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Tackling sexual harassment

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Tackling digital sexual abuse: Latvian experience

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Introduction

In recent years, the number of child and teenage victims of digital sexual abuse (including sexual harassment on the Internet, access to pornographic material) has been on the rise in Latvia; in addition, children and teenagers engage in sexting, mostly by sending their nude pictures via their mobile phones.

This discussion paper will focus on the sexting problem in Latvia among minors. Despite the fact that the number of child and teenage victims of sexual violence on the Internet is on the rise, an exact number of victims is not known, since only some of them turn to the police and seek social and psychological help.

1.1 The situation in Latvia. Organisations involved in eradicating sexting and sexual harassment on the Internet

One factor that contributes to digital sexual abuse is the accessibility to the Internet. According to the data provided by the Latvia Internet Association (LIA)², Latvia has one of the fastest Internet speeds in Europe. In addition, the information published by LIA shows that 79% of the population use the Internet daily. A little less than a half of the citizens connected on the Internet use mobile Internet. The wide availability of mobile phones, the accessibility to the Internet, as well as the lack of knowledge regarding potential risks of using the Internet, have contributed to the increase of the problem of sexting in Latvia.

In various surveys children and teenagers admit that they lack understanding and knowledge in regards to safety on the Internet. The 2014 study conducted by Latvian Safer Internet Centre³ in Latvia shows that one in 10 teenagers has sent a nude picture of themselves to someone; in addition, 22% of their peers stated that they have received or seen a nude picture of a friend or acquaintance. The 2016 survey⁴ shows that 9% of the teenagers sent the nude picture themselves, whereas

¹ Center Dardedze - a non-governmental, non-profit organisation that advocates for childhood free from abuse. Professionals from Dardedze assist children victims of physical, sexual, emotional abuse or neglect, and also provide psychological and social and legal support to their families.

² Latvia Internet Association (LIA) is a public organisation that unites Latvian businessmen operating in the varied field of Internet services and are interested in the development of Latvian Internet environment.

³ The functioning of the Latvian Safer Internet Centre (www.drossinternets.lv) is ensured by the Latvia Internet Association with its partners - State Inspectorate for Protection of Children's Rights and the Local Governments Training centre of Latvia. The national co-financing is provided by the Ministry of Environmental Protection and Regional Development and the Institute of Mathematics and Computer Science of the University of Latvia (CERT.LV).

⁴ An Internet survey conducted by the Centre Dardedze in 2016.
<http://www.centrsdardedze.lv/lv/uzzinai/kampanas/kampana-es-tikai-parsutiju>

42% have received a nude picture of some other teenager on their phone. In May 2017, was conducted the study “Pupils’ Digital IQ”⁵, in which 42% of the respondents (young people aged 14-17) admit to “having sent a photo or video to my friend, which would embarrass me if it were published on social networks,” thus reflecting the poor knowledge in regards to risks and endangerment on the Internet.

- The Information Technology Security Incident Response Institution (Cert.lv⁶) states that lately every two weeks they have been encountering cases when a person’s private photos have been obtained and the person is then blackmailed. The private photos are obtained both via cybercrime and the victim’s sending the photos themselves. Among those that seek the help of Cert.lv, the majority are adults; however, some cases involve minors as well. Cert.lv has developed various informative materials on Internet safety that are aimed at pupils.⁷
- In Latvia, the Latvian Safer Internet Centre educates children, teachers and parents on Internet safety related issues, including possible digital sex harassment and sexting. Another type of activity carried out by the Latvian Safer Internet Centre involves ensuring a reporting line where it is possible to report illegal content on the Internet so that the undesirable content is removed. The organisation cooperates with the State Police in processing the received reports; in addition, it also cooperates internationally with organisations monitoring Internet safety in other countries. The Latvian Safer Internet Centre in cooperation with Papardes zieds⁸ has developed an educational film regarding sexting for young people, as well as working on educational materials for preventive exercises dedicated to instructing teachers as to how to talk with children and young people about Internet safety, including the problem of sexting, as well as teaching children what to do when encountering digital sexual abuse. Latvian Safer Internet Centre work in cooperation with different state and nongovernmental organisations (police, schools, libraries e.tc.), providing help to minors, parents, teachers and others professionals, also every year Net-Safe Latvia is organising safer internet day activities for pupils.
- The State Inspectorate for Protection of Children's Rights⁹ has created an educational film as well; it is used in the educational process in order to explain the risks children and teenagers expose themselves to by posting their personal information on the Internet, including sending someone their nude pictures. The Inspectorate also offers educational materials for teachers so that they can educate pupils on the problem of sexting and other Internet safety related topics.
- The National Centre for Education (NCE) has posted an educational material (developed by the Latvian Safer Internet Centre¹⁰) to be used by teachers when

⁵ <https://www.drossinternets.lv/page/415>

⁶ CERT.LV (Information Technology Security Incident Response Institution) is a division of the Institute of Mathematics and Computer Science of the University of Latvia, and it operates under the Ministry of Defence of the Republic of Latvia in accordance with the Law on the Security of Information Technologies.

⁷ <https://cert.lv/lv/par-mums/noderigi-materiali>

⁸ Organisation „Papardes zieds” (Latvia’s Family Planning and Sexual Health association) is a volunteer organisation and democratic public benefit organisation that was founded in 1994.

⁹ VBTAL (State Inspectorate for Protection of Children's Rights) is a direct management authority, which is subordinated to the Minister of Welfare and ensures the monitoring and control of compliance with laws and regulations that govern the sphere of protection of children's rights and Orphan's courts. www.bti.gov.lv

¹⁰ http://visc.gov.lv/vispizglitiba/saturs/metmat_citi.shtml

informing their pupils about Internet safety; however, the educational content and materials for teachers to be used in lessons devoted to informing pupils about safety focus more on the physical safety and safe environment, paying less attention to Internet safety.

- In its 2016 campaign “I Only Forwarded” the Center Dardedze urged teenagers not to forward their peers’ nude pictures, as well as not to send their own, as such actions are punishable by criminal law. In addition, the centre conducted a survey aimed at teenagers and their parents and developed an educational material for teachers focusing on the topic on how to inform pupils about the risks of sexting.
- The State Police points out that no teenager has been held criminally responsible for sexting, as the intent of the person sending their nude pictures or forwarding nude pictures of others is taken into account; however, forwarding a nude picture of a minor is classified as dissemination of pornography (Section 166 of the Criminal Law).

1.2 Legislation and Statistics

In Latvia, cybercrimes are investigated by the 4th Department (Combating Cybercrime and Protecting Intellectual Property Rights) of the Economic Crime Bureau of the State Police Central Criminal Police Department; however, most sexting cases are investigated in police stations and regional bureaus.

In Latvia, sexting is classified according to Section 166¹¹ of the Criminal Law - Violation of Provisions Regarding the Demonstration of a Pornographic Performance, Restriction of Entertainment of Intimate Nature and Handling of a Material of Pornographic Nature. The applicable punishment vary from deprivation of liberty for a term up to one year or temporary deprivation of liberty, or community service, or a fine to deprivation of liberty for a term of five years and up to fifteen years, with or without confiscation of property and with probationary supervision for a term up to three years.

According to the State Police data, in the first six months of 2017 there have been 10 girl victims (boys – 0) in accordance with Section 166 of the Criminal Law; in comparison with the same time period of the last year, the number of victims has increased (3 girl victims and 0 boy victims in 2016). When comparing the number of child victims over the years (in accordance with Section 166), the numbers are as follows: in 2016, 1 boy and 18 girls (19 in total); in 2015, 5 boys and 10 girls (15 in total); in 2014, 1 boy and 19 girls (20 in total); in 2013, 0 boys and 3 girls (3 in total); in 2012, one minor/juvenile person was involved or utilised in the production of a material of pornographic or erotic nature (Section 166, parts 3–5).

These data most likely do not reflect the actual number of victims, as pointed out by a representative of the Ministry of the Interior; during the meeting of the Saeima Defence, Interior Affairs and Anti-Corruption Commission in February 2017, she presented data on crimes that harm children. The representative points out that the society is not prepared to report these crimes. The employees and representatives of state organisations, non-governmental organisations and municipal institutions (schools) emphasise that the number of minor victims of digital sexual abuse,

¹¹ <https://likumi.lv/ta/id/88966-kriminallikums>

including sexting, is much higher than shown in the official data, since the majority of victims do not seek out help.

When looking at the breakdown of victims according to their gender (from 2013 to 2017), it becomes clear that the majority of victims are girls; however, there are some cases that prove that boys can fall victim to digital sexual abuse as well.

One of most significant cases of digital sexual abuse in Latvia was uncovered in 2015, when the State Police managed to track a man who had used a woman's name and sexually abused more than 1000 young people on the internet; the victims were both minors and barely legal boys aged 13–22. None of them had sought out the assistance of police, and the abuse had taken place over the time period of 7 years. (The man has been indicted for leading to depravity (in accordance with part one of Section 162 of the Criminal Law), violation of provisions regarding the demonstration of a pornographic performance, restriction of entertainment of intimate nature and handling of a material of pornographic nature (in accordance with part two of Section 166 of the Criminal Law), as well as for demonstration of a pornographic performance (in accordance with part three of Section 166 of the Criminal Law).

Girls comprise the majority of Internet sexual harassment victims; however, the aforementioned case proves that children and young people of both genders can fall victim to sexual abuse, especially on the Internet. Moreover, as evidenced by the experience of Latvia and other countries, boys are less likely to ask for help and to engage in conversations about their problems (most likely due to certain social norms, societal stereotypes or prejudices), thus these crimes are less likely to be disclosed.

2. Policy debate

In accordance with the EU data protection reform of 2016, Latvia has chosen the age of 16 as the age threshold until which children have to ask their parents for permission in order to register in a social network. The Ministry of Justice points out that the new EU data protection laws will enter into force provisionally in 2018. In regards to this threshold, the public opinion, as well as that of the experts, is by no means uniform. The possibility of increasing the online safety of children is welcome, as children and teenagers most often encounter potential abusers and are engaged in sexting and/or other digital sex crimes in social networks. At the same time, however, attention is drawn to the fact that some children will not ask their parents for permission, opting to lie about their true age instead, thus subjecting themselves to potential risks.

As stated in the Information Society Development Guidelines for 2014 – 2020 (developed by the Ministry of Environmental Protection and Regional Development)¹², it is necessary to educate and inform the whole society, especially children and young people, in regards to the safety of Internet content – the potential risks and threats on the Internet – by using, for example, specifically created informative and educational materials, social campaigns, such as those that have been realised and are still provided by the Latvian Safer Internet Centre in cooperation with the State Children Rights Protection Inspectorate.

¹² http://www.varam.gov.lv/lat/pol/ppd/e_parv/?doc=12648

In the Gender Equality Action Plan 2012–2014 (developed by the Ministry of Welfare) four directions of activities were outlined: minimisation of the gender specific roles and stereotypes, promotion of healthy and environmentally friendly lifestyle of women and men, promotion of economic independence and equal opportunities of men and women in the labour market, as well as monitoring and evaluation of the gender equality policy. The action plan states¹³ that the national funding allocated to its implementation is scarce and it was not increased during the planning period; opportunities to attract foreign financial aid were used, thus the measures were implemented by evaluating the capabilities of the available financial and human resources, as well as the priorities of the field. Specific measures that in the review period have been implemented partly or not at all are to be moved to the next planning period.

At the moment, the Ministry of Justice is developing the Sex crime prevention plan. The interinstitutional cooperation¹⁴ in Latvia is continuously improved in order to prevent sexual reoffending and violent crimes.

The available information indicates that various state institutions are hard at work in order to prevent various threats to the citizens, including minors.

3. Learning

There have been no comprehensive studies in Latvia, or their results are not publicly available, thus making it impossible to assess the real extent of the problem of sexting and sex crimes on the Internet, as well as measure the number of minors involved and the consequences of these particular crimes.

Initiatives in regards to educating parents on Internet safety, in particular the risks of sexting and other possible threats of sexual harassment on the Internet, are highly important.

The initiatives in Latvia are provided by different state and municipality institutions, thus the approach used in Denmark can be inspiring, as well as the Youth-to-Youth campaign on “good manners” on the Internet. Similarly, the Dialogue films for parents referred to in Denmark might also prove useful. Just as in Denmark, the topic of Internet safety should definitely be included in the school curriculum and given increased focus in secondary education on ethics.

Establishing a hotline for sexually abusive behaviour might prove to be useful in Latvia; currently, such a hotline does not exist.

It could be useful to have a study on boys and girls view on gender, body and sexuality.

4. Conclusion, challenges

Internet safety organisations (Latvian Safer Internet Centre) have been drawing the attention of the state to the necessity to provide additional education for children and young people in regards to safety on the Internet and the potential risks. The

¹³ <http://www.lm.gov.lv/text/330>

¹⁴ <http://www.ievp.gov.lv/index.php/154-latvija-tiek-pilnveidota-starpinstituciju-sadarbiba-atkartotu-dzimumnoziedzumu-un-vardarbigu-noziegumu-mazinasana>

educational content reform is under way; however, educating pupils on Internet safety is still largely the choice of each teacher, as well as the duty of parents.

The number of cases involving sexting and sexual harassment on the Internet continues to increase; thus, the fact that the work carried out by the state and non-governmental organisations is not systematic (possibly due to lack of resources) represents a challenge. The problem is brought up mostly by non-governmental organisations which work on Internet safety issues on a daily bases and provide help to abuse victims, including those who have suffered from digital abuse. At the same time it must be acknowledged that while campaigns, educational videos and movies draw attention to the problem, it is difficult to measure their impact.

The daily work with victims (including digital sexual harassment) shows that while some of them had been informed about the potential risks, they still fell victims to the abuse. The current situation indicates that the undertaken activities are insufficient and there is no systematic plan in regards to long-term combat of digital sexual abuse, which often crosses over to abuse in real life when the perpetrator meets the victim offline.