



Protection Of Children From Violence In Social Media In The New Normal Era

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Abstract

The Ministry of Women's Empowerment and Child Protection (PPPA) received thousands of reports related to cases. Most of the reports submitted were about sexual violence. Deputy for Child Protection of the Ministry of PPPA, from the Online Information System for the Protection of Women and Children (Symfoni PPA) which was collected from January 1 to July 31, 2020. In total there were 4,116 cases. The number has increased as per 18 August 2020 to 4,833 cases. Most reports were submitted from East Java, East Kalimantan, Southeast Sulawesi, and North Maluku. In detail, the 4,116 cases received by the PPA Symphony consisted of 68 victims of exploitation, 73 victims of TIP, 346 victims of neglect, 979 victims of psychological violence, 1,111 victims of physical violence and 2,556 victims of sexual violence. This type of research uses the sociolegal research method. This research requires a multidisciplinary approach to analyze and interpret the law, the legal phenomenon, the relationship between those two and also their relationship with the society in its widest sense. The research approach used in this paper is the statute approach. The statute approach is carried out by examining all laws and regulations relating to the legal issues being addressed. The research conducted is aimed more at the approach to laws and regulations associated with the issue protection of children from violence in social media in the new normal era. Data Analysis Techniques used for this study are deductive analysis methods, namely data analysis methods starting with general postulates and certain paradigms as a base for starting conclusions. National governments are urged to devise and implement legislation and to harmonise laws to protect children from all cyber crimes including online grooming, luring or stalking, exposure to illegal or inappropriate materials and all actions related to child pornography (including creation, dissemination, accessing, downloading, possession and incitement). As such, governments are urged to classify the crime of being involved (in any way) with child pornography as a crime against humanity, thereby falling under the principle of universal jurisdiction. Cross-border cooperation Cross-border jurisdictional issues remain a barrier for achieving comprehensive solutions.

Keywords: Children Protection; Violence; Social Media.

I. Introduction

Children have rights that are basic in nature, as those of adults. Coverage concerning children's rights is not as extensive as adult rights or gender issues, which concern girls' rights. Protection of children's rights does not involve many parties and takes firm steps. Likewise, efforts to protect the rights of children who are violated, adults or even their own parents, do not really pay attention to the future interests of the child. Whereas children are soul mates, images and mirrors of the future, family assets, religion, nation and state. In various countries and places in this country, children actually experience improper treatment, such as child exploitation, violence against children, being used as

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sexual gratification tools, child labor, neglect, becoming street children and victims of domestic conflicts.¹

Children are a potential for the development of a nation in the future, which has special characteristics and characteristics. This specificity lies in his attitude and behavior in understanding the world, which he must face. Therefore, children should be given special protection. Child protection is all collective effort made consciously by individuals, families, communities, government and private agencies for the security, provision and fulfillment of children's welfare, in accordance with their human rights and interests in order to develop themselves optimally. ²Efforts to protect the law for children can be interpreted as efforts to protect the law against various freedoms and children's rights as well as various interests related to children's welfare.

Another issue regulated in the child protection law is how to punish adults who commit crimes against children and also the responsibility of parents, society and the state in protecting children. Thus the scope of the law on children is very broad and cannot be simplified only in the area of law violations committed by children.



¹ Rena Yulia, 2009, Restorative Justice Sebagai Alternatif Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga”, *Jurnal Hukum dan Pembangunan*, Edisi No. 2

² Trinidad, A.C. 2005. Child Pornography in the Philippines. Manila, Philippines: UP Center for Integrative and Development Studies (UP CIDS-PST) and UNICEF. pp.63-64

The Ministry of Women's Empowerment and Child Protection (PPPA) received thousands of reports related to cases. Most of the reports submitted were about sexual violence. Deputy for Child Protection of the Ministry of PPPA, from the Online Information System for the Protection of Women and Children (Symfoni PPA) which was collected from January 1 to July 31, 2020. In total there were 4,116 cases. The number has increased as per 18 August 2020 to 4,833 cases. Most reports were submitted from East Java, East Kalimantan, Southeast Sulawesi, and North Maluku. In detail, the 4,116 cases received by the PPA Symphony consisted of 68 victims of exploitation, 73 victims of TIP, 346 victims of neglect, 979 victims of psychological violence, 1,111 victims of physical violence and 2,556 victims of sexual violence.

bbc.com states that these acts of violence have increased along with the Covid-19 virus pandemic. This is even more unsettling because the violence that occurs is done by the perpetrators online. bbc.com, the demand for things that smells of violence and harassment is increasing at this time of the pandemic. The increase was two to fourfold globally between March and April 2020. In the UK alone there have been nearly nine million attempts to access websites containing child sexual abuse. Where previously this site was blocked by the Internet Watch Foundation. This could be because there are fewer people serving hotlines during a pandemic. Closed schools mean children spend a lot of time online. This carries a higher risk of receiving sexual harassment. Europol's Cathal Delaney told the BBC that children are being isolated and not properly monitored online. They also spent a lot of time online during the bikini pandemic.

One of the dangers that threaten children when dealing with violence, both in person and online, is psychological danger. The psychological effects of the misuse of online media can last a lifetime for a child. Psychological and mental effects that may occur such as autism, PTSD, disorders of children's mental development, or self-isolation. Launching from edition.cnn.com, the mental health effects of abuse and violence against children should not be underestimated. A study shows that online harassment is very difficult for parents to recognize and acknowledge. The violence that was rife during this pandemic was more often spread through the internet. But it is also possible in the real world.

Commander Paula Hudson of the Australian Federal Police, stated that child abusers see the pandemic as an opportunity to target children. A Covid-19 themed child exploitation forum was found on the Dark Web. On the other hand, child abuse also still occurs out

there, to be precise in the Philippines, as reported by [bbc.com](#). Several children were detained and subjected to violence that was caught on camera.³ The acts of violence were broadcast live to paying customers in western countries, including the UK. Based on the explanation above, the authors are interested in conducting this research with the aim of knowing how to protect children from violence on social media in the new normal era.

II. Method

This type of research uses the sociolegal research method. This research requires a multidisciplinary approach to analyze and interpret the law, the legal phenomenon, the relationship between those two and also their relationship with the society in its widest sense. In this normative law research is more focused on examining the application of the rules or norms in positive law, especially those relating to protection of children from violence in social media in the new normal era. ⁴Several data collection methods may be used for active, passive, or combined types of data collection. Twitter is a microblogging site where users post messages (tweets) that are 140 characters or less. Users may “follow” other users to see their posts on the front page. Users may also respond to tweets posted by other users, share (retweet) messages posted by other users, or approve (like) other posts. Users may use hashtags to categorize their messages. When a large number of users are posting with a hashtag, the hashtag is listed on the Twitter front page and is said to be “trending.” There are multiple methods of conducting research with Twitter, including both active and passive data collection methods. As a passive data collection method, researchers may download existing information from Twitter.⁵ Facebook is an online where users create a profile, add other users to their network, send messages to their network connections, and post messages to their profiles. Users may also join common-interest groups and communicate with businesses. Similar to Twitter, Facebook may be used for active or passive data collection. It has frequently been used to recruit participants (but the information created by users has also been used for research. Facebook users have the option of listing interests, such as movies, books, sports teams, or activities, on their profile. Combined approaches. Some research suggests combining multiple approaches may reduce the limitations associated with each of the single approaches. For example, media reports of outbreaks or unusual events may drive increases in social media activity as awareness increases in the

³ Colman, E. (2003, November 26). Children ‘act out’ net porn images. *The Australian*. Retrieved from <http://www.theaustralian.news.com.au/>. Wallace, N. (2003, November 26). Net helps children start sex attacks. *The Sydney Morning Herald*. Retrieved from <http://www.smh.com.au/>.

⁴ Amiruddin dan zainal asikin, 2005, *Pengantar Metode Penelitian Hukum*, Jakarta: PT. Raja Grafindo Persada.

⁵ Dewanta, Mukti Fajar dan Yulianto Achmad, 2013, *Dualisme Penelitian Hukum Normatif dan Empiris*, Yogyakarta: Pustaka Pelajar

population so studies may combine the two approaches to evaluate the potential effects of traditional media. The research conducted is descriptive in nature, which is describing the symptoms of the community environment in a case which is a method of research that results in descriptive data. The author hopes to be able to further examine and provide researched data about the object under study as for the writer wants to give a protection of children from violence in social media in the new normal era. The research approach used in this paper is the statute approach. The statute approach is carried out by examining all laws and regulations relating to the legal issues being addressed. The research conducted is aimed more at the approach to laws and regulations associated with the issue protection of children from violence in social media in the new normal era. Data Analysis Techniques used for this study are deductive analysis methods, namely data analysis methods starting with general postulates and certain paradigms as a base for starting conclusions.

III. Main Heading of the Analysis or Results

A. Theoretical Review

Cyberspace: A new social environment Cyberspace is a new social environment that is distinct and yet can encompass all the physical places in which people interact⁶. The protection of children and young people in this environment is as essential as in any other location. But there are special challenges: Identifying potential harms, understanding the perspective of young people, and enacting practical measures to assure children of their right to protection.⁷

Types of violence Violence and harms against children and young people in cyberspace and in relation to new technologies include: ● The production, distribution and use of materials depicting child sexual abuse. ● Online solicitation or 'grooming' (securing a child's trust in order to draw them into a situation where they may be harmed). ● Exposure to materials that can cause psychological harm, lead to physical harm, or facilitate other detriment to a child. ● Harassment and intimidation, including bullying.⁸

Vulnerability factors Children and young people of all social classes Violence against Children in Cyberspace 9 risk confronting any or all of these forms of violence as they

⁶ Maskun, 2014, *Kejahatan Siber Cyber Crime; Suatu Pengantar*, Jakarta: Kencana

⁷ Rina Arum Prastyanti, Evaluasi Efektivitas Undang-Undang No. 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik Dalam Pelaksanaan E Commerce, *Duta.com*, Vol.5, 2013, <https://ojs.uib.ac.id/index.php/dutacom/article/view/638>

⁸ Siswanto Sunarso, 2012, *Viktimologi Dalam Sistem Peradilan Pidana*, cetakan pertama, Jakrta: Sinar Grafika

occur in relation to new technologies. ⁹The likelihood of harm can be expected to increase if forethought for the interests of children is not provided for in development planning, especially planning aimed at promoting new information and communication technologies (ICTs) and resolving inequities in access to them. At risk are children and young people who currently use new ICTs and those who will do so in the future. As well, children who do not have access to the latest communications devices also may be subjected to influences arising from their usage. These children are made the subjects of photos that are then sent into cyberspace, or they are advertised online as commodities, and/or they are affected by violence and harms arising from other people's online interactions, including the use of pornography (depicting adults and/or children).

B. Children and New Technologies

Children and young people are in the vanguard of the almost 1 billion people who log into cyberspace, and they will account for a significant proportion of expansion in usage of new ICTs in coming years. Leading the way in connectivity is Asia, even as just 8.4 per cent of the region's population is estimated to be connected.⁵ Consider India, where the almost 40 million people who enter into cyberspace represent less than 4 per cent of the country's population.⁶ Europe and North America follow.¹⁰ While proportionately more people in industrialised economies own and use new communications devices and associated online services, growth in Internet usage there is at saturation point. The expansion of entry points into cyberspace is now focused elsewhere. Meanwhile, an estimated 1.5 billion people worldwide own mobile phones in a market worth \$US800 billion in 2005.

By 2007, there will be 2 billion mobile phone owners. Most of the growth in this sector is in developing countries, especially in Africa and Asia. In Africa, proportionately more phone subscribers use a mobile phone than on any other continent. In the Asia-Pacific region, an estimated 1 billion people will be mobile phone subscribers by 2010 (from 230 million in 2000). Currently, 12 per cent of children in the region aged under 15 have a mobile phone (29 per cent in Hong Kong, followed by 25 per cent in Australia and

⁹ Syahrul Machmud, 2012, *Penerapan Undang-Undang Pornografi Pada Kasus Ariel Peterpan*, Yogyakarta: Graha Ilmu

¹⁰ Watson & Lefeuer. 2005. *Understanding the Impacts of Pornography on Adults and Children*.

Japan)¹¹. Convergence between the Internet and mobile phones will soon make it the norm to enter into cyberspace via a mobile phone. 3G technology, introduced in Japan in 2001, is now available in the Republic of Korea and Europe, and is being tested elsewhere. Where it is introduced, people will not have to depend on fixed phone lines and desktop computers to enter into cyberspace. The implications for child protection are enormous. As the Internet goes mobile, parents, guardians and carers will have great difficulty in supervising young people's interactions in cyberspace. For many young people, interaction in virtual settings is now a significant component of their social life and includes a range of communicative activities: sending messages by phone or instant messaging (IM) services, sharing music and other materials through peer-to-peer services, communicating via chat rooms, and playing online games with many fellow players spread across the world. Chat rooms and online discussions are popular forums for online interaction among children in North America, the UK and elsewhere. But, partly as a result of public education programmes and negative publicity arising from several cases of child abuse emerging through chat rooms, there is a steady shift away from chat sites towards IM and peer-to-peer transfers. Online games, which draw in millions of people through subscription services, are also a significant platform for meeting people online.

C. Violence against children on social media

Violence against children is a pervasive phenomenon that knows no political, cultural, economic, nor technological boundaries. The boom in information and communication technologies (ICTs) over recent decades has brought completely new ways of establishing and maintaining relationships. This is a very normal everyday reality for many children and young people, and an exciting possibility for the rest. In very different ways, children are vulnerable to multiple forms of violence that threaten their physical and psychological integrity. And just as in the physical world, a framework to protect children in cyberspace must be established which is based on child rights and human rights instruments. Generally, however, our ability to keep up with the pace of change

¹¹ Manzi, G.S. (2004, July). A challenge for the real world. ECPAT Newsletter. Bangkok: ECPAT International. No. 48. 66 China Times. (2005, July 1). Taipei. Retrieved from http://www.tol.com.tw/CT_NS/

and our capacity to respond has lagged well behind the need.¹² The United Nations Secretary-General's Study on Violence against Children was conceived to examine the scope of the problems and to offer concrete alternatives to stop violence against children across the full range of settings, including in virtual settings or 'cyberspace'¹³.

Violence against Children in Cyberspace offers new insights into the depth and extent of violence and potential harm to children in relation to new ICTs. It draws information together in a way that has not been done before. Since the early dawning of Internet capabilities there has been much Virtual Space - Concrete Consequences 6 Violence against Children in Cyberspace emphasis on bridging the digital divide, and now this report draws attention to the simultaneous need for built-in protections, especially for children and young people. While the enormous positive impact of new technologies and the fact that they will only expand in the future is well recognised, this report also helps to explain, particularly to the uninitiated, the pitfalls and provides some signposts for what can be done. Various media and new technologies are explored, but particularly the Internet and mobile phones and the convergence between the two are discussed. The significant role of mainstream media in shaping social and cultural attitudes especially for children and young people (including attitudes about sexual violence and about children) is a central theme. The report challenges the cliché that children without direct access to new technologies aren't touched by their influence.

Despite the very different levels of exposure to new ICTs around the world, the report explains how children are at risk whether or not their community is in the vanguard of technological change. State responses alone will never be sufficient. A multi-stakeholder approach is recognised as essential to upholding children's right to access to information but also to protection from harm. Such an approach emphasises the need for corporate citizens as well as governments and civil society to take their responsibilities seriously. Just as children and young people are adapting their ways of communicating and

¹² In Cooper, S., Estes, R., Giardino, A., Kellogg, N. & Vieth, V. (Ed.s). *Medical and Legal Aspects of Child Sexual Exploitation*. Saint Louis: GW Medical Publishing, p.193. 68 *Phnom Penh Post*. (2003, June 6-19). Violent and Child Pornography widespread. *Phnom Penh Post*. Vol. 12. No. 12. p.5. 69

¹³ Lenhart, A., Madden, M. & Hitlin, P. (2005). *Teens and Technology: Youth are leading the transition to a fully wired and mobile nation*. Washington: Pew Internet & American Life Project.

responding in the information age, governments and systems must also find new ways.¹⁴ Families are the first line of protection for children and young people generally. But, given that all families are not equally equipped to manage this task in relation to the virtual world and that the risk posed to different children will vary, families and carers need specific support to do this. The rapid nature of technological change and uptake is a blatant barrier to more timely action. The ICT industry is so clearly ahead of governments and most communities, while many parents struggle to stay abreast of the latest Internet games their children are playing, at the very least, without truly grasping the intricacies of the platform. That children themselves are often more skilled and informed than the adults tasked to protect them should be recognised as a clear signal to welcome the genuine participation of children and young people in finding solutions.

TABULASI DATA								
KASUS LAYANAN PENGADUAN KOMISI PERLINDUNGAN ANAK INDONESIA								
TAHUN 2020								
NO	KASUS PERLINDUNGAN ANAK	LAYANAN PENGADUAN KPAI						JUMLAH
		PENGADUAN LANGSUNG	PENGADUAN ONLINE (Website)	PENGADUAN VIA SURAT/ (Email)	PENGADUAN VIA TELEPON (Hotline)	PENGADUAN MEDIA SOSIAL (WA, IG, FB, TWITTER)	PENGADUAN MEDIA MASSA (CETAK/ONLINE)	
	Pornografi dan Cyber Crime	3	0	4	0	212	31	250
1	Anak Korban Kejahatan Seksual Online	2	0	1	0	13	3	
2	Anak Pelaku Kejahatan Seksual Online	0	0	0	0	0	1	
3	Anak Korban Pornografi dari Media Sosial	0	0	2	0	0	7	
4	Anak Pelaku Kepemilikan Media Pornografi (HP/Video, dsb)	0	0	0	0	192	14	
5	Anak Korban Bullying di Media Sosial	1	0	1	0	7	4	
6	Anak Pelaku Bullying di Media Sosial	0	0	0	0	0	2	

The Indonesian Child Protection Commission (KPAI) received 250 complaints related to cyber crimes against children throughout 2020. The highest number of complaints came from social media, totaling 212. 19 children were victims of online sexual crimes. Then, one child was reported to be a sex offender. There were nine children victims of pornography. And for perpetrators or possession of pornography, there are about 206

¹⁴ Egenfeldt-Nielsen, S. & Heide-Smith, J. (2004). *Playing With Fire: How do computer games influence the player?* Sweden: The International Clearinghouse on Children, Youth and Media. Nordicom. Goteburg University. These concerns are expressed by G.S. Manzi, a senior police officer with the Italian Internal Affairs Ministry who specialises in investigating crimes against children.

children, 13 children of victims of cyber bullying, and two children of cyber bullying. This phenomenon shows that there are many threats to children from the use of online media. In this case, the rampant circulation of negative content such as pornography, violence, or negative behavior that can influence children to do, or imitate negative behavior that is seen. Apart from negative content, other threats include cyber crime, such as cyber bullying, hoaxes, and hate speech. Actions such as can make children become perpetrators or become victims. Cyber crimes against children in Indonesia include online sexual violence in the form of grooming, sexting, and sextortion. Grooming is when children get acquainted on social media and then that person persuades the child in such a way as to want to send pornographic photos. Grooming was the beginning of another sexual violence. This is because the photos can be used to threaten a child, according to the wishes of the perpetrator. For example, the child is asked to make a video call, then ordered to be under threat and pressure to want to carry out activities that have sexual content. And children are threatened when they don't want to follow their photos to be shared on social media. Some children are especially at risk due to a range of vulnerability-enhancing factors common to all environments. They are in socially and economically difficult situations, they have already experienced harm such as sexual abuse and exploitation, they are lonely, they feel alienated from their parents and others, they have low self-esteem, and/ or they lack confidence. Gender is also seen to be a risk factor, with seemingly more girls than boys appearing to be harmed through cyberspace interactions (although boys are increasingly featured in pornographic images circulating online).

D. Legal Challenges and Law Enforcement

The law is inconsistent across jurisdictions about what constitutes child sexual abuse material. In some countries photographing a child naked is considered production of child pornography, while in other countries the State must prove that the motivation (or intent) for making the image was sexual. In some jurisdictions, photographing an adult dressed like a child meets the legal definition of production of child pornography and in other cases the written word or an audio recording could be considered child pornography. In some jurisdictions it is possible to prosecute under a production offence where no child, or even person, was used in the making of the pornography, such as when material is created artificially through computer techniques or is an illustration. In most

legal systems, however, the absence of an identifiable victim makes prosecution for production of abuse material very challenging if not impossible. Even where there is a clear understanding of what constitutes child pornography within a country or region, the definition of who is a child under the law may be inconsistent. Different countries have different definitions for what it means to distribute abuse materials. In some countries the law states that distribution sits with the individual who enters an illegal image into cyberspace. In other countries, distribution takes place at the site of the computer hub, network or ISP. Still in other countries distribution is recorded at the physical location where an individual takes receipt of the material.

These differences were not seen to be such a concern before the rise of the Internet because there were far fewer intermediaries; distribution was simply regarded as originating from the location where an envelope containing abuse material was initially mailed. Possession of criminal material accessed in virtual settings is also more complicated to investigate and prosecute than possession offences in physical settings. In some jurisdictions, viewing child abuse images on the Internet, without downloading them onto a hard drive, is not an offence. In other jurisdictions, this action is known as an access crime and it carries a much lower sentence than possession (i.e., where the material is downloaded). Another distinct feature of child pornography possession in virtual settings is the development of encryption software that allows an individual to possess illegal material in the belief that law enforcement may not be able to crack the encryption or obtain the key to decrypt the material. In some jurisdictions it is an offence to refuse to divulge to police the key for encryption software. But in many other countries this is not a crime in and of itself. Where the child is post-pubescent, prosecuting the offence of producing child abuse images is made more complicated by the age of consent, sometimes referred to as the age of protection. In most places, governments have set an age at which a child can consent to sexual activity. However, this age may not be (and frequently is not) consistent with the age contained in child pornography statutes, if and where they exist. Therefore, a child might consent to have sexual relations with a peer or adult, depending on the jurisdiction, but cannot consent to have his or her picture taken during that legal sexual activity. This lacuna has led to statutory appeals which, in some instances, have resulted 44 Violence against Children in Cyberspace in the lowering of the age contained in the child pornography legislation.

Many unusual challenges confront legislatures, prosecutors and law enforcement agencies in their efforts to combat online grooming. Firstly, notions of anonymity and the speed of interactions and relationship-forming, as compared with physical settings, require that law enforcement agents act quickly. Even though a targeted child may be physically situated far from the online groomer, a face-to-face encounter can still occur after just a few weeks of intense communication. Secondly, groomers can combine their efforts online to gain more information about their victims with searches of online databases, including phone books and profile searchers. Often victims of online grooming may not even realise that someone already has gathered personal information about them. Legislatures need therefore to draft comprehensive laws that prohibit the private sector from publishing personal details, particularly those of children and young people. Thirdly, online grooming can be a much more private and secret interaction in cyberspace. If the groomer has their target's mobile phone number, for example, they can easily communicate with the child or young person from a distance. These private communications create an obstacle in the collection of evidence and prosecution of crimes. Laws are required to ensure that the private sector maintains records for a specified period, where possible. As well, pressure can be placed on mobile phone companies to provide educational resources when individuals, particularly young people, buy telephones and other ICT tools. Finally, one person can groom several people at the same time. In addition, if a young person rejects their advances, they can 'disappear' and adopt a new identity to re-approach the same young person. Law enforcement needs to be trained on how to investigate the possibility that a groomer has more than one victim and to look within victims' statements for patterns of behaviour.

IV. Conclusion

National governments are urged to devise and implement legislation and to harmonise laws to protect children from all cyber crimes including online grooming, luring or stalking, exposure to illegal or inappropriate materials and all actions related to child pornography (including creation, dissemination, accessing, downloading, possession and incitement). Governments must ensure that legislation on child pornography protects all children under the age of 18, regardless of the age of consent to sexual activity. A child under 18 should not be considered as able to consent to engagement in pornography, prostitution or trafficking. National laws must mirror or surpass existing

international legislation. Internal and crossborder harmonisation of laws needs action to define child pornography explicitly within the law and to define and outlaw images of abuse created through virtual techniques. Governments that have yet to do so are encouraged to ratify and implement the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and to adopt its definition of child pornography as a minimum requirement. Similarly, governments that have not yet adopted and fully implemented the Agenda for Action against the Commercial Sexual Exploitation of Children are urged to do so Where applicable, governments are also encouraged to adopt and ratify other relevant international instruments, including the Council of Europe's Convention on Cybercrime and its position on 'virtual' child pornography.

Domestic administrative law Recognising that ISPs offer a different service than traditional telecommunications businesses, governments are advised to formulate and implement laws and regulations specific to ISPs. In particular, laws are required to ensure ISPs remove or prevent accessibility to illegal material of which they have knowledge. Further, laws should require a minimum monitoring obligation on behalf of ISPs to prevent all actions associated with online child pornography. Domestic civil law In the absence of any legislation, either internationally or domestically, which holds the private sector accountable for violence committed against children, it is very difficult for law enforcement to pressure businesses to cooperate fully in their investigations. As such, governments are urged to ensure laws exist, whether criminal or civil, to hold those accountable for acts of commission and omission responsible for harm committed against children as a result of their negligence. The money collected through fines or recovery or both may be used to assist survivors. International law With the creation of the International Criminal Court, governments have access to another tribunal for trying crimes against children where particular offences have international implications.

As such, governments are urged to classify the crime of being involved (in any way) with child pornography as a crime against humanity, thereby falling under the principle of universal jurisdiction. Cross-border cooperation Cross-border jurisdictional issues remain a barrier for achieving comprehensive solutions. For example, ISPs are subject only to the laws of the locale in which they are physically based. In the absence of local regulation and/or laws criminalising possession of child pornography and its

dissemination online, ISPs may circulate such material without sanction, even as the material may be actionable in a receiving jurisdiction. Governments are urged to devise mechanisms for dealing with the cross-border jurisdictional matters.

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