Digital Child Sexual Abuse and the Efforts to Overcome Systemic Lacunae in Mumbai

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Abstract—*Child Sexual Abuse (CSA) has manifested itself in various forms over the past years. Sexual exploitation of a child, child trafficking and child prostitution, paedophilia and child pornography have been of great concern. In recent years, CSA has seen a changing trend. With the drastic increase in the number of children and young people as users of electronic devices with Internet access, their vulnerability to online exploitation has increased manifold. Given the fact that the traditional Indian society still does not allow an open discussion on sex and sexuality between parents or guardians with their wards, young children increasingly explore these over the Internet. Their naïveté, absence of adult supervision and peer pressure to fit in exposes a large number of young children to the hazards of digital world that they are not aware of. The anonymity and freedom that one has online additionally poses a threat to children's security. Chatrooms, social media, online gaming bring them into contact with strangers who may not be who they pose to be. Cyber bullying, sexting, grooming, livestreaming on webcams, revenge porn, sextortion are some of the ways in which abuse then takes place. There are several cases in which the abuse takes place without any physical contact which according to common parlance then does not amount to abuse at all. Poor awareness, issues in understanding and interpreting the existing legislations, make it difficult to trace and control online CSA in India in general. The present paper studies the ongoing efforts in Mumbai to curb such digital CSA.*

1. INTRODUCTION

Children and adolescents have formative, impressionable minds. They are economically and emotionally dependent on the adult/s—parent or guardian—responsible for them. Care, attention and feeling of security are needed in these years for their development. However a large number of children and young people are exposed to neglect, abuse and exploitation across the world. The abuse may be physical, emotional or even sexual. Such abuse is known to leave a long term impact on young minds and increases their chances of being fragile as adults. Over the years, one comes across an increase in the number of cases of child sexual abuse (CSA) across the world. It comes to be categorised under sexual exploitation, child trafficking and forced prostitution, paedophilia, child pornography among others. There are several indicators to identify that a child may be exposed to some form of sexual abuse. However, one commonly finds that these are ignored or the child disbelieved when s/he reports such instances. Also, a large number of such cases are perpetrated by people known to the child victims. One common belief is that females are at risk as regards sexual offences which practically ignores male victims. Drastic development in information and communications technology (ICT) and a resultant increase in use of electronic devices with Internet access have over the years raised children's vulnerability to CSA and it transcends national boundaries.

2. CHILDREN IN DIGITAL WORLD

Young children have access to and use computers and hand-held electronic devices such as mobile phones, tablets and gaming consoles. These devices with affordable Internet facilities provide them with immense opportunities to access information, communication and entertainment. In fact, "over a quarter of the more than 3.2 billion Internet users" globally are children and adolescents which means there are approximately 800 million young Internet users. [4] These young people spend substantial amount of time on social media, networking apps and online gaming. For instance, the Ofcom Report 2014 found that in the UK, children between 8 and 11 years of age spent over 10 hours per week while those between 12 and 15 years spent over 17 hours a week on the Internet. [7] While this has increased opportunities and children's access to information and eased the means of communication, it has also heightened the concern about their vulnerability to online exploitation since they are not adequately informed and equipped about the inherent hazards of digital world.

3. ONLINE ANONYMITY AND SPONTANEITY

One's online activity is an extremely personal and closely protected space. With increased access of Internet over handheld devices, a child/ adolescent can access the Internet at any hour and in the privacy of their rooms making parental supervision over their activity extremely difficult. However, "for many people, the world online is as real as the world

offline". [7] Internet provides considerable anonymity to its users. This is known to act as a 'dis-inhibiter' wherein the user is more spontaneous and unafraid of what one says and whom one interacts with online. [7] Through social networking sites, chat rooms and gaming, children and young people come across complete strangers who may then be accepted as and continue interaction as 'friends'. It is extremely difficult to form and visualise such relations in the offline world. Over a period of time, with familiarity and regular chats and/or video calls, it is possible to elicit personal information from children and young people online. Among children who have faced neglect or do not secure sufficient attention in their real or biological relations, the likelihood of them emotionally latching on to the online 'friend' increases. This evidently makes them vulnerable to various forms of digital exploitation.

Another characteristic feature of the anonymity accorded during the online activity among growing children and young people is observed to be their risky behaviour and sexually explicit conversations or chats. With the increasing use of camera phones and webcams, this exchange may include sharing of intimate photographs as well. Collectively this is termed as 'sexting'. It has been observed that there is, in general, "the normalisation of sexual content" [7] wherein the young Internet users do not refrain from sharing sexually explicit content, messages or photographs/ images. In fact it has been described as "the theory of disconnection" wherein young people tend to acquire an online persona that is 'desensitised' to the usual social mores and taboos about "talking openly and blatantly about sex". [7] This behaviour is not seen as abusive or exploitative in common online parlance. In fact sexting comes to be often mistaken to be harmless and may be looked at as a "normal part of modern flirting". [8]

4. INCREASINGLY ATYPICAL POTENTIAL VICTIMS

Resultantly, without clear available indicators, identification of exploitation becomes extremely difficult for the young users and their parents/ guardians. One therefore does not have a "typical victim" [7] in such cases. Younger children fake their age and secure access to cyberspace when certain social networking sites limit the minimum age for registration. The potential victims then may be younger and the identification of exploitation even more difficult since many of them hail from secure family background.

Sexual predators are usually on a lookout for the most vulnerable of the young users. One's username, profile details and things shared online divulge a lot about the users which is then used to lure the potential victims. The discomfort in discussing issues about sex and sexuality with one's parents or responsible adults, adolescents increasingly resort to the Internet and the cyberspace as the sole source of information. Early exposure to pornography and faulty information may not only put unreasonable ideas and fantasies in their minds but

also puts them at high risk of sexual abuse. Sexual predators are on a lookout for such young and unsuspecting people whom they contact in large numbers in the 'scatter-gun approach' [7]. They systematically begin the process of 'grooming' on those who respond to their contact. [10]

5. 'GROOMING' CHILDREN FOR SEXUAL ACTS

Children or young people can be coerced or intimidated—i.e. 'cyberbullied'—into sharing their sexually explicit images. Alternatively they can be persuaded into generating their photographs and videos a result of 'grooming'. This is a systematic process wherein the adult in contact with the child chats/ talks and 'prepares' the child for the sexual abuse that is to ensue without the child's suspecting it. Grooming includes skilled communication and manipulation techniques on the part of the 'groomer-friend'. The groomer may at times even pose as a peer online. It has been found that 60 per cent of young people had been asked for a sexual image or video and 40 per cent among them had in fact created an image or video of themselves. [6] The children may then agree to meet their 'friends' which may expose them to sexual assaults and 'sextortions'—wherein the sexual acts may be filmed and used to threaten them into further exploitation. However there may be no physical contact at all through the grooming and abuse of the child or minor. This additionally makes it extremely challenging to detect, trace and report. In fact, the abuse is usually discovered by parents or guardians by chance or with police approaching homes for investigations rather than the victim disclosing it themselves. [7] Although they may observe changes in the child's behaviour over a period of time, due to lack of awareness, parents/ guardians still do not relate this with the child's online activity.

6. ROLE OF THE CHILD

Investigation of the online CSA gets further complicated due to various reasons. Since a lot of this material is generated by the victim over their devices such as webcams and mobile phones and at times willingly, they feel complicit to the act. [7] So also, emotional attachment/ dependence on the groomer 'friend', sense of shame at being busted are some of the many reasons why the victims choose to remain silent. However, one needs to consider the fact that once these nude/ semi-nude images are posted online, they cannot be deleted easily and so they can be shared long after the actual abuse has even ended.

7. GRAVITY OF THE PROBLEM

CSA is a serious concern which law enforcement agencies (LEA) and legal structures have struggled to keep up with over the years when. However, even before the onset of online sources of procuring such material, pornography was nearly a "cottage industry" with an elaborate mechanism to cater to the huge demand. Possession of a large amount of CSA material though was a risky proposition which now is overcome with easier storage options. The material now gets produced

instantly over mobile phones and webcams and can be recorded and used at a later date by the abusers [1]. There is easier access and sorting of material that is 'made-to-order' as per the abuser's needs and specifications such as age and race of the victim, nature of sexual conduct and the story line. [12] In fact, then British Prime Minister David Cameron in 2016 stated that CSA was "happening on an almost industrial scale, with networks spanning the world and children being abused to order". [3] In fact a website that provided child pornography and was taken down by the LEAs in 2001 alone used to make a monthly profit of 1.4 million dollars and had more than 300,000 subscribers across 60 countries. [1]

LEAs across the world have struggled to keep up with this level of commercial CSA in the cyberspace. They have taken down the websites and material which explicitly host such CSA. Abusers have therefore switched to Darknet such as The Onion Router (TOR) that work with layers of encryption which can be opened only with special software or have created disguised websites. Additionally, they have switched to decentralised crypto-currencies such as Bitcoin [1] in order to jump the surveillance set up by law enforcement agencies as regards credit card payments to such websites. With webcam child prostitution and crowdfunding, CSA has further become convoluted over the Darknet. [1]

8. DEALING WITH DIGITAL CSA

There are several inherent problems in dealing with the digital CSA. Basically, CSA in general is grossly under-reported. The denial as also the stigma attached to it dissuades responsible elders from reporting these cases to the LEAs. The Department of Women and Child Welfare in India reported that 53 per cent of children are abused while they grow up. But the actual numbers are not clear due to the overall silence around the problem due to the fear of stigma. Countries like Malaysia and Singapore have tried to plug legal loopholes and provide child helpline services to counter this problem. Secondly there is a permanency to the images and videos that are hosted online and cannot be easily deleted since there could be several pathways which have shared the same even if one is taken down. Internet Watch Foundation (IWF) in the UK is now a global expert in dealing with this problem and it brings together LEAs, governmental and non-governmental agencies as well as the industry across 45 countries in tackling the problem systematically. They have made and continually update an Image Hash List which provides a list of digital fingerprints of the CSA images and videos which can then be taken down thus eliminating the image from the hosting service—at source. [5] Search engines, instant messengers and social networking sites have now started collaborating with the IWF to increase privacy settings and use Photo DNA technology to identify CSA material being searched, posted or shared on their sites. IWF set up a portal in India with Aarambh India Initiative. But there are several systemic lacunae that need to be overcome as well.

9. DIGITAL CSA IN INDIA

In India digital literacy in general and awareness about digital CSA in particular is presently quite low. One commonly identifies banking frauds and phishing as part of online crimes. In 2016 India had approximately 134 million children using mobile phones. [11] Although the Internet penetration is on the rise, there is a great digital divide on the basis of gender, age and rural-urban location. As mentioned earlier, there is social taboo as regards discussing issues around sex and sexuality in families. The cyberspace is then the only source of information and space for free and uninhibited expression for these children and adolescents which adds to their vulnerability. However digital CSA does not feature as a separate category of crime analysis yet with the *Crime in India* data compiled by the National Crime Records Bureau (NCRB). Considering the inherently underreported crime that it is, adequate official data is still unavailable on digital CSA in India.

India still does not have a dedicated hotline to report digital CSA. Select cities in the country have Child Helpline but the data is not necessarily monitored to keep track of the nature of crime being reported to cite CSA. Cybercrime Cells are set up in police organisations in select 23 cities for now which leaves out smaller towns and rural areas. These Cells do not exclusively look for CSA material and India still does not have protocols and understanding with Internet Service Providers (ISPs) to control or take down the offensive material. National Policy for Children 2013 does not mention cyber risks for children. National Policy of ICT in Schools 2012 and National Cyber Security Policy 2013 mention the need to strengthen laws in order to protect children from cybercrimes. Information Technology Act 2000 (Sec 67B) and Protection of Children from Sexual Offences (POCSO) Act 2012 specifically deal with cybercrimes against children including grooming and the control required over cybercafés. However these laws lack commonality in terminology. The age specification to identify a child/ minor varies across laws and the laws are silent on certain issues altogether. They also tend to overlook the fact that a large number of cases involve male children too. It is therefore challenging for state agencies to implement these laws and ensure conviction in such cases.

10. COUNTERING DIGITAL CSA FROM MUMBAI

Maharashtra is arguably one of the progressive States in India. But as regards crimes against children NCRB has reported the maximum cases in 2015 from the State—including number of rape cases of children and sexual harassment of minors. [9] This could in fact be taken as a positive sign towards better reporting of cases. While Indian Police Service (IPS) and Central Bureau of Investigation (CBI) officers are trained in cybercrime, cyber laws and cyber forensics, the training for police personnel needs urgent upgrading. There is a nagging sense that non-contact abuse could be ignored or reduced in gravity due to inadequate training. All the same, vital evidence

could be lost due to time involved in gathering cyber forensics. Maharashtra has four cybercrime cells in Mumbai, Thane, Pune and Nagpur. However, they are not dedicated to the investigation of digital CSA alone.

Mumbai has both a Child Helpline—1098—and Cybercrime Cell. The Child Helpline looks after all cases related to children and minors. The Helpline responds to emergency cases but in the case of calls regarding digital CSA, it directs the complainant to the police station for the jurisdiction. The Cybercrime Cell does not directly register complaints for digital CSA but gets case referrals from the police stations registering these cases. So the ambit of work for both is broad. In fact the Cybercrime Cell reportedly last dealt with a case exclusively on digital CSA in 2009.

The Mumbai Police Twitter handle regularly creates awareness about the issue of digital CSA, about the abuse not being gender specific and how children are lured into grooming. However, as mentioned earlier, given the absence of international protocols, it is extremely difficult to take down images and videos at source. It is with these systemic lacunae that the role of an initiative like Aarambh India in Mumbai contributes immensely.

In 2016, Aarambh India Initiative launched the country's first Internet Hotline against online CSA. This online redressal mechanism was initiated in partnership with IWF in order to ensure that the sexually explicit images and videos of children and young people would not be shared online. People accidentally coming across such material could also report these to the Hotline which would be analysed and taken down at source to prevent further sharing of the same. Of the 534 cases reported by users across India since the launch, 54 cases contained CSA imagery of which 40 contained severe cases of abuse. It was significant to note that children from both sexes were exposed to online CSA and 93 per cent of them were below 10 years of age. [2]

11. CONCLUSION

Observing this data, it is therefore necessary for the State to review the changing trends in crimes against children in general in India and to provide unambiguous definitions in laws. There is an urgent need to provide specialised training to personnel who will be handling such cases first hand. A general increase in digital awareness as also the importance of sex education needs to get across among people in general and children in particular in order to identify such cases early on. An in-depth study in the same is proposed by the researcher for further clarity on the issue.

REFERENCES

[1] Acar, Kemal Veli (2017) : Child abuse materials as digital goods: Why we should fear new commercial forms, Economics Discussion Papers, No. 2017-15.

[2] Aarambh India Initiative, aarambhindia.org.

[3] Baroness Joanna Shields, "Protecting Our Children From Harm in the Digital World as Well as the Physical", *Huffington Post*, 18 November 2016.

[4] Child Dignity in the Digital World-World Congress 2017, https://www.childdignity2017.org/, Accessed on 27 August 2017.

[5] Internet Watch Foundation, Annual Report 2016, https://annualreport.iwf.org.uk/assets/pdf/iwf_report_2016.pdf, Accessed on 27 August 2017.

[6] Internet Watch Foundation, ChildLine and the Internet Watch Foundation form new partnership to help young people remove explicit images online, https://www.iwf.org.uk/news/childline-and-internet-watch-foundation-form-new-partnership-to-help-young-people-remove, Accessed on 27 August 2017.

[7] Palmer, Tink, *Digital Dangers: The Impact of Technology on the Sexual Abuse and Exploitation of Children and Young People*, Barnardo's, 2015.

[8] Sexting: Child Abuse in the Digital Age (undated), http://www.boltburdonkemp.co.uk/child-abuse/sexting-child-abuse-digital-age/, Accessed on 27 August 2017.

[9] Thaver, Mohamed, Modak, Sadaf and Barnagarwala Tabassum, "Sexual Abuse of Boys: Shame, Poor Awareness behind Under-reporting", *Indian Express* (Mumbai), 8 August 2017.

[10] The National Society for the Prevention of Cruelty to Children (undated), Online Abuse (undated), https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/online-abuse/, Accessed on 27 August 2017.

[11] UNICEF (India), Child Online Protection in India, New Delhi, 2016.

[12] UNODC, UN Crime Body to Combat Online Child Abuse, 2013, https://www.unodc.org/unodc/en/frontpage/2013/September/un-crime-body-to-combat-online-child-abuse.html, Accessed on 27 August 2017.