

## NOT EVERYONE PLAYS BY THE RULES IN THE DIGITAL PLAYGROUND: ADDRESSING ONLINE CHILD SEXUAL EXPLOITATION

### THE INDIA ROUNDTABLE

New Delhi, India | 3-4 October 2016

#### BACKGROUND NOTE

##### ***The Law:***

In 2008, India, acknowledging sexual violence against children online, amended the **Information Technology Act 2006**, including **Section 67B**, which in addition to making specific reference to the involvement of children, also enhanced penalties for criminals who sexually exploit children online:

- publishing or transmitting or causing to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct or
- creating text or digital images, collecting, seeking, browsing, downloading, advertising, promoting, exchanging or distributing material in any electronic form depicting children in obscene or indecent or sexually explicit manner or
- cultivating, enticing or inducing children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource or
- facilitating abuse of children online or
- recording in any electronic form for one's own abuse or that of others pertaining to sexually explicit act with children.

Additionally, in 2012, India passed the **Protection of Children from Sexual Offenses (POCSO) Act** defining a **child** as anyone below 18 years of age. Sections 11-15 of the POCSO Act 2012 addresses various aspects of pornography and the involvement of a child, ranging from:

- using a child for pornographic purposes
- repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means
- threatens to use in real or fabricated depiction through electronic film or digital of the body of a child or child involved in a sexual act
- involvement of a child through any medium like print, electronic, computer or any other technology for preparation, production, offering, transmitting, publishing, facilitation and distribution of any material which represents the sexual organs of a child, usage of a child in real or simulated sexual acts,
- collects pornographic content involving children, including storing for commercial purposes any pornographic material in any form involving a child.

### **The Issue:**

Online child sexual exploitation is one of the many forms of violence against children. Every day around the world countless numbers of children are victims of online sexual exploitation. The main forms of Information and Communication Technology (ICT)-facilitated child sexual exploitation most often observed are: child sexual abuse material (child pornography); cyber-enticement, solicitation and grooming; cyber-bullying, cyber-harassment and cyber-stalking; and exposure to harmful content.

While the exact scope of the problem is difficult to determine, cyberspace is home to more than an estimated 1 million images of tens of thousands of children being subjected to sexual abuse and exploitation with 200 new images being posted daily.<sup>1</sup> With close to 3.5 billion Internet users worldwide,<sup>2</sup> the distribution of and access to these images are virtually unlimited. India, despite low Internet penetration rates, is the third largest user of the Internet in absolute numbers, amplifying the threats and risks children are exposed to on a daily basis<sup>3</sup>.

In 2014, members of the International Association of Internet Hotlines processed 89,758 reports containing unique URLs of child sexual abuse materials (CSAM), a 63% increase over the previous year.<sup>4</sup> Among other things, these reports showed that:

- 7% of the all child victims are infants;
- 72% of all child victims are under the age of 12 years; and
- 9% of websites confirmed to be hosting child sexual abuse images were commercial in nature.

Increasingly, the level of harm and re-victimization are magnified through the “layering” of crimes – first in the production of child sexual abuse material, and then in the distribution/re-distribution online and peer-to-peer exchange (including between offenders).

In addition, the large volume of readily available online child sexual exploitation material also serves to desensitize viewers, and make the availability of such images increasingly acceptable. The use of ICTs and the concomitant anonymity allows offenders the opportunity to form like-minded groups, offers unprecedented mutual social affirmation, and creates the false impression of social acceptability. Online communities can also provide platforms for sharing strategies on how to gain access to victims and evade the law.

On-demand, live child sexual abuse and exploitation using ICT tools is a significant and emerging threat. Live images of abuse may also be recorded for future distribution often across national borders in order to generate maximum profit.

In addition to peer-to-peer exchange, the commercial trade in child sexual exploitation and abuse material is a lucrative worldwide criminal activity that knows no borders, the victims of which are treated as commodities at an increasingly young age. Coordinated, technically focused collaboration between major players amongst law enforcement, financial institutions, and new technology firms has been critical in the fight against the growth of such illegal enterprise.

<sup>1</sup> ECPAT International, *Violence Against Children in Cyberspace* (2005), p. 30, available at [http://www.ecpat.net/sites/default/files/Cyberspace\\_ENG\\_0.pdf](http://www.ecpat.net/sites/default/files/Cyberspace_ENG_0.pdf)

<sup>2</sup> We Are Social's Global Digital Snapshot: <http://wearesocial.com/uk/special-reports/digital-in-2016>

<sup>3</sup> World Bank Press Release: Make Internet More Accessible, Affordable and Open to Accelerate Development <http://www.worldbank.org/en/news/press-release/2016/05/10/make-internet-more-accessible-affordable-open-accelerate-development-says-new-world-bank-report>

<sup>4</sup> INHOPE Statistics 2014: <http://www.inhope.org/tns/resources/statistics-and-infographics/statistics-and-infographics-2014.aspx>

Furthermore, self-generated content comprising images and videos produced by and featuring children is a new challenge. This includes conduct such as “sexting”, a form of self-generated sexually explicit content. Mass availability of ICTs has increased the production of and loss of control over self-generated content.

There is a common misconception that the production and distribution of child sexual abuse images is a “victimless” crime. This could not be further from the truth. Child sexual abuse images are crime scene photographs and when these images reach cyberspace, they are irretrievable and can continue to circulate forever. The images become a permanent record of the abuse inflicted upon that child. Each and every time such an image is viewed, traded, printed, or downloaded, the child in that image is re-victimized.

A 2010 Mayo Clinic study found that a history of sexual abuse is associated with suicide attempts, post-traumatic stress disorder (PTSD), anxiety disorders, depression, and eating and sleep disorders. Sexual victimization can alter brain functioning, creating a risk of mental and physical health problems<sup>5</sup>.

In December 2014, the U.K. Government took the lead in hosting the #WePROTECT Summit in London to tackle the online sexual exploitation and abuse of children, followed by a second summit in Abu Dhabi in 2015. Today, 70 countries, 20 of the biggest global technology firms, major international organizations, and 17 leading civil society organisations, ICMEC and Tulir - Centre for the Prevention and Healing of Child Sexual Abuse, among them, have come together in a global alliance to stop this horrific crime and have each signed onto a global statement of action.<sup>6</sup> This diverse and expanding group of stakeholders committed to a Statement of Action in 2014, and again in 2015, to contribute to global action by:

- identifying victims, and ensuring that they receive necessary support;
- investigating cases of exploitation and prosecuting offenders;
- increasing public awareness of the risks posed by children’s activities online; and
- reducing the availability of child sexual abuse material online.

In March 2016, the WePROTECT initiative and the Global Alliance against Child Sexual Abuse Online, an initiative that was launched in 2012 by the United States and the European Union, merged to form the WePROTECT Global Alliance.

#### ***Roundtable Rationale:***

The objective of the roundtable is to bring together a group of diverse stakeholders to create awareness and a common understanding of online child sexual abuse and related crimes, the extent and scope of which are as yet unknown in India. The roundtable seeks to initiate dialogue between policy-makers, industry, civil society organizations, youth, educators, academia, media and the larger community to facilitate collaborative action to prevent and respond to online risks to children – ultimately to ensure that children and young people’s experience with the new technologies is safe and secure.

<sup>5</sup> Sexual Abuse and Lifetime Diagnosis of Psychiatric Disorders: Systematic Review and Meta-analysis : [http://www.mayoclinicproceedings.org/article/S0025-6196\(11\)60166-3/pdf](http://www.mayoclinicproceedings.org/article/S0025-6196(11)60166-3/pdf) and <http://www.icmec.org/press/global-health-leaders-launch-unique-initiative-to-address-a-growing-public-health-crisis-caused-by-sexual-exploitation-of-children/>

<sup>6</sup> WePROTECT Global Alliance: <http://www.weprotect.org/our-commitments/>