

ACTIO INSIGHT



ADDRESSING CHILD SEXUAL ABUSE MATERIAL :
A GOVERNMENT INTERVENTION THROUGH ACTION,
EDUCATION AND INVESTMENTS



ADDRESSING CHILD SEXUAL ABUSE MATERIAL : A GOVERNMENT INTERVENTION THROUGH ACTION, EDUCATION, AND INVESTMENT

By Setyawati Fitrianggraeni, et.al.¹

Keyword: SDG5, gender equality, children, violence, law, social media

The 2022 Annual Notes (CATAHU) of the National Commission on Violence Against Women (Komisi Nasional Anti Kekerasan terhadap Perempuan) revealed a total of 338,496 cases of gender-based violence (KBG) against women and girls in 2021, with 3,838 cases collected from the National Commission on Women (Komnas Perempuan), 7,029 cases collected from service agencies, and 327,629 cases collected from the Religious Court (Badan Peradilan Agama or BADILAG).² This is a 50 per cent increase from the 226,062 cases in 2020.³ In particular, online gender-based violence cases have increased by approximately three-fold.⁴ UN Women, in their Strategic Plan 2022-2025, stresses Ending Violence Against and Girls (EVAW) as a key target to eliminate gender inequality. Addressing the impact area of EVAW aligns with the SDG target 5.2, that is to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

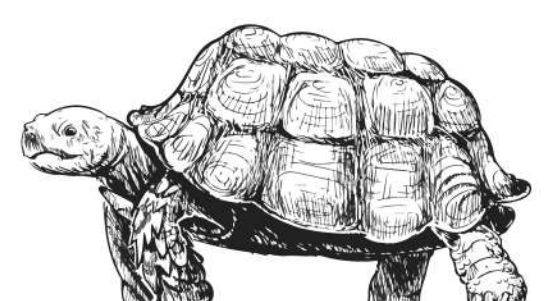
Online gender-based violence, in all its forms, are heinous acts of crimes. They include sexual harassment, non-consensual pornography, and threats of rape, sexual assault or murder, transpiring in the cyberspace.⁵ One particular form this article is concerned with is Online Child Sexual Exploitation and Abuse (OCSEA). Research has shown that the adoption of legislation, combined with the formation of partnerships with civil society organizations and awareness-raising initiatives, are imperative for achieving transformative social change and success in preventing violence against women (VAW).⁶ Although it is worth noting that said research took place in High-Income Countries.

Disrupting Harm in Indonesia, a report produced by United Nations International Children's Emergency Fund (UNICEF), International Criminal Police Organization (Interpol), and End Child Prostitution in Asian Tourism (ECPAT) and funded by the Global Partnership, confirms the occurrence of OCSEA among Indonesian youth. The report is based on a household survey of 995 children and parents, a survey of frontline service providers, and interviews with government officials and service providers conducted between November 2020 and February 2021.⁷ The report reveals that nearly 56 per cent of OCSEA are unreported. The report also highlights several key characteristics of OCSEA experienced by Indonesian children:

- Nearly 2% of Indonesian children using the internet have experienced blatant instances of OCSEA, including using blackmail or promises of rewards to coerce them into engaging in sexual activities, and non-consensually sharing their sexual images.
- OCSEA perpetrators are often acquaintances to the child (i.e., adult friend, peer, family member). These instances may occur online or offline, though technology was be involved.
- OCSEA occurred largely through WhatsApp, Facebook and Facebook Messenger.

It is important to understand that sexual violence against children is a widespread but often a hidden problem.⁸ The stigma and taboo surrounding sexual assault on minors are pervasive. Consequently, child victims often avoid seeking help or speaking out regarding their experiences due to their fear of retaliation or punishment, guilt, humiliation, disorientation, uncertainty in their own abilities or others' willingness to support, and lack of information on available support services.⁹ Indeed, the Report informed that children who have experienced OCSEA are more likely to confide in people within their personal networks, such as friends and siblings, rather than seeking help from helplines or the police.

Given this, and the phenomenon of online violence being relatively new, policy frameworks, justice systems, and law enforcements find difficulty in making of appropriate legislation and preventative measures, for reported data alone is not enough to provide an accurate understanding of the extent of OCSEA. SDG target 5.c specifically call for the adoption and strengthening of sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels. Indonesia's endeavor to achieve said target can be seen in April 2022 through the enactment of the Sexual Violence Bill (RUU TPKS). However, the Advocacy Brief supplementing *Disrupting Harm* report asserts that while existing legislation, policies and standards in Indonesia include provisions relevant to OCSEA, they are insufficient in tackling such a complex issue.¹⁰





ADDRESSING CHILD SEXUAL ABUSE MATERIAL : A GOVERNMENT INTERVENTION THROUGH ACTION, EDUCATION, AND INVESTMENT

By Setyawati Fitrianggraeni, et.al.

Existing legislation, policies and standards in Indonesia are inadequate in that they lack specificity as to what constitutes OCSEA.¹¹ The Brief proposes further legislative action, and harmonized implementation and enforcements of laws are necessary to criminalize all OCSEA-related acts, including laws on sexting, online grooming, image- and video- based child sexual violence, online sexual extortion, and knowingly attending pornographic performances involving children.^{12,13} Doing so may include consulting with internet service providers, law enforcement, privacy specialists, and technology companies in order to create practical, obligatory rules for filtering, removing, and blocking all OCSEA materials.

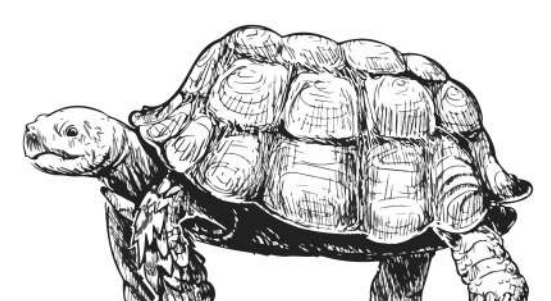
Moreover, the Brief notes that Indonesia lacks the resources, expertise, and awareness to provide victims of OCSEA with access to child-friendly support services and justice. This is due to a shortage of funding, inadequate technical knowledge and skills, and low levels of awareness about OCSEA.¹⁴ Policy advocates encourage the allocation of sufficient financial and human resources to all relevant institutions and units for all actions, including ensuring that all regions in Indonesia have an established Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak (UPTD PPA) with ample human capital; diversifying and enhancing mechanisms for helplines and formal reporting of OCSEA by children and adults; improving data collection and monitoring mechanisms; supporting victims with increased access to child protection service providers and other aid services; adopting the latest technologies to investigate OCSEA, advancing the triaging of CyberTips and reconnecting to INTERPOL's International Child Sexual Exploitation (ICSE) database.¹⁵

Equally important is funding towards informational, educational and training efforts. These efforts include providing specific education on victim identification to the Digital Forensic Unit team; teaching caregivers about digital platforms/technologies and online safety; training caregivers with necessary skills to engage with children in age-appropriate and culturally-sensitive conversations around sex and sexuality, consent, and boundaries with a view to encouraging dialogue about recognizing, disclosing, and responding to sexual abuse and exploitation both online and offline; training law enforcement personnel, justice professionals, and social service frontline workers to investigate OCSEA effectively by promoting child-friendly approaches during interviews and criminal processes, streamlining processes to attend to prolonged investigations and trials in OCSEA cases; supplying a standard information package on their rights, entitlements to compensation, and court procedures to victims and caregivers; provide children with comprehensive digital literacy and safety training; and raising awareness of helplines as informational resources among both children and adults.¹⁶

Last, research reveals benefits from government interventions to create safe environments at society level to modify social and physical environments to strengthen protective factors, including fostering environments where children are comfortable with having conversations about sexuality and raising public awareness of OCSEA and the role of digital technology in increasing its risks.^{17,18} There are a number of awareness-raising campaigns in Low- and Middle-income countries that address gender-based violence as part of broader programs, such as HIV prevention and relationship programs.¹⁹ Furthermore, there is also a growing emphasis on engaging men in initiatives to prevent Sexual Violence and Abuse, based largely on early evidence that highlights the importance of men in influencing one another's behavior.²⁰

REFERENCES

- Council of Europe. (2022). Cyberviolence Against Women. Council of Europe. Retrieved from <https://www.coe.int/en/web/cyberviolence/cyberviolence-against-women>
- ECPAT, INTERPOL, & UNICEF. (2022). Disrupting Harm in Indonesia: Evidence on online child sexual exploitation and abuse. Global Partnership to End Violence Against Children. Retrieved from https://www.end-violence.org/sites/default/files/2022-09/DH_Indonesia_ONLINE_final.pdf.
- Indah, P., & Adji, R. (2022). Komnas Perempuan records 338,496 gender-based violence cases in 2021. (R. Nasution, Ed.) Antara News. Retrieved from <https://en.antaranews.com/news/218625/komnas-perempuan-records-338496-gender-based-violence-cases-in-2021>.





ADDRESSING CHILD SEXUAL ABUSE MATERIAL :
A GOVERNMENT INTERVENTION THROUGH ACTION,
EDUCATION, AND INVESTMENT

By Setyawati Fitrianggraeni, et.al.

Together for Girls. (2019). What Works to Prevent Sexual Violence Against Children: Evidence Review. Together for Girls. Retrieved from <https://www.togetherforgirls.org/wp-content/uploads/2019-11-15-What-Works-to-Prevent-Sexual-Violence-Against-Children-Evidence-Review.pdf>.

1. Setyawati Fitrianggraeni is Managing Partner at Anggraeni and Partners, Indonesia, Assistant Professor at the Faculty of Law University of Indonesia, and PhD Candidate at the World Maritime University, Malmo, Sweden. Gabriel Kezia is LeadGal Ambassador and Assistant Researcher on SGD 4 and SDG 5 issues at Legal Lab Anggraeni and Partners. Both writers thank you Dr. Hary Elias for his time to provide feedback to the article.

2. Peringatan Hari Perempuan Internasional 2022 dan Peluncuran Catatan Tahunan tentang Kekerasan Berbasis Gender terhadap Perempuan. (2022). *National Commission on Women* . Retrieved from <https://komnasperempuan.go.id/siaran-pers-detail/peringatan-hari-perempuan-internasional-2022-dan-peluncuran-catatan-tahunan-tentang-kekerasan-berbasis-gender-terhadap-perempuan>.

3. Peringatan Hari Perempuan Internasional 2022 dan Peluncuran Catatan Tahunan tentang Kekerasan Berbasis Gender terhadap Perempuan. (2022). *National Commission on Women* . Retrieved from <https://komnasperempuan.go.id/siaran-pers-detail/peringatan-hari-perempuan-internasional-2022-dan-peluncuran-catatan-tahunan-tentang-kekerasan-berbasis-gender-terhadap-perempuan>.

4. Indah, P., & Adji, R. (2022). Komnas Perempuan records 338,496 gender-based violence cases in 2021. (R. Nasution, Ed.) *Antara News*.

5. Council of Europe. (2022). *Cyberviolence Against Women*. Council of Europe.

6. Together for Girls. (2019). *What Works to Prevent Sexual Violence Against Children: Evidence Review*. Together for Girls.

7. https://www.end-violence.org/sites/default/files/2022-09/DH_Indonesia_ONLINE_final.pdf

8. Together for Girls. (2019). *What Works to Prevent Sexual Violence Against Children: Evidence Review*. Together for Girls.

9. Ibid.

10. ECPAT, INTERPOL, & UNICEF. (2022). *Disrupting Harm in Indonesia: Evidence on online child sexual exploitation and abuse*. Global Partnership to End Violence Against Children.

11. Ibid.

12. Ibid.

13. Together for Girls. (2019). *What Works to Prevent Sexual Violence Against Children: Evidence Review*. Together for Girls.

14. ECPAT, INTERPOL, & UNICEF. (2022). *Disrupting Harm in Indonesia: Evidence on online child sexual exploitation and abuse*. Global Partnership to End Violence Against Children.

15. Ibid.

16. Ibid.

17. Ibid.

18. Together for Girls. (2019). *What Works to Prevent Sexual Violence Against Children: Evidence Review*. Together for Girls.

19. Ibid.

20. Ibid.

DISCLAIMER

The information contained in this Legal Insight is not intended to provide legal opinion or views of the Anggraeni and Partners law offices against a particular legal issue.

Neither party may assume that he or she should act or cease to act or choose to act on a particular matter based on this information without seeking advice from professionals in the field of law in accordance with certain facts and circumstances it faces.

For further information, please contact:



WWW.AP-LAWSOLUTION.COM
P: 6221. 7278 7678, 72795001
H: +62 811 8800 427

S.F. Anggraeni
Managing Partner
fitri@ap-lawsolution.net

