Minutes of NHRC's Virtual Conference on 'Online Child Sexual Abuse Material'

The National Human Rights Commission organized a virtual conference on 'Online-Child Sexual Abuse Material (CSAM)' on 21st July 2020 from 11:00 AM. to 02:00 PM via Google Meet. The Conference was chaired by Smt. Jyotika Kalra, Hon'ble Member, NHRC and the inaugural address was given by Shri Jaideep Govind, Secretary-General, NHRC. Over 100 participants including representatives from government ministries such as the MeitY & MHRD, representatives from international agencies, civil society organizations, mental health institutions, parent associations, state police departments, national and state commission(s) for protection of child rights, academia, and freelance cyber experts attended the Conference apart from the various officials from NHRC including Shri Surajit Dey, Registrar (Law), Shri R. K. Khandelwal, Joint Secretary (A&R), Smt. Anita Sinha, Joint Secretary (P&T), Smt. Manzil Saini, DIG (I), Dr. M.D.S. Tyagi, JD (R), Dr. Seemi Azam, RO, among others.

Shri Jaideep Govind, Secretary-General, NHRC, in his inaugural address welcomed all speakers and participants and set the context of the Conference. He brought to everyone's notice how various sources had estimated an alarming rise in the online demand and upload of pornographic material related to children. Quoting a study by Kerala's Counter Child Sexual Exploitation Cell (CCSEC), he shared that there has been about 120% increase in the demand of pornographic material related to children since the lockdown. With tracking and reporting of these crimes remaining difficult, leading to repeated victimization of children, he shed light upon the different impact of such material on children including dire effects of psychological health and well-being. As he concluded his opening remarks, he stated that through this Conference the Commission aimed to find practical and implementable solutions to this menace.

Thereafter, the booklet titled "The UNCRC and Indian Legislations, Judgements and Schemes- A Comparative Study by NHRC" prepared and published by the NHRC was officially released during the Conference by Smt. Jyotika Kalra, Hon'ble Member, along with Shri Jaideep Govind, Shri R. K. Khandelwal, Smt. Anita Sinha, Shri Surajit Dey, Smt. Manzil Saini, and Dr. M.D.S. Tyagi.

Smt. Jyotika Kalra, Hon'ble Member, NHRC, spoke about the various reasons for the spike in use of CSAM including the easy availability of such material on various social media platforms, lack of information and education on sexual expression, the different socio-cultural practices that restrain sexual expression and so on. She also highlighted how agencies such as the National Centre for Missing and Exploited Children (NCMEC), based on tip-offs from people, help in tracking websites that contain CSAM and access the IP address using modern technology like artificial intelligence, big data analysis, etc. She shared that India has received around 25,000 reports from NCMEC regarding the use and circulation of CSAM this year. Smt. Kalra also linked the increased demand for CSAM to the trafficking of children for sexual exploitation and the larger money-minting industry associated with it. Insisting that there should be more

coordination and enhanced synchronization between various law enforcement agencies to curb this menace, the Hon'ble Member invited the panellist for the different session and the participants for a fruitful deliberation to address the same through the Conference.

Session I: Role of Law and the Ways to Strengthen It

Shri Yashwant Jain, Hon'ble Member, NCPCR, one of the panellists for the first session, pointed out that with the pandemic here to stay, the issue of CSAM would continue to exist as more and more activities are shifting online. As he highlighted various sections of the POCSO Act, the IPC, etc he pushed for greater awareness so that basic legal information is available to even the last person in the line. He raised few concerns like low reporting of cases, lack of coordination between various law enforcement agencies, end-to-end encryption policy of many social media platform and put forth many suggestions like formulation of a strict cyber policy including enhanced regulation on online service providers, their increased accountability to legal provisions and a mandatory provision of taking down CSAM. He further added that cyber safety as a theme should be included in the textbooks and that parents, teachers and children should be made aware of the safe practices in accessing the internet. Lastly, he added that sex education can be the answer to a lot of problems and it may be made compulsory by adding it in the POCSO Act.

Dr. Balsing Rajput, Superintendent of Police (Cyber), Maharashtra, the second panellist of this session began his address by stating that a zero-tolerance policy concerning the production, circulation and use of CSAM must be followed and that tip lines should be followed, segregated and analyzed to help curb the menace. In talking about 'Operation Black Face,' the Maharashtra Cyber Cell initiative to address paedophilia and CSAM, Shri Rajput highlighted various difficulties like lack of reporting, ambiguity about when and how to take a *soa sponte*, identification of victims without exposing their identity in the public domain, etc. He recommended the establishment of a task force in each state to deal with issues of CSAM and a greater awareness programmes and concentrated efforts from child welfare agencies. Further, he added, that reporting should be made compulsory for intermediaries, greater regulation of pornographic websites, increased awareness about Cybercrime Portal, etc. He also suggested that younger officer from the police department should be capitalized for their tech-savvy nature and put to use through adequate capacity building and skill development.

After the address of the panellist, different subject experts who were partaking in the Conference were invited to give their comments.

Shri Rakesh Maheshwari, Scientist G., MeitY, acknowledged that despite concentrated efforts the problem of CSAM has been extremely challenging to tackle with. He discussed the various steps taken by the MeitY under the various sections of the IT Act 2000 and stated that the issue needs to also be taken by common persons by filing more and more FIRs as increased identification would lead to more number of such websites being blocked. In applauding the

Cybercrime Portal launched by Government of India, he also shared that MoUs have been signed with various stakeholders aiming to keep a check on the upload of CSAM from India.

Shri Rakshit Tandon, Cyber Security Expert, added his views to those of the panellist by stating that greater investment is needed in the field of online safety, increased number of skill development programmes for police personnel, training programmes for teachers to transform them into awareness ambassadors, etc. He pointed out an immediate relief could be provided by pulling down the uploaded content on priority basis. He suggested that NHRC and other law enforcement agencies should push for the creation of a consortium for providing better cyber security.

Smt. Karuna Bishnoi, Independent Child Rights Consultant, pointed out that proper grooming and sensitization would help in the protection of children apart from legal protection. She also stated that provisions of the POCSO Act should be strengthened to deal with the issue of CSAM and obligation should be on Internet Service Providers (ISPs) for content management and self-regulation. Further, ISPs must also be continuously analyzed and reviewed to bridge any gap. She reiterated that keeping the trans-national nature of the crime, sufficient changes should be made in the law. She concluded by saying that there is a need to invest more in empowering and sensitizing teachers, parents and children.

Further, Smt. Bishnoi, through her written submission to the Commission also highlighted other major areas of concern, including lack of clear-cut and uniform terminology in legislations, risk of subjective interpretation of legal provisions, absence of any legal duty on intermediaries (such as internet service providers) to protect children from online threats, etc. The submission stated that any effort to amend the CSAM related aspects in law should preferably conform to the Luxembourg 'Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse', 2016 to ensure common interpretation and possibly application of the law across boundaries which is important due to the trans-national nature of online offences.

Smt Seema Agarwal, ADGP, Tamil Nadu appreciated NHRC for conducting an online conference on such an important and sensitive issue and submitted that efforts are underway to upgrade the police services to tackle such new challenges as CSAM. She promised on the Tamil Nadu police's behalf to try to their level best to curb this menace.

Shri Sunil, DGP, Andhra Pradesh mentioned that tier-I and tier-II cities are the major contributors of uploading CSAM in India and that the use of pornography in general is leading to the increased objectification of women. He outlined major challenges like VPN facilities, end-to-end encryption, and suggested that informed digital literacy among children, strict parental control on social media accounts, use of artificial intelligence, and increased cyber tips and reporting can be few of the measures to tackle the issue of CSAM.

Shri Surajit Dey, Registrar (Law), NHRC highlighted that an upgraded surveillance mechanism is needed to tackle the issue of CSAM. He asked for interstate and international co-

operation for the same. Further, he added that there should be an SOP for the investigating agencies and the issue of victim protection should also be addressed. Shri Dey also discussed NHRC complaint management and redressal system and emphasized on the need for a task force.

Session II: The Boom of Social Media and the Psycho-Social Impact of Child Pornography

Smt. Uma Subramanian, Co-Director, Aarambh India, the panellist of this session, took off by stating that a clear understanding needs to be developed about the difference between CSAM and children watching pornographic material. Concerning the data shared by different persons during the Conference, she suggested that a principle distance should be maintained from the data speculation and the need for proper interpretation of such data. Speaking about the surge of social media and the impact of stumbling upon pornography on children, she touched upon the increased availability of basic smart phones and how as children go to the internet to find answers to various things including the functioning of their body with respect to sex and sexuality, they may stumble upon pornographic content which creates moral and psycho-social dilemma for a child. She outlined that porn is going to groom our children because about one-third content is self-generated where there is no victim, no perpetrator but just an accidental upload and therefore the intervention point is to keep children alert and make them more aware and sensitized about CSAM. She reiterated upon the need for creating a safe and enabling environment where a child does not undergo the trauma of re-victimization and to invest more into rehabilitation, psycho-social support and strengthening response mechanism.

Smt. Razia Ismail, Special Monitor for Children, NHRC, as the session opened for comments iterated that capacity building, training, and orientation programmes that cuts across the different stakeholders should be organized to create a unified effort of sensitization towards the issue of CSAM. She emphasized on the need for issues such as cyber safety be included not only in school curriculum but that the police academy and various police training institutes also be trained to respond to the issue of CSAM.

Smt. Tannistha Dutta, UNICEF mentioned that the internet should be seen an as opportunity space but with a caution i.e. watch list needs to be standardized for safer online behaviour. She suggested quite a few things to deal with the issue of CSAM such as spreading awareness among parents and children, comprehensive programme on sexuality in schools, capacity building and skill development programmes for police personnel, investment in mental health services and child protection services, etc.

Dr. Kiran Modi, Founder and Managing Trustee, Udayan Care focused upon the preventive aspect by saying that children need to learn internet in a better way and emphasized on the training and grooming of children. She advocated for a better child protection policy and submitted that there is an utter need of enlightened, dedicated and motivated officers to deal with everyday new and upcoming challenges.

Dr. Roomana N. Siddiqui, Professor, Department of Psychology, Aligarh Muslim University pointed out that changing family structure and increased social fracturing provides scope for unguided exploration of the internet. She discussed that considering sex as taboo and its stigmatization would only make the problem graver and instead advocated that access to the internet should be under appropriate supervision. She pointed out that apart from the legal ways, CSAM could also be dealt through education, emotional training, counselling of family members, awareness of body, etc.

Dr. Raghavendra, Child Psychiatrist, NIMHANS in speaking about the psychological impacts of pornography on children outlined that often in attempts to gain popularity children may end up exploring other websites including those that display pornography and sometimes inadvertently also become addicted to it. This may also lead to an alteration in social behaviour including commoditization or objectification of women. All these activities, he said, then results in loss of valuable time, unplanned pregnancy, mental health issues such as anxiety, depression and has implications on other aspects including career, legality, etc.

Session III: Tackling Heads-on: Strategies for Parents, Schools and the State

Smt. Bharti Ali, Executive Director, HAQ-CRC, the first panellist for this session, **stated** that CSAM shared among children themselves may not necessarily be for commercial purpose but out of curiosity and is an acquired behaviour rather than inherited one. She raised concern that criminalization would only aggravate the situation for children to report and would probably lead to self-harm by the child. She opined that fear needs to be dispensed urgently to broaden the scope of dialogue between parents and child. She further suggested that Child Welfare Committees and police personnel must reorient their attitude in dealing with the cases of child abuse. She mentioned various points to curb the issue like awareness programs in schools, behavioural change in parents and teachers, providing help and timely assistance without judgement, increased focus on preventive actions and mental health interventions, especially engaging men and boys during sensitization programs, documentation of good practices, etc.

Dr. Sunitha Krishnan, General Secretary, Prajwala, and the second panellist of the session, expressed her great concern regarding the increased use and circulation of CSAM and therein the increasing incidents of child sexual abuse. Quoting a data from the National Centre for Missing and Exploited Children that about 2 million cases are reported every year in India, Smt. Krishnan shed light upon the PIL filed by Prajwala in the Supreme Court regarding the circulation of child-rape videos on the social media platform WhatsApp. She also spoke about the successful intervention of 'Operation Daddy' launched by the Kerala Police to tackle the issue of CSAM. She went on to suggest strategies such as making intermediaries more accountable under the mandate of the POCSO Act, establishing a national database on CSAM, instituting specialized agencies at the national level to investigate beyond borders, sensitizing parents, school adopting a zero-tolerance policy towards cases of child abuse, prioritizing

concerns of our children safety, etc. She advocated for NHRC to take lead in ensuring adequate steps be taken to tackle the issue.

Smt. Purnima Tudu, Deputy Secretary, MHRD put forward the opening comments on this session and shared about the government's initiatives such as the launch of 'Manodarpan' portal under Atmanibhar Abhiyaan for psycho-social support of children. She also shared about the work of the Indian Child Protection Fund on CSAM for sensitizing schools and parents on the issue. NCERT has already made guidelines on safe online presence, she shared.

Smt. Priti Mahara, Director, CRY mentioned that both, online and offline vulnerabilities has increased during pandemic times and to deal with it, we need to understand the issue in totality. She said that laws should be more child-friendly and suggested that an integrated approach is needed by roping in various stakeholders like media, schools, community leaders, NGOs, police personnel, etc. Further, she suggested that the curriculum should be revised to include sex education & cyber safety, the reporting system should be made more robust, provisions of victim protection and compensation should be strengthened.

Further, in her written submission made to the Commission mentioned that in a study conducted by CRY on 'online safety and internet addiction' in the year 2019 revealed the importance of 'supportive supervision' without violating the privacy of children. The submission further highlighted important aspects including the fact that while budgetary allocations for child protection have been showing an increasing trend, there is a need to step up the investment in the direction of prevention of crimes, including cybercrimes against children as well as in rehabilitation of survivors of cybercrimes; Trained mental health professionals would be required to address issues related to internet addiction as well as those related to online sexual abuse of children; 'Knee-jerk reactions' to such incidents must be avoided, instead the reactive approach must cover the aspects of acknowledging the issue, quick response to reports/incidents, victim support, appropriate changes in policies/guidelines, etc.

Smt. Anita Julka, Professor, NCERT suggested multi-faceted strategy like awareness campaigns, collaboration between public and private institutions, focused intervention in curriculum, increased research on CSAM, etc. She advocated that schools should have dedicated counsellors to deal with such issues and efforts should be made for the creation of a favourable eco-system for children.

Smt. Manzil Saini, DIG (I), NHRC discussed the preventive stage and post-instance stage concerning the issue of CSAM. She elaborated that problem is increasing due to regressive mindsets, reluctance of parents to file a case, easy accessibility of content, etc. She advocated that the Section 78 of the IT Act be further strengthened to tackle the issue in a better way.

Smt. Shivani Jain, National President, All Schools Parents Association, as a parent representative, raised concern on the method of interrogation of children by the police. She suggested that there should be a separate cell in the police station to deal with cases of child

sexual abuse, establishment of sexual harassment committees in schools, and revising school curriculums to include content on online safety and other related and important issues.

Shri Nitish Chandan, Cyber Peace Foundation, in speaking about the research done by Cyber Peace Foundation, pointed out that one cannot report a case on the cybercrime portal unless one discloses their identity which is a major loophole that compromises the privacy and identity of the victim. He further suggested that there should be a clause making it mandatory for the intermediaries to report the cases.

At the end, a vote of thanks was proposed by Smt. Anita Sinha, JS (P&T), NHRC.

Recommendations emanated from the Conference:

1. Establishment of smart cyber centres in each State/UT to upgrade and channelize the efforts against CSAM and other online abuse crimes.
   Action to be taken by: Ministry of Electronics and Information Technology and the Chief Secretary/Administrator of respective State/UT

2. Increased and effective training of the police and other enforcement agencies on how to handle cases regarding CSAM including sensitization to work with children.
   Action to be taken by: Ministry of Home Affairs and Police Department of respective State/UT

3. Formation of a central repository to maintain record of repeated offenders and of those intermediaries who do not report CSAM.
   Action to be taken by: Ministry of Home Affairs, Ministry of Electronics and Information Technology and the Police Department of respective State/UT

4. Sex education and lessons on online safety to be included in the school curriculum.
   Action to be taken by: Ministry of Education and the Department of Education of respective State/UT

5. The existing mechanism for reporting and redressal should be made fool-proof. For this, the IT Act, 2000 should be strengthened to deal with intermediaries more effectively and

the loophole in the Cybercrime portal pertaining to revealing the identity of the victim should be weeded out.

Action to be taken by: Ministry of Electronics and Information Technology and Department of Law & Justice

6. A dedicated task force to be set up to deal with CSAM in synchronization with cyber units of various state police and having the mandate to investigate beyond territorial limits.

Action to be taken by: Ministry of Home Affairs and Ministry of External Affairs

7. More research should be encouraged through various mental health institutes, NGOs working on children's issues and variegated commissions like NCPCR, NHRC, etc.

Action to be taken by: National Commission for Protection of Child Rights, National Human Rights Commission

8. Training and sensitization of parents and teachers as first hand responders to the menace of CSAM and adopting a zero-tolerance policy in schools with regard to sexual abuse.

Action to be taken by: Ministry of Education

9. Ensuring presence and services of a counsellor in each school to deal with not only CSAM but also other related issues.

Action to be taken by: Ministry of Education

10. Formation of a dedicated child care fund at the state level for the rehabilitation of the victim of CSAM/CSA.

Action to be taken by: Chief Secretary/Administrator of respective State/UT

11. Reporting mechanism can be upgraded by establishing a separate desk in police station dealing only with the cases of CSAM and Child Sexual Abuse.

Action to be taken by: Ministry of Home Affairs and Police Departments of respective State/UT

12. Creating awareness about National Cyber Crime Reporting Portal.

    Action to be taken by: Ministry of Home Affairs, Ministry of Electronics and Information Technology and the Police Department of respective State/UT