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PEDOPHILIA IN THE DIGITAL AGE; PROTECTING JUVENILES THROUGH LEGAL MEASURES

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ABSTRACT

The rise of pedophilia especially in the digital age presents significant challenges to child protection and the legal systems all around the world. The increasing technologies whether it is the dark web, social media, gaming rooms, or video chat sites have created new opportunities for perpetrators to exploit children in which most of cases they disguise their identity. The paper tends to explore the various laws which are now practised by countries to tackle the problem of pedophilia in the digital age pedophilia has shown a significant amount of increase in the era of social media. It also examines the need for continuous evolvement with technology to help people get justice. It is also important for the world to come as one to make amendments to the use of social media so that it does not tend to be a dark space and haunt the children who are the most vulnerable to such crimes.

INTRODUCTION

The word "Pedophile "can be termed as a person who has sexual feelings or attraction toward children. Paedophilia is more common among men than women pedophilia was first formally recognized and named in the late nineteenth century the Diagnostic and Statistical Manual of Mental Disorders mentions pedophilia too. Typically people who have this psychiatric disorder are attracted to children below the age of thirteen many healthcare officials describe this as a disease with no cure Paedophilia emerges before or during puberty and remains stable throughout life. The victims who suffer from pedophilia act have wounds for their entire lives they face anxiety, self-hatred guilt substance abuse thoughts of taking one's life the grooming that the perpetrator does can also provide a medium of self-identity issues the children are robbed of their childhood as well as their adult lives the event entirely changes their world which they are not able to comprehend As we all are aware there has been a rapid growth of the internet which allows predators to get to a whole lot of children at the same time and get

access to children from around the world and the internet also brings anonymity which even furthers the internet as the perfect tool for these people. The digital age has indeed made lives easy around the globe by communicating, sharing information, and transferring money everything is just a click away for everyone in today's world while these advancements have brought a lot of advantages, they have also introduced the world to new challenges, particularly with children safety.

As we all are aware the internet has provided a platform to connect and communicate with people. However, the accessibility that the internet provides is combined with anonymity which is giving rise to significant crime. Pedophiles can exploit this anonymity to access children more easily and a vast number of children at the same time which wasn't the case before the internet started to shoot up. For example: social media like Instagram, Facebook, Snapchat, etc, various gaming communities and chat rooms have become new places for these predators to have contact with juveniles. Anyone can make a fake profile with just a few taps; and pedophiles tend to say they are of less age and they are insanely attractive by posting fake pictures on the internet.

Availability of CSAM (Child Sexual Abuse Material): It refers to sexually explicit content including child or adolescent whether it is a photograph or video despite a lot of efforts by various governments around the globe to completely forbid CSAM they are still widely consumed from the hidden parts of web. Many of the sites and platforms that have done so much to democratize free expression around the world have also unfortunately spurred a rise in harmful and illegal content online, including child sexual abuse material (CSAM).

The internet did not create CSAM, but it has provided offenders with increased opportunity to access, possess, and trade child sexual abuse images and videos, often anonymously, and at scale. The National Center for Missing & Exploited Children (NCMEC) has seen a 15,000% increase in abuse files reported in the last 15 years. At the same time, a report from Facebook to NCMEC in the fall of 2020 found that only six videos accounted for more than half of reported CSAM content across Facebook and Instagram—indicating that vast networks of individuals are relentlessly sharing pre-existing CSAM.

While these criminal transactions were once confined to the darkest reaches of the web, the advent of social media platforms has unwittingly provided an efficient distribution pipeline. As

a result, platforms and law enforcement agencies have struggled to contain the seemingly endless streams of CSAM. Google, Dropbox, Microsoft, Snapchat, TikTok, Twitter, and Verizon Media reported over 900,000 instances on their platforms, while Facebook reported that it removed nearly 5.4 million pieces of content related to child sexual abuse in the fourth quarter of 2020.

Facebook noted that more than 90% of the reported CSAM content on its platforms was the “same as or visibly similar to previously reported content,” which is the crux of the problem. Once a piece of CSAM content is uploaded, it spreads like wildfire, with each subsequent incident requiring its own report and its own individual action by authorities and platforms. For victims of abuse, the impact is devastating. While these harmful images and videos are often the only inculpatory evidence of victims’ exploitation and abuse, rampant sharing causes revictimization each time the image of their abuse is viewed. In a [2017 survey](#) led by the Canadian Centre for Child Protection, 67% of abuse survivors said the distribution of their images impacts them differently than the hands-on abuse they suffered; the distribution never ends, and the images are permanent.

(<https://givingcompass.org/article/social-media-is-accelerating-the-spread-of-child-sexual-abuse-material>, n.d.)

Advanced Grooming Techniques; Grooming by predators is a very serious and complex manipulation which they choose to keep the child in their control for various reasons they start by building a strong connection and rapport with the child and in some cases with their parents too so they could be with the child anytime or for longer periods they introduce inappropriate behaviors for example maybe just touching the child on their cheeks and then doing extreme activity whether it is physical or mental to justify that the things they are doing are normal and everyone does them the predators also make the children to be dependent on them whether it is giving them gifts or listening to them they also use shame, guilt to sway the children towards them

Types of online pedophiles

According to available data, i.e. information obtained from individuals already known to the justice system, there is no typical profile of an online pedophile, apart from the fact that most perpetrators are men.

Nonetheless, four main categories of online pedophiles can be defined on the basis of studies on users of child pornography. These categories are:19,20,21,22

the collector, who keeps contact with other Internet users to a minimum;

the collector/distributor, who participates in child pornography communities that play a very important role for “online pedophiles”, in that they offer a venue for exchanging technical advice on how to avoid being arrested, for providing mutual encouragement to share child pornography, and for seeking justification for a passion they know is deviant;23,24

the user/abuser (online or offline predator), who sometimes makes and distributes child pornography showing the abuse he commits;

the “occasional” user, or the online voyeur who is invisible to researchers and the police because he never downloads the material he views in cyberspace

Online predators fall into two categories:

- those who pretend to be a young person and who seek to manipulate their potential victims to the point where they can sexually abuse them;
- those who do not lie about their age or sexual interests and who introduce themselves as a friend, confidant, or even a mentor who will help the young person discover his or her sexuality.

(<https://www.inspq.qc.ca/en/sexual-assault/fact-sheets/online-pedophilia-and-cyberspace>, n.d.)

Protecting children from the web of pedophiles is a growing concern between nations and some legislative measures which are typically followed by nations around the world are;

Statutory Rape; Statutory rape laws are based on the fact that a child is legally incapable of consenting to sexual intercourse until that person reaches a certain age typically upto 18 years

The law mandates that even if a child willingly engages in sexual acts the sex is not considered consensual.

Child Pornography; Child pornography is a grave crime and exploits the minor to a greater extent. The production,distribution and possession of child pornography is universally considered a big crime, and people producing,distributing or even keeping them are all punishable under law with a hefty sum of fine as well as imprisonment

The laws are so stringent in possessing any time of child pornography to keep the children safe

as the children are very vulnerable and it can hamper their life ahead for many years or their whole life.

As the times have changed so various nations have also changed their laws to protect the children which have more comprehensive details about the crimes done by perpetrators to the victims which are as follows

Online Safety Bill United Kingdom

The UK Parliament has recently passed a ground-breaking piece of legislation known as the [Online Safety Bill](#), aimed at revolutionising the regulation of the digital and online world. This bill places an emphasis on enhancing the accountability of social media and other online platforms, particularly in terms of safeguarding the online space for children and young adults. It mandates these organizations to implement stringent controls, including age verification processes, to curb the spread of harmful and illegal content online.

The UK's communication watchdog, is tasked with ensuring adherence to these new regulations. Non-compliance could result in substantial fines, potentially amounting to 10% of a company's global annual turnover. The bill's jurisdiction extends to any website accessed within the UK, irrespective of the website's location

Key features of the Online Safety Bill

1. **Duty of Care:** Online platforms, including social media, search engines and cloud storage services, are required to shield users from harmful content and proactively reduce the spread of illegal and damaging materials.
2. **Combatting Online Dangers:** Platforms must block access to various harmful contents, such as pornography, fraudulent ads and cyberbullying and incorporate safety considerations into their design and operations.
3. **Independent Regulator:** Ofcom will oversee compliance and enforce penalties for violations.
4. **Transparency and Reporting:** Platforms must assess and report on child safety risks and their mitigation strategies.
5. **Age Verification and Privacy:** Enhanced age verification and default high-level privacy settings are mandated, particularly for young users.

6. **Educational Resources:** Platforms are required to provide guidelines and tools for online safety education

The Online Safety Bill is a significant step towards regulating the online environment, with a focus on protecting children. However, its success hinges on a balanced approach that considers safety, free speech and privacy. The bill calls for a collaborative effort among government bodies, technology companies, schools and families to be effective. Thoughtful implementation and an evidence-based approach are crucial for maintaining this balance in the evolving digital landscape

(<https://www.childprotectioncompany.com/online-safety/online-safety-bill-summary/>, n.d.)

Ireland has implemented a new Online Safety and Media Regulation Act in 2022, which establishes an Online Safety Commissioner in charge of developing safety codes and frameworks. These frameworks will serve as guidance for online platforms to comply with national and EU laws and follow child protection regulations. This is of key importance given that many large online platforms are based in Ireland. Alongside our member the Children's Rights Alliance Ireland, Eurochild had the opportunity to provide input on an online safety code for video-sharing platforms, where we encouraged building upon the existing focus on inappropriate content by including preventative measures from harmful contact and conduct online, among others. Eurochild's Portuguese, Maltese, and Bulgarian³ members highlight their national government's involvement with the Safer Internet Centres (SIC), co-funded by the EU, which provide trainings for parents and teachers and share resources to raise awareness on online safety. The SIC collaborates with civil society and public services providing information centres, helplines, hotlines and child/youth participation services in Europe. For example, Eurochild members in six countries⁴ underline the collaboration between civil society organisations and national authorities to train police forces on online safety and child protection. This cooperation strengthens the detection and reporting of online harm against children, and empowers children online by giving them the tools and knowledge to enjoy the internet safely

(<https://eurochild.org/uploads/2024/02/Sub-report-Digital-2024.pdf>, n.d.)

COPPA: Children's Online Privacy Protection Act

The Children's Online Privacy Protection Act ("COPPA") specifically aims to protect the privacy of children under the age of 13 by requesting parental consent for the collection or use of any personal information of the users. The Act took effect in April 2000 and was revised in 2013. The Act was passed in response to a growing awareness of Internet marketing techniques that targeted children and collected their personal information from websites without any parental notification. The Act applies to commercial websites and online services that are directed at children. The main requirements of the Act that a website operator must comply with include:

Incorporation of a detailed privacy policy that describes the information collected from its users.

Acquisition of a verifiable parental consent prior to collection of personal information from a child under the age of 13.

Disclosure to parents of any information collected on their children by the website.

A Right to revoke consent and have information deleted.

Limited collection of personal information when a child participates in online games and contests.

A general requirement to protect the confidentiality, security, and integrity of any personal information that is collected online from children.

Congress' intent in passing the Act was to increase parental involvement in children's online activities, ensure children's safety during their participation in online activities, and most importantly, protect children's personal information.

(<https://epic.org/issues/data-protection/childrens-privacy/>, n.d.)

FRANCE

Article 45 of the French Data Protection Act states that, in the context of online services and for data processing based on the non-contractual consent of the user, the holder(s) of parental rights must give their consent jointly with that of their child if the latter is under 15 years of age. This means that consent for additional features such as setting the public/private status of a social network profile, or activating optional geolocation in an app, should in theory be based on joint agreement between the child and the holder(s) of the parental rights. In other words, parents cannot go against their child's wishes for these types of processing and the child cannot

override the parents' objection.”

Giving children authority over their data while enforcing parental oversight is, in this digital age, a huge benefit. Not only does it ensure children are aware of data protection and their choices from the offset, it also gives them autonomy in their data privacy.

CHINA

China severely encroaches on the privacy of its citizens but stands out with its clear policy for children's data. Regulations introduced in 2019 set up some strong data protection standards for children's data.

Areas for improvement would include extending the regulations beyond commercial and general websites, prohibiting the profiling of minors, greater restrictions on targeted adverts, and verifying parents/guardians when obtaining consent.

But where China does excel is in its clear procedures for data collectors and processors. For example, [it states](#), “When staff access children's personal information, they shall be approved by the person in charge of the protection of children's personal information or their authorized managers, record the access, and take technical measures to avoid illegal copying and downloading of children's personal information.” It also requires measures such as encryption to ensure the safety of children's data

In Germany, pornography websites must check visitors' ages. A recent court ruling suggested that requesting a photo ID was inadequate because children could often get hold of false pictures. The ruling suggested one-time, in-person verifications (e.g. PostIdent) or identification via webcams/biometric features. In France, social media sites are now required to verify that children are at least 15 years old using a “technical solution.”

There are a number of problems with requiring this level of age verification, including the increased collection of personal data. This data is put at risk of breaches, and when linked to “adult” websites, it is of an increasingly sensitive nature—something users of CAM4 know all too well. These concerns are reflected in a number of recent surveys as well. One study found 80 percent of people want age-verification controls for online porn, but 78 percent of people wouldn't be willing to upload their ID to access this type of content.

Implementing such measures will only lead to users being pushed toward the dark web, illegal

content, and sharing platforms that don't have the same content moderation principles as many high-profile adult websites

(<https://www.comparitech.com/blog/information-security/child-data-privacy-by-country/>, n.d.)

SINGAPORE

The [Online Safety \(Miscellaneous Amendments\) Act](#), which took effect on 1 February 2023, contains comprehensive measures to provide a safe online environment for users in Singapore and protect children from harmful content.

IMDA's regulatory approach to Online Safety comprises two key components:

1. **Proactive measures:** Social Media Services with significant reach or impact in Singapore are expected to comply with online Codes of Practice, starting with the Code of Practice for Online Safety. This requires Designated Social Media Services to put in place measures to reduce risks from harmful social media content to Singapore users.
2. **Reactive measures:** All Social Media Services can be directed to block or remove egregious content found on their services within a specified timeline

([\)](https://www.imda.gov.sg/regulations-and-licensing-listing/content-standards-and-classification/standards-and-classification/internet/online-safety#:~:text=to%20Online%20Safety-Regulations,protects%20children%20from%20harmful%20content.,n.d.)

CONCLUSION

There are a lot of laws now to protect children from the perpetrators but still they are far away in reality because technology grows so fast that it often outpaces the laws new applications may create new avenues for abuse that existing laws may not be tackling. Gathering evidence is also a tedious task as the chats or materials shared are encrypted thus they require special skills and tools law agencies should be equipped with. The crimes with children especially online crimes are reported very late or are not reported at all which also forms one of the main challenges to tackle the problem.

The legislatures around the world are making efforts by evolving their laws, international cooperation and advancement in technology also law enforcement training. However, it is an ongoing process that requires continuous adaptation to keep up with the digital world.