the consequences of the work, including the display of cases caused by computer graphics or through mechanical or electronic means [6].

Indecent videos and photos are usually irrefutable evidence that child abuse has occurred, countless instances of child pornography are available on the Internet. This is because the Internet makes it possible to reproduce images without boundaries and easily transfer them. The Internet has turned the collection of child pornography into a massive crime industry, with child abuse photos sometimes presented in numbered series to facilitate identification and collection. Collectors try to fill out their series of photos, the photos can also be part of a short story, with moving photos during the story, in some recent photos the real name of the child is mentioned. In fact, the newest form of abuse of children in sexual criminal activities is the use of modern technology to publish obscene images of children. This type of abuse has recently grown exponentially worldwide, with the publication of indecent images of children not only through books and magazines, but also through computer discs and the Internet. Internet technology has helped the child pornography den evolve from the surreptitious physical exchange of images to the virtual and undetected transfer of millions of high-quality images from children upwards.

The Internet provides a way for pedophiles to distribute pornography to exchange child pornography cheaply, in unlimited quantities, and in a safe and secure manner, due to the clandestine nature of their activities. There are reports that people are collecting large databases of child pornographers, which has created a global market for pornography, which in turn has resulted in more child victims. The great wealth resulting from the production, distribution and sale of video shows of sexual acts every day attracts more and more attention and interest of cyberspace criminals towards children, the character and simplicity of children prepares the ground for their increasing victimization and income generation of children's friends. For example, cybersex has become a billion dollar underground industry in the Philippines, the operator of Orgasmic Ventures in Las Pinas earns at least \$100,000 a day. Activities that lead to child victimization are limited only by available technologies.

However, it does not seem to slow down the potential growth and expansion of new technologies in the computer field. For example, the introduction of digital cameras has made the images to be individual, private and unlimited and available, other images do not appear in local photo labs and are not controlled by international customs agents. However, this ease of production and distribution is not limited to images, audio recordings can be made with most home computers, and to transfer internationally, mobile cameras are also available and can be used to create video files that can be transferred anywhere in the world in a few thousandths of a second. Today, the existence of unlimited freedoms and the spread of the decadent and insatiable culture of sexual instincts in the world, especially in Western countries, have led a group to this direction to expose children to sexual assault and earn money by selling pictures and videos of sexual assault on them, but vulgar content about child sexual attraction is a problem much more acute than a simple photo issue because that image display is much more effective than child sexual abuse. Since pornography is the most important crime against children in the cyberspace, special attention should be paid to identifying this brazen act and ways to prevent children from being victimized in this space.

3.2 Victims caused by sexual abuse and pedophiles

Pedophilia is one of the ugliest issues in crimes against children and teenagers, pedophilia means loving and in legal terms sexual abuse of children. In Farsi, you can use the word bachehbaz. Pedophilia is a sexual deviation and a mental disorder in which a person is sexually attracted to children, and it can be said that this type of attraction is abnormal and abnormal. Pedophilia is characterized by fantasies or sexual activities with children before the age of puberty. A pedophile is called an active pedophile if he tricks a child and gets sexual pleasure from him, and if he only dreams of this sexual pleasure, he is called a passive pedophile. Virtual space and especially, social networks, by creating communication opportunities and at the same time having characteristics such as the possibility of anonymity, the virtual space has created a suitable environment for this crime compared to the real limited space.

3.3 Sexual tourism

Sex tourism is generally the sexual exploitation of foreign travelers, businessmen or tourists, from within or outside the region. Today, child sex tourism is recognized as a social problem in both industrialized and developing societies, and public anger has been directed at it. In the advertisements that are done for marketing in most western countries to tourists who go on vacation to other countries such as the Philippines or Thailand, India and Sri Lanka, the existence of minor child prostitutes is mentioned.

According to the International Organization for Migration, child sex tourism generates about \$8 billion annually, and the huge profits that perpetrators make have fueled the rise of organized crime and made this type of abuse a global threat. In the era of cheap air travel, most of all, tourists and businessmen from industrialized countries and other developing countries are looking for child prostitutes. Many of them travel to countries that provide such services because of the lower risk of being exposed and going to prison, or in the hope that there is less risk of AIDS in sexual relations with children. According to information obtained from UNICEF in 1990, sexual abuse of even 10-year-old children is increasing, so that in industrialized countries, certain companies whose field of action is sex tourism, children are used as a source of sex trade in different ways. The countries that are referred to as the centers of sex tourism are Argentina, Bangladesh, Benin, Brazil, Cambodia, Chile, Colombia, Costa Rica, Ivory Coast, Cuba, El Salvador, Guatemala, Guinea, Haiti, India, Indonesia, Kenya, Mexico, Morocco, Philippines, Senegal, Sri Lanka, Taiwan, Thailand, Uruguay, etc.

In fact, child prostitution is a part of the sex tourism industry in some parts of the world, closed tours aimed at prostitution attract men from Europe, America and Japan to these areas [10]. In fact, child prostitution is part of the sex tourism industry in some parts of the world. Closed tours aimed at prostitution attract men from Europe, America and Japan to these areas. Currently, the Internet is considered the most important tool in the creation of child sex tourism, which means that it not only leads to sexual abuse of children, but it causes taking photos and publishing images on the lines of countries whose laws are not strict about sexual content or have no laws in this field at all. For this reason, the police, national organizations, governments and judicial authorities put a lot of emphasis on harmonizing the national laws of all countries in this field. Since the mid-90s, the police of many countries have formed special units to investigate the sources of sexually vulgar content on the Internet. In fact, with the spread of information about the potential for sexual abuse in countries where poverty makes abuse easier, child sex tourism has been facilitated by the Internet. Research shows a shocking growth in the number of sex tourists seeking children in Central America. Among other countries, Italy recently introduced laws that would criminalize websites that offer child sex tourism information, as well as people who organize or promote child sex travel.

In England, the Scottish Police or Red when the network received this program, implemented a comprehensive and detailed investigation, and in 1994, the FBI in the United States of America began a covert operation called Images of the Innocents. All these actions indicate the creation of child sex tourism through the Internet, as far as it can be said: the Internet can emphasize the tendency towards this issue and even increase the risk of doing it in the right situation. In this way, according to the relevant international regulations, it can be acknowledged that the abuse of children for sex tourism through the Internet is considered abhorrent and a crime at the international level, and children have been protected to some extent against this type of abuse.

3.4 Sex trafficking

Slavery has an ancient history, in the past centuries, the buying and selling of human beings was popular in the form of slave trade. Different systems not only did not deny slavery, but the people in power in Iran were involved in the matter, with social changes, slavery and slave trade, which was considered a completely accepted phenomenon, changed its nature to a moral error and then to an international crime. Basically, there is a meaningful relationship between human trafficking and slavery, but there is a serious contradiction between democracy and slavery, slavery is synonymous with coercion, use of abusive force and denial of human rights, and democracy is synonymous with freedom, autonomy and respect for the individual. Several factors have been effective in the increase and expansion of human trafficking in recent decades. Increase in sex tourism, economic and cultural poverty, rich profits from smuggling activities, the destruction of the culture of violence, unjust social discrimination, lack of identity documents, lack of security both at the family level and at the national level, crisis in the system of values and ethics, and the absence of laws. Suitable and efficient for dealing with smugglers is one of the most important factors in increasing human trafficking [6]. The spread of human trafficking threatens the security of the world community in many ways, and even in cases where the victim consents, it is against human dignity. Human trafficking violates the human rights of the victims, disrupts moral principles by promoting prostitution, causes the introduction and spread of sexually transmitted diseases, and disrupts the public order and economic system of countries, smuggling is the secret transfer of something from one place to another. As it can be done in different forms and different concealment arrangements, it can have different types. Human trafficking and, in some cases, body parts, along with drug trafficking, has alarmingly increased in recent years. Some evidence shows that today, human trafficking has grown the fastest among all types of trafficking and is managed by networks that have sometimes overtaken traditional criminal syndicates. In human trafficking, most women and children are the subject of the crime.

According to the report of the International Organization for Migration, the sale and purchase of children, which is often done for sexual purposes, has an annual income of 8 billion dollars. It has caused an increase in organized crimes and has turned this trade into a global threat. Poor children, children of divorce, and children of addicted, deviant, and morally corrupt parents are the main targets of these groups. Children due to lack of access to the judicial system due to lack of ability and inexperience both in their own country and in the foreign country where they were transferred and even where access is possible, they refuse to file a complaint due to fear, threat or shame. Victimized children often give in to the demands of exploiters with some kind of coercion and reluctance and threats or in deceptive ways.

Those children who are trafficked to other countries, although they are exploited by traffickers and exploiters, but because they are strangers in the respective country and lack financial and social support, they prefer to obey their demands and not only do not complain to the local authorities, but also remain under the protection of smugglers and exploiters in case of prosecution. This facilitates the continuation of exploitation of children. Among children, girls are more vulnerable to all kinds of abuse, especially sexual abuse and exploitation, illegal buying and selling, prostitution, forced marriage, begging, etc. Child pornography is an insult against the dignity and character of children, which is considered a form of sexual abuse and exploitation of children and is related to child prostitution, sex tourism and child trafficking for sexual purposes.

Regarding how children are victimized in cyber space due to trafficking, it should be said that trafficking is among organized crimes and studies show that virtual space and the Internet are increasingly used as a tool and a field for committing organized crimes [6]. In addition to the positive aspects that are a factor for the advancement of information and communication sciences, virtual space can also be a ground for people's interaction in negative aspects. Organized criminals, on the Internet, in various virtual environments such as websites, chat rooms, social networks, etc., seek to get to know their potential victims, especially children. If in the past traffickers were looking for abduction or trafficking of children in the alleys and streets and at the borders, today the Internet gives them the possibility to communicate with children anonymously with a fake identity and provide the basis for their trafficking. The relationship between child trafficking and child sex tourism in cyberspace is very high, the children who are hunted are first identified and recruited by the traffickers and the trafficking operation is carried out, and then they

are sexually exploited in the country in question, trafficking of children for sexual purposes is one of the important and striking items in some societies. Some statistics show that every year more than 7,000,000 women and children are trafficked in the world for the purpose of sexual exploitation or forced labor. Reports in 1994 go even further and say that the prostitution of young girls is a growing industry and business.

As you can see, billion dollar industries are trying to mass market children as commodities. It also indicates that the high speed of this problem is related to the speed of movement of the materialistic world. Where the society willingly leaves poor and futureless children in the hands of those who want to use them sexually and economically.

Today, the trafficking of women and children for prostitution and self-selling is one of the most profitable businesses after drug trafficking. Estimates indicate that seven billion dollars is the annual profit from the trafficking of 4 million women and children in the world. According to the statistics of the Organization for Security and Cooperation in Europe, between 700 thousand and 2 million women and children are victims of slavery in today's world. According to a statistical source, every year about 2 million girls aged 5 to 15 are victims of sex trafficking in the world [10]. In fact, human trafficking, especially children, like other forms of criminal activities, has gone out of its traditional style and criminals seek help from any means to gain profit through human trafficking. The rich profit from this criminal activity has led to the entry of criminal groups into this field and because it is a less expensive, faster and less dangerous tool than the Internet, this feature of cyberspace, in addition to the possibility of remaining anonymous and the possibility of hiding from the police due to the difficulty of tracking and identifying, has drawn the attention of traffickers to this emerging technology and threats. It creates different for simple and pure children, in general, the victims of human trafficking are often deceived people who did not know about their fate, and therefore it is very necessary to support them.

4 Solutions

Formal support in the form of legislative policy means formal laws such as criminal proceedings and financial and spiritual support, which we will study further.

4.1 A form of support for the isolated victim in cyber sexual crimes

Due to the ambiguities and gaps in the protection of cyber victims, Article 687 of the Civil Code. Adec stipulates: In cases where no specific regulations are provided for dealing with computer crimes, the matter is governed by the Criminal Procedure Law. The types of criminal policy of the governments in supporting the victims are basically three types of protection for the victim, immediately after the crime has been committed, during the trial and sentencing phase, and finally during the execution phase and providing for his losses.

In articles 1, 2, 6, and 7 of the Criminal Procedure Law approved in 2013, it is emphasized to respect and guarantee and protect the rights of the victim and to respect the rights of citizens and according to the Law on Protection of Citizen Rights approved in 2013, and in articles 14, 15 and 17 of this law, it is mentioned that the plaintiff can claim compensation for all material and moral losses and possible benefits resulting from the crime after prosecuting the accused and before the end of the proceedings, and the court is obliged to issue an appropriate verdict while issuing a criminal verdict regarding the damages caused to the private claimant. In articles 70 and 71 of this law, the protection of the victim is prohibited that in case of access or lack of access to the accused...and they do not have the possibility or conditions to file a complaint and follow it up, has provided for the criminal prosecution of the accused, and this has been emphasized except for the articles mentioned in articles 201, 367 and 368, and also in article 81, at the time of issuing the order, it has taken into consideration the suspension of the prosecution of the accused in paragraph A of the law on protecting the rights of the victim and declared that the accused should provide services to the victim in order to eliminate or reduce the material or spiritual harmful effects caused by the crime or his consent. In the duties and powers of the investigator in Article 97, in order to protect the victim and his family against threats, the investigator is obliged to issue the necessary orders to the justice officers to support him.

4.2 Special justice officers for women and children in cyber sexual crimes

In Article 99 of the aforementioned law and in the beginning of Article 6, it is stipulated as a general principle that the accused, the victim, the witness and other relevant persons should be informed of their rights in the judicial process, and the mechanisms for observing and guaranteeing these rights should be provided. This is emphasized in paragraph b of article 96 that the investigator should publish the picture of the accused who have been arrested for committing crimes for the awareness of the victims and to file a complaint or file a private lawsuit by them. In order

to protect the victims, the legislator has provided a special regulation for children and women victims, according to the articles 31 and 42 of the ADC Law, the interrogation and investigation of women and minors should be done by trained officers if possible and in accordance with Sharia standards.

4.3 Formal support in obvious crimes

In paragraph D of Article 45 of the Code of Criminal Procedure, which is evident in the case of crimes, in order to prevent the prevention and continuation of the crime and with the aim of protecting the victim, it has prepared the conditions for the officers to enter the victim's house and provide the necessary protection. According to Article 101, the plaintiff can attend the preliminary investigation and take pictures from the file or read the file, and most importantly, if access to personal information of the victim, such as phone number and address, etc., brings the possibility of serious danger and threat to the physical integrity and dignity of the victim, appropriate measures should be taken to prevent access to this information by the investigator and the court during the investigation stage according to Article 101. Moreover, this matter is emphasized in Article 40 of the Code of Criminal Procedure to the officers in avoiding disclosure of the information of victims and witnesses, and also, in case of a request to secure the demand in seizing the accused's property, the investigator should issue an order to secure the demand in accordance with Articles 107 and 108, and in collecting the plaintiff's evidence and conducting the investigation and local examination and inspection and expertise, the investigator should be careful and attentive enough in collecting the plaintiff's citation evidence, and if the plaintiff is harmed by the expert's violation, he can demand compensation from the expert according to Article 167. In case the plaintiff is not able to cover the travel expenses for the presentation of his witnesses, according to the order of the investigator, the costs will be paid from the judiciary's appropriations according to Article 215. In order to guarantee the rights of the victim to compensate for losses and damages, the investigator issues one of the security orders or judicial supervision mentioned in it to the accused after explaining the charge according to articles 217 and 247 of the Criminal Code. After the end of the investigation, the investigator and the prosecutor, if the victim is sentenced to the final orders issued, such as prohibition of prosecution or suspension of prosecution, etc., can appeal to the court according to Article 270, so that if his rights are violated at this stage, he will be dealt with. According to the note of Article 347 of the aforementioned law, whenever the court deems the presence and defense of a lawyer necessary for a victim who lacks financial means, it will choose a lawyer for him at the expense of the judiciary. In Article 359, it is emphasized that the trial is fair for a victim who is unable to speak Farsi or is deaf. In Articles 367 and 368, the court is obliged to invite an official interpreter. Article 404, which is the acceleration of the proceedings and the issuing of the verdict, obliges the judges of the criminal court to proceed to issue the verdict after the announcement of the end of the proceedings in the same session [4].

4.4 The possibility of receiving moral damages in cyber sexual crimes

Predicting the mechanism of compensation for the effects of victimization is one of the most important components of criminal law in order to protect the victims of computer crimes. Unlike other support components, the effects of the compensation mechanism are crystallized directly on the victims of the above-mentioned crimes, and no matter how extensive it is, it prevents the spread of the damage caused by committing a crime against the victims. Compensation for the effects of victimization includes compensation for damages, payment of compensation, restoration of status to the previous state and restoration of truth or rehabilitation and compensation [16]. This mechanism can be applied in two formal ways, i.e. compensation for material and moral damage, as well as payment of state, general and individual compensation, as well as informal, such as mediation, compromise, arbitration and peace and reconciliation. In Iran, the financial compensability of material damages is generally accepted, and for this reason, it can be said that, in line with the accepted principles and criteria in the field of financial support, Iran's criminal system has made compensation for material damage the basis of financial support for the victims, the manifestations of which are crystallized in the law of computer crimes. In addition to compensating for material damages, spiritual (emotional and dignified) support for the victims of computer crimes should also be considered, it is clear that any crime apart from material damages also causes the victim's emotional distress in the cyberspace [3]. This resentment, which arises from damage to a person's emotions and feelings or a person's dignity, and has different reflections in different crimes, is called emotional pain and dignity. Compensation for emotional pain and suffering due to financial inestimability is separate from compensation for material damage. Emotional support is psychological help that is done to repair the emotional pain and suffering of the victims, and above all, the role of psychologists and psychoanalysts is prominent in it. Emotional support for the victims can be guaranteed by going to private psychotherapy centers with expert psychologists.

In domestic law, in Article 10 of the Civil Liability Law and also in Article 14 of the Criminal Procedure Law, compensation for moral damage in addition to material damage has been considered by the legislator. The most important criterion and basis of civil liability and compensation in the text of the laws is related to the civil liability law

approved in 1339, which more than other laws deal with various aspects of civil liability and the need for compensation. In the text of this law, moral damages are also mentioned, which will be mentioned later.

Article 1 of this law stipulates: "Anyone who, without legal permission, intentionally or as a result of carelessness causes damage to life or health or property or freedom or dignity or commercial reputation or to any other right created for individuals by law, which If he causes material or spiritual damage to another person, he is responsible for compensation for the damage caused by his action" [14]. In this legal article, besides the compensation for material damages, moral damages are also mentioned, and the main basis for moral damages and its compensation is Article 1 of the Civil Liability Law, which is cited in judicial procedure, lawyers' bills, etc. The second article of this law also stipulates that: "In the case where the action of the person causing the loss has caused material or moral damage, the court, after investigating and proving the matter, will sentence him to compensate the aforementioned damages, and if the act causing the damage causes only one of the aforementioned damages, the court will sentence him to compensate the same type of damages he caused" [14]. Another legal article that explicitly mentions the possibility of spiritual loss in a collective way, along with material loss, or in an independent and individual way, is Article 2 of the aforementioned law, while confirming the possibility of receiving spiritual loss, mentioned it as an independent loss or a loss in addition to material loss.

Articles 9 and 10 of the Civil Liability Law also mention the issue of moral damage and the need to compensate it. Article 9 stipulates that:

"A girl who has become illegitimate as a result of trickery or threats or abuse of being subordinate to cohabitation can claim moral damages from the perpetrator in addition to material damages" [14].

According to Article 10: "A person whose dignity and personal or family credit is harmed can demand compensation for his material and moral loss from the person who caused the harm. Whenever the importance of the loss and the type of fault require it, in case of proof of fault, in addition to issuing a judgment for financial damage, the court can order to remove the loss by other means, such as the obligation to apologize and enter the judgment in the newspapers and the like" [14]. The importance of spiritual loss and spiritual damages, as well as the need to compensate them, has been so great that the country's constitution, as a national covenant and the main law of the country, has paid attention to this matter. Among the cases that are mentioned in the constitution about moral damage and its compensation is Article 171 of the constitution which stipulates:

"Whenever material or moral damage is caused to someone as a result of the judge's interpretation or mistake in the matter or in the ruling or in applying the ruling to a specific case, in case of fault, the culprit is the guarantor according to Islamic standards, and otherwise, the damage will be compensated by the government, and in any case, the accused will be restored to his dignity" [15]. Prior to the approval of the Criminal Procedure Law in 2012, moral damages were given the attention of the legislator, but in the judicial procedure, they were less noticed by the judges, and the reason for this was the non-transparency of the compensation methods for moral damages. However, in Article 14 of the 1392 law, it again paid attention to the necessity of compensation for moral damage and pointed out methods for compensation for moral damage, so that there is no other excuse for the rules of compensation for moral damage to remain in the procedure. According to this legal article: "The plaintiff can claim compensation for all material and moral losses and possible benefits resulting from the crime.

Note 1- Moral damage means mental damage or damage to personal, family or social dignity and reputation. In addition to issuing an order to compensate for financial damage, the court can order to remove the loss in other ways, such as requiring an apology and placing the order in the newspapers and the like.

Note 2- The possible benefits of the acquisition are only reserved for those cases where truth is lost. Also, the regulations related to the possible benefits and the payment of moral damages do not include crimes that cause punishments prescribed by Sharia and dowry. Also, the legislator of criminal procedure in 2013, in Article 81, has also referred to the compensation of moral damages as one of the conditions for suspending the prosecution of the accused. Thus, according to this legal article: "In criminal offenses of the sixth, seventh and eighth degrees, whose punishment can be suspended, if there is no plaintiff, he has forgiven, or the damage has been compensated, or with the consent of the victim, he has arranged to pay it within a certain period of time. and the accused does not have a record of effective criminal conviction, the prosecutor can suspend his prosecution from six months to two years after taking the consent of the accused and if necessary, by taking appropriate security. In this case, according to the case, the prosecutor obliges the accused to carry out some of the following orders: "Providing services to the victim in order to eliminate or reduce the material or spiritual harmful effects caused by the crime with the consent of the victim and...". Although there is no article in the press law and its amendment that explicitly mentions moral damage, it is implicitly mentioned about moral damage.

Article 30 of the Press Law stipulates that it is prohibited to publish any type of content containing slander,

defamation, cursing, obscene words, or insulting attitudes and the like towards individuals. The responsible manager will be introduced to the judicial courts for punishment, and the prosecution of the mentioned crimes is deferred to the complaint of the private plaintiff, and if the complaint is returned, the prosecution will be stopped at any stage.

Note 1 - In the above cases, the plaintiff (both real and legal) can complain to the competent court to claim the damages caused to him from the publication of the above-mentioned content, and the court is also obliged to investigate and issue an appropriate verdict.

Note 2 - If the publication of the material mentioned in the above article is about a deceased person, but it is usually considered an insult to his survivors, any of the legal heirs can file a criminal or legal lawsuit according to the above article and note.

Considering that the claim for damages is directly mentioned in this legal article, and the type of crime and violation that happened in the article is usually insult and defamation, it can be concluded that compensation for moral damage was more than material damage in the opinion of the legislators of the press law in 1985.

4.5 Assignment of special judges to deal with these crimes

Another point that has been addressed in the protection of cyber victims in the law of computer crimes is the subject of Article 666 and its following note which has stipulated that the judicial branch, according to the necessity, allocates a branch or branches of the first and second criminal prosecutions and courts, children and juveniles, military and appeals to deal with computer crimes, and the judicial authorities of the courthouses and courts should choose judges who have the necessary familiarity with computer affairs. Considering the technical and emerging nature of the mentioned cybercrimes in the cyber space, it is appropriate to deal with this victim as well as other crimes that the legislators believe in dealing with them in terms of their merits and the necessary expertise in dealing with cybercrimes. To use in the specialized branches of the prosecutor's office and courts, this requires, firstly, the provision of necessary arrangements in terms of training for judges interested in serving in this area, and secondly, the allocation of a branch of the prosecutor's office or criminal courts one and two, military and juvenile courts, according to the degrees of punishment committed in the cyber space. Unfortunately, in our country, despite the provision of the legislative aspect of this issue, its implementation has not yet been provided. This is one of the major defects and problems in the functioning of the judicial system of our country, and it is obvious that with the implementation of the provisions of Article 666 and the note below, a suitable and effective ground is provided for the protection of cyber victims [5].

4.6 Appointing a takeover lawyer

Having a defense lawyer in court hearings is an official and legitimate right that is recognized in both domestic and international laws and is necessary in the field of Internet crimes in two ways. First, the existence and presence of a defense lawyer when people have appeared as victims in computer crimes can be a source of encouragement in facing the judicial system, which is mostly unknown to citizens and will cause fear and stress. Secondly, the possession lawyer will give people the possibility to not be deprived of the lawyer's support in case of financial problems and obstacles. It is obvious that the fact that the victim is a child and his ignorance of judicial matters will make the existence and presence of a lawyer even more necessary because it will also correspond to the fragile spirit of children [13].

4.7 International support and judicial cooperation

Considering that computer crimes often occur transnationally; the victims of the above crimes will not be limited to the country. In order to support the victims of computer crimes, countries should have mutual judicial and international police cooperation in this field. Based on this, one of the necessary legal prerequisites in this field is mutual criminalization of countries. In other words, one of the legal preconditions that countries can consider in their mutual criminal cooperation, whether it is judicial proceedings or the prosecution of criminals, is the existence of similar criminal laws in terms of type and quality in the opposite country. Otherwise, there will be no place for mutual criminal cooperation and the rights of the victim may be violated, and therefore, one of the big obstacles on the way to the realization of cyber criminal goals is the rule of mutual criminalization, for example, many cases have been observed and it happens that servers located in a country like the United States support websites that publish racist or obscene topics. receiving it by the citizens of a country like France is considered a crime. Now, how can we ask the American law enforcement to cooperate in prosecuting the perpetrators of the case. While the judicial authorities of that country not only do not recognize this act as a crime, but, among other examples, they recognize and support the right to freedom of opinion and expression [8]. In this regard, the compilers of the Cybercrime Convention have established a relatively new approach by adopting different approaches, which is compatible with the

specific conditions and characteristics of the cyberspace. According to Article 23 of the Cybercrime Convention on General Principles of International Cooperation:

“Members of the Convention shall, on the basis of the provisions of this chapter and through the implementation of international instruments related to international cooperation in criminal matters, agreed arrangements regarding uniform or reciprocal legislation and domestic laws, to achieve the widest scope of investigation or judicial proceedings regarding related crimes, cooperate with computer systems and data or collect electronic evidence in crimes”. Among the notable points in this article is that the convention requires the member states to regulate their cooperation with each other based on the provisions of this chapter. Obviously, the emphasis on this issue goes back to the special position of the rules of criminal law, especially the rule of reciprocal criminalization. Because the compilers of this convention knew very well that if there is not enough compatibility between the general and basic criminal laws of the countries, addressing each of them on this particular issue will not lead anywhere. Another noteworthy point in this article is that the authors of the convention did not limit the creation of coordination between criminal laws and regulations not only to crimes related to data or computer systems, or rather to cyber crimes. Rather, they have asked the member states to bring this level of cooperation to its widest extent in the field of investigation and judicial proceedings, so that in addition to facilitating and speeding up the process of dealing with cyber crimes, it is also possible to better deal with other crimes in which electronic evidence plays a role [11].

5 Strategies to prevent sexual abuse of children

One of the concerns of society, which has become a real social problem today, is the increasing phenomenon of child victimization. Children are more vulnerable than adults, and for this reason, they are the targets of various crimes more than others. Exposure of children to crimes not only causes them to face many problems in their personal life; Rather, because many of today's victimized children are tomorrow's criminals, it exposes the society to a serious and irreparable danger. In this section, we point out some strategies for preventing victims of sexual cybercrimes:

1. Social prevention

Social prevention, as one of the examples of non-criminal prevention, includes measures that affect all environments effective in the socialization of a person, as well as environments that have a social function. Therefore, in social prevention, we seek to harmonize the members of society with social rules. In this type of prevention, the roots of delinquency are targeted in order to prevent the formation of the causes of delinquency. In this way, after identifying and determining the social causes of committing a crime, planning and policy-making is carried out in order to eliminate these causes and correct them. In this way, to prevent the creation of criminal tendencies and motives in people. Among the root factors effective in the occurrence of delinquency are social, economic, cultural, educational, etc. factors that are effective in the formation of a person's personality, behavior, compatibility or incompatibility with social rules.

2. Personal social environment

The importance of the personal environment in the education and development of each person's personality is important, because before entering the larger society, the personal environment such as the family plays an influential role as the most important social institution. This environment includes the space of birth, growth and evolution of human beings and each person has different characteristics. In other words, the factors of each person's social environment are different from each other. The atmosphere that governs the family, such as family disputes, parental divorce, presence of a stepfather and stepmother, lack of a suitable living space, addiction, etc., are among the effective factors in the formation of a child's personality. Obviously, these factors can also make a person a child abuser. Therefore, trying to improve the economic level and having welfare, health and other facilities is effective in reducing the environmental factors affecting children's injuries, especially in the family environment.

3. Situational prevention

The state crime prevention plan as a scientific theory is originally English, which was proposed and developed by three people named Clarke, Mayhew and Cranish. Ronald Clark in the introduction of his book entitled situational crime prevention success full case studies, which was reprinted in 1997 with changes, states that this theory refers to a specific method for crime prevention, which is not based on the exaltation of society and its institutions. Rather, it simply relies on reducing the opportunities and situations of committing crimes. This is while social prevention destroys the background and causes of crime, but situational prevention reduces or makes it difficult for the opportunity and possibility of its occurrence. Preventive measures are monitoring the situation and conditions that put the criminal on the verge of committing a crime. These situations, which in criminology are called pre-criminal situations or pre-criminal situations, stimulate or facilitate the process of transition from criminal thought to action and play an important role in it.

4. Child police

This institution acts as an intermediary in the field of both delinquency and victimization of children, so that the child does not come into contact with the police force. It is necessary for the officers of this institution to hold weekly or monthly training courses on children's rights, human rights and procedural regulations. Also, in order to discover cases of victimization, officers should be present in the city, institutions and centers where children are present, such as schools, kindergartens, parks, etc. This institution cooperates with the public police only in necessary cases, and in order to fulfill its duties, they also use social workers, psychologists, psychiatrists, and criminologists.

5. Participatory prevention of child abuse

Since the emergence of scientific thinking about crime and prevention, the attention of criminologists has always been focused on an element called the criminal and the methods of curbing crime or reforming and treating him. Therefore, in the field of criminal policy, the perpetrator played the main role until 1940, some criminologists, seeking to solve the mystery of delinquency and the etiology of crime, focused their research on another actor of delinquency, that is, "the victim". The actor himself is half of the crime scene. In this way, three elements are considered necessary for a mass to occur. These three elements are: the existence of a perpetrator with the necessary motivation, skill and means to commit the crime and the existence of an unprotected target. Due to the impossibility of identifying potential criminals and knowing their motives in committing crimes, it can be said that it is practically impossible to fight against these two elements. In this way, the only way to fight is to reduce the situations of committing crimes for criminals, which is possible through influencing the personal and social environment of individuals. In order to achieve this goal, all preventive measures, considering its scope and diversity, should be presented as a government's criminal policy, and to achieve this goal, the government can benefit from the widespread cooperation and participation of the people and non-governmental organizations.

6 Conclusion

Regarding the results of this research, it should be said that basically, cyber criminals target the critical and critical points of societies to inflict the most basic blows. The main concern of all the audience of this work is heavy and irreparable financial and human losses. Individuals or cybercriminal groups will be able to use unlimited resources. All over the world, by pressing a key, they endanger the cyberspace and by employing IT specialists and by spreading malicious computer malware in a few seconds, they infect thousands of computer and telecommunication systems in the world. Conducting this research was important and necessary because information technology has not only revolutionized human life, but has also created a new "space" called cyber space. Due to its constituent elements and its special nature, the cyberspace has been able to serve humans as well as being a tool for committing some illegal acts. The results and findings of the research confirm that the criminal procedure has provided special protections to the victims of sexual crimes, including sex tourism, sex trafficking, pedophilia crimes, sexual abuse, and the like in cyberspace. Examples and examples of it can be considered, including the solutions of the assignment of special judges, the capture lawyer, transnational judicial cooperation, the possibility of receiving moral damages and the like.

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