

Are There Enough Safeguards In Place To Protect Victims Of Online / Social Media Abuse And Sexual Exploitation?

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INTRODUCTION

In the last two decades, the rise of the internet and social media has created opportunities to engage with one another on an extraordinary scale.

However, the existing communications in some cases fail to address harmful behaviours online, and in others they risk interfering with our rights to freedom of expression.

The law needs to be clearer and effectively target serious harm and criminality arising from online abuse.

STATISTICS

- 60% of internet users said they had witnessed someone being called offensive names
- 53% had seen efforts to purposefully embarrass someone
- 25% had seen someone being physically threatened
- 24% witnessed someone being harassed for a sustained period (7% experienced this themselves)
- 224 children in Britain have been sexually abused online, 96 of those being blackmailed to carry out sexual acts by a gang of foreign men.

PROPOSED LAW REFORMS

Malicious Communications Act and the Communications Act 20198803

- Reform the ambiguous and outdated terminology and include posting or sending communication that is likely to harm, with no reasonable explanation
- Making it an offence if the defendant knows the post is false, and are intending to cause emotional, psychological, or physical harm

Sexual Offences Act 2003

- Cyberflashing – the unsolicited sending of images / video of genitals – should be under section 66 of the Sexual Offences Act 2003.

Mike Feintuck and Mike Varney, *Media Regulation, Public Interest And The Law* (2nd edn, Edinburgh University Press 2006).
Law Commission, 'Abusive And Offensive Online Communications: A Scoping Report' (2018).
'Get Safe Online' (*Getsafeonline.org*, 2020) <<https://www.getsafeonline.org/social-networking/online-abuse/>>
'Greater Protections For Victims Of Online Abuse Proposed By Law Commission | Law Commission' (*Lawcom.gov.uk*, 2020) <<https://www.lawcom.gov.uk/greater-protections-for-victims-of-online-abuse-proposed-by-law-commission/>>

ONLINE / SOCIAL MEDIA ABUSE AND SEXUAL EXPLOITATION

The Birth Of The Internet

Survival is directly associated with competition due to the multitude of species and limited natural resources on the planet. There has always been a constant drive to outperform others and overcome barriers. Consequently, growing up in a capitalistic society has created an inadvertent push that the belief that success and wealth go hand in hand. Believing this ideology, which is so prevalent in modern society, has created and shaped a nation where bullying is unintentionally instilled as a survival tactic.

The internet has been such a transformative development for society. Whether it be world events or local affairs, politics or religion, interests, affiliations, organisations, products, people, there has always been contrasting opinions. The development of the internet and social media has created platforms where these opinions can be shared all around the world. Although this is such an innovative way of communication and intellectual discussions, it opens the door for abuse, trolling and sexual grooming.

Sexual Exploitation

Sexual exploitation is such a widespread, prevalent topic in our society, currently the law is ineffective in addressing the growth of sexual exploitation offences and behaviours.

Children are the main target group regarding sexual exploitation and online grooming. The government have conducted and released numerous different publications in an attempt to deal with these offences.

After a lengthy consultation on the definition of child sexual exploitation the Government defined this as "child sexual abuse" that involves manipulating or deceiving a child under the age of 18 and using "power to coerce".

The Serious Crime Act 2015 is inclusive of child sexual exploitation in section 68.

Home office and MicroSoft have launched a new technology which uses AI to identify and block child grooming conversations online, the Government is funding a £30m program to target the most dangerous and sophisticated offenders on the dark web.

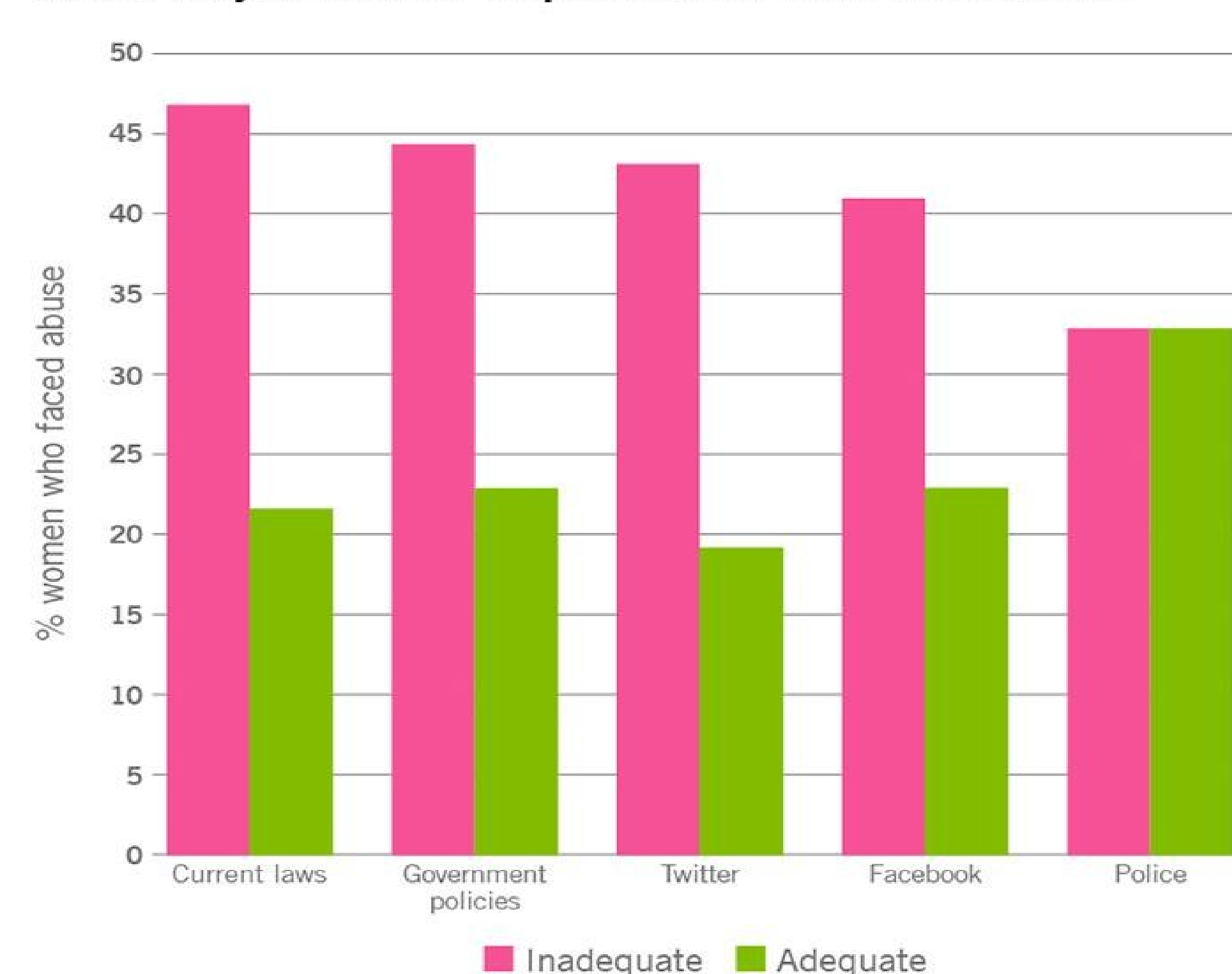
Consequences

There is a deep concern with the myriad of problems social media brings, including inflicting harm on victims, creating a sense of fear and exclusion amongst communities, eroding trust in social media platforms and motivating other forms of hateful behaviour. The consequences of this behaviour may significantly contribute to depression and even suicidal behaviour in some children and adolescents. Psychological consequences are very common, such as loss of self-esteem and a sense of powerlessness in the ability to respond to the abuse.

Conclusions

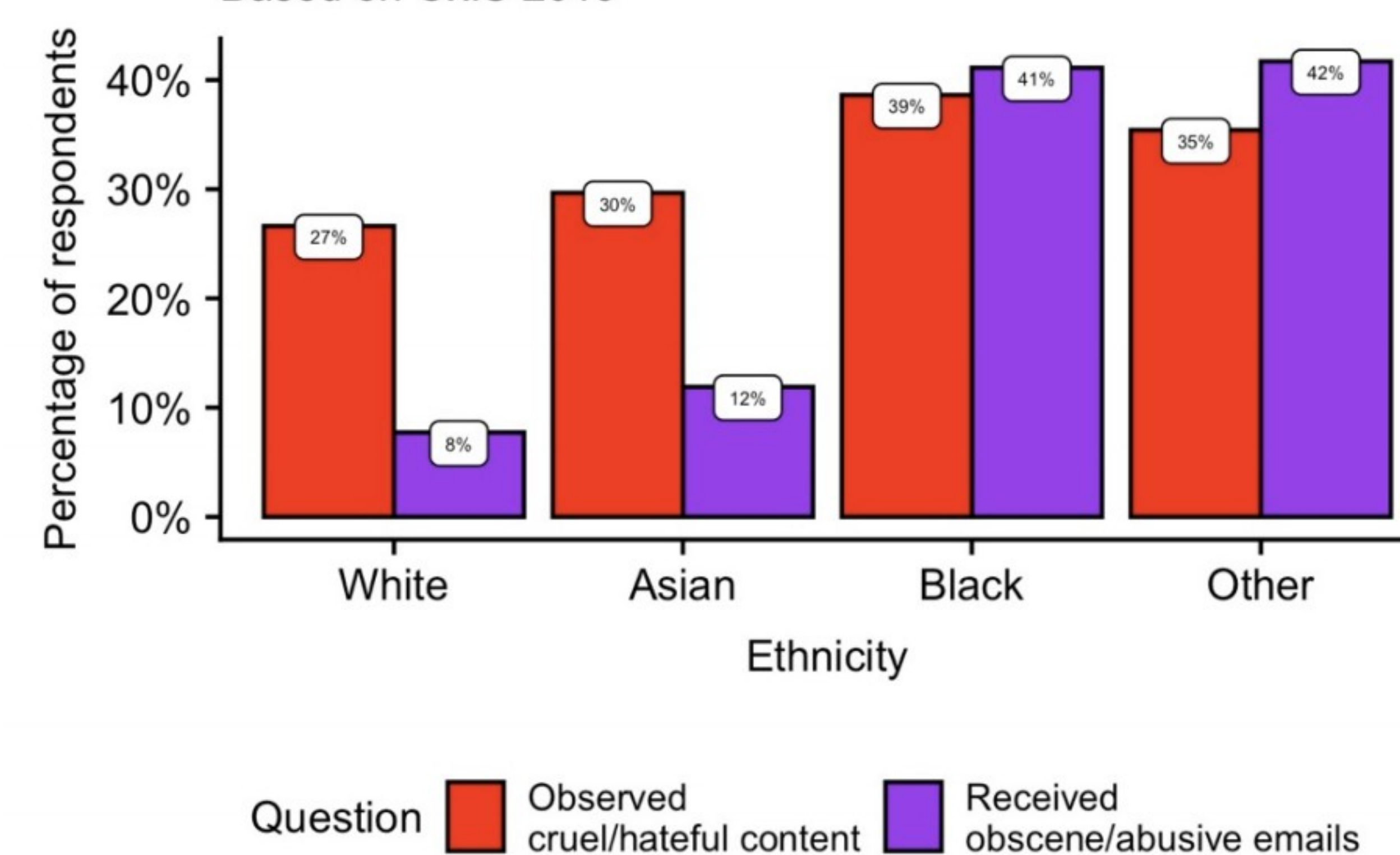
Overall, the current laws in place should be strengthened. Although they do cover the offences of online abuse and sexual exploitation, they do not protect the victims enough to prevent these offences from happening.

Q. How do you rate the response from these institutions?



Differences in experiences of online abuse split by Ethnicity

Based on OxIS 2019



WHO IS ABUSED?

Ethnicity: Black people and those of 'Other' ethnicities are far more likely to be targeted by, and exposed to, online abuse than White and Asian people

Age: Younger people are more likely to be targeted by, and exposed to, online abuse. They also spend more time online, which may partly explain this relationship

Gender: 55% of women say they experienced anxiety, stress or panic attacks, showing gender plays an important role in shaping experiences of online abuse.

People with disabilities: observe more online abuse than people without disabilities

WHERE ARE PEOPLE VULNERABLE?

- Social media platforms (Instagram, Twitter, Snapchat)
- Texting / Sexting Webcams
- Emails

TYPES OF OFFENCES

- Threatening communication & Hate Crime
- Harassment and Stalking
- Sexual Grooming / Exploitation
- Disclosure Without Consent
- Pile-on harassment (when several individuals send harassing communications)

CASE STUDY

R. v Woolner (Robert Alan) [2020] EWCA Crim 1245

Six months' imprisonment imposed on a 55-year-old offender after attempting to arrange or facilitate the commission of a child sex offence,

After exchanged sexually explicit messages online with a police officer purporting to be a 13-year-old boy, was unduly lenient.

The offence had been wrongly categorised falling within category 3A of the sexual offences sentencing guideline on the basis that no harm had or could have occurred.

Richard Donegan, 'Bullying And Cyberbullying: History, Statistics, Law, Prevention And Analysis' (2012) 3 The Elon Journal of Undergraduate Research in Communications. Online Abuse Of Women Widespread' (*Amnesty.org.uk*, 2020) <https://www.amnesty.org.uk/online-abuse-women-widespread?utm_source=google&utm_medium=grant&utm_campaign=AWA_HRUK_WMHR_online-abuse&utm_content=women%20online%20harassment> accessed 20 November 2020.