ISSN (Online): 2455-3662
EPRA International Journal of Multidisciplinary Research (IJMR) - Peer Reviewed Journal
Volume: 10| Issue: 8| August2024|| Journal DOI: 10.36713/epra2013 || SJIF Impact Factor 2024: 8.402 || ISI Value: 1.188

THE CHALLENGES OF INVESTIGATING AND PROSECUTING ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN

Joshua Lomibao Manipud
Master of Science in Criminal Justice with Specialization in Criminology, University of Cordilleras.

Article DOI: https://doi.org/10.36713/epra18017
DOI No: 10.36713/epra18017

ABSTRACT

This research explores the challenges and strategies involved in investigating and prosecuting online sexual abuse and exploitation of children (OSAEC) in the Philippines, with a concentration on the Philippine National Police's Women and Children Protection Desk (PNP-WCPD). The Philippines currently ranks second globally for the prevalence of OSAEC, with factors such as poverty, technology accessibility, and cultural beliefs contributing to this issue. The study points out significant challenges for law enforcement, such as resource limitations, a lack of specialized training, and the covert nature of OSAEC activities. It emphasizes the involvement of family members in these crimes and the acceptance of such behavior within communities to be significant obstacles. The study utilized a qualitative descriptive method, conducting semi-structured interviews with PNP WCPD officers who have experience in handling OSAEC cases. The key findings indicate that proactive collaboration with other government agencies, extensive information gathering, and victim protection are critical measures in dealing with OSAEC challenges. Despite limited resources, PNP WCPD officers collaborate with agencies like the NBI, ISPs, and barangay officials to improve investigation and prosecution procedures. The study finds that an effective response to OSAEC cases requires a victim-centered, multi-agency strategy.

KEYWORDS: *Sexual Abuse, Exploitation, Children, Inter-agency Collaboration*

INTRODUCTION

The Philippines currently ranks second globally for the prevalence of online sexual abuse and exploitation of children (OSAEC), and emerged as the center of child sex abuse materials production in the world, with 80% of Filipino children vulnerable to online sexual abuse, some facilitated even by their own parents. As articulated in Article 19 of the United Nations' Convention of the Rights of Children (CRC), online sexual exploitation of children is an emerging issue that violates the right of children to be protected from abuse and exploitation (UN, 1990). This crime against children is considered an act of sexual violence comprising of sexual activity or attempted sexual activity imposed by an adult on a child, causing harm and hindering the development of the child's full potential as a human being (ASEAN, 2016).

With this, online sexual exploitation of children refers to a broad category of online sex offending that includes, but is not limited to, possession or distribution of previously produced CSEM, enticing children to "self-produce" new CSEM, and grooming children for later contact abuse. (R.A. 11930)

In connection, online child sexual exploitation perpetuates in the family due to the parents' distorted belief that it is acceptable and harmless since there is no physical touch and sexual intercourse involved (Kuhlmann & Auren, 2013; Ramiro et al., 2019; Terre des Hommes, 2013; Varella, 2017). Moreover, in view of the Filipino family values of utang na loob, some parents appeal to the child's sense of obligation to help provide for the family in order to persuade, manipulate, and subject them to engage in such abuse (Hernandez et al., 2018; Kuhlmann & Auren, 2013; Terre des Hommes, 2013a; UNICEF, 2016).

In this report, the distorted belief of a parents, Filipino values, and the normalization of this form of abuse lead to the proliferation of OSAEC cases in the Philippines. From March 1 to May 24 in 2020, there were 279,166 reported incidents of OSAEC in the Philippines made through the NCMEC and as cited by the Office of Cybercrime of the Philippines. In terms of cyber tip line reports, some 3,188,793 were captured by NCMEC in 2021, higher by 138 percent than the 1,339,597 reports in 2020. Nearly half a million children in the Philippines were estimated to have been trafficked to produce new child sexual exploitation materials in 2022 (Situation of children.org, 2023).

Due to the increasing rate of OSAEC, the Philippines government signed into law the Republic Act No. 11930, "Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act." amending the 2009 Anti-Child Pornography Law to create stricter proscriptions on the production of CSEM.

While it is clear that law enforcement is becoming increasingly focused on OSAEC-related incidents, there remains a paucity of research on the challenges encountered, and the strategies that law enforcement officers employed in the investigation and

ISSN (Online): 2455-3662
EPRA International Journal of Multidisciplinary Research (IJMR) - Peer Reviewed Journal
Volume: 10| Issue: 8| August2024|| Journal DOI: 10.36713/epra2013 || SJIF Impact Factor 2024: 8.402 || ISI Value: 1.188

prosecution of OSAEC-related incidents. To address these issues, this study provides a general idea about the challenges and strategies in the investigation of OSAEC-related incidents.

Statement of the Problem

This study aims to identify the challenges of investigating and prosecuting online sexual abuse or exploitation of children (OSAEC),

Specifically, the researcher seek to answer the following questions:

1. What are the challenges encountered by the PNP officers in the investigation and prosecution of OSAEC-related incident?
2. What are the strategies employed by the PNP officer to address the challenges encountered in the investigation and prosecution of OSAEC-related incident?

METHODOLOGY

Research Design

The researcher utilized qualitative approach specifically descriptive- research employing semi-structured, face-to-face, in-depth interviews. According to Shields and Rangarjan (2013), a descriptive research design is used to describe the characteristics of a population or phenomenon being studied. It does not provide answers to the questions of how/when/why the characteristics arose. Rather, it answers the question of "what." Since the research was based primarily on the interview, this method was appropriate in obtaining information from the participants, especially to answer the objective of this research.

Population and Locale of the Study

The participants of this study were composed of PNP officers in the Women and Children Protection Desk, and they were selected based on purposive sampling. The criteria for choosing the participants are: (1) they must be an active member of the Philippine National Police and assigned to the Women and Children Protection Desk; (2) they must have experience in responding to and rescuing victims of OSAEC-related incidents; and (3) they must have experience in conducting investigations regarding OSAEC-related incidents. The fact that they are officers in PNP-WCPD, their knowledge and experience in investigating and prosecuting OSAEC-related incidents is important in this study. This study was conducted at the PNP Urdaneta City, Pangasinan. The researcher chose it as the locale of the study since the PNP, Urdaneta City received several reports regarding OSAEC-related incidents.

Data Gathering Tool.

The instrument that was used in this study to collect data from the participants was a semi-structured interview to determine the challenges encountered by the PNP officers in the investigation and prosecution of OSAEC-related incidents, and the strategies employed by the PNP officers to address the challenges encountered in the investigation and prosecution of OSAEC-related incidents. The interview guide was prepared and serve as a guide to gather factual information from the participants that were useful for this study.

Treatment of Data

With the use of the interview guide, questions and answers were recorded in narrative form. After data collection, all the opinions were analyzed and presented in thematic analysis. The collected data were analyzed, and codes were Identified, collated, and discussed. The recorded interview and transcribed texts were reviewed repeatedly to extract themes based on their similarities and differences. In addition, the study of Kwi-Soon and Bok-Sun (2009), states that the credibility were verified by making the participants review the interview descriptions to ensure accuracy. To achieve credibility, participants were contacted to seek verifications of the formulated meanings and clustered themes based on their narratives. Participants were manifest that what the researcher writes is what they want to convey.

RESULT AND DISCUSSION

What are the challenges encountered by the PNP officers in the investigation and prosecution of OSAEC-related incident?

Resource and Operational Limitations

This theme encompasses the challenges related to the lack of resources, supplies, and specialized training, as well as operational challenges that hinder effective investigation and resolution of OSAEC cases. This theme was elaborated below:

There is a lack of funds, resources, and trained personnel dedicated to identifying and apprehending suspects. The participants hold that:

> Participant 1: "We lack funds and resources to really identify and catch the suspects. We also lack trained personnel to investigate such cases."
> Participant 2: *"The Urdaneta PNP does not have the equipment to know the real culprit."*
> Participant 3: "There is really a lack of resources, so it is difficult to handle this kind of case."

In addition, OSAEC activities are carried out covertly, making detection and intervention more difficult. Participant 3 holds that:

> *"*...it is difficult for the officers to identify or know immediately about such incidents because they are done it covertly."

It can be inferred that limited resources and a shortage of trained personnel can greatly diminish the effectiveness of investigations. This hampers the ability to identify and capture suspects, which can lead to lower success rates in solving cases and securing justice. As a result, the community's overall safety and security might be at risk if suspects are not caught promptly.

Challenges in Suspect and Victim Interaction

This theme explores the myriad issues that arise from the interactions and dynamics between victims and suspects, such as victim vulnerability, suspect anonymity, and complex victim-suspect relationships.

Suspects often use tools to conceal their identity and location. Participant 1 reported that:

ISSN (Online): 2455-3662
EPRA International Journal of Multidisciplinary Research (IJMR) - Peer Reviewed Journal
Volume: 10| Issue: 8| August2024|| Journal DOI: 10.36713/epra2013 || SJIF Impact Factor 2024: 8.402 || ISI Value: 1.188

"In my experience, the most common challenge for us is that we do not know the identity of the suspect. They use tools to hide their identity and their location."

Moreover, in some instances, the victim's family or relatives may encourage the production of obscene videos. Some participants explain that:

Participant 2: "There are instances where the perpetrator has a relationship with the victim who is encouraged to send nude photos or videos…"

Participant 3: "And sometimes, it is actually the victim's family or relatives who encourage them to make obscene videos…"

In connection with that, some parents justify their actions by claiming that as long as they receive money and there is no physical contact, it is acceptable. Participant 3 holds that:

"The parent's reason is that as long as they have money, it is okay since there is no such thing as physical contact, so it seems that such an incident is tolerated."

Furthermore, the victims involved are children, which adds a layer of sensitivity and complexity. Participant 3 reported that:

"Maybe a challenge in such cases is the victims because they are children. They are more sensitive than adults, so the approach should be careful."

The researcher concludes that the involvement of family members and the covert nature of the incidents significantly complicate investigations of OSAEC. Ensuring the protection and psychological well-being of child victims requires specialized approaches and trained personnel in which PNP is significantly lacking. And the rationalization of the family of the victim can lead to a normalization of such behavior within certain communities, making it more difficult to combat and prevent.

What are the strategies employed by the PNP officer to address the challenges encountered in the investigation and prosecution of OSAEC-related incident?

Strategic Collaboration and Resource Optimization

This theme emphasizes the importance of building strong partnerships and increasing the capacity of the workforce. By working with various agencies and ensuring a trained and capable team, the efforts against OSAEC can be more effective and coordinated.

The involvement of barangay officials, NBI, ISPs, and other government agencies provides a comprehensive support system for identifying offenders. Participant 1 reported that:

"The method we are using to determine the identity of the offenders is to communicate with our barangay officials, the NBI, the internet service provider, and other government agencies."

In support, barangay officials help in investigating the suspect's identity and background, leveraging their local knowledge and community connections. Some participants explain that:

Participant 2: "Through barangay officials, the culprit is being investigated to determine his true identity."

Partiicipant 3: "In the investigation, it is important to have the support of the LGU, DSWD, and barangay officials because they are the ones who can help the victim as well as hold the offenders accountable."

In connection, limited funds and resources hinder the organization's ability to independently address OSAEC cases. Hence, the PNP WCPD's ability to make progress in OSAEC cases is contingent upon the support of other agencies. Participant 2 holds that:

"The only thing we can do, because we lack funds and resources, is to collaborate with government agencies that have enough equipment and trained personnel. Because if it's just us, the case won't really progress."

The researcher inferred that each agency brings unique strengths to the case. Barangay officials contribute local knowledge, the NBI offers technical investigative expertise, ISPs provide technical data, and other government agencies bring additional resources and support. This multi-faceted approach is crucial for addressing the complex nature of OSAEC.

Comprehensive Intelligence and Victim Security

This theme focuses on thorough intelligence operations and the security of victims. It highlights the need for detailed intelligence gathering and protective measures to ensure that child victims are safe and supported during and after operations.

The victim in OSAEC is a child that requires more sensitive approach, and this complicates the investigation. One of the strategies employed by the PNP WCPD during response procedure is the involvement of LSWDO to ensures that the safety and well-being of the child are prioritized. Participant 3 declares that:

"...In responding, LSWDO and WCPD are with us to ensure the safety of the child."

In support, DSWD offers counseling and other support services to victims, which are crucial for their psychological recovery and well-being. Also, DSWD personnel participate in rescue operations, ensuring that victims are safely removed from harmful environments and immediately provided with necessary care. Participant 1 explained that:

"DSWD helps us because they offer counseling and other support services to the victim. They are also with us in rescuing the victim."

Moreover, PNP organization conducts intelligence gathering both online and in physical spaces. At the same time, barangay officials participate in the intelligence-gathering process, leveraging their local knowledge and community connections. Hence, the integrated intelligence approach enables the identification of perpetrators, even if they are family members of the victim. Participant 3 holds that:

ISSN (Online): 2455-3662
EPRA International Journal of Multidisciplinary Research (IJMR) - Peer Reviewed Journal
Volume: 10| Issue: 8| August2024|| Journal DOI: 10.36713/epra2013 || SJIF Impact Factor 2024: 8.402 || ISI Value: 1.188

> "We have an intelligence gathering that is done either online or physically and we are also with the barangay officials, so when there is a case like that, even if the perpetrator is the victim's family, we can still identify it."

On top of that, there is proactive investigation conducted by the Anti-cybercrime group and intelligence group. Anti-Cybercrime Group (ACG) is responsible for online monitoring and initial detection of suspicious activities. While the Intelligence Group (IG) engage in intelligence gathering and collaborates with other units to monitor online activities for OSAEC-related activities. Participant 1 reported that:

> "In proactive investigations, usually the ones who do that are our anti-cybercrime groups here at the PNP and the Intelligence Group. They will conduct online or social media monitoring so that we can see suspicious activities. Intelligence gathering is also one strategy because we collaborate with service providers to get information on suspicious activities and the IP addresses of the perpetrators."

The researcher concludes that, anonymity of suspect can be solved by taking initiatives to conduct an extensive intelligence gathering both online and physical spaces. Monitoring and intelligence gathering enable early identification of suspicious activities, allowing for preemptive action. The involvement of DSWS for victim's welfare is crucial considering the nature of the victim. Lastly, the involvement of specialized units like ACG and IG ensures that investigations are conducted with high levels of expertise in cybercrime.

CONCLUSION

Based on the data analyzed and the findings of the study, the researcher deduced the following conclusions:

1. The challenges faced by the PNP WCPD personnel add a disturbing layer of complexity to the investigation and prosecution of OSAEC and hinder their ability to effectively address these complex cases. This underscores the urgent need for enhanced resources, training, and multi-agency efforts to effectively address OSAEC cases.
2. The strategy employed by the PNP WCPD personnel compensates for the challenges they encountered during the investigation and prosecution of OSAEC cases. The combination of different agencies and sectors as a strategy significantly strengthens the PNP WCPD's ability to address the OSAEC effectively, despite the numerous challenges they face.

RECOMMENDATION

Based on the findings and conclusions mentioned above, the researcher suggests the following recommendations:

1. Establish a specialized training program for all PNP-WCPD and ACG personnel focused on the investigation and prosecution of OSAEC cases.
2. Formalize a multi-sectoral task force for OSAEC cases to streamline and strengthen inter-agency collaboration.
3. The Philippine Government should enhance budget allocations and resources specifically targeted toward addressing OSAEC cases.
4. One of the limitations of this study is the scope of the study; the data was gathered only on PNP WCPD; consequently, the researcher recommends to future researchers who want to replicate this study that they increase the scope of the study by gathering data also on the Office of Cybercrime, WCPC, NBI, and other concerned agencies to have a more in-depth and scientific study.

REFERENCES

1. *ASEAN Regional Plan of Action on the elimination of Violence Against Children (2016) https://asean.org/wp-content/uploads/2021/01/ASEAN-Regional-Plan-of-Action-on-the- Elimination-of-Violence-against-Children-RPA-on-EVAC-2016-in-collaboration-with-SOMSWD-ENG.pdf*
2. *Kuhlmann, D.F., & Aurén, S. (2015). Nipa Huts with High Speed Internet: Commercial Exploitation of Children in the 21st Century. A Qualitative investigation of Webcam Child Prostitution in the Philippines. Retrieved from: https://lup.lub.lu.se/studentpapers/search/publication/5424968*
3. *Ramiro, L. S., Martinez, A. B., Tan, J. R. D., Mariano, K., Miranda, G. M. J., & Bautista, G. (2019). Online child sexual exploitation and abuse: A community diagnosis using the social norms theory. Child Abuse & Neglect, 96. Retrieved From: https://pubmed.ncbi.nlm.nih.gov/31454619/*
4. *Republic Act No. 11930.* (2022). *An act defining and penalizing online sexual exploitation of children and for other*purposes. *Retrieved from:https://lawphil.net/statutes/repacts/ra2022/ra_11930_2022.html*
5. *Situation of Children in the Philippines (2023), Online Sexual Abuse and Exploitation of Children. Retrieved from: https://situationofchildren.org/sites/default/files/2024-03/scr-u0304-2023-v.01.pdf*
6. *Terre des Hommes (2013a). Fullscreen on View – An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines. Terre des*
7. *Varella, (2017). Live streaming of child sexual abuse: Background, legislative frameworks and the experience of the Philippines. ECPAT International Journal, 12, 47-61. Retrieved from: https://humantraffickingsearch.org/wp-content/uploads/2017/06/Phillippines.pdf*