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World wide threat: penalties for online child abuse

India's current laws on child online abuse are, at best, vague. How do they compare internationally?

SWEDEN

Possession or distribution of child pornography can result in imprisonment for two years or if petty in nature, a fine or imprisonment up to six months. Production of porn means at least six months and at most six years in jail.

US

Producing, sharing and owning images involving sex with under-18s is a crime. So is transporting children to use them for child porn. Parents who let their kids take part in pornographic activity are also liable. A first offence is a fine and 15-30 years in prison, a second 25 to 50 years and for three or more offences, 35 years to life.

THAILAND

Similar to India. Thailand has a general obscenity law which covers child pornography. But unlike India, the possession of pornographic material is a crime. Violators of this law can be punished with up to three years' imprisonment as well as a fine of up to roughly Rs 7,500.

UK

Under a series of laws since the 1970s, the possession, production or publication of child pornography have all been made illegal. There are five different levels of indecency, with the worst involving sadism and bestiality. The punishment is up to 14 years in prison.

Source: www.ecpat.com

molestation.net

Tomorrow is World Day for Prevention of Child Abuse. Fuzzy laws mean that innocence is lost online for many a child

By Alex Holland

THE INTERNET has infinite potential for both good and bad. Within seconds, it can help you learn November 19 is World Day for Prevention of Child Abuse. But it can also help you abuse a child or see one being abused. For those consuming underage pornography, the Web is the medium of choice. As with other cyber crimes, the Internet offers the consumer distance and anonymity in purchasing material. Instead of having to risk going to a shop or meeting a vendor, child-porn consumers can simply enter their credit card details and log on for vicarious pleasure.

This has grave ramifications. Studies from across the world show an alarming connection between viewing child pornography and child sex abuse. Timothy Cox of the UK-based Child Exploitation and Online Protection Centre (CEOP), says, "Paedophiles psychologically normalise their desires by watching child pornography."

The law doesn't bite

On November 5 this year, Anand Balaji, a 26-year-old from Bangalore, was booked by the CBI under section 67 of the IT Act, 2000. The young man had at least 500 pornographic images of children between the ages of three and nine. Senior CBI sources say they are awaiting results from their lab in Hyderabad to find out if Balaji's collection was even larger.

However, Balaji was not booked for owning child pornography — since that is not a crime in India. Under the current law, it is only a crime to produce, publish or distribute such material. This is what Balaji allegedly did — trading images with others in Saudi Arabia and the US.

If Balaji had kept his collection to himself, there is nothing Indian law-enforcement officials could do to him.

He was booked for trading pornography, but not *child* pornography. Legal expert Vakul Sharma, who was an advisor in the IT Ministry's



Illustration: ABHIMANYU SINHA

committee on amendments to the IT Act 2000, says, "Currently, the law makes no distinction between adult and child pornography."

As a result, the penalties for both the crimes are the same. For producing pornography, child or otherwise, the penalty for a first offence is up to two years in a prison and a fine of Rs 2,000.

However, receiving and sharing pornography over the net carries the stiffer penalty of up to five years in prison and Rs 1 lakh for a first offence.

But the lack of a specific law is only one factor making tackling this issue tricky. Maharashtra's Cyber Crime Cell, says it only has four officers to deal with all the state's cases.

"We have things like fraud and defamatory emails... there are so many reports of cyber crime in Mumbai that we have to stay open 24 hours to deal with them," says an officer.

Problem? What problem?

Taboos around sex, especially involving children, and a lack of awareness hold people back from reporting online child abuse, says Vidya Reddy of Tulir, Centre for the Prevention & Healing of Child Sexual Abuse. A Tamil Nadu Cyber Crime officer says, "Some people don't want to report pornography as they don't want to be exposed to police attention."

A young Delhi professional, speaking on the condition of anonymity, shares this fear of reporting. "When I'm surfing for adult porn, I sometimes see titles that involve children. It disgusts me and I would like to report it, but then I don't want the police asking me how I found it."

Says Reddy, "Who would have thought two years ago that 53.22 per cent of Indian children are sexually abused? The level of reporting was nowhere near that, but that's what a recent government study clearly showed." She points towards the stratospheric

expansion of Internet use in India. According to the IT Ministry, Internet subscribers in the country are doubling every 6 months. The financial incentives to produce and trade in child porn are huge, says Reddy. Images of child abuse sell for thousands of rupees internationally. A 2005 National Human Rights Commission report found evidence of children being trafficked for the production of pornography in six Indian states, including Maharashtra, Karnataka and Bihar.

Widening the net

The Internet not only provides paedophiles with viewing material but also a means to access victims. The anonymity of chat rooms that allows youths to socialise and swap homework tips can also provide a mask for predatory child molesters.

Cox explains how paedophiles, often posing as youths, build up relationships with in-

tended victims in chat rooms in a process called "grooming". Once enough trust has been built up, they lure the child into a meeting, ostensibly to play or socialise, and then molest them.

"The dangers of online grooming are very real," says Rakesh Bakshi of Microsoft India, that trained the CBI and Indian Cyber Crime cells to combat child Internet abuse. Bakshi points out how the vast majority of children are currently abused by those from within, or close to, their family. "The Internet helps paedophiles seek out children beyond their immediate circle," says Bakshi.

Meghna Saraogi, 24, posed as a teen while doing her research across chat rooms, for a project called Aid Section Location. The project aims to raise awareness about safer online behaviour among teens. She was befriended by several chatters — who she believes were adults. She also noticed several children giving

Protect them from this Web

DONT DENY YOUR KIDS NET ACCESS

The Web is an integral part of their lives. Monitoring them at home is better than them using it unmonitored somewhere else.

TEACH YOUR KIDS TO

Realise people may not be who they say they are.

Never give out personal details or share pictures online.

Never to meet up with an online friend unless they are with an adult they trust.

To tell you anything that makes them feel uncomfortable online.

GET THEM TO TEACH YOU

Let the kids show you everything they do online. Ask them to teach you to use any applications you have never used before.

BE READY TO REPORT

If someone inappropriately contacts your child, report him or her to your state cyber crime cell. The number should be available with your local police. You may also report them at www.inhope.org.

away personal information that could compromise their safety.

Saraogi says parents banning their children from chatting online or giving them lectures won't work. "You need to speak to them in their language and explain to them that they have to be careful about whom they are talking to."

Logging out of child porn?

A standing parliamentary committee is about to recommend amendments to the IT Act, to firm up India's response to cyber crime. It is expected that child pornography will be recognised as a separate crime with a correspondingly harsher penalty. In September, the government had also announced an extra Rs 3.5 crore to fight cyber crimes.

Whether the government will take a more pro-active stance in combatting this infinitely bad aspect of the Internet, though, remains to be seen.

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