

Paper Presentation & Panel Discussion on Child Abuse and Exploitation Online, Internet and Social Media



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Paper Presentation and Panel Discussion on Child Sexual Abuse and Exploitation Online, Internet and Social Media

Yellow Pagoda, Kathmandu, Nepal

**Organised by
SathSath "Together With Children"**

**with Support from
The Freedom Fund and LUSH Cosmetics Inc.**

Report on Paper Presentation and Panel Discussion on Child Sexual Abuse and Exploitation Online, Internet and Social Media organized by SathSath with support from the Freedom Fund and LUSH Cosmetics Inc.

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Message from Executive Director

SathSath's one of the prime intervention is to prevent the sexual abuse & exploitation of children & youth. Among them, we are focused on abuse and exploitation of BOYS. Our society assumes and believes that it's only happens to girls. So, its imperative to educate the public and advocate issues of the boys.

We as a society lack awareness of this issue and our ignorance limits our ability to protect children. While sex and the idea of children engaging in sexual activities are considered taboo. The topic remains largely not aware, hidden from public view and the current approach allows people who exploit and abuse children to continue to do so without repercussion. To date in Nepal, there has not been a proper and thorough study on the commercial sexual exploitation of children (CSEC) and abuse and exploitation of children online. We do not know how many children in Nepal are involved in the adult entertainment sector. How many children are becoming the victim of online perpetrators? How children are abuse and exploited physically and virtually? How children are groomed, trafficked and becoming the victim of abuse and exploitation though the uses internet? How it is coming and impacting our future generation?

It is a seriously concern. Before it become too late, this issues need to be address urgently. To keep our children safe online and internet, Nepal Government and concern stakeholders need to act promptly. Make serve law and policies to address the issues. There must law and policies which address preventive and prosecute measures. Currently, we lack these legal and prosecute measures, thus, this Paper Presentation and Panel Discussion is organized to raise the issues and find out the possibilities to address it.

SathSath plan to present a simple document from this program to raise issues to address the gap in our law and policies.

Biso Bajracharya
Executive Director
SathSath "Together With Children"

Acknowledgement

This paper presentation and panel discussion is a highly productive national level consultation and discussion programme with key stakeholders, line agencies, Nepal police, government representative and member of parliaments.

SathSath, appreciates the technical and financial support for this programme towards this endeavours. We anticipate that outcome from this programme will draw the all concerns to address the issues to ensure the rights of children of our future. We are thankful panellist Mr. Krishna Bhakta Pokharel, MP and Chair Law, Justice and Human Rights Committee, General Assembly. Member of Parliament (MP) Ms. Indu Kumari Sharma, MP Ms. Bodh Maya Yadav, MP Ms. Dil Kumari Sha, MP and MP for their gracious presence, input and commitments shown for this causes. We are thankful to panalists Mr. Pasupati Roy, Mr. Prabesh Koirala and Mr. Pradip Poudel.

SathSath appreciates and thankful to Paper Presenters Ms. Kabita Shah, Resource Executive from SathSath, Mr. Pradin Tramakar, Police Inspector, Department of Cyber Crime Investment, CIB and Mr. Kapil Aryal, Associate Professor, Kathmandu School of Law.

We are thankful to for the input on the issues to all concern line agencies, police authorities, community police, journalist, political representatives, children and survivors participated in the programme.

As such the coming together of all stakeholders and being able to agree that a commitments efforts by all is critical in this regards, is the first step towards eliminating child sexual abuse and exploitation online internet and social media.

About SathSath

SathSath (meaning "together") has been working with children and youth living and working on worst form of child labour Nepal since 2000.

SathSath takes a rights-based approach, with the child and youth as the key actors in his/her development and working to expand his/her life choices. Program provides opportunities for children and youth helping them to develop their capacities and capabilities, which help to improve their situation. We work with children and youth who have had negative experiences of society and have been socialized and grown up in street/social discrimination/abuse and exploitation, gender biased, worst form of child labour, destitute situations etc which often means a negative perception of self and society.

SathSath uses an alternative livelihood model for realizing target beneficiaries' social and economic rights. Economically means supporting them in their educational and vocational needs towards a sustainable livelihood. Socially this means addressing their need for social integration to access opportunities and resources.

Works with: children and youth from street, street-based, sexually exploited and abused, children and youth in commercial sex, children in worst form of child labour, marginalized children and youth

Currently, SathSath focuses to protect children and youth from any forms of sexual abuse and exploitation, and to disengage from commercial sex work, social reintegrate to society, economically empower to liberate.



Background & Rational

Access to information and connecting people across the world is the gift of the modern technological development. It is a gift every people can afford but it is bring both bright and dark side to our society and its people, if it is not handle properly. Advancing communication technologies have change the face of the world in a way we communicate and present ourselves. It has greatly impacted social changes which has happening rapid trend people, society and state is hardly coping and addressing its bad consequences. It has made people to commit crime much easier because it is efficient, can reach more people all across the globe, cheap and can hide true identity etc. More and more criminal minded people are exploiting the speed, convenience of the modern technology to commit more diverse types of crimes.

Amongst it one of prime victim are children. They are targeted for abuse and exploitation in various forms. Children are targeted by perpetrators/groomers as they tend to disclose their suffering due to shyness and sense of guilt, over trusting mind-set towards Caucasian/foreign persons, easy to control physically and mentally, lack of awareness, social mind set as foreign as the divine being etc. At the same for perpetrators, Nepalese children becoming the prime target because of loose law and policies, our culture of easily accepting foreigners, Nepal is cheap and affordable and poor social economic status of our societies.

Nepal Government has initiated promotion of IT for the betterment of the state but lack law and policies to regulate it but lack. SathSath initiated Paper Presentation and Panel Discussion on Child Sexual Abuse & Exploitation Online, Internet and Social Media to address this sever issues to raise the concern and present the situation of our country keeping "Children" a key focused group of population. Naïve and vulnerable population online falls victim to it, if not carefully handled it. Amongst all, children between 13 to 18 years falls into the most vulnerable and naïve population targeted for abuse and exploitation.

55% of the population of Nepal have access to internet. There is increasing

trend of user online. Data shows there were around 50,000 users to 1.6 million from 2000 to 2018. At the same time it has invited new problems to our people and society. Girls tends be falls victims in comparison of boys, which means not only girls, boys are the victim of online abuse and exploitation. Among them children of single parents, rate higher vulnerability.

Children who were not in supervision of parents while using internet seemed to falls in to the victim. There has been no proper research and study carried out on online abuse and exploitation of children but police report shows children are more vulnerable of falling victim from social media, email hacking, prone sites, sms bullying etc, imposter, sexting and grooming are major means of online internet form of abuse and exploitation recorded. SathSath experienced that even though online abuse and exploitation cases of girls' children are reported but most of the boy's cases are not.

To address this emerging issues specific laws and polices need to formulate urgently, to protect our children online and internet.

SathSath took the initiation with support from the Freedom Fund to address this issues to draw the serious attention of government and other concern stakeholders to address the issues urgently. This paper presentation and panel discussion will bring some concerns and way forward in rising issues to the eyes of the policy makers.

Objectives

- **Bring the current situation of vulnerability of our children online and internet from online abuse and exploitation.**
- **To introduce Cyber Crime and its current trend in Nepal and Reporting Mechanism**
- **To introduce major laws against internet-based sexual exploitation - Children related laws 2075**

Panellist

Mr. Krishna Bhakta Pokharel
Chairperson
Law, Justice & Human Rights Committee,
General Assembly



Mr. Biso Raj Bajracharya
Executive Director
SathSath



Mr. Pashupati Roy
Deputy Superintendent of Police
Central Investigation Bureau,
Nepal Police



Mr. Prabesh Koirala
Computer Engineer,
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Mr. Pradip Poudel
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Paper Presenters



Current situation of Online,
Internet Abuse & Exploitation of
Children in Nepal



Cyber Crime, Law (ETA-2008)
and Solutions

Major Law Against Internet
based Sexual Exploitation



Current situation of Online, Internet Sexual Abuse and Exploitation of Children in Nepal

**Ms. Kabita Shah
Resource Executive,
SathSath**

Abstract

Online users has increased from 50,000 users to 1.6 million from 2000 to 2018. Study shows children and young people are more addicted to be online social media averaging 1-2 hours a day. This increasing trend of users if not aware, controlling, monitoring, incident reporting mechanism were not established it will leave them prone to sexual abuse and exploitation. There is no proper regulations, specific laws, polices and code of conducts are on place to address specifically online forms of abuse exploitation. Cyberspace related cybercrimes are increasing trend in recent years as a result we cannot overlooking online crimes and un-traced, unmarked but the priorities are on hacking, online stealing etc.

The purpose of paper presentation is to present online forms of abuse, exploitation and prone behaviour of children, young people specifically which might bring these young generation to suffer due to virtual platforms coming with both positive and negative aspects for development and learning.

We anticipate that this paper presentation will provide insight on how vulnerable our younger generation who are prone to online sexual

abuse and exploitation and to give recommendations on gaps to concern government stakeholders in drafting laws and policies for regulating online safety for the young and vulnerable population.

This paper presentation advocates online child sexual abuse exploitation issue in our context as a burning issue with unsolved online child sexual abuse cases and lapses in online safety which are presented among legislative members, concern government stakeholders, line organisations and journalists.

Situations

- Most parents feel children are safe home using internet at home but forgets or ignorant about the bad people their children might come across and its consequences.
- Most parents are ignorant of internet misuse by their children.
- Lack of attention by parents while using internet or children online.
- Most busy parents are unable to give proper time to their children.
- Children of single parent tend to uses internet or be online most of the time.
- Children lack awareness on consequences of misusing mobile and internet.
- Younger generation are attracted to fantasy of virtual world they can access.
- Temptation to post, upload and share in the social media as part of show off amongst the peer.
- Children are addicted to internet.
- People forget that internet does not forget and forgive what you post, upload and share.
- Children are unaware that they are being groomed for various purpose by the possible perpetrators.

Recommendations

- Develop and implement massive awareness and advocacy stra-

tegic programs for children, parents, teachers and IT centres on “Online Child Safety”.

- Develop and implement “code of conduct” on “online child safety” for public IT service providers/centres.
- Integration of online child safety information in the educational curriculum.
- Formulate and amend law and policies that criminalize specific acts related to online activities likely grooming, sexting, imposter-ing etc.
- Define online acts likely sexting, cyber bullying etc into legisla-tion.
- Development of easy reporting mechanism and system for online abuse and exploitation or crime all over the country.
- Establish monitoring and regulation mechanism for telecommu-nication and Internet Service Providers to ensure protection of children from online sexual abuse and exploitation.
- NTA to initiate or instruct other ISP to block prone sites and prone containing children acts.
- Social Media Network companies like Facebook, Whatsapp, viber, Skype etc should have their contact office in Nepal for data centre to ensure online child safety.



Cyber Crime, Law (ETA-2008) & Solutions

**Inspector Pradin Tamrakar,
Nepal Police Metropolitan Police,
Valley Crime Division,
Teku, Kathmandu**

Abstracts

Increasing cyberspaces related crimes have increased day by day and Nepal Police have been facing many challenges to deal with emerging cybercrime activities. Lack of limited human resources and infrastructures, conflict in jurisdiction, limited by laws and policies, there has been hindrance in arrest process of the accused perpetrators.

To control and monitor crimes on the cyberspace, Nepal Police has initiated Cyber Bureau. It will be dealing with cybercrime and cyber-attacks. Cybercrimes activities like hacking, raiding bank accounts, stealing identities and violating privacy.

Existing Role of Nepal Police

- Existence of Cyber Crime Investigation Bureau and for outside Kathmandu valley CIB
- Establishment of Cyber Crime Unit and Metropolitan Crime Section for Kathmandu Valley.
- Existence of Digital Forensic Lab at Crime Investigation Department at Nepal Police headquarter.
- Initiation of Cyber Bureau at Nepal Police
- Awareness Programs of Cyber crime
- Network with INTERPOL

Challenges

- Lack of adequate human resources
- Investigating officers need trainings to deal with current cyber development.
- Lack of tools, technology and equipment for investigation.
- Lack of expatriate treaty between other countries cyber Crime Trans border crime / boundary less Crime are hard carry on investigation.
- Difficulties in providing evidences due to time constraints to carry on investigations.
- Due to lack of not existence of Mutual Legal Authority Treaty and Foreign Correspondence Unit, it is creating constraints in carry the investigation for Nepal Police. To carry on investigation Nepal Police has to rely on foreign party for the support.
- User Log of social media is hard to get and even if received it takes time for investigation.
- National internet service providers are not cooperating to provide data log.

Recommendations

- Massive awareness campaigns at schools, colleges, social media, TV, radio etc.
- Effective implementation of Community Police Partnership programme
- Establishment of social media and other internet provider's to open cooperate office in Nepal.
- Regulate national companies must provide technical support and cooperation with Nepal police on cybercrimes and related issues.
- Develop skilled, capable and resource human resources
- Priorities and motivate officers dedicated in this field.
- Manage, update, facilitate, acquire and give easy access and training on tools and equipment.
- Formulation and amend law to prosecute criminals with severe punishment.

- Cyber Bureau also need to priorities social media related crimes targeted to younger people besides cybercrimes and cyber-attacks.



Major Law Against Internet based Sexual Exploitation

Mr. Kapil Aryal
Associate Professor
Kathmandu School of Law

Abstracts

Legislation and Policies

Nepalese laws for the protection of children from abuse and exploitation, including internet-based sexual exploitation is scattered in various legislations. Constitution of Nepal (2015) for the first time provided rights of children as fundamental rights in Article 39(1) to 39(10). These provisions have provided wide range of areas of child protection.

Recently enacted Muluki Criminal (Code) Act, 2017 (Penal Code), the general law of Nepal has provisioned numbers of acts that amount to crime and prescribed punishment for committing such crimes. Sections 119, 120, 121, 162, 163, 164, 212, 213, 215, 217, 218, 219, 220, 222, 224, 225, 226, 298 and 300 are directly related to protection of persons from abuse and exploitation.

The Children's Act enacted in 2018 is a special Act for children which prescribes wide range of issues of children. One among such important provisions is on sexual abuse and exploitation. Article 66 (3) of the Children's Act 2018 defines following activities as crime:

- Showing pornographic pictures or audio-visual materials or other similar items
- Display of gestures or expressions suggesting sexual behaviours
- Use of coercions, threat, persuasion for sexual activities
- Use of children in production of pornographic materials

- Touching and grabbing sensitive parts and genitals of children with sexual intent
- Making children unconscious with sexual intent
- Use of children for sexual gratification
- Sexual exploitation of children
- Use of children in providing sexual services
- Use of children in prostitution and other sexual activities

Electronic Transaction Act, 2063 (2008) in its Section 47 states that if “any person publishes or displays any material in the electronic media which are legally/morally prohibited or against the decent behaviour, shall be liable to the punishment with the fine not exceeding one hundred thousand Rupees or with the imprisonment not exceeding five years or with both. In case the offence is committed time to time s/he shall be liable to the punishment for each time with one and one half percent of the punishment of the previous punishment”. Similarly, “a person who attempts to commit or abets or is involved in the conspiracy to commit an offence relating to computer shall be liable to the punishment with a fine not exceeding fifty thousand Rupees or with imprisonment not exceeding six months or with both, depending on the degree of the offence.”

Human Trafficking and Transportation (Control) Act, 2064 (2007) provides protection against human trafficking, forced prostitution, slavery and human organ harvesting.

Besides these Acts, Nepal also has numbers of policies, plans and plan of Actions. These include but not limited to National Policy Relating to Children, 2069 (2012), National Master Plan on Ending Child Labour, 2018-2028, Ending worst form of child labour (including sexual exploitation) by 2079 B.S (2022 A.D), Fourteenth Plan 2073/74 – 2075/76, Human Rights National Plan of Action – Fourth – 2014/15-2018/19.

Recommendations

Despite above mentioned legislative measures, policies and plans, Nepalese laws still do not criminalize following activities. Thus, these

should be brought within the definition of crime which is not addressed by Nepalese laws for now:

- Creating paedophile websites;
- Assisting paedophiles;
- Networking paedophiles;
- “Grooming” or solicitation of children for sexual purposes
- Viewing, possessing, downloading, obscene child images and child pornography (child abuse materials, including virtual). Currently creating, uploading and disseminating such materials are within the definition of crime.
- Depiction of a person appearing to be minor engaged in explicit sexual conduct should be brought within the periphery of crime.

Following terminologies should be clearly defined in relevant Act:

- Commercial Sexual Exploitation of Children
- Child pornography or ‘child abuse materials’
- Corruption of children
- “Grooming” or solicitation of children for sexual purposes
- Sexting
- Sextortion
- Online child sex abuse live streaming
- Sex tourism
- Paedophilia
- Cyber stalking/bullying
- Draft Information Communication Technology Act Children’s Act, Electronic Transaction Act, Draft Information Communication Technology Act and Muluki Criminal Code Act (Penal Code) should be harmonized to avoid different definitions, penalties and sanctions.

Key Issues Raised

- **Cybercrime, child abuse and exploitation widespread through online, internet and social media. This is serious concerns. From the human rights perspective, there is a growing trend need to address by devising specific acts to control criminal activities.**
- **When it comes to cybercrime mostly refer to online entrepreneurship but about the crimes committed by online users to other online users in personal level is not at attention. Largely, cybercrimes acts are online entrepreneur-focused. How can we address this dimension? This is our current major problem.**

Key Issues Raised

- **Not only online sites, social media sites are prime platform for the criminals and groomers and we lack cyber act or law to address if the crimes are committed online platforms.**
- **It is not a technology issue, but an issue related to lawful protection of human rights - the human rights of children, right to information, right to participation and right to safety and protection of children online.**



Outcomes of the Paper Presentation and Panel Discussion

1. An immediate interaction with the Law, Justice and Human Rights Committee of the House of Representatives, Nepal with a short analysis report from the perspective of child rights about the existing criminal act, children's Act associated with the issues of policy related to cyber-crime and online safety;
2. A joint discussion with the Development and Technology Committee about the pending IT bill and policy level issues in the presence of Ministry, committee members, some civil activists, members of task force.
3. There might have been very little consultation with citizens on proposed draft IT bill. If possible the Ministry of Communication and Information Technology could organize a consultation meeting with civil societies about the final draft.

4. To look for the possibility of an interaction about “maintaining gate keeping” with ISP and IT service provider companies in collaboration with the NTA.
5. In the context of research collaboration, trend; can we build an environment to collaborate with relief organizations in the research evidence of NTA ? What is the current situation? Is the ISP logbook maintained or not/what are its impacts? Porn sites are blocked/what were the achievements and what were its failures? What are the advantages and disadvantages of new policies? If we could start small research including these entire issues, at least we could gather evidences, the police could also adjust and be a part of it;
6. Massive awareness programs and campaigns across Nepal on the cybercrimes and its possible criminal issues.



Some Glimpses of the Paper Presentations & Panel discussion





Member of Parliments



Paper Presentations



Participation from stakeholders and line organisations

Paper Presentation and Panel Discussion on
Child Sexual Abuse and Exploitation
Online, Internet & Social Media

Yellow Pagoda, Kathmandu, Nepal

Paper Presentators	Position/ Organisation	Objective
Ms. Kabita Shah	Resource Executive, SathSath	To introduce SathSath, its program and national scenario in the world context
Mr. Pradin Tamrakar	Police Inspector, Department of Cyber Crime Investigation, CIB	To introduce Cyber Crime and its current trend in Nepal and Reporting Mechanism
Mr. Kapil Aryal	Associate Professor, Kathmandu School of Law	To introduce major laws against internet-based sexual exploitation - Children related laws 2075

Panellist	Position	Representing Organisation
Mr. Krishna Bhakta Pokharel	Panel Discussion Chairperson	Law, Justice and Human Rights Committee, General Assembly
Mr. Pashupati Roy	Discussion Panellist	Central Investigation Bureau, Nepal Police
Mr. Prabesh Koirala	Discussion Panellist	Ministry of Communication and Information Technology, Government of Nepal
Mr. Pradip Poudel	Discussion Panellist	Nepal Telecom
Mr. Bisu Bajracharya	Discussion Panellist	SathSath

Rapporteur: Mr. Bikash Rai

Annexures		
List of Participants		
S.no	Participants	Representating Organisation
1.	Karma Maharjan	AATWIN
2.	Tara Bhandari	Biswas Nepal
3.	Suneeta Shah	CCWB
4.	Shobha Pokharel	CeLRRd
5.	Mira Dahal	CHHORI
6.	Sabita Khanal	Child Nepal
7.	Reena Joshi	Child Nepal
8.	Bishnu Khadka	Community Police
9.	Hit Gurung	Community Police
10.	Krishna Katwal	Community Police
11.	Tara Ram Dayal	Community Police
12.	Umesh Karki	Community Police
13.	Basanta Shrestha	Community Police
14.	Dipesh Dahal	Development Forum
15.	Santosh Pakrim	Development Forum
16.	Bikash Rai	Freelancer
17.	Binu Lama	FWLD
18.	Prem Tamang	GMSP
19.	Fatima Banu	Kantipur Daily
20.	Tanka Joshi	KCDC
21.	Anuradha Acharya	Kumudini
22.	Pravesh Koirala	MoCIT
23.	Dip Kumari	Member of Parliament
24.	Indu Kumari Sharma	Member of Parliament
25.	Narayani	NAWHRO
26.	Kiran Thapa	NCPA
27.	Sushma Pokhrel	Nepal Good Women Foundation

Participants...

28.	Basudev Nepal	Nepal Police
29.	Debi Panday	Nepal Police
30.	Dhan Bahadur Bohara	Nepal Police, MPCD
31.	Suresh Tamang	Nepal Samacharpatra
32.	Astha Palikhe	SathSath
33.	Rasiza Thakur	Shakti Samuha
34.	Jyotshna Chhetri	SOS Children Village
35.	Rabindra Dangol	Student
36.	Muna Dangol	Swatantrata Abhiyan
37.	Bebi Shah	Tarangini Foundation
38.	Suprabha Thapa	Tarangini Foundation
39.	Aayam Poudel	Target beneficiaries
40.	Atal Magar	Target beneficiaries
41.	Manoj Roka	Target beneficiaries
42.	Prabeen Shiwakoti	Target beneficiaries
43.	Sanjay Gajmer	Target beneficiaries
44.	Manita S Rai	Tdh-F Nepal
45.	Yoshoda Upreti	Tdh-F Nepal
46.	Sujan Rai	The Relief Trust
47.	Nirmala KC	UMES
48.	Kamala Subedi	WCSC
49.	Bhawana Ayer	WYESHR
50.	Victory Thapa	YST Nepal
51.	Keshab Pd. Pandey	



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