

**“Contending Child Pornography issues (online as well as offline) by
Socio-psycho-Technical Awareness”**

Submitted By

MaharudraA.Gitte (B.E. (IT), M.Tech (CSE), LLB)

ShilpaChavan (Police Inspector, Pune City)

Guided by

SantoshShinde (Ex-Member, M.S.C.P.C.R.)

NisargAacharya (Cyber security Expert, I.D.M.E.I.)

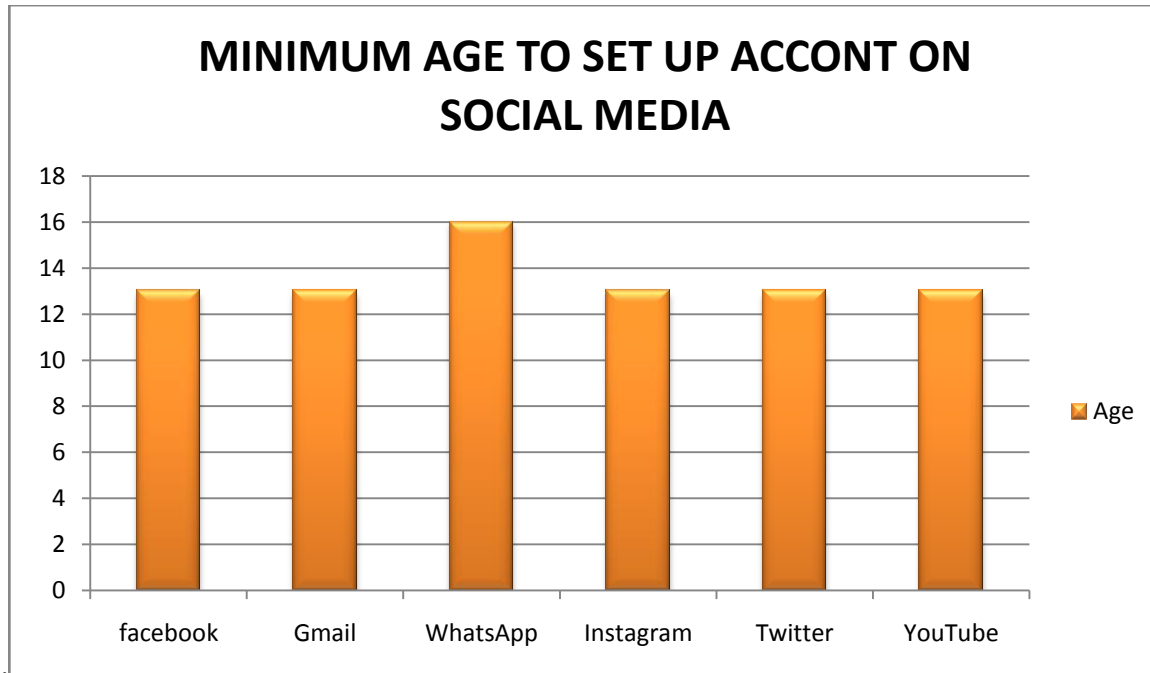
➤ **INTRODUCTION:-**

“If we don’t stand up for Children then we don’t stand for much.”

As the lines well defines the importance of children in the development of a nation who are the future of not only a nation but also for entire mankind. Information Technology has become a part and parcel of our lives in digital era. Our dependence on internet for social, economic and commercial communications, entertainment and source of information has reached at new heights particularly due to growing popularity of social networks and easy accessibility to computers, laptops, mobile phones etc. Our virtual existence and offline persona have diminishing boundaries and little or no personal information is left private in the social networking age.

Access to the internet, smart phones and other forms of electronic media offer children and young people unimaginable access to information for school projects to online and social interactions, culture and entertainment. Internets become an inseparable part of our life. At the same time, this technology created so many challenges in front of the society and children are one of the major predators. This technology provides sexual predators with an anonymous and swift medium to contact potential victims with ease, share images of sexual abuse, online exploitation of children across borders and create networks that encourage the commission of further cybercrimes. As India is the second largest internet user after china due to the largest market and youngest generation on planet. A recent survey conducted by Tata Consultancy Services discloses that 7 out of 10 children shop online, 76% children use Facebook and 9 out of 10 children have their own mobile. OnFacebook minimum age to set up an account is 13, for Gmail is 13, for WhatsApp is 16, Instagram is 13, YouTube is 13 and for twitter is also 13. It is shock revelation that 82% parents help the children below 13 years to create a Facebook account.

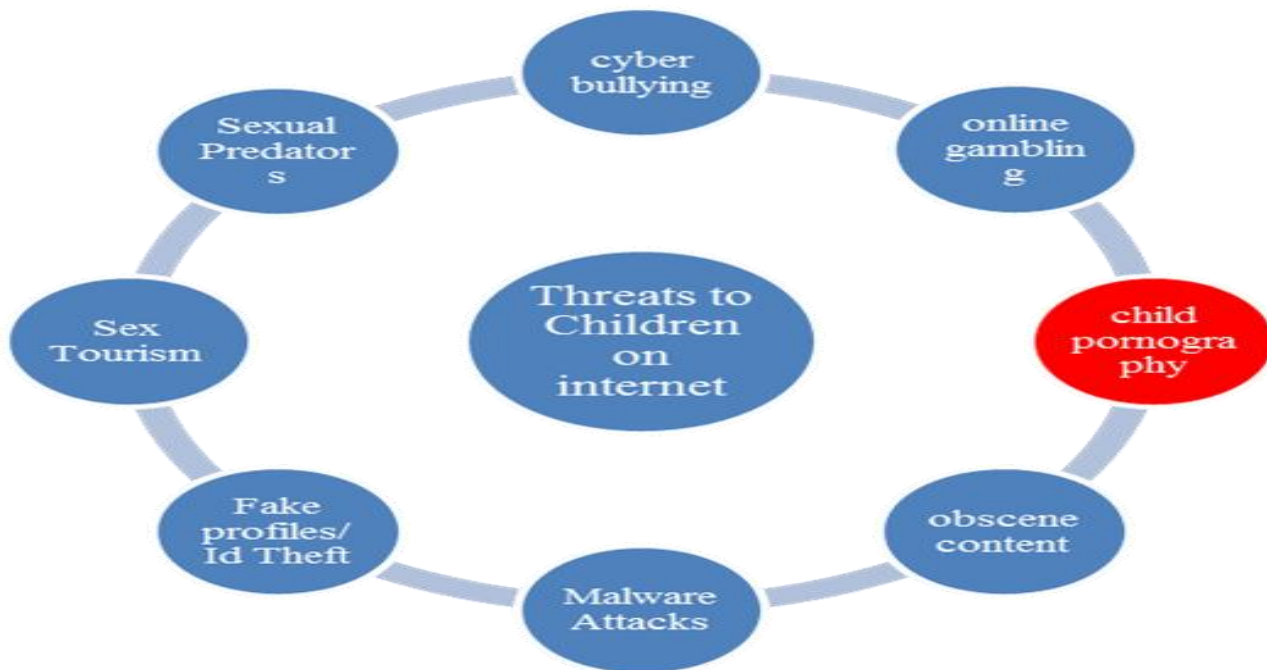
Fig;-1



The impact of internet on children is massive and powerful. While it enables them to seek and collate useful information through this dynamic medium, it could also endanger their survival or spoil their welfare and wellbeing. Recent studies discovered that internet has led to an addiction among children and children highly dependent on internet show increased signs of depression and anxiety (worry). In fact, the first internet de-addiction center was reported to have been established in Delhi in July 2014, followed by Bangalore and Pune. Internet addiction has led to decrease in concentration levels, irritability, sleepiness among children. At the tender age of children, there are certain negative elements that children need protection from while surfing the internet. There may be certain information which is not fit for their viewing and they also need to be protected from targeted attacks by cybercriminals. The World Health Organisation (WHO) defines 'Child sexual abuse' as involvement of child in sexual activity that he or she does not fully understand and is unable to give informed consent to or for which the child is not developed mentally or prepared and cannot give consent, or that violates

the law or social restrictions (taboos) of society. Most children are unaware of these problems and realize that they have been victimized by a cybercriminal only when the damage has been done. On the other hand, parents either have inadequate information about need and means through which they can safeguard their children on internet or may have little time or resources or training to ensure they adopt steps to safeguard their children on internet. There are so many threats to children on internet which are as shown in fig 2.

Fig:-2



In current situation **Child Pornography** has become a glaring problem in India. Until 2009, the India **I.T.Act, 2000** had no explicit section prohibiting child pornography except a general section prohibiting transmission and publication of obscene material electronically. By virtue of the **I.T.Act, 2008 Section 67 (B)** now expressly prohibits child pornography. According to this section, if any person publishes or transmits material depicting children in sexually explicit acts in electronic form or creates images text, collects, seeks, downloads, advertises, promotes or distributes content that depicts children in obscene or in sexually explicit manner, such person is punishable with

imprisonment for a term which may extend up to five years and imposes fine which extend up to Rs.10 Lacs.for the purposes of this section ‘**Child**’ means a person who has not completed the age of 18 years. A study of 12,000 children conducted in India has led to a shocking finding that 4.46% have been photographed without clothes for sexual exploitation purposes. Due to such incidents, in petition filed before the Supreme Court of India, the court directed the Government to find a solution to block porn sites including child pornographic sites as this has become a glaring problem on the internet.

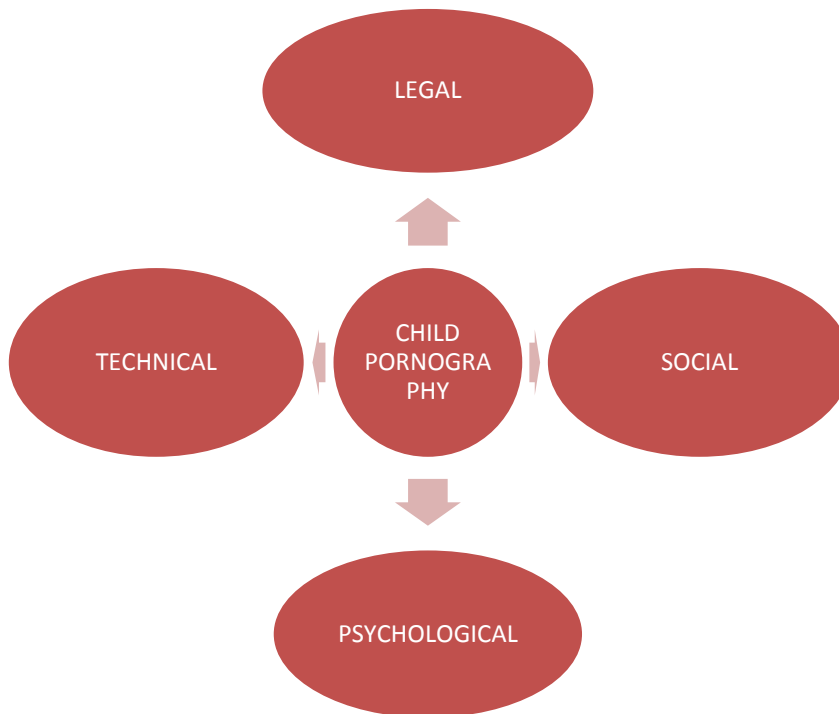
In the digital era the access of smart phones, tablets, laptops, computers with or without internet and other forms of electronic media created a platform for easy access to information. On the other hand this digital technology provides sexual predators With an anonymous and swift medium to conduct potential victims easily through sharing sexual images, sexual abuse, online exploitation across the globe and create networks which encourage and widespread the commission of cybercrimes in future. Cybercrime is the global phenomenon with criminals acting at remote locations and transnational level through which they access the information by different means of communication. India is recognized as the country with some of the highest rates of child abuses both online as well as offline. According to the National Crime Record Bureau (NCRB) registered cases of online abuse are increasing day by day as per the percentage of children who called the child helpline.

However it is difficult to account accurately how many children are affected by online abuse in India because child victims and their families are often unable to report a crime due to shame, guilt, and lack of knowledge of reporting, fear of reporting and lack of realization that they are being abused. As there is no legal definition of cybercrime in the statute and the same about child pornography in the legislation of India. An accepted definition of child pornography is **“Representation of child engaged in real or simulation sexual activities are known as Child pornography.”**

Child pornography can be circulated through various means of communication of information both online as well as offline which includes circulation of any form of media such as video, images, sound recording through internet, computer, mobile, tab etc. Children can be involved and engaged into sexual activity which is then documented and distributed for personal or commercial purpose on internet. In some cases children are recorded with their knowledge. In India, any sexual act performed with child whether consensual or otherwise is a criminal offence.

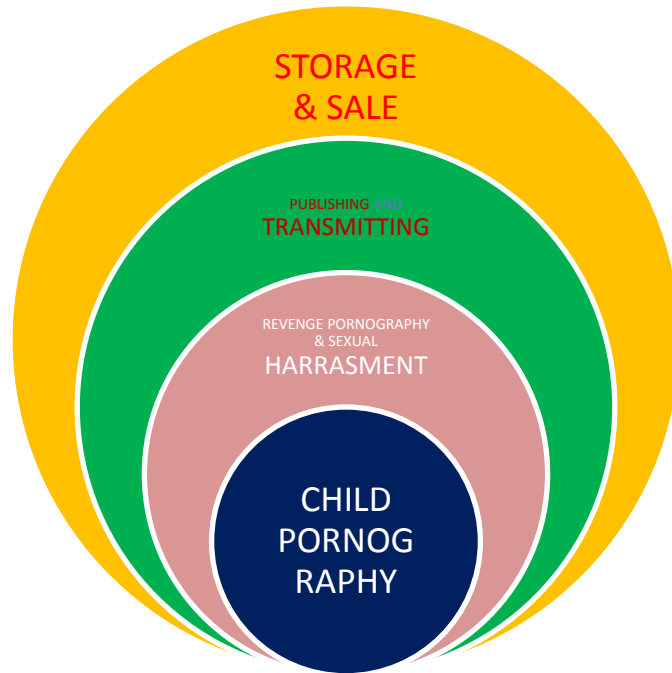
E.g. If a person engages in sexual intercourse with a child and records that act, the perpetrator/abuser/juvenile delinquent of such an activity could be charged with rape under the **IPC Section 376** and **POCSO act 4,11(v)&(vi)** that addresses child pornography.

➤ **PROBLEM STATEMENT:-**



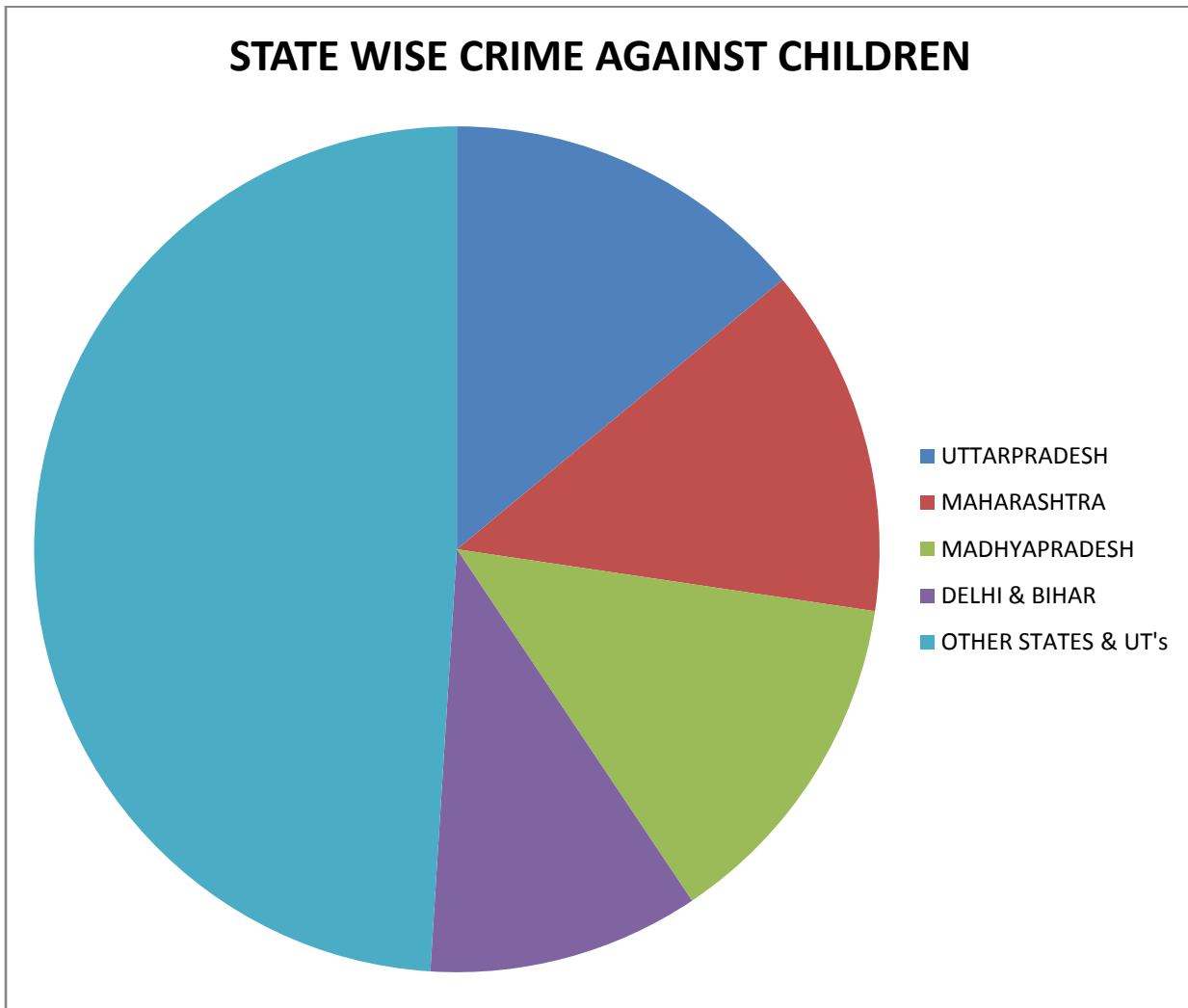
According to NCRB report of 2017 and 2018 child pornography is the most glaring issue which is increasing day by day. This issue can be studied under different levels as national and state level by different organs of the Government to overcome the evil of child pornography.

- **MAJOR ISSUES RELATED TO CHILD PORNOGRAPHY**



As many as 109 children were sexually abused every day in India in 2018, according to the data by the National Crime Record Bureau, which showed a **22 per cent jump** in such cases from the previous year. According to the recently released NCRB data, 32,608 cases were reported in 2017 while 39,827 cases were reported in 2018 under the Protection of Children from Sexual Offences Act (POCSO). POCSO Act, 2012 is a comprehensive law to provide for the protection of children from offences of sexual assault, sexual harassment and pornography. It requires special treatment of cases relating to child sexual abuse such as setting-up of special courts, special prosecutors, and support persons for child victims. As many as 21,605 child rapes were recorded in 2018 which included 21,401 rapes of girls and 204 of boys, the data showed. The highest number of child rapes was recorded in Maharashtra at 2,832 followed by Uttar Pradesh at 2023 and Tamil Nadu at 1457, the data showed. Overall crimes against children has increased steeply over six times in the decade over 2008-2018, from 22,500 cases recorded in 2008 to 1, 41,764 cases in 2018, according to the NCRB data from 2008 and 2018.

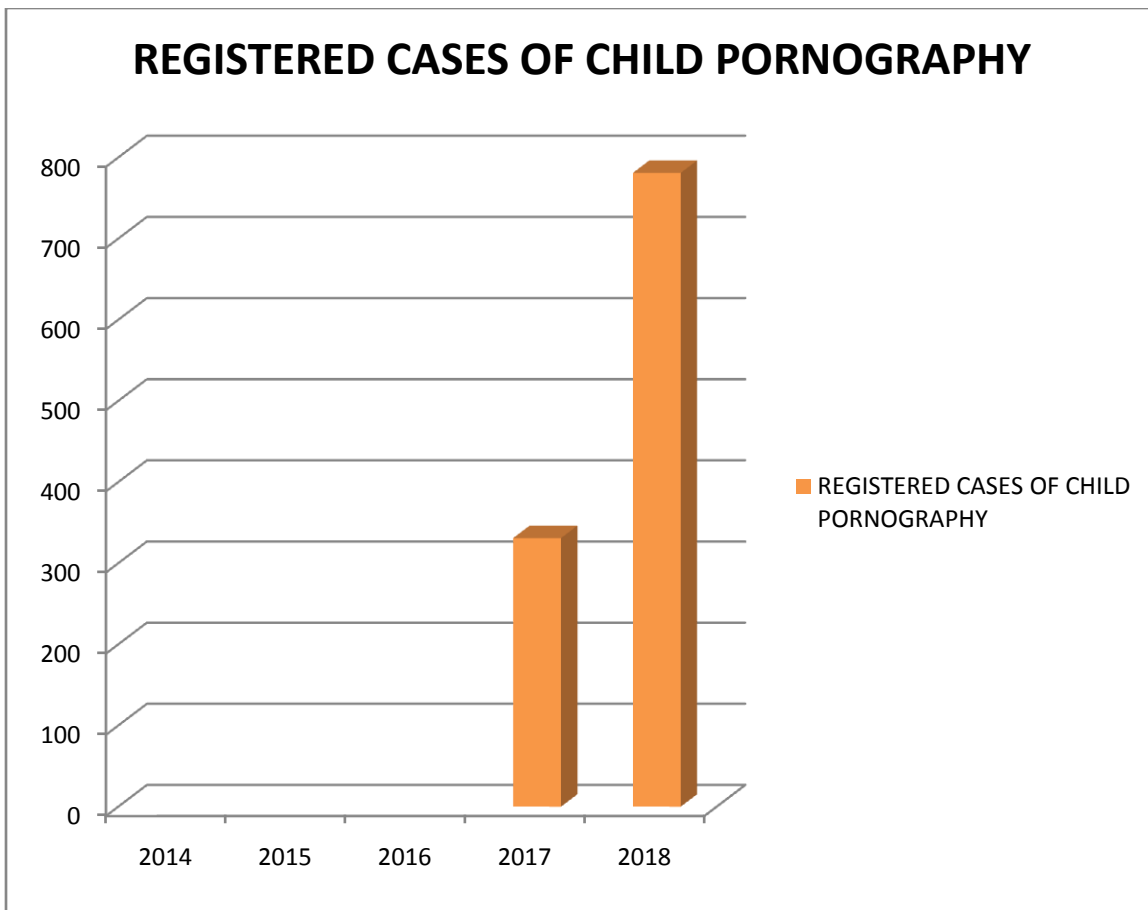
- **STATE WISE CRIME AGAINST CHILDREN**



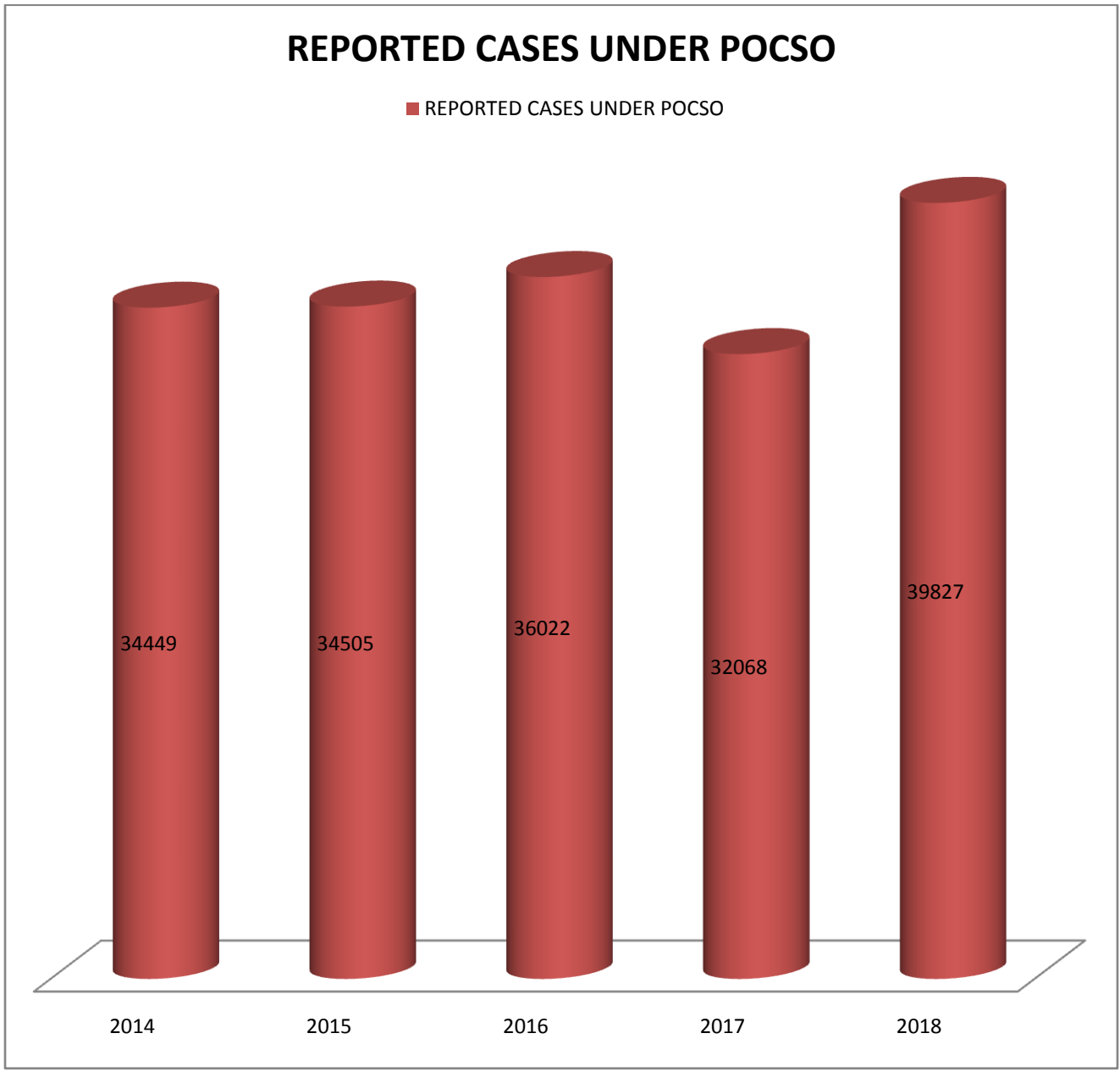
- **REGISTERED CASES OF CHILD PORNOGRAPHY**

2018-781

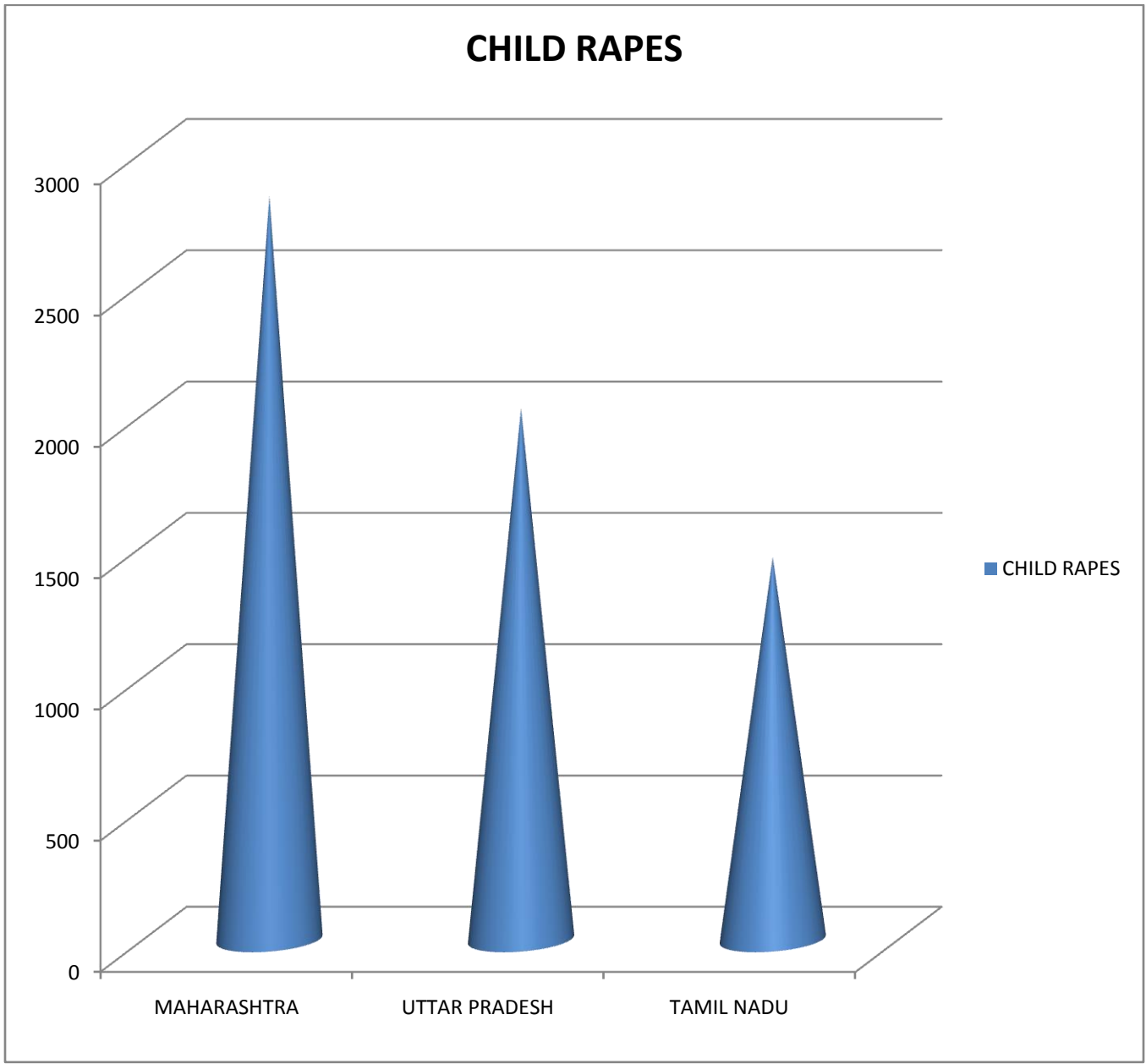
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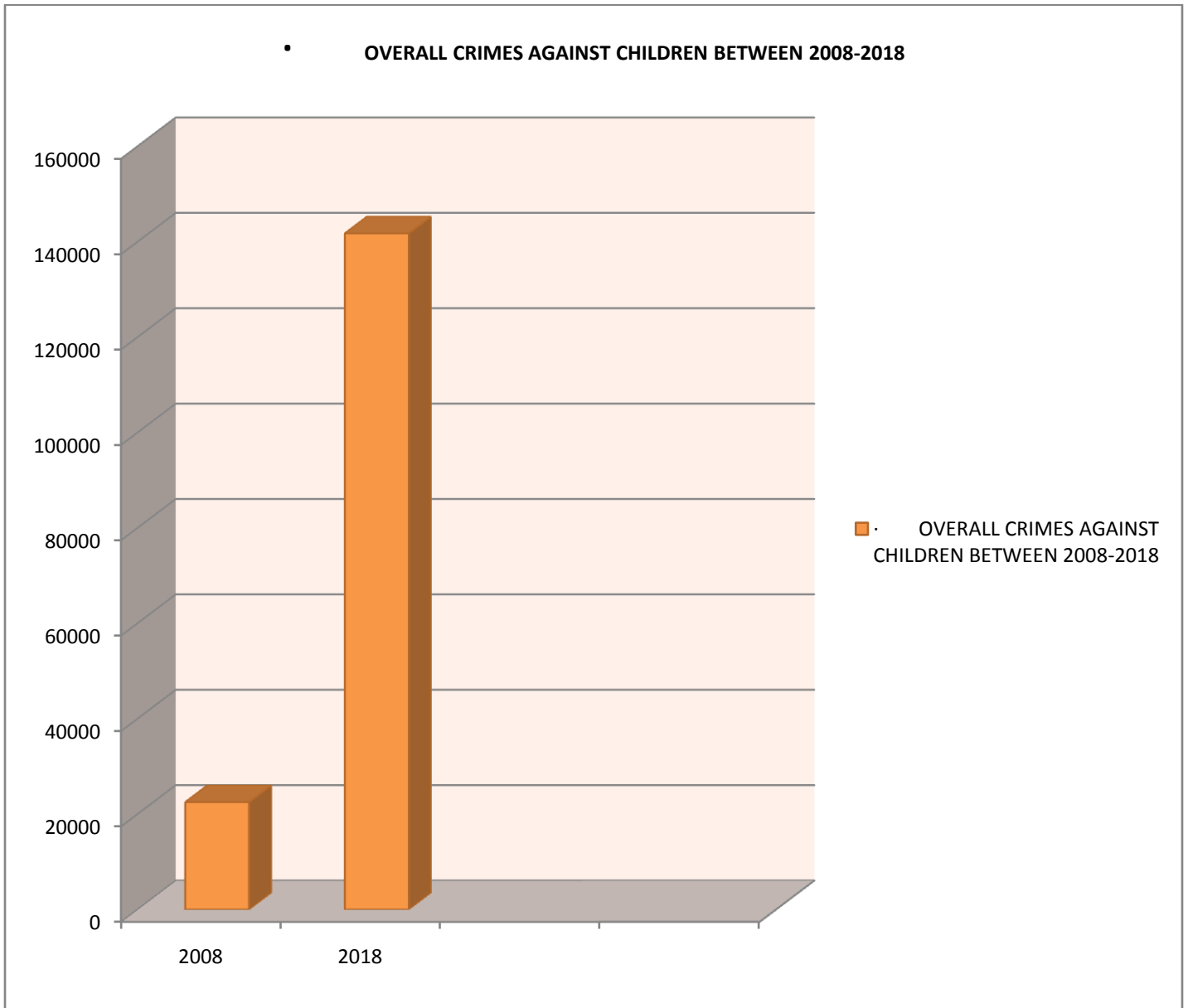
- **REPORTED CASES UNDER POCSO ACT**



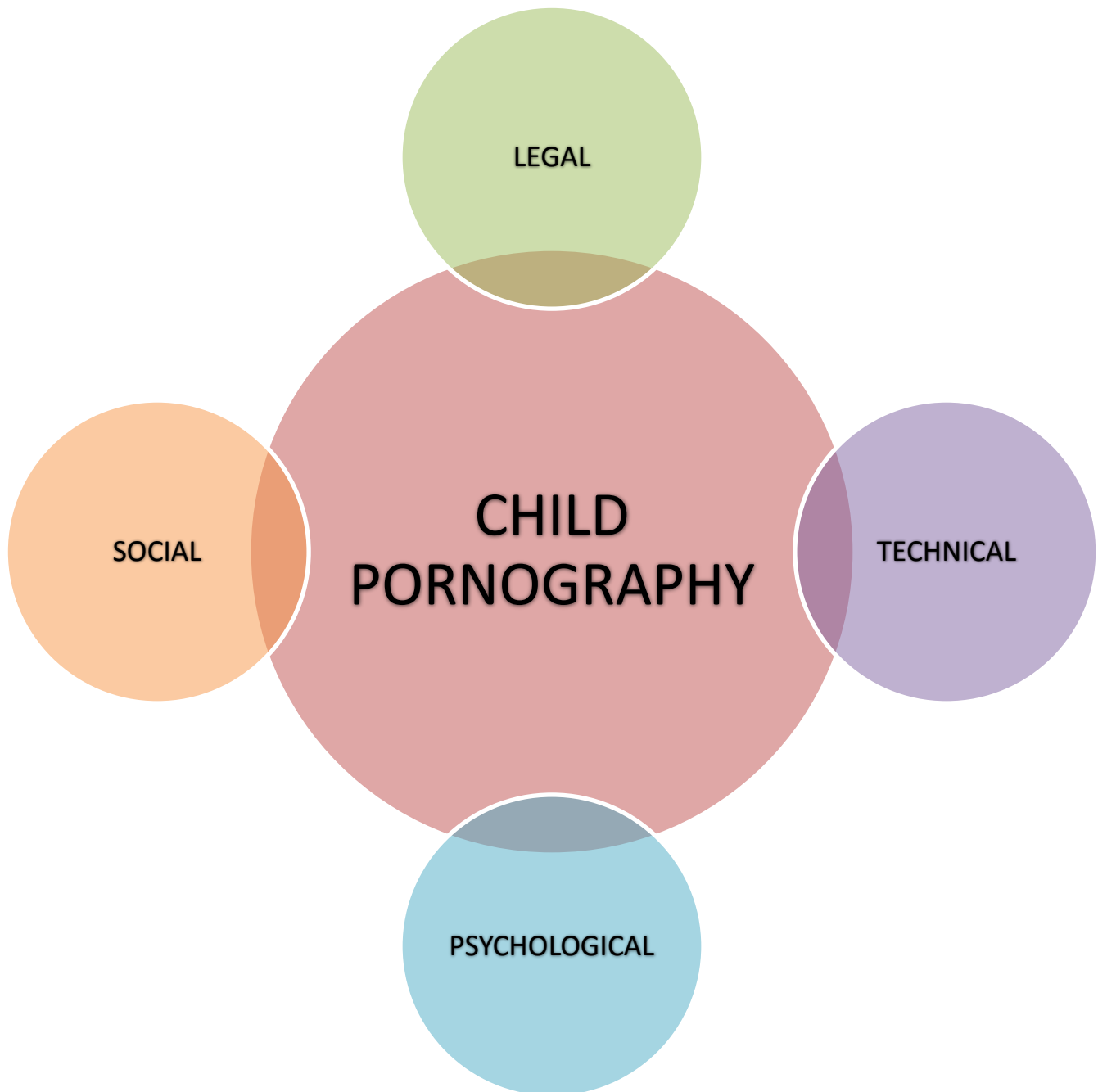
- **CHILD RAPES**



• **OVERALL CRIMES AGAINST CHILDREN BETWEEN 2008-2018**



➤ **OBJECTIVE:-**



The main objective to do the study of child pornography issue is that it is increasing issue and creating new challenges in front of society. As it is seen in some cases that child who is victims of child pornography remains isolated having feeling of guilt, sorrow and get sociological and psychological depressed. To overcome this issue

there are so many major steps taken by Law and order department at different levels through research and study at every aspect of this issue. The main milestone to eradicate this issue is the implementation of Legal, Technical, Social and Psychological concepts, facts, majors, rights and duties of every part of society and which is possible only by the proper awareness among all sections of society such as Parents, Schools, Teachers and Children also with guidelines provided by Police Department and Regulatory Authorities.

➤ **CAUSES OF CHILD SEXUAL ABUSE IN INDIA**

Child sexual abuse happens in all societies around the world and the causes vary greatly. Some of the probable causative factors could be:

✓ **Taboo around discussing sex and sexuality:-**

In India, there is reluctance and cultural shying from discussing matters related to sex and sexuality, particularly with children. Adults find it difficult and embarrassing to talk about the subject with children because often they themselves have not received and have no idea how to have ‘the talk’. In the absence of teaching and appropriate knowledge, ignorance and myths around sexuality pervade, thus leaving children, especially adolescents, uninformed and at risk. The taboos lead to a culture of shame and silence around any issue related to sexuality, including child sexual abuse, which is shrouded in silence and often goes unreported.

✓ **Tolerance to Gender-Based Violence:-**

There has always been ignorance and at times certain level of acceptance and tolerance to gender based violence against women and children in India. We assume that certain things are bound to happen and will happen to women and children if they cross the “line of morality” put forth by our patriarchal society.

Representation of women in popular media and the stereotypes perpetrated by popular films play a role in desensitizing our population towards gender-based violence against women and young girls.

✓ **A Culture that Believes and Values Adults Over Children:-**

Children are viewed as not yet fully developed citizens. Their values and voices are mostly absent in public discourses on issues that directly have an implication on them. They are taught to ‘respect’ the absolute authority of adults without even the slightest critical engagement. Their opinion may be regarded as ‘disrespectful.’ Thus, a child who is a victim of sexual abuse is often never believed that an adult could do this to him/her. Often parents and Community consider it the ‘child’s fault’ if sexual abuse happens.

Impact of Reporting Child Sexual Abuse

(i) Victim Blaming

In cases of many sexual assaults against women and children, the media and society at large have been quick to blame the victim, especially if the child is a girl, often with regressive statements implying that ‘the victim brought it on to herself’. A clear perspective on who is the victim and who is the offender is lost in the details, while there is too much focus on peripherals like what the victim was wearing, what time of the night it was when she went out, who was accompanying her, did she give consent to the sexual activity etc.

(ii) Real and Perceived Threat to Victim and Family

When we put a culture of sexual taboos together with one of victim blaming it becomes clear why most victims are reluctant to report. They fear being stigmatized by the community. Even as society passes a moral judgment on the character and dignity of the victim, the offender who may be occupying a position of power vis-à-vis the victim, will threaten the victim and/or family with (sometimes violent and life threatening) consequences if the offence is reported. There is also possibility that the real and perceived loss of “honour” and shame entraps victims and families in a vicious cycle of blackmail and further abuse. In a culture that prides traditional notions of masculinity, boys are afraid that they will be labeled ‘unmanly’ and ridiculed if they disclose about the abuse.

There are many cases in which the offender takes an obscene photo or video of the victim during the sexual activity. He silences and coerces the victim to further abuse by threatening to release the photo/video on the Internet if the victim breaks his/her silence. Thus, the cycle of abuse continues.

➤ **7 Reasons Why Children Don’t Speak Up About Abuse**

1. Children are afraid that they may be disbelieved.
2. Children feel a sense of guilt that perhaps it is indeed ‘their own fault’ that the abuse occurred.
3. Every time a child talks about the incident of abuse they may be remembering and reliving the trauma; and children don’t want to remember the abuse.
4. Children are afraid that the person who groomed and abused them will stop loving them or get in trouble because of them. This is because of manipulations during the ‘grooming’ process and is also true in cases where the offender is a family member.
5. The child may have been manipulated by the offender into believing that their relationship is normal. Sometimes the child does not realize that it is being abused.
6. Fear of retaliation and further abuse also forces a child to keep silent.
7. Generally, children are not encouraged to talk about their feelings and when they do... adults do not

CHALLENGES:-

In order to combat child abuse there are various challenges that are required to be met. Broadly speaking these challenges can be categorized into four parts namely social challenges, Technical challenges, legal challenges and psychological challenges.

➤ **Social Challenges:-**

CSA (Child Sexual Abuse) is a dark reality that is highly prevalent in India and adversely impacts health. Our literature review underscores the need for the development of a standardized definition of CSA and a validated tool for accurate measurement of CSA across India. Moreover, additional in-depth studies of CSA among the general and specific populations like commercial sex workers andMSMs are needed to develop effective ecological models for prevention and treatment of CSA that are sensitive to the diversity of vulnerabilities of children and adolescents in the Indian context. Furthermore, there is definitely a great need for more research concerning the Systematic review of CSA in India.

Child sexual abuse (CSA) is a common problem in every society. CSA typically includes unwanted and inappropriate sexual solicitation of, or exposure to, a child by an older person; genital touching or fondling; or penetration in terms of oral, anal or vaginal intercourse or attempted intercourse. Sexual offences in India are covered under different sections of Indian Penal Code and it does not distinguish between adult and child victims. However, the Protection of Children from Sexual Offences Act (POCSO), 2012, which has been recently drafted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation, defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years of the offence of sexual assault, sexual harassment, and pornography. According to a study published by the Ministry of Women and Child Development in 2007, India has the world's largest number of sexually abused children; children below 16 years are raped every 155th minute and below 10 years are raped every 13th hour and there is severely under-reporting of such crimes. But while considering the incidence of rape, it is 2 per 100,000 people in India, which is much lower than the reported rape incidence rate statistics for many nations tracked by the United Nations. The majority of rape cases in India, as elsewhere in the world, are never reported due to the social stigma. It has been reported that among all the CSA victims, 56% were referred to the police, 31% to the public prosecution and only about 8% reached the court. The under-reporting of CSA by victims is a serious problem that may prolong the suffering of victims and leave perpetrators free to continue offending. Rape is not a medically recognized entity, but a sociological and legal concept. This describes a case of sexual assault on 9 year minor girl with homicidal smothering as the cause of death, which is a rare occurrence in the district of Paschim Medinipur. (Indian Journal of Forensic and Community Medicine; 2015; 2(4):251-254).

A majority of sexual abuse cases occur in the home, school or the neighborhood next door. In India, many gruesome incidents of CSA have been recorded in the past ranging from incest, rapes, sexual abuse, sodomy, inappropriate touch to sexual assaults. The worst part is that such abuse is inflicted upon a child by a person in his immediate circle and a stunning majority of these cases go unnoticed.

In order to combat online child sexual abuse, there are various challenges that are required to be met and social challenge is one of them. There are number of social challenges in combating online sexual abuse/child pornography particularly in developing country such as India. There is wide digital gap between developed and developing countries and understanding of the nature of internet and its usage also differs from one Nation to another among its people. The boundaries of off-line and online existence are diminishing as young people transform from being citizen to netizens. While easy access of internet in developed countries easy access to internet has led to its misuse in conservative countries, immediate exposure to adult and other objectionable content has led to its over use more for abuse! Moreover, **lack of awareness on cybercrimes, dominance of social dogmas, lack of faith in law enforcement and laws lead to less reporting of crimes.**

❖ Factors of CSA

Determinants of CSA

Individual factors
-Socio-economic stressors
-Previous experience of CSA
- Trafficked girls or Born to commercial sex worker
- Non-conforming gender or sexual identity

Family factors
-Culture of silence around CSA
- Lack of family support

Societal and Community factors
- Patriarchal societal norms with power differentials across class, gender and sexual identity
- Poor law enforcement
-Safety of women
-Lack of sanitation

Perpetration of CSA

Individual factors
-Childhood experience of CSA
- Offender known to victim

Family factors
-Pathological family atmosphere of being offender
-Precocious exposure to sexual acts and behaviors
-Traditional family norms of silence around perpetration

Societal factors
-Patriarchal societal norms with power differentials across class, gender and sexual identity
- Poor law enforcement

Health outcomes of CSA

Mental Health Outcomes
- Feeling of guilt and shame
- Depression and other psychiatric disorders

Physical Health Outcomes
- HIV infections
- Sexually Transmitted Infections

Interpersonal and Behavioral Outcomes
- Poor academic performance
- Social withdrawal
- Feeling of mistrust for relationships
- Poor Coping Mechanisms
- Lacking autonomy and power.

➤ **Technical Challenges:-**

Internet child pornography presents some unique challenges for law enforcement agencies on Technical ground such as

The structure of the Internet: The structure of the Internet makes control of child pornography very difficult. The Internet is a decentralized system with no single controlling agency or storage facility. Because it is a network of networks, even if one pathway is blocked, many alternative pathways can be taken to reach the same destination. Similarly, if one website or newsgroup is closed down, there are many others that can instantaneously take its place. The decentralized nature of the Internet, and resultant difficulties in restricting the distribution of child pornography, is exemplified by P2P networks involving direct connections among computers without the need for a central server. It has been argued that the Internet is the ultimate democratic entity and is essentially ungovernable.

The sophistication and adaptation of Internet technology: The expertise of offenders is enhanced by the rapid advances in Internet technology. In addition to P2P networks, recent developments include remailers (servers that strip the sender's identity from e-mail) and file encryption (a method of hiding or scrambling data). A technological race has developed between Internet pornographers and law enforcement agencies.

The volume of Internet activity: The sheer amount of traffic in child pornography makes the task of tracking down every person who visits a child pornography site impossible. Many offenders realize that realistically their chances of being caught are quite remote. Similarly, while perhaps worthwhile activities, catching peripheral offenders or disrupting individual networks may have little overall impact on the scale of the problem.

The nature of Internet: It is such that there are P2P (peer to peer instant sharing), accidental popup windows, automatic ads, and malware can float easily on internet easily with click of mouse sometimes disguised by '**steganography**' by concealing a file's real nature. These technical methods/tools may be used to increase cybercrimes on internet.

➤ Legal Challenges:-

On the legal front there are legal challenges including differences among the nation in the definition of a ‘**child**’, differences in law, and international cooperation arrangements to combat cybercrimes. In some countries commercial trading of adults which is different from child pornography for sale to children may be acceptable while in others it is not. In many jurisdiction and investigation there is lack of awareness about laws relating to cybercrime and little awareness on best method to safely surf the web. A low conviction rate in cybercrimes leads to something immaterial that interferes with delay action or progress for criminals in India.

Today most cybercrimes such as 419 Nigerian attacks or fake employment or lottery scams are transborder. In the age of social media and cloud computing, investigation of cybercrimes requires data and evidence often located in another jurisdiction. There are widespread phishing attacks, global attacks on infrastructure, transnational organized crimes and cyber wars. Therefore, international cooperation in cybercrime matters is not an advantage but a necessity today.

The Information Technology Act, 2000 also applies to any offence or contravention committed outside India by any person irrespective of his nationality if the act or conduct constituting the offence or contravention involves as computer, computer system or network located in India. However, in case there is an offence committed by any Foreign national under IT Act,2000 such as identity theft (section 66C of IT Act,2000 and/or hacking under Section 66), legal assistance and cooperation will be required from concerned Authorities in the foreign country where the foreign national resides for any investigation / prosecution/ extradition. This is difficult to obtain in the absence of a *Cybercrime Convention* that India is signatory to (as India has not signed any) and/or a **Mutual Legal Assistance Treaty** (MLAT) for cooperation on *cybercrime* matters (as India has not signed any). Although India has signed MLAT with few countries for legal assistance *on criminal matters*, a crime/cybercrime may not be covered by it in those arrangements which require dual criminality to be satisfied and one of countries does not consider a cybercrime to be a crime as per its laws. Moreover, the scope of assistance agreed in a MLAT India has signed with other countries on criminal matters is not adequate to effectively handle cybercrime matters, particularly because digital medium is dynamic. A cyber crime can play havoc in cyberspace if it is a **botattack**. As the speed of committing crime and impact thereof is greater in cybercrime cases and because electronic evidence can be easily tampered or is volatile, it is imperative to trace the offender in the shortest possible time and preserve original evidence. Moreover, tracing of offender in cybercrime cases may be more difficult

due to availability of several techniques to camouflage one's identity using **steganography, onion routing** or other hide IP practices. In the MLATs signed by India for criminal matters, in general, there are no time limits for execution of requests and therefore such MLATs may not provide efficient procedure or cooperation framework in cybercrime matters. Effective investigation and prosecution of cybercrime matters requires quick action as evidence is volatile and failure to collect electronic evidence in a timely manner can stifle effective investigation

India is currently a signatory to UN Convention against Transnational Organized Crime. This Convention applies to criminal matters in general and may not be effectively used in cyber crime cases. In 2013, a *comprehensive study was conducted by UN* on the emerging problem of cybercrime with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime. It was found that there is a large diversity of national cybercrime laws on international cooperation and there is need for harmonization of national legal frameworks-definition and scope of cybercrimes, investigative powers, and admissibility of electronic evidence. It was felt that the Convention and national legal frameworks need to be adapted by making suitable amendments to deal with rising cybercrimes. In my view, it would be more efficacious to sign the Cybercrime Convention and also make efforts to frame MLATs that expressly deal with international cooperation on cybercrime matters or at least update the existing MLATs with effective provisions to deal with cybercrime matters. This will bring harmonization in both substantive and procedural laws governing cooperation from other countries on legal assistance in cybercrime matters.

- Unlike a MLAT, Mutual Legal Assistance Treaty, a Convention has the advantage that it brings uniformity in legal cooperation with more than one country.
- A Cybercrime Convention could also address procedure for extradition. In MLATs generally extradition is not dealt with and a separate extradition treaty is signed by India with other countries.
- A Convention such as European Convention on Cybercrime does not supersede the MLAT provisions and contracting states are free to use the MLAT provisions for international cooperation .Thus many countries that sign Convention also have existing bilateral arrangements with other countries and they can freely rely on those provisions. It is imperative that India signs a Cybercrime Convention such as the European Cybercrime Convention that establishes and harmonizes legal cooperation between member nations in investigation and prosecution of cybercrimes. It will assist in harmonizing –

- Types of criminal activity to be covered e.g. cheating by personation, forgery, misrepresentation, etc.
- Types of judicial proceedings that stands covered
- Procedure for requesting assistance –format, content requirements and authorities from and to which the request may be sent,
- Cooperation In relation to seizure/production/confiscation/preservation of Documents /electronic records/evidence
- Process for Interception of electronic communications-preservation requirements
- Cooperation in recordal of evidence
- Extradition procedure
- Timelines for responding to requests for cooperation
- Standard for confidentiality and data protection.

For example, the European

Convention on Mutual Assistance in Criminal Matters Art. 26 addresses data protection standards that must be applied when transferring information through an MLAT.

Even United States of America has signed the European Convention on Cybercrime and ratified it .India must consider signing the European Cybercrime Convention that will provide basis for effective mutual legal cooperation in cybercrime matters with other countries and/or at least, existing MLATs be updated or supplemental MLAT specifically for international cooperation on cybercrime matters be signed by India with other countries.

MUMBAI: The city cyber police have registered seven cases of child pornography and arrested one person this week. The state cyber police has received 1,680 complaints in the last six months, including 619 complaints from Mumbai. This is first time the city cyber police has registered seven offences for uploading and circulating child pornography. Deputy Commissioner of police (cyber) said the cases were registered on the basis of complaints sent by the **National Centre for Missing and Exploited Children (NCMEC)**, US, to the National Crime Records Bureau (NCRB). As per a pact, the US

will help Indian agencies identify those uploading child pornography on social media. NCMEC monitors websites, search engines and social media for child pornography-related content. It shares data with the FBI, which then shares it with nodal agencies of other countries. "After going through content uploaded on Facebook, YouTube, Google, Twitter and WhatsApp, we have registered seven AND ARRESTED ONE

: During their crackdown on child pornography in the state, the police have found that people, mainly men, who upload such images on social media, come from almost all sections of society and from all types of habitable zones: cities, towns and even villages. Finding an accused is easy or difficult for the police, depending on how the accused went about his online activity: whether he posted objectionable material from his own IP address or if he did so by masking it through technology. The ongoing crackdown in the state, though, is linked to a nationwide drive which is in turn based on data that a top American agency tracking child pornography has shared worldwide. Just last week, Pune police arrested two men for transmitting child porn clips. "Both were well-educated," said DCP (Pune cyber). Again, in Navi Mumbai, two men were named in an FIR five days ago for posting child porn videos on Facebook (the cases were filed at Kopar Khairane police station). An officer said that the men are yet to be arrested, and a preliminary probe suggested that both — Suraj Sachdev and Saddam Kallu — come from relatively underprivileged backgrounds. On January 10, Padgha police in Thane Rural arrested Umesh Tamang, a cook at a hotel in Vahuli village, Bhiwandi, for allegedly posting and circulating child porn videos on social media. 2/23/2020 Child porn purveyors cut across class lines in Maharashtra: Cops - Times of India <https://timesofindia.indiatimes.com/city/mumbai/child-porn-purveyors-cut-across-class-lines-in-maharashtra-cops/articleshowprint/74055035.cms> 2/3 Child porn can be uploaded from any type of city, going by the places in Maharashtra from where 1,680 child pornography complaints were received in six months. While big urban centres account for an overwhelming number of the complaints, with Mumbai, Pune, and Thane accounting for 600, 550, and 100 of them, smaller urban areas and villages too feature on the list: Navi Mumbai, Chandrapur, Aurangabad, Kolhapur, Nashik, Beed, Amravati Rural, Chinchwad, Raigad, Gondia, Parbhani, Solapur, Latur, Ahmednagar, Bhandara and Nandurbar. Catching purveyors of child pornography can be tricky. For example, in the Pune and Navi Mumbai cases mentioned before, the police zeroed in on their identities either based on the internet protocol (IP) addresses of the gadgets they had used to upload pornographic material, or based on their Facebook profiles and mentioned cellphone numbers (which led the police to their home addresses registered with their mobile phone service providers). 2/23/2020 Child porn purveyors cut across class lines in Maharashtra: Cops - Times of India <https://timesofindia.indiatimes.com/city/mumbai/child-porn-purveyors-cut-across-class-lines-in-maharashtra-cops/articleshowprint/74055035.cms> 3/3 Special inspector general (law & order) Milind Bharambe told TOI that the police's anti-child pornography move

is part of a statewide drive called Operation Blackface, which in turn is linked to a countrywide campaign to crack down on 25,000 such cases. The cases have emerged from data shared with the National Crime Records Bureau (NCRB) by the National Center of Missing and Exploited Children (NCMEC) of America, which tracks child pornography across the world. “NCMEC monitors websites, including those pertaining to social media, for content related to child pornography. It shares its findings with the FBI, which in turn shares it with equivalent agencies in other countries,” said a senior IPS officer. “NCMEC’s data includes IP addresses and locations, which help local police track down individuals.”

NOT REPORTING MATERIAL AN OFFENCE

CHILD PORNOGRAPHY CASES IN STATE

27 under IT Act
8 under POCSO Act
35 FIRs in six months

AREA-WISE BREAKUP OF FIRS

Navi Mumbai | 2. Chandrapur | 6. Aurangabad | 3. Kolhapur | 2. Nashik | 3. Beed | 2. Amravati Rural | 3. Pune | 3. 11 from Pune (Chinchwad), Raigad, Gondia, Parbhani, Thane Rural, and Solap

HOW TO REPORT CHILD PORN

Website | cybercrime.gov.in
Phone | 155, 260

SECTIONS APPLIED

POCSO
Sec 14 | Using child for pornographic purposes
Punishment | Imprisonment for at least five years

Sec 15 | Storing any material of child pornography
Punishment | Fine of at least ₹1,000

IT Act

Sec 67 (B) | Publishing or transmitting material depicting children in sexually explicit acts
Punishment | Jail for up to five years and fine up to ₹10 lakh

IPC

Sec 21 | Action initiated if anyone has info about child pornography and it is not brought to the notice of law agencies

INTERNATIONAL CRACKDOWNS

- Worldwide awareness of child porn began as the internet became popular in the last 90s, and sustained crackdowns began in the early noughties – initially in the US and the UK, and later in the wider western world
- Only in very recent years have developing countries, including India, started policing child porn rings
- Landmark operations against child porn include: Operation Avalanche (US, started 1999), Operation Blue Orchid (US-Russia, 2000), Operation Delego (international, 2009), and Operation Pacifier (US, 2015)

10FEB2020

BENGALURU: The state government must respond by Thursday as to whether any FIRs have been registered and investigation conducted into 113 cases of sexual abuse of

children reported across Karnataka in 2018. A division bench headed by chief justice Abhay Shreeniwas Oka sought the state's response as counsel for the petitioners in a PIL claimed that as per their information, the government has not registered any FIR with regard to child sexual abuse cases in Karnataka, which was revealed in data published by the **ministry of women and child development** (MWCD) in September last year. The data indicated that with 113 cases of sexual abuse (87 boys and 26 girls), Karnataka has the highest number of victims of child pornography and accounted for about 60% of the cases. The bench observed that on the last occasion, the court had sought an action-taken report on the premise that the authorities may have conducted investigation as these cases are cognizable offences. **Bachpan Bachao Andolan and Sampurna Behura**, both New Delhi-based organizations, have sought for a direction to the state government for formulating a new or amended state child protection programme as the old policy restricts itself to children in school.

AURANGABAD: The Aurangabad city police have registered three cases against unidentified suspects who were using Facebook profiles to upload child pornography content on social media. This is the first time in the state that offences are being registered for uploading of child pornography content based on the data shared by the National Crime Records Bureau (NCRB) with the state police headquarters. Following technical analysis of the uploaded content, their sources of origination were found to be within the limits of different police stations in the city. Accordingly, offences have been registered in the respective police stations. Highly-placed authorities said the registering of offences is a result of a memorandum of understanding (MoU) between NCRB of India and the National Centre for Missing and Exploited Children (NCMEC), USA. As per the pact signed in the first quarter of 2019, the United States will help India in receiving Tipline reports on online child pornography and child sexual exploitation content from the NCMEC. A cybercrime official said that after a citizen anonymously alerts the law enforcement agencies about such content using a helpline number or website, the tip automatically gets converted into a report for action and it is called '**Tip line report**'. There is a unique identity number generated for each of the Tip line reports and its status can be checked by punching the said number. The agreement enables law enforcement agencies to remove child pornography and child sexual abuse-related material from The Tip line reports generated in the first half of 2019 were brought to the notice of the NCRB by the the NCMEC. Following the standard operating procedure, the NCRB sent the communication to Maharashtra special inspector general of police (cybercrime), who, in turn, sent the details along with the CD containing the objectionable content for registration of offences against the suspects to the Aurangabad police.

Accordingly, offences have been registered with the police stations of Cidco, Satara and Cantonment, under relevant sections of the Information and Technology Act. In addition, sections of the stringent (sever) **Protection of Children from Sexual Offences (POCSO)** Act have also been slapped on the suspect profile users. As per the above cases throughout pan India level there must be the awareness of legal acts about the child sexual abuse by awareness about **Protection of Children from Sexual Offences (POCSO)** at National, State, District, Taluka/Mandal and village level by the different governmental bodies as well as NGO's to know about the basic aim and objective of POCSO Act and its implementation at ground level.

Children in developing countries like India suffer from many challenges. Sexual offences are the most heinous among these. In 2012 Indian government prepared and implemented Protection of children from sexual offences Act (POCSO), 2012. POCSO is a major legislation in the field of child protection. POCSO is the new and revolutionary Act, specially enacted to protect children from sexual offences. Being a new act, the various stakeholders are at times not aware, or don't know how to implement it, considering the best interest of the child. The following sections will highlight using researches, the various issues related to sensitization and implementation of POCSO. The review is organized in these sections:

- ✓ Awareness and sensitization about POCSO
- ✓ Mandatory reporting
- ✓ Age of Consent
- ✓ Doctor's readiness to deal with CSA
- ✓ Special courts under POCSO

The findings from the above cases and report on Child Sexual Abuse clearly indicate that there is a very high need for protection of children from CSA. Data from NCRB emphasized the need of further care and protection of children from CSA. CSA is a matter of shame for the society and till date considered as taboo to be talked about. In the name of culture and the structure of family in India and the low status of children in this structure, makes CSA even more rampant in India homes. As review of studies on CSA shows that child sexual abuse in India is often a hidden phenomenon. Since children are highly dependent on their parents and elders, they are often submissive and obedient to adults. Lack of awareness about laws and reluctant behavior of parents facilitate the continued perpetuation of such heinous crimes.

'**Cyber Grooming**' needs to be explicitly recognized as a crime in India- to avoid any ambiguity in the meaning of the term. In June 2016, the International Labour Organization issued Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse defines 'grooming' as "the process of establishing/building a relationship with a child either in person or through the use of the Internet or other digital technologies to facilitate either online or offline sexual contact with that person." India could adopt this definition to ensure that country's understanding of '**grooming**' is in line with international standards.

➤ **Psychological challenges**

✓ **A Psychological Typology:-**

Sexual attraction to children is known as pedophilia. However, an interest in Internet child pornography may be best thought of as falling along a continuum rather than in terms of a hard and fast distinction between pedophiles and non-pedophiles. People can behave very differently on the Internet than they do in other areas of their lives. Interacting anonymously with a computer in the safety of one's own home encourages people to express hidden thoughts and desires. Offenders vary in the strength of their interest in child pornography, as well as in the level of severity of the pornographic image to which they are attracted. From a psychological perspective, based on a typology of general pornography users, the following categories of Internet child pornography users are suggested:

1. **Recreational users:** They access child pornography sites on impulse, out of curiosity, Or for short-term entertainment. They are not seen to have long-term problems associated with child pornography use.

2. **At-risk users:** They are vulnerable individuals who have developed an interest in child Pornography, but may not have done so had it not been for the Internet.

3. **Sexual compulsives:** They have a specific interest in children as sexual objects and Seek out child pornography.

✓ **An Offending Typology:-**

Variations among offenders translate into different patterns of Internet behavior. Offenders vary in the level of their involvement in Internet child pornography, the degree of networking in which they engage with other offenders, their expertise in employing security strategies to avoid detection, and the extent to which their Internet behavior

involves direct sexual abuse of children. The following typology of child pornography offending has been suggested.

1. **Browsers:** Offenders who stumble across child pornography but knowingly save the images. They are not involved in networking with other offenders and do not employ security strategies to avoid detection. Their browsing is an indirect abuse of children.

2. **Private fantasizers:-**

Offenders who create digital images (e.g., through morphing)

For private use to satisfy personal sexual desires. These offenders do not network with other offenders, do not employ security strategies, and their private fantasies are an indirect abuse of victims.

3. **Trawlers:-**

Offenders who seek child pornography on the web through open browsers. They may engage in minimal networking, but they employ few security strategies and their trawling is an indirect abuse of victims.

4. **Non-secure collectors:-**

Offenders who seek child pornography in non-secure chatrooms (i.e., chat rooms that do not employ security barriers such as passwords) and other open levels of the Internet. They are involved in relatively high levels of networking, and, by definition, do not employ security strategies. Their collecting behavior is an indirect abuse of children. Because of the non-secured nature of their activities, there are limits to the number and nature of the images they can collect.

5. **Secure collectors:-**

Offenders who are members of a closed newsgroup or other secret pedophilering. They engage in high levels of networking and employ sophisticated security measures to protect their activities from detection. Their collecting behavior is an indirect abuse of children. Because they occupy hidden levels of the Internet, they have access to a wide range of images. They may engage in obsessive levels of collecting, which not only involves amassing huge numbers of images, but also carefully cataloging and cross referencing them. As with other types of collections, they may expend considerable effort in obtaining rare and highly prized images. The collection may become an end in itself.

6. **Groomers:-**

Offenders who develop online relationships with children and send

pornography to children as part of the grooming process. Grooming involves direct abuse of children. They may or may not be involved in wider networking with other offenders, but their contact with children exposes them to risk of detection. The child may tell

someone about the relationship, or the offender may be unwittingly communicating with an undercover police officer.

7. Physical abusers: -

Offenders who sexually abuse children and for whom an interest in child pornography is just part of their pedophilic interests. They may record their own abuse behaviors for their personal use, in which case, from a legal standpoint, the possession of pornography is secondary to the evidence of their abusive behavior that it records. They may or may not network. By definition, a physical abuser directly abuses victims and his security depends upon the child's silence.

8. Producers: -

Offenders who record the sexual abuse of children for the purpose of disseminating it to others. The extent of their networking varies depending on whether they are also distributors. Again the producer's direct abuse of the victim Compromises his security.

9. Distributors:-

Offenders involved in disseminating abuse images. In some cases they have a purely financial interest in child pornography. More often, offenders at any of the above levels who share images may be classified as distributors. Thus, the extent of distributor's networking, his level of security, and whether he engages in direct abuse of children depends upon the level at which he is operating.

✓ **Effects of Child Pornography**

• **Effects on the Children Portrayed:-**

The vast majority of children who appear in child pornography have not been abducted or physically forced to participate. In most cases they know the producer—it may even be their father—and are manipulated into taking part by more subtle means. Nevertheless, to be the subject of child pornography can have devastating physical, social, and psychological effects on children. The children portrayed in child pornography are first victimized when their abuse is Perpetrated and recorded. They are further victimized each time that record is accessed. *In one study, 100 victims of child pornography were interviewed about the effects of their exploitation—at the time it occurred and in later years.* Referring to when the abuse was taking place, victims described the physical pain (e.g., around the genitals), accompanying **Somatic symptoms** (such as headaches, loss of appetite, and sleeplessness), and feelings of psychological distress (emotional isolation, anxiety, and fear). However, most also felt a pressure to cooperate with the offender and not to disclose the offense, both out of loyalty to the offender and a sense of shame about their own behavior. Only five cases were ultimately reported to authorities. In later years,

the victims reported that initial feelings of shame and anxiety did not fade (weaken/lighter) but intensified to feelings of deep despair, worthlessness, and hopelessness. Their experience had provided them with a distorted model of sexuality, and many had particular difficulties in establishing and maintaining healthy emotional and sexual relationships.

- **Effects on Users:-**

The effects of pornography on users have been extensively researched but results are contentious (controversial). There are at least five possible relationships between pornography use and the sexual abuse of children:

- **Pornography use is an expression of existing sexual interests:-**

An individual who sexually abuses children seeks out child pornography as part of his/her pattern of sexual gratification. The offender's sexual interests cause his/her pornography use rather than the other way around.

- **Pornography is used to prime the individual to offend:-**

An individual deliberately views child pornography immediately prior to offending. Pornography is used in the short term to sexually stimulate the offender in preparation for offending.

- **Pornography has a corrosive effect:-**

An individual becomes increasingly interested in child pornography, is attracted to images of increasing severity, and becomes desensitized to the harm victims' experience. Use of pornography in the long term may also increase the risk that the person will sexually abuse a child.

- **Pornography has a cathartic effect:-**

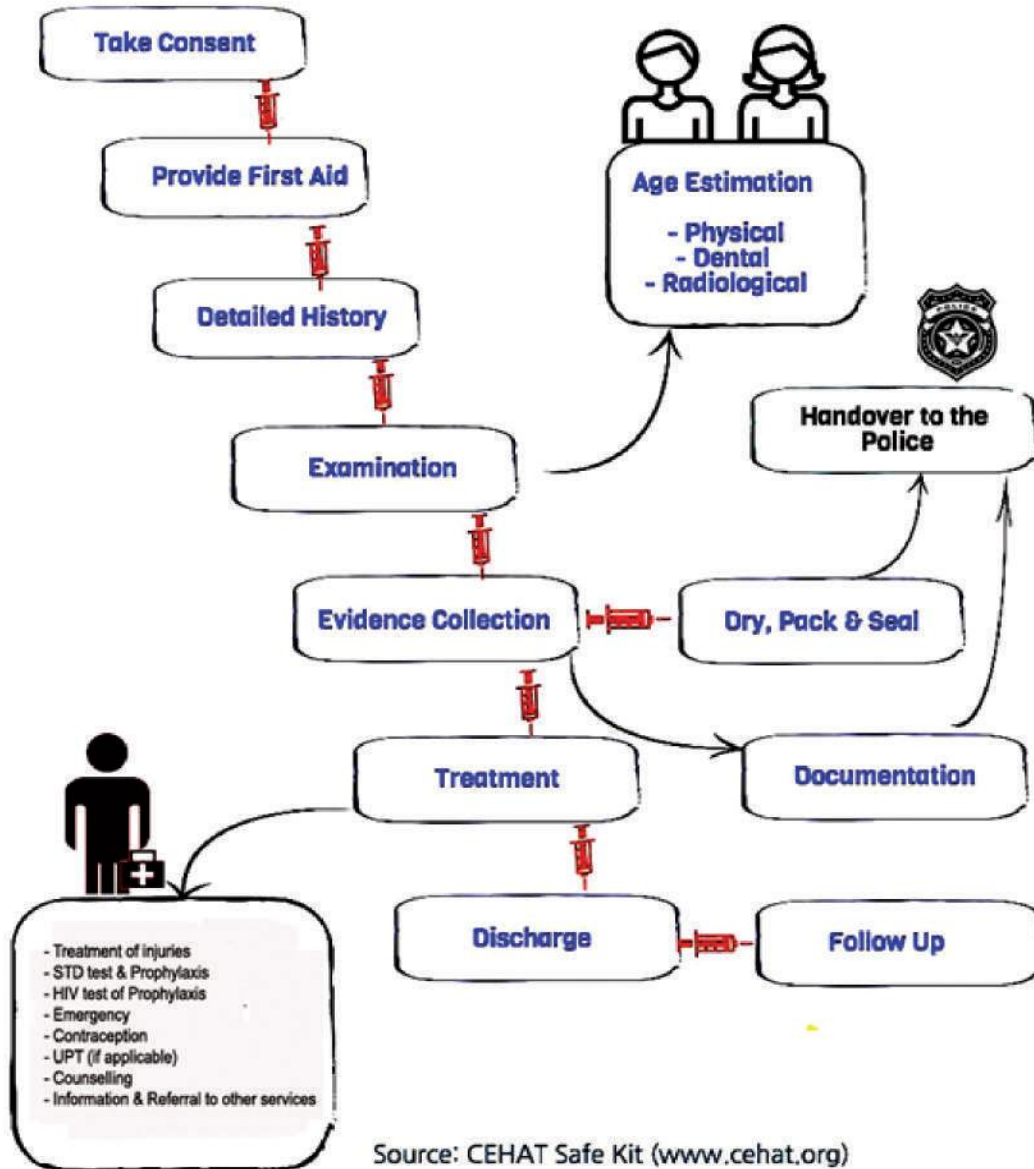
Viewing child pornography is the sole outlet for an individual's sexual attraction to children. Pornography use may substitute for, or even help the individual resist, engaging in hands-on offending.

- **Pornography is a by-product of pedophilia:-**

Pornography is created in the process of carrying out sexual abuse or is used to groom potential victims and prepare them for abuse. Pornography is incidental to the abuse suffered by the victim. In all likelihood, the effects of child pornography vary among users, and all of the above relationships may apply depending upon the individual in question.

Procedure for Medical Professionals

A quick glance at steps to be followed during Medical examination of child victims of sexual violence



RECOMMENDATIONS:-

Having broadly studied and analysis the nature of local problems, the international and national initiatives to prevent online and offline abuse of children and our Indian legal framework on child protection, I have few views and thoughts to recommend through this study report on areas where we lack and what can be done to both prevent and combat this alarming issue. I have highlighted the points under basic four headings i.e.Social,Technical,legal and psychological which will be the footsteps to further actions and precautions in this domain.

Synergise concurrent and synchronize actions by all stakeholders as preventive major on every platform for the safeguard of children. India has passed special laws for the preventing, effective implementation and action on this issue I.e. IT act 2000 and POCSO act 2012.However,in order to implement the laws and schemes effectively, multiple stakeholders needs to join hands including parents,educators,children themselves, governmentenforcements, private sector,ISPs,NGOs in a public private partnership (PPP) model.

➤ **SOCIAL MEASURES:-**

✓ **Role of Parents:-**

- Parent can inform strong awareness on child abuse matters and reinforce moral and social media community guidelines in their children.
- It is up to the parents to build trust in their relationship with children so that they can freely confide in them.
- Parents need to use filtering software and periodically check web history as well as device history records for children safety online as well as offline.
- Use authenticated anti-spywares and anti-virus protection software.
- Parents should come forward to register complaint against any abuse happen with child as it is compulsory to report under section 19 of the POCSO act and punishable if not reported, as identity of child is protected by law and enforcement agencies.
- Provide positive alternatives to children which can channel children's energies to dissuade them from online games including provision of playgrounds, as well as encourage face-to-face quality time with parents.
- **Software based filtering** protection softwares such as Net nanny Software, web based dashboard, K9 web protection, AVG family safety etc. which are

powerful tools that enable parents to monitor a child's activities on internet including social media.

- There are various websites such as *www.netmom.com* that highlights approved web links for children that children can safely visit online.
 - Doing set-up **web filtering on routers** is necessary in school/homes with open DNS which can filter internet access of computers and devices connected to the router.
 - **Operating system** and Browser level filtering can be used to control the unwanted access by doing setup Microsoft Family safety filters or Windows content advisor etc. and @ **browser level** filtering content filtering is possible with Norton Safe Web, McAfee Site Advisor and also other options like using internet explorer and other browsers.
 - Hardware based filtering can protect and blocks unwanted sites from all devices connected to each other e.g. Netgear router is used, Netgear live parental controls will install hardware based control which will filter web content in all connected devices. Other options are iboss, Netflox etc are parental control router/firewall.
 - **Mobile parental control** is possible on smart phones using **Mobicip Safe** browser premium and Norton online family to go Beta.eBlaster, ihound, Selvesafety 2.0 and other such Android based parental control apps. Even on Apple's iOS has brought adult content filtering.
 - **Social network safety tools** prevent cyber bullying and other social networking threats such tools are **Zone Alarm, Social Guard** gives alert notification to parents regarding facebook friends or posts that could be harmful to children. There are software called **Minor Monitor, Spectorpro** and **Pcpandora** etc.
- ✓ **Role of Schools and Teachers**

A school's Child Protection Policy is a statement that defines the school's commitment to safeguard children from harm and abuse. It specifies the staff and others' responsibilities and roles in the protection of children. The child protection policy has to be a strong reflection of the schools commitment to protect its children. It has to be implemented through every aspect of the school administration and management. Schools must specify how the policy will be

put into action. The policy must apply to all personnel and persons related to the school and who come in direct or indirect contact with children.

- **The schools must provide trainings** related to safety handling of internet and social media and general awareness about cyber security to all teachers and staff on time to time as curriculum schedule apart from computer literacy.
- **Special workshops** for teachers, parents and students on cyber safety, Child sexual abuse and POCSO act should be organized by schools from time to time.
- **All employees to sign a copy** of the terms and conditions related to child protection after they join the school. They must be provided with ID cards. Clear boundaries need to be defined in interaction between staff and child.
- **Install CCTVs** in classrooms and in school premises and ensure that their feed is monitored.
- **Lay down policies and safe boundaries** around photographing children, using photographs of children, and Internet and technology usage within the school premises.
- **Arrange for regular sessions** on personal safety with all children (this includes talking about body parts, online safety, and protection from abuse). Orient all staff members on detecting the warning signs of sexual abuse among children Train all staff members and support staff on child protection norms and child sexual abuse prevention.
- **Use of Complaint / Suggestion box**, It should be provided in each school so that students can make written complaints. Any complaint of sexual abuse, whether received through the drop box or otherwise needs to be acted upon immediately.
- **Toll Free number and child helpline**, It may be provided and made known and displayed on notice board along with names of teachers designated to handle such cases. Centralized Child helpline number **1098 and pocso e-Box** must be popularized and displayed at prominent places in the schools. School management and staff are expected to create awareness and participate in averting such offences as part of their foremost duty.
- **Teach the child the basic concepts** of good touches, bad touches and confusing touches. Use the words **sexualabuse** when talking with the child

because if a child is victimized, they need to be able to tell you that they were "sexually abused". A child without the language to describe their victimization is a child whose case is weakened in the court.

- **A Child counselor** (Permanent or Temporary) must be appointed by every school to deal with the social, emotional and psychological issues children face online and offline as well as online addiction.
- **Use of flyers/posters** of the general awareness of the pocso act, cyber safety do's and don't and toll free no, childline no and pocso e-Box.
- **It should be mandatory** across all educational institutions, such as schools, colleges, etc. to have '**Social Media Regulations**' addressing all social and legal requirements to ensure increased awareness and compliance. Institutions must also formulate penalties and actions corresponding to violation of the guidelines.

✓ **Role of NGOs and other Child welfare oriented Organisations**

- **Participation and coordination** of NGOs with law enforcement agencies and state authorities by setting up of hotlines to report abuse and to report illegal websites.
- **NGOs** can play a vital role in combating child sexual abuse both offline and online by awareness, training, Counselling, pre and post trauma as a support system on different platforms.
- **Identifying Child Pornography** related material available online and take necessary steps to delete/block such contents which are harmful to the society by close coordination and proactive approach and action between NGOs and The State authorities.
- **Close coordination of NGOs** with law enforcement agencies can result in combating this issue more effectively.
- **Government agencies and NGOs** can play a vital role in setting-up of required no of **special rehabilitation centers** for children who becomes victims of Child sexual abuse, online addictions and cyber crimes, such children need active counseling and after care services.

➤ **TECHNICAL MEASURES**

- **Proactive Approach/Internet patrollings** should be adopted for combating online child abuse on the basis of USA.

- **Internet Service Providers (ISPs)** are required to offer opt-out family friendly filters to parents at the point of sign-up.
- ISPs are required to provide **an Online Safety Portal on their homepage** containing all necessary information for parents on how to use family friendly filters, how to opt-in/opt-out if so desired, methods of supervising and managing children's access to Internet Content. ISPs should also provide options for age verification of end users.
- **Social media sites and apps** are required to issue age restriction warnings at the point of account creation/sign up that advises parents not to assist minors in the creation of underage accounts. Social media platforms should follow uniform standard practices such as
 - a) **Targeting Bulk/Automated Behavior**- ban user accounts engaging in automated behavior by identifying phone numbers known to be involved in spam messaging as well as by tracking users who send high volumes of messages soon after registering.
 - b) **Mandatory reporting** of CSAM content to **Indian authorities**.
 - c) Provide **online videos or warning messages** at the time of logging into social media platforms stating a **zero-tolerance policy** towards Child sexual abuse contents.
 - d) Should **build industry-wide coalitions** such as Google's Technology Coalition and providing mentorship to smaller companies working to increase their ability to detect Child Sexual Abuse contents.
 - e) Providing **warning message** on search engines as well as parental filters across platforms.
 - f) **Incorporation of Trusted Flagger Programmes** across social media platforms with elements such as bulk-flagging tool, Prioritized flag reviews for increased action ability, etc.
 - g) Social media platforms should **take down contents/messages/comments immediately** after reporting instead of blocking contents to the reporting account thought these comments are in local language.
 - h) Social media platforms should provide **information on community guidelines** and illegal content to users in **multiple/local languages**.

- I) **Encourage awareness and use of reporting mechanisms** by providing a warning when an unknown number messages a user.
- All Social Media **Platforms should be mandated** with minimum **essential technologies** (which provide minimum required capacities) to detect CSA contents. Regular (quarterly or monthly) reporting to law enforcing agencies in India should be mandated. **Good practices** of sharing of technologies relating to child safety should be promoted by the Government.
 - **MOUs with countries** other than existing one with the U.S. for information sharing in dark web investigations should engage with Australia,UK etc.transnational initiatives like the **Virtual Global Task Force** which comprises a group of law enforcement agencies from twelve countries plus Interpol and which operates to stop child pornography online.
 - The **National Crime Records Bureau (NCRB)** must **mandatorily record and report** annually cases of child pornography of all kinds. It should record the number of cases reported, investigated, disposed off and other relevant information. In addition national Tipline Number should be created where child sexual abuse as well as distribution of child pornographic material can be reported by concerned citizens.
 - Create one-stop window for awareness materials and reporting mechanisms to combat the menace of child pornography lost notably the **POCSO e-box** and the **National Cybercrime Reporting portal**. A centralised roster of cyber-volunteers can also be created to encourage reporting of CSA contents to the nodal agency. Additionally, NCPCR may also provide for a hotline for reporting or getting images removed from the Internet.
 - **Websites** which are identified as Child pornography spreading, accessing reported by authorities and flagged by users should be taken down and downtime should be reduced/minimized.
 - **Training law enforcement Agencies** including police and judges must be trained to deal effectively with cases relating to cybercrime against children and trained police officers, including women police officers must be deputed to deal with these cases.
 - **Special police officers and public prosecutors** should be appointed to deal with child sexual abuse and child harassment cases with proper training of **IT act, POCSO act, collection and representation of digital evidences.**

- **Cybercafés and private institutions of cyber security and Ethical hacking** should be regulated through routine monitoring by setting strict norms of maintain record of usage of their services in registers and electronically of customers, trainees and trainers.
- **Create a framework** to handle private institutes who are training cyber related courses by publishing advertising in media about their authenticity of courses.

➤ **LEGAL MEASURES**

In order to combat this alarming issue there are some measures to be included in the existing laws and the enforcement authorities to fulfill and be capable to handle the challenges at the global level which are as follow.

✓ **In POCSO Act 2012**

- **Broaden definition of child pornography and add some sub-clauses in the existing Act as below under chapter-I section 2 of POCSO Act**
 - A) Any written material, visual representation or audio recording that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act;
 - B) Any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act;
 - C) Any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act;
 - D) Any written material, visual representation or audio recording that depicts or describes a person who is, appears to be or is implied to be, a child in the presence of another person who is engaged or apparently engaged in a sexual pose or sexual activity.
 - E) **Sexually explicit conduct** does not require that an image depict a child engaging in sexual activity. A picture of nude or semi-nude child may constitute illegal child pornography if the posture is sufficiently sexually suggestive also called ‘**erotic posing**’.
 - F) There is need to define the term “**sexually explicit**”.

- provision on cyber-grooming must be under the chapter-II(Sexual offences against Children) as sub section of Section 11 as "knowingly persuades, coerces, entices, grooms, communicates, arranges a meeting with a child for oneself or another person and/or meets with a child with the intent of sexually abusing the child, and even if the actor thinks he/she is communicating with a child but is actually talking to an adult.
- Additionally, the definition of '**cyber grooming**' should also be added under section 2 of POCSO Act.
- Individuals downloading, storing or possessing pornographic material in any form involving a child solely for the **purposes of mandatory reporting** will not be considered as committing an offence under the Act.
- Specify national portal under reporting requirements in POCSO Act, 2012, of an additional clause in Section 19 (1) in case of electronic material, the **National Cybercrime Reporting Portal**.
- The Central government shall prepare a **Code of Conduct for social media platforms for strict adherence** for use of intermediaries laying down the general principles and practical guidelines for maintaining child safety online, ensuring age appropriate content and curbing use of children for pornographic purposes.
- ✓ **IT Act, 2000 to fill gaps relating to CSA Contents**
 - specific changes in the Information Technology Act, 2000 to deal with the proliferation of Child Sexual Abuse Contents.
 - a) A new subsection in Section 67B should be added to deal with punitive measures for those who provide pornography access to children and also those who access, produce or transmit Child sexual abuse contents.
 - b)A new subsection in Section 69A should provide for powers to the Union Government through its designated authority to block and/or prohibit all websites/intermediaries that carry Childsexualabusecontent.
 - c) A new subsection in Section67B that knowingly uses a **misleading internet domain name** with the intent to deceive a minor into viewing material that is obscene or harmful.
 - **The intermediary shall report** Child Sexual Abuse Contents to and also share information relating to missing children with **Indian law enforcement authorities both at the central and state levels**. There should be a non-

violable time-frame specified for reporting and taking down the child sexual abuse contents **Penalties should be specified for the violations of this time frame.**

- To Enhance **scope and powers for dark-web investigator** new section should be added as "Power to authorize law enforcement authorities to use **cyber-generated and existing pornography** for purpose of investigations".
- If some **IT Companies/NGOs/activists want to investigate the sites** for the purposes of finding the abusers of children, then with the approval of the nodal agency they should be allowed to do their investigation. But if they are **found misusing** the privilege then the **strict action must be taken against them too.**
- Should have provision of new rule in IT Intermediary guidelines 2011 for Internet Service Providers (ISPs) to proactively monitor and take down child sexual abuse contents that all Intermediaries should compulsorily adhere to precedents on proactive monitoring as directed by the Supreme Court orders in the **Sabu Mathew case (2017)** and the **Prajwala case (2018)**.
- ✓ Child pornography should be raised on **an international platform** such as UN,G-20,BRICS etc. as like International Solar Alliance which will be the most fruitful and accountable medium to curb this **alarming issue.**
- ✓ **International cooperation** is necessary to handle many trans-border cybercrimes as well as child pornography but lack of **bilateral/multilateral cooperation treaties** is the hurdle of practical investigation and prosecution purposes.
- ✓ India should sign **cybercrime Convention (Budapest Convention)** which obligates signatory countries to extend cooperation in combating cybercrimes as well as child pornography.
- ✓ **Monetary Aid** is essential to curb this alarming issue so sufficient funds should be allocated to meet the objectives in the National plan of action to protect children and meet the requirements of different organ of government to tackle this alarming issue.

➤ **PSYCHOLOGICAL MEASURES**

- ✓ **Parenting Tips**

- Avoid giving personalized smart phones to children under 13 yrs, Handhold them secured devices till them if required.
- Keep devices of children in shared rooms and be alert and watchful.
- Don't accept friend request from children under 13 yrs of age on social media.
- Communicate openly with children, listen to them.
- Engage children in outdoor games, reading, nature related activities along with parents.
- Empower children to stand up and **raise their voice** against bullying, accept that your child could also need help.
- Feel free to seek help during inline distress.
- Remove all unwanted apps.
- Learn and teach children to report abuse, block objectionable contents and people.

✓ **Tips for School**

- Do not shy away from talking to children and parents about online safety, threats and dangers.
- Build common strategy with school counselors to address issues.
- Empower children to break the conspiracy of silence.
- Create secret anonymous reporting system and strategy to ensure safety of children who report.
- Discuss and talk about child abuse and share preventive and responsive information with parents, teachers and children with reporting measures in emergency and precautionary.

❖ **Some Important reporting online as well as offline:-**

PREVENTIVE	RESPONSIVE
<ul style="list-style-type: none"> ▪ Teach Children proper names for all body parts ▪ Talk to them about Abuse ▪ Teach Them to say ‘NO’ and respect their ‘NO’ ▪ Use Multimedia to spread Message. ▪ Prepare safety list of Adults the child Trusts. ▪ Teach how to and when to use 100,103,1098 and POCSO e-BOX 	<ul style="list-style-type: none"> ▪ Believe the Child ▪ Do not ask them to forget or ignore ▪ Do not Scold them for not sharing before ▪ Avoid questioning their silence until now ▪ Reach out to

Mobile	Desktop/laptop
Facebook	
<ul style="list-style-type: none"> ▪ Tap () at the top right corner of the page. ▪ Scroll to the bottom of the list and tap “Report a Problem”. ▪ Select a product (i.e. “Profile”, “Photos”, or “Pages”) from the list provided in the drop-down menu. ▪ In the “What went wrong?” text box, include the information outlined in the four points above. ▪ You have the option to attach a screenshot of the reported content. Note: If the picture/video being reported contains individuals under the age of 18 whose sexual organs are visible and/or who are engaged in sexual activity, we suggest that you do NOT screen capture this content. ▪ Tap “Submit” 	<ul style="list-style-type: none"> ▪ Click on the picture you would like to report. Scroll to the bottom of the picture and click “Options”. ▪ Select “Report photo” or “I don’t like this photo”. ▪ If applicable, click “I think it shouldn’t be onFacebook”. ▪ Click “Continue”. ▪ Select the most appropriate category from the options provided (i.e. “This is nudity or pornography”) and click “Continue”. ▪ Click “Submit to Facebook for Review”. For complaints about content (pictures, videos) posted on an individual’s Facebook profile: ▪ Click the ‘...’ on the bottom right corner of the person’s profile picture which also includes a drop-down menu (next to the “Message” button). ▪ Select “Report”. ▪ Continue by selecting “Report this profile”. Click “Continue”. ▪ Select the most appropriate response (i.e. “They’re sharing inappropriate or offensive posts”). Click “Continue”. ▪ Select the most appropriate category (i.e. “Nudity and pornography”). Click “Continue”. ▪ Select whether you would like to contact the user or unfriend the individual. Click the box “Submit to Facebook for Review”.

Mobile	Desktop/laptop
Twitter	
<ul style="list-style-type: none"> ▪ Access https://support.twitter.com/forms/abusiveuser. ▪ Select the most appropriate option regarding how you are involved (i.e. “Directed at me”). ▪ Select the most appropriate type of complaint(e.g. “Harassment” or “Specific violent threats involving physical safety or well-being”). ▪ Complete the form, including providing a link to the content, the individual’s username, Twitter username, and email address in the appropriate fields. ▪ Fill out the questionnaire based on information about the reported content. ▪ In the field marked “Further description of problem”, provide the information outlined in the four points above. ▪ Tap “Submit”. 	<p>For complaints regarding pictures/videos posted on Twitter:</p> <ul style="list-style-type: none"> ▪ Go to https://support.twitter.com/forms/abusiveuser. ▪ Select the most appropriate option regarding how you are involved (i.e. “Directed at me”). ▪ Select the most appropriate type of complaint (e.g. “Harassment” or “Specific violent threats involving physical safety or well-being”). ▪ Complete the form, including entering a link to the content, the individual’s username, Twitterusername, and email address in the appropriatefields. ▪ Fill out the questionnaire based on informationabout the reported content. ▪ In the field marked “Further description of problem”, provide the information outlined in thefour points above.

	<ul style="list-style-type: none"> ▪ Click “Submit”. For complaints regarding child pornography content: ▪ Access https://support.twitter.com/forms/cse. ▪ Select the most appropriate option regarding how you are involved (i.e. “Directed at me”). ▪ Complete the form, including providing a link to the content, the individual’s username, and YOUR email address. ▪ In the field marked “Anything else?”, provide the information outlined in the four points above. ▪ Click “Submit”. You can also lodge a complaint regarding child pornography content by sending an email to cp@twitter.com and include the link to the profile and links to any relevant tweets displaying the content. ▪ Also on Twitter @CyberDost also include the information outlined in the four points above.
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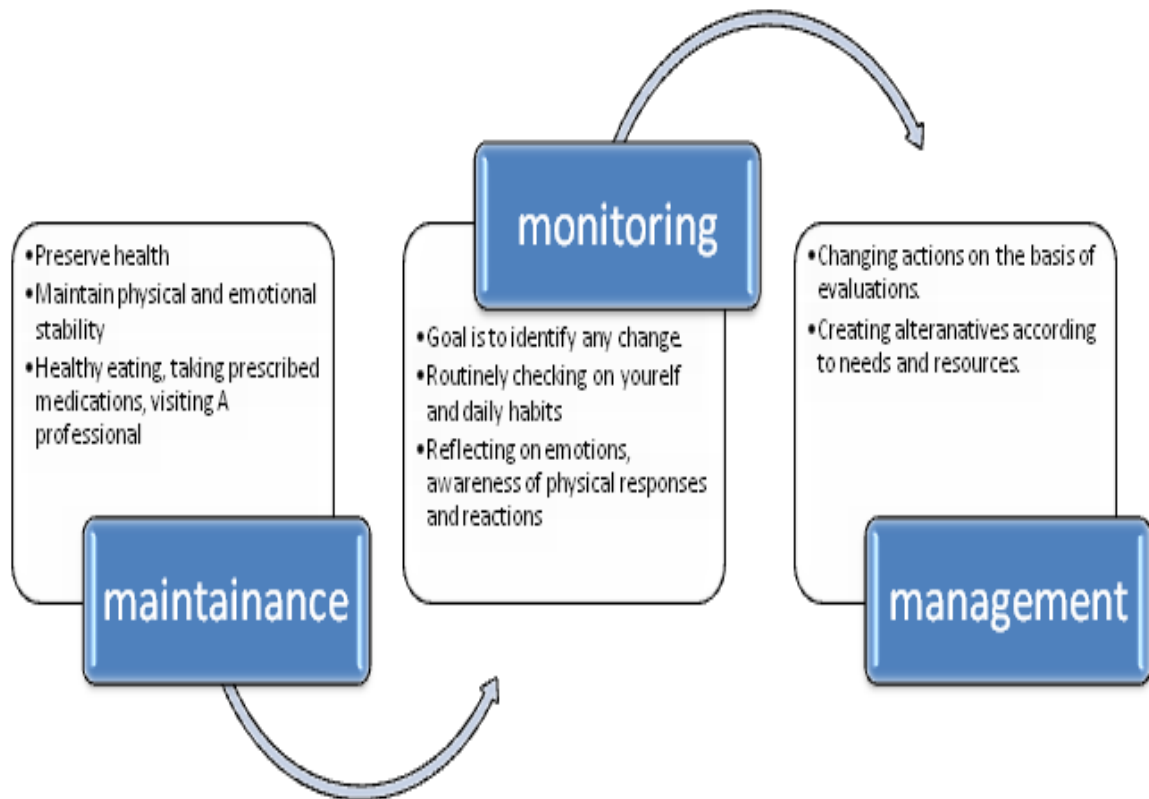
Mobile	Desktop/laptop
Instagram	
<p>To make a complaint about a picture on Instagram:</p> <ul style="list-style-type: none"> ▪ Access http://help.instagram.com/contact/383679321740945. ▪ Select the most appropriate category (i.e. “Photo or video”). ▪ Next, select the most appropriate type of complaint (i.e. “Nudity or pornography” or “Self-harm or suicide”). ▪ Select whether you have an Instagram account or not. Of note: If choosing “No”, you will be required to fill in additional details. ▪ Complete the remainder of the form. In the textbox, include the information outlined in the four points above. ▪ Tap “Send”. 	<p>To make a complaint about a picture on Instagram:</p> <ul style="list-style-type: none"> ▪ Go to http://help.instagram.com/contact/383679321740945. ▪ Choose the most appropriate category (i.e. “Photo or video”). ▪ Select the most appropriate type of complaint (i.e. “Nudity or pornography” or “Self-harm or Suicide”). ▪ Select whether you have an Instagram account or not. Of note: If choosing “No”, you will be required to fill in additional details. ▪ Complete the remainder of the form. In the textbox, include the information outlined in the four points above. ▪ Click “Send”.
<p>To make a complaint regarding a user threatening to post sexual images on Instagram:</p> <ul style="list-style-type: none"> ▪ Sign in to Facebook using your Facebook username and password. ▪ Access https://www.facebook.com/help/instagram/contact/584460464982589#_=_. ▪ Complete the form to report photos, videos, comments, or profiles on Instagram that are bullying or harassing others by selecting the most appropriate options. ▪ Depending on your selections you may have the option to attach a 	<p>To make a complaint regarding a user threatening to post sexual images on Instagram:</p> <ul style="list-style-type: none"> ▪ Sign in to Facebook using your Facebook username and password. ▪ Access https://www.facebook.com/help/instagram/contact/584460464982589#_=_. ▪ Complete the form to report photos, videos, comments, or profiles on Instagram that are bullying or harassing others by selecting the most appropriate options.

<p>screenshot of the reported content. Of note: If the picture/video being reported contains individuals under the age of 18 whose sexual organs are visible and/or who are engaged in sexual activity, we suggest that you do NOT screen capture this content.</p> <ul style="list-style-type: none"> ▪ Tap “Send”. 	<ul style="list-style-type: none"> ▪ Depending on your selections you may have the option to attach a screenshot of the reported content. Of note: If the picture/video being reported contains individuals under the age of 18 whose sexual organs are visible and/or who are engaged in sexual activity, we suggest that you do NOT screen capture this content. ▪ Click “Send”.
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Mobile	Desktop/laptop
YouTube	
<ul style="list-style-type: none"> ▪ Sign in to the service using your username and password. ▪ Flag the video as inappropriate by tapping the flag icon located below the video, to the right. ▪ Tap “OK”. ▪ Select the reason you are flagging the video (i.e. “Sexual Content”). ▪ Tap “Flag This Video”. 	<ul style="list-style-type: none"> ▪ Sign in using your YouTube username and password. ▪ Flag the video as inappropriate by clicking the link “••• More” located below the video and click “Report”. ▪ Select the most appropriate issue from the options provided (i.e. “Sexual content”). ▪ Select the most appropriate category from the list provided (i.e. “Content involving minors”). ▪ Enter the specific time for where the content you are reporting is located within the video (e.g. if the content you’re concerned about appears at 15 minutes and 30 seconds, enter 15:30). If you are concerned about the entire video, enter the length of the video. ▪ In the text box, provide the information outlined in the four points above.

- Click “Submit”.

❖ **The process of Self-Care**



What is self-care?

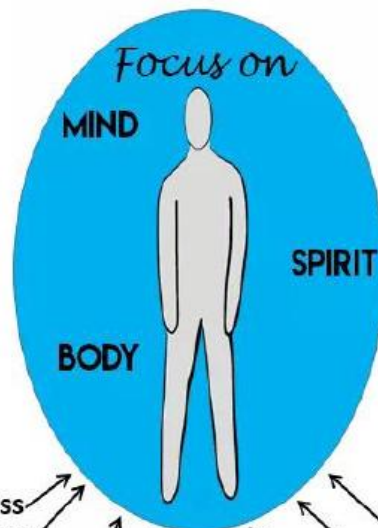
SELF-CARE



Self-care is maintaining your immunity

Self-Care is

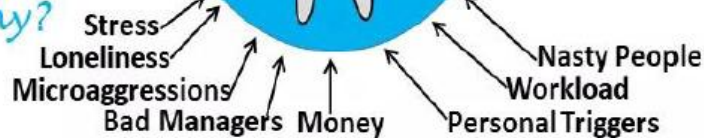
- UNDERSTANDING YOURSELF
- TAKING ACTION
- STAYING SANE
- A NECESSITY



Self-Care is not

- **NOT ONE-SIZE FITS ALL**
- **NOT ABOUT CONSUMERISM**
- **NOT SELFISH**
- **NOT A LUXURY**

Why?

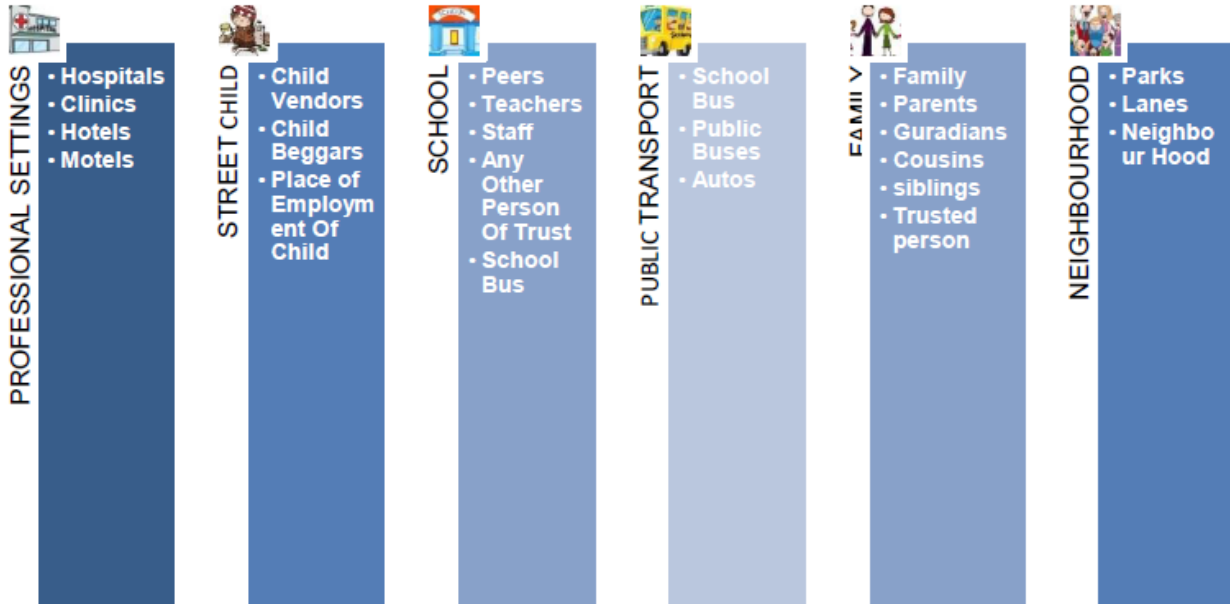




❖ Responsibilities of stakeholders:-

SITUATION	STAKEHOLDERS	TIMELINES
Emergency Medical care to the child if required	SJPU /police	24 hours
Case information to be reported to child welfare committee	SJPU /police	24 hours
In case child requires care and protection, case to be produced before Child welfare committee.	SJPU /police	24 hours
Child Welfare Committee to determine whether the child needs institutionalized care and protection	Child Welfare Committee	Within 3 days
Recording of evidence	SJPU /police	Within 30 days
Challan to be filed in court	SJPU /police	Within 90 days
Completing trial of case	Special Court	Within 1 year

SETTINGS WHERE CHILD MAY BE VULNERABLE TO ABUSE



ROLE OF STAKEHOLDERS UNDER POCSO ACT 2012



Record the case as information received
 Report the case within 24 hours to Child Welfare Committee
 Emergency Medical care if required, within 24 hours.
 Produce the case within 24 hours if child in need of care and protection
 Inform parents/guardians regarding support person services
 Record Statement of child in line with provisions of POCSO Act 2012



Emergency medical examination without insisting on FIR/DDR
 Child to be examined in front of parent/guardian/trusted adult, if not available hospital to depute a person for the same.
 Ensure child is examined by a lady doctor
 Collect forensic evidence, report the offence to the police and give testimony in court if required.
 Report to the Special Juvenile Police Unit if any case of sexual abuse of child is reported in the hospital or is at risk of being sexually assaulted



Maintain List of support persons
 Maintain list of interpreters, translators, special educators
 Payment for these support services



Placement of child in institutional care if required
 Assigning support person if required
 Assessment through inquiry
 Tracking the progress of the case through the support person



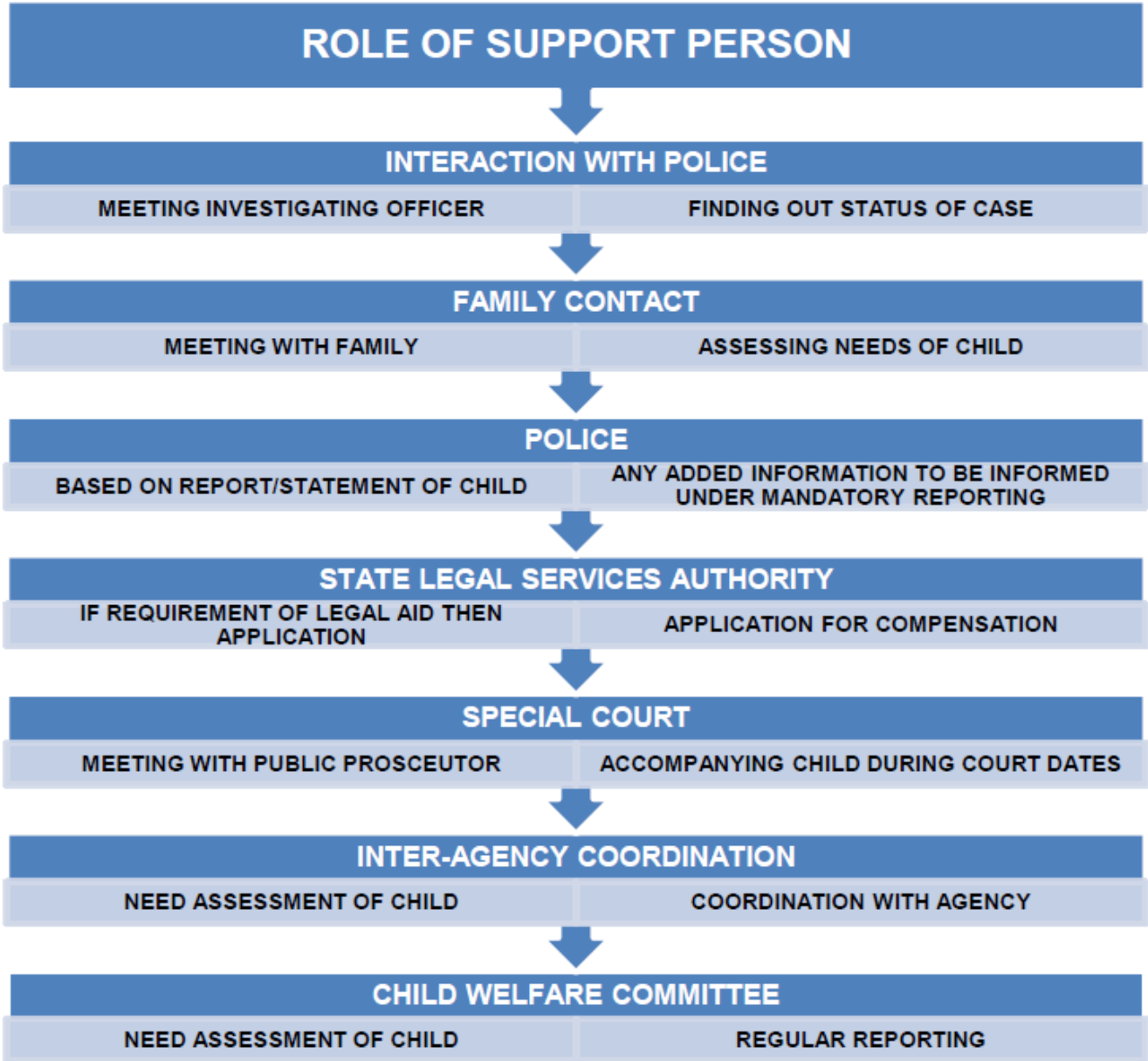
Designates Special Court
 Ensure all Child Protection structures are established as per JJ Act and ICPS.
 Frame Rules and Guidelines for better implementation of the Act
 Roll out compensation scheme for Children under POCSO Act 2012



Ensure Child Friendly Trial
 In camera Trial
 Record evidence of child within 30 days
 Ensure completion of trial not exceeding 1 year,



Registration of online complaint through POCSO Ebox on NCPCR Website
 Monitoring of the implementation of the Act



❖ **Placement in Institutional care**

DO'S	DON'TS
Ensure all emergency care is met with	Don't ignore child's pressing needs like food, water and medical care.
Assure confidentiality and privacy to the child	Don'ts force the child to share if he/she is not comfortable. Reassure the same.
Listen to the child with empathy.	Do not interrupt and ask to repeat or press for details
Reassure the child that it is not his/her fault	Don't question the child & give suggestions on what the child could have done in the situation
Believe the Child's Version. Convey the same	Don't question the child on the truthfulness of the allegation
Explain the process to child from here on and introduce the team	Do not leave the child unattended or pass on the care without keeping child in loop
Take help of experts in the field, , trauma counsellors, child rights specialists, special educators , translators as needed etc	Do not assume information.

PROCEDURAL STEPS REGARDING CASES UNDER POCSO ACT

Information about or likelihood of possible sexual abuse

Report to SJPU - Mandatory Reporting

Conducting of Medical Examination & Filing of case by Police

Statement of Child Under Section 164 of CrPC by Police

Information to CWC / Production before CWC by Police

Assigning of Social Worker / Placement in Home for immediate safety by CWC

Assigning of Support Person by CWC

Orders for Institutional Care

Legal Aid and Compensation by Special Court

Trial Under POCSO Act 2012 by Special Court.

Some Symptoms of Sexual Abuse



Child has frequent unexplained injuries especially in private body parts



The child walks and sits with difficulty



Fatigue and sleeping difficulties



Poor attendance of child in school



Unexpected behavioural changes in a child such as social withdrawal or unjustified/inappropriate aggression



Regressive behaviour such as bed wetting and thumb sucking



Sudden dislike/withdrawal from certain specific people or places he/she was comfortable with earlier



Sudden accumulation of money or gifts



The child starts paying too much or too little attention to his/her appearance

Note: The above symptoms are only indicative of abuse but there may be others which are not so obvious and therefore, parental attention is required.

Important:

Listen to children reporting sexual abuse

Believe the child

Tell the child that he/she is brave

Tell the child it is not his/her fault that he/she has been abused

✓ Do's

Adopt supportive behaviour towards child victims



Listen to the case with patience when the child complains about a person or an incident or a physical discomfort



Raise your concern with people close to the child



Call CHILDLINE at 1098



Ensure the child has undergone medical examination immediately after reporting the incident



Report incident of abuse at the nearest Police Station



Be sensitive while discussing the incident or its details with the child

✗ Do Not

Do not adopt unsupportive behaviour towards child victims



Blaming the child



Ignoring when the child complains about a person or an incident or a physical discomfort



Reacting in extremes when the incident is reported



Sending the child back to the person/place where the abuse happened



Asking the child not to seek help from others



Disclosing the child's identity to other people or to the media



Not providing medical attention to the child



Not taking action even when one is aware of the abuse being taking place



Not reporting the incident at the Police Station

Do's and Don'ts for Police

Do's	Don'ts
A- REGISTRASION OF COMPLAINT	
Register every complaint regarding sexual offence committed against children	Refuse the registration of the complaint on any grounds
Believe the child and the family. Be sensitive towards them irrespective of religion, race, caste, sex or place of birth or any of them.	Be judgmental of the child or the family. Blame the child or the family for the incident
Take down the complaint in detail from the complainant	Insist on talking to the child or interviewing the child before registration of the complaint
Ascribe an entry number, read over the complaint to the informant and enter the complaint in a book to be maintained by the police unit	Make a random entry of the complaint in your records
Ensure you write the complaint in a simple language if the child is the complainant	Use legal language or jargons which the child cannot understand
Seek help from a local NGO or an expert in case you cannot understand the language or the mode of communication of the child	Try to do this yourself with a child with special needs or who doesn't understand your language

References:-

❖ Books

- ✓ Protection of children on internet 2018-By Dr.Karnika Seth
- ✓ Constitutional Law-I – By Dr.S.Y.Myneni
- ✓ Child Victims of Cyber Crime Legal Tool Kit- By Mariam Faruqui and Dr.Karnika Seth
- ✓ Child Pornography on Internet-By Richard Wortley and Stephen Smallbone
- ✓ Combating Cyber Crimes against Women-By Dr.Karnika Seth
- ✓ Criminal Law(IPC,1860)-By Dr.Regas Surya Rao
- ✓ Implementation Handbook for the convention on the rights of the child-UNICEF
- ✓ A Hand book on the Legal Processes for the Police in respect of Crimes Against Children-By P.M.Nair

❖ Websites and other References:-

- ✓ www.ncpcr.gov.in
- ✓ www.ebaalnidan.nic.in
- ✓ www.vidhayakbharti.org
- ✓ [https://wcd.nic.in/child abuse.pdf](https://wcd.nic.in/child%20abuse.pdf)
- ✓ <https://rajyasabha.nic.in>
- ✓ <https://youtu.be/bqX0eTdocno>
- ✓ <https://youtu.be/ymfs1CMhmuo>
- ✓ <https://youtu.be/yydoyXWnEN0>
- ✓ <https://youtu.be/c84R8j-1N8Q>
- ✓ https://youtu.be/un_xqkmJPwU
- ✓ Inadequacy of laws protecting children against online sexual abuse in India-
By Dr.Karnika Seth

- ✓ Acts:-1)POCSO Act 2012 and rules 2020,2)It Act 2000
- ✓ <http://internationaljournalofresearch.org/>Overview of Laws against online child sex abuse in India, U.K and U.S
- ✓ <https://pib.gov.in/newsite/PrintRelease.aspx?relid=195530>Sexual Cases under POCSO dated dated 06Dec2019
- ✓ Liability-of-Intermediaries—By Dr.Karnika Seth
- ✓ <https://youtu.be/V6CJCJAio2Y>
- ✓ Self Care for Caregivers Manual I One Future Collective