

“Victimization of children by cyber-bullies and online groomers: minor netizens facing the Web’s reality”

by Christos K. Spyropoulos

I. Introduction

Attempting to assess and understand the international problem of cyber-bullying and online grooming, what should be realised is the complexity of the field under examination: the nature of the World Wide Web as a virtual place, where anonymity in combination with vast quantities of information form a dangerous mix, is a factor that cannot be misregarded, as it shapes the theoretical platform on which the pathology of the Internet is analysed and, at the same time, guarantees for the freedom of online speech. The ongoing technological advance in all types of devices connected to the Internet, from mobile phones and i-Pods to online games and chat software, signifies not only the inevitably easy access of everyone to the Net, but also the responsibility of the manufacturers and the retailers of the upper devices, the webmasters, the law enforcement authorities, the teachers and the parents when the matter refers to the safety of children surfing the Net. Moreover, the eagerness of a child to discover new ways of entertainment, added to the social networking culture imposed nowadays, opens the door for Internet navigation since its early age. Baring in mind the vulnerability of a child’s psychology and the detrimental effects on it caused by a direct and continuous attack from an online bully or groomer, it is obvious that education related to the use of the Internet’s services and the confrontation of abuse tactics must be given to minor netizens. Even biology can be helpful in estimating and managing the risks of using the Internet from an early age, as it provides evidence on childrens’ brain development and their ability to learn and understand, picturing a key part of their brain called frontal cortex, which mediates their experience and behaviour¹.

In addition to the above parameters of the problem, the different ways in which cyber-bullying and online grooming appear have broadened their definition. Using the Internet in order to embarrass, threaten or defame a child is only one aspect of a cyber-bully’s activity; furthermore, manipulating a child via the Web with the intention of sexually enticing and abusing it partially characterizes an online groomer. The variety of the causes and the methods of being a bully/groomer or being bullied/groomed forms a wide area of case law while posing a crucial question: should any insult of the child’s personality be legally considered as bullying or grooming and, if not, until which point the freedom of speech should be protected? The answer to this question is to be given by the legal framework of each country or larger geographical unity; no matter how difficult it is to harmonize different opinions on the criminal nature of such online behaviours, the milestone of every effort is the safety of the child as a member socialized through the Web community. To this end, measures have already been taken, either by the state or by social groups, through legislation, awareness campaigns and codes of conduct online.

II. Cyber-bullying and online grooming

1. A. Cyber-bullying defined and compared to traditional bullying: The situation in which a child, preteen or teen is continuously threatened, harassed, humiliated, embarrassed or otherwise targeted by another minor using the Internet, interactive and digital technologies or mobile phones is defined as “cyber-bullying”². When the victim and the bully are adults, this situation is called “cyber-stalking”. Attempting to describe a bully’s behaviour, much help is given by recalling the bully stereotype at school: more often boys³, socially rejected and full of anger for anything

moral imposed on them by their parents or teachers, try to become the leaders of their class by humiliating other students- either by threatening their private life or by defaming them regarding to their appearance, their physical or verbal disability or even to their disability to participate in sports. In extreme situations, threats against the life of the victim or actions of physical violence take place and demand legal prosecution to be enforced. Nowadays, in a parallel direction of school life goes the Internet life. In Germany, for example, where cyber-bullying is also named as “handy-mobbing”(focused on violence via mobile phone) and “Internet-mobbing”⁴, children and teens spend approximately two hours per day on the Internet using search engines, sending instant messages or e-mails, chatting, watching videos and playing online games. Children of five years old have become more familiar to using the pc and surfing the Net than their own parents and, in such a case, it comes very natural for a child to encapsulate the Internet in its daily entertainment programme. Under this light, the communication of the child via the Web with his schoolfriends facilitates the ways of interaction and socializes him in a different way: while sitting at his room, he plays online games and gossips against his classmate, making bad thoughts for him. By simply clicking the “send” button in a chatroom where he chats with his close friends, he can defame his enemy by calling him names, threatening him, sharing personal information of him, sending bad jokes of him, stealing his passwords e.t.c. It becomes clear that the technology, as it refers to cyber-bullying, serves the mean purposes of the bully, as it makes it easier for him to remain anonymous by using a pseudonym without being supervised or suspected by others. In addition, technology devices (as mobile phones that are inseparable from their owners) and chat consoles facilitate the instant access to the victim, thus making him more vulnerable, except if he chooses to abandon the chatroom in question or change his cellular phone number. As a conclusion, we realize that the physical presence of the traditional bully at school or neighbourhood has been replaced by the relaxed anonymous online surfer who uses a variety of methods to find, access and embarrass his victim over a vast number of people in comparison to the school society.

B. Ways of cyber-bullying: The abovementioned established use of the Internet by the minors, combined with the technological alternative means of communicating with each other, forms a wide cyber-bullying field: from instant messaging in chatrooms and text messaging on mobile phones which contain lewd language, offensive photos or personal videos to stealing passwords and leaving the victim out of his own account or sending viruses, the bully’s activities could leave the average Net user speechless. In other cases, the bully reveals on a blog personal information (true or false) about his victim’s private life or, even worse, while pretending to be his victim, he sets up a blog or a profile page and announces personal details in order to humiliate him. Moreover, sending nude or degrading pictures of the victim through mass e-mails to hundreds of unknown recipients or posting online the victim’s photo after taking a picture of him in a dressing room or a bathroom is a common tactic among cyberbullies. Furthermore, sending porn and other junk e-mails and instant messages to the mailbox of the victim in order to make him change his e-mail account or be punished by his parents is another favourite “joke” of cyberbullies. Even in interactive gaming (X-Box Live, Sony Play Station 2 Network), cyberbullies verbally abuse their victim or lock him out of games or hack into their accounts. In addition, posing as his victim, the cyberbully may create a website with hostile content against a group of people (racism, sexism, sport team) and reveal his victim’s name, address and telephone number so as to provoke an attack against him. The aspect of impersonation of the victim, i.e. that the cyberbully pretends to be his

victim, appears in different ways as, for instance, when sending spam or threats to others or when breaking the rules of a chatroom posing as the victim. What comes out of the above puzzle is the wide range of techniques between which the cyberbully can choose so as to harm his victim by exposing him to an uncountable mass of people. It is also obvious that measures should be taken on the right use of the Internet by minors. But, after all, what makes children become bullies?

C. Causes of cyber-bullying: As stated previously, the Internet by its structure allows immediate contact with a large number of people and instant flow of any kind of information while the technology devices that provide connection to the Web are easily accessed by children. As a consequence, the minor bully who has the power to harass using his mobile, his game console or his pc will have to set limits to his freedom, otherwise his actions will run out of control as a result of his immature ego and the lack of full consciousness of the effects on the victim. Some cyberbullies embarrass their victims just because they are bored and have so much time on their hands, others in order to get a reaction and, in that way, a sense of attention. Anger, frustration, social rejection and indifference to education are also a motivation for the cyberbully. Having a low academic self-concept or a negative emotional relationship with parents or showing problematic school-related behaviour or internet-related dissocial behaviour (e.g. visiting frequently chatrooms with pornographic or fascist content) are some of the bully's characteristics. Moreover, the "revenge of the Nerd" syndrome reminds us how easily a cyberbully's victim can become a cyberbully by himself when the anxiety to defend himself from bullying makes him act as a bully so as to create the impression of the tough guy. Undoubtedly, no matter the social, religious, psychological or educational reasons of acting as a bully, the effects on the victim's life can be detrimental.

D. Effects of cyber-bullying: The creation of feelings such as fear, depression or low self-esteem follows the cyberbully's attack to his victim⁵ when, at the same time, an increased suicidal ideation can lead the victim to commit suicide. Another symptom is the self-isolation of the victim from its friends and favourite activities. Depending on the closeness of the relationship the victim has with his parents or teachers, the effects may vary from simple anxiety to deep depression, aggressiveness and feeling of revenge and cyber-bullying back⁶. In other words, the victim is being heavily stressed due to his exposure to unknown people and it's mainly up to his character to regain self-confidence or give up. On the other hand, it is quite sure that the impunishment of the cyberbully can only lead him to harass and embarrass even more victims and spread hatred through his social community.

E. Anonymity: facilitating bullies' activity, restraining law enforcement: As stated above, interacting anonymously in cyberspace is a commonplace and "the virtual worlds are laboratories for the construction of identity" where people feel more like their real selves than in the physical world⁷. Thus, a single person can create multiple electronic identities and accounts, making it obvious that in the Net disembodied world identity is very ambiguous and that people can remain "hidden". This sense of anonymity reduces self-restraint of the bully, engages him in behaviours that exceed social norms and makes him express himself more openly⁸. It is the false sense of power this anonymity creates that leads the bully to act aggressively and without control of any authority. Referring to child Net surfing, it is true that "When you're growing up, your parents tell you not to talk to strangers, but the whole point of the Internet is to talk to strangers".⁹ Combined with the abovementioned eagerness of the bully to be covered or impersonate his victim, his mental immaturity and the fact that once posted on the Internet, defamatory material

can potentially be downloaded by millions of people, the victim's shame or fear of being exposed to parents, teachers or friends maintains the harassment. Facing this new phenomenon, many countries have taken a stand against cyber-bullying, even though it cannot be geographically focused and confronted because it refers to the whole World Wide Web community. In the United States, for instance, apart from article 18 U.S.C. §875 (c) that criminalizes the making of threats via the Internet, California passed one of the first laws in States (Assembly Bill 86 2008) which gives school administrators the authority to discipline students for bullying others offline or online.¹⁰ The Megan Meier Cyberbullying Prevention Act¹¹ was a step further, as it demonstrates that "Whoever transmits in interstate or foreign commerce any communication, with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person, using electronic means to support severe, repeated, and hostile behavior, shall be fined under this title or imprisoned not more than two years, or both"¹², even though it has been accused of being wide and strict.¹³ All States have followed up by setting a legal framework either in penal or civil law.¹⁴ In the UK, where cyber-bullying is dealt with a combined application of Acts¹⁵, it is possible for an Internet Service Provider (ISP) to be liable for its hosted sites' content in the sense that it should treat a notice of complaint seriously and investigate it immediately.¹⁶ The Education and Inspections Act (2006) gives the legal power to the head teachers to confiscate mobile phones and other items when pupils are off-site. In Canada, publishing a web page or posting on a blogspot false information for a person that could entice other people to ridicule him, is punished with up to 5 years imprisonment and section 264 makes harassment through electronic communications illegal¹⁷. Spain also does not have specific legislation for cyber-bullying¹⁸ and application of harassment penal or civil legislation comes as a solution. In Greece¹⁹, the matter is also dealt with the application of civil law legislation related to the right of a person to keep his name and personality clear from any defamation and harassment and, as a result, no specific protection is being provided, leaving, in that way, the estimation of the person's harm on the judgement of the court.

F. Case law: The ways under which cyber-bullying occurs and the effects on the victim form a number of cases that vary from simple defamation or trickery to committing suicide. In Spain, for instance, the posting on the Net of a girl with Down Syndrome who was recorded while she was being mocked by her companions in 2006 had a big impact on public opinion whilst it was followed by similar postings of group attacks to other people that were recorded with a cell phone²⁰. In Greece, postings on blogs showing group raping in school caused a social "earthquake" and brought up the matter of student bringing their cell phones at school. A typical case that shows how detrimental the effects on the victim's psychology can be is the "bullycide" (suicide due to cyber-bullying) of Megan Meier from Missouri²¹. Megan, who was diagnosed with attention deficit disorder and depression and considered herself overweight, created an account on MySpace, where she received a message supposedly from a 16 year old boy called Josh Evans, with whom they started chatting online and became friends but never met each other. On October 15, 2006, "Josh's" messages became hostile, as he declared that he did not want to be friends with Megan anymore because he had heard she was not very nice to her friends and declared that everybody in her neighborhood knew that she was a bad person and hated her and he wished she died. After 20 minutes, Megan was found hanged in her bedroom closet, having sent a message to Josh saying "You're the kind of boy a girl would kill herself over". In fact, the person that had created the account on MySpace with the false name "Josh Evans" was Lori Drew, mother of Megan's friend, with

whom Megan had a falling out. After having admitted the creation of the account, Drew said that the purpose of her pervasive activity was to gain Megan's confidence and find out what Megan felt about her daughter and other people, while, in fact, she aimed at getting information about Megan and then humiliate her in retribution for Megan's gossip about her daughter. The case led to the adoption of "Megan Meier Cyberbullying Prevention Act". Under similar circumstances, 15-year-old Phoebe Prince from Massachusetts, committed suicide after experiencing extreme levels of cyber-bullying from her classmates, nine of which were charged with crimes such as violation of civil rights, criminal harassment and disturbing a school assembly²². In a parallel aspect, the case of Jessica Leonhardt from Florida, with the nickname "Jessi Slaughter", sheds some light on the feeling of revenge and "cyber-bullying back" of the victim: Jessica, feeling anxiety and anger caused by the continuous bullying of her classmates who posted online information regarding her alleged sexual history, posted online videos threatening in harsh language to kill her online attackers²³. What comes out as a conclusion from the above brief case law reference is the unpredictable psychological effects cyber-bullying can have on several minors and the extreme grief, depression and isolation the victims often feel when being harassed and exposed.

G. Awareness campaigns and preventive measures: Apart from the legislation that permits law enforcement in the field of civil or criminal law, multiple non-profit organizations provide help to the victims by advising them, reporting offences to the police and setting up awareness campaigns. It seems that society has realized that legislation is not enough and prevention is more effective than trying to cure the wounds of cyberbullying and, through those campaigns, informs all the involved factors, i.e. parents, teachers, law enforcement authorities, online game manufacturers, sites' designers, web service providers and, of course, children, so as to eliminate the spread of violence and harassment via the Net. In that sense, organizations such as Protegeles²⁴, PantallasAmigas²⁵, FoundationAlia2, Actua Contra el Ciberacoso, Agencia Espanola de Proteccion de Datos, the National Communications Technology Institute, try to educate children on the use of the Internet services while giving parents safety tips for the surveillance of their kids. In the United States, the National Crime Prevention Council²⁶, the STOP Cyberbullying²⁷ and the AASA (American Association of School Administrators)²⁸ and in the UK the National Children's Bureau and Childline²⁹, after defining the phenomenon, recognize the responsibility of the teachers and the parents and criticize on the executives of popular sites like Facebook, MySpace or Microsoft, whose preventive mission is underestimated. In Poland, Saferinternet.pl and Dyzurnet.pl, apart from promoting safer use of the Internet by children, receive reports about illegal Internet content such as child abuse images, racism and xenophobia. Greece follows this direction with Saferinternet.gr. and the European Commission has already launched a multi-dimensional campaign based on the co-operation of all sectors involved (kids' representatives, parents, teachers, Web stakeholders, tech manufacturers) so as to set a limit on cyber-bullying and adopt a general code of conduct against the phenomenon, reviewing the possibility of imposing a specific legal framework according to the matter³⁰. Starting from the parents' role, what they have to bear in mind is that they should be trustful and calm and not overreact, as they usually do, when their child tells them he has been harassed. They also need to be aware of the basic technology application of the Internet so as to control efficiently the inevitable "socialization" procedure of their kids when chatting, playing games online or texting online their mobile phones; in this direction, parental control

software is very useful as, for example, it can block “bad words” in search engines or, in the case of the monitoring product Spectorsoft³¹, it automatically saves and collects all electronic data needed to report, investigate and prosecute the cyberbully. The tech industry and game console manufacturers should also be able to self-regulate advertising of mobile phones and online games and verify them under age and brain-development criteria. Moreover, ISPs should ensure that home pc’s have parental control software which is easily installed when the pc connection is set up. Popular sites such as Facebook, MySpace, Hi5, MSN or Yahoo!Messenger should also facilitate the report of cyberbullying activity³² and adopt a voluntary code of practice on the moderation of chatrooms based on user generated content³³. School’s role is also very important: new teachers entering the profession should be equipped with e-safety knowledge and skills in order to educate young people to be aware of online risks and deal with them when necessary. They should also teach the kids not to tolerate the cyberbullie’s harsh attacks neither to try cyber-bullying back but to report anything harmful that violates their right to privacy and personality; moreover, children should be reminded that being socialized is not defined solely by being connected and sending instant messages but also by doing sports, reading a book or taking care of a pet. It is quite obvious that children do not need mere protection, they firstly need guidance so as to go successively through the trial and error online and learn to survive by their own³⁴.

2. A. Online grooming defined and the grooming process: Grooming (or allogrooming) is an activity that takes place amongst animals (or humans) which, in a group, clean or maintain each other’s body or appearance, serving, in that way, as a means of reinforcing social relationships or reconciliation³⁵. In the human sector, grooming is related to romance, trust, family affection and careness. Online grooming is defined as the process of socialisation, during which an offender interacts with a child by getting to know him and befriend him in order to prepare him for sexual abuse³⁶Being a kind of cybercrime, as it contains online harassment (like in cyber-bullying), online grooming can also be used as a previous step of committing more serious crimes such as rape, distribution of child pornography or even homicide. For that reason, analysts have attempted to shed more light in the procedure under which the child molesters approach and entice minors on the Net with intention to manipulate them and sexually abuse them. Keeping in mind that,for an average groomer, it takes less than eight minutes to talk for a sexual topic to his victim, it is urgent to face this “hit and run”tactic with measures referring to the kid’s education, his parents’and teachers’technological awareness, the police’s investigative eagerness, the legislation’s clear definition and fair punishment and the webmasters’co-operation. Invading the child’s virtual online world either posing too as a minor or not, the pervert molester tries to become his friend by talking in a way similar to a child (e.g. *hiya...wanna be friends?*)³⁷. A discussion follows regarding to general topics such as school, favourite sports team or music or activities, showing the groomer’s purpose to isolate the child and become his best friend. Not forgetting the risk he runs of being detected, the online attacker asks the child questions that help him estimate this risk, such as, where’s the computer located, who else uses it e.t.c. He also represents the new friendship established as a secret that should be mutually kept. Having gained the child’s confidence, the groomer heads to questions of sexual content such as if the child has ever been kissed or if the child would let him hug him if he was there. These questions are often followed by posting pornographic videos or photos to the child or by the groomer’s request for cybersex through webcam or Internet telephony.Independently of the success in his abovementioned attempts, the

molester always stresses the child for a face-to-face meeting in order to bring his pervert fantasies into life and terminates the conversation with words of careness, love and willingness to repeat the communication very soon. Thus, by using the advanced technology's facilities, modern groomers begin their victims' abuse by psychologically manipulating them and gaining their trust. But, what are the effects on a child regarding to grooming?

B. Effects of online grooming: Setting aside the irreversible effects on the victim when grooming reaches to the extreme borders of raping or killing, the unsuspected child suffers a variety of feelings due to his molester's harassment. Having considered the relationship built online as a strong friendship, the child feels angry because he has been cheated and manipulated when the true purpose of the approach is revealed, no matter if sexual abuse finally takes place or not. In other cases, in which the victim became emotionally dependent to his groomer, he feels grief over the loss of his close friend. The child is also being made to feel responsible for the maintenance of the relationship and this leads to a deep conflict, as he also feels guilt for not telling his parents about his new online potentially sexual partner. When everything is revealed, the child, apart from having been abused, feels shame towards his family and friends for being betrayed, tricked and victimized³⁸. The stress caused to the child when he receives pornographic material or when requested to perform sexual acts in front of the webcam, is also serious, while, at a further extent, the anxiety of the victim for the possible distribution of his sexual videos or photos all over the Internet can lead him to isolation or even suicide. No matter how harsh the effects can be, it is obvious that the victim-either a child or a teen- is unable to handle the consequences of his sexual exposure to the Net perverts and that there is an undoubtable mis-match between the sexual knowledge and experience of the victim and the groomer.

C. Ways of online grooming: In the offline world, the groomer fulfills his desire to have sexual contact with the child either by talking to him about sexual topics or befriending his parents with the intention to facilitate his access to the child. Sometimes he may show to his victim pornography so as to make the child accept such acts. In the online world, the methods performed to succeed in physically contacting the victim take advantage of updated Internet applications and pass through the victim's psychological addiction to the communication with the groomer. Thus, the groomer often enters childrens' chatrooms having created a fake account where he poses as a minor and participates in chatting while trying to isolate his possible victims by sending them instant messages. Once isolated, the victims begin to chat and disclose personal information about them to the groomer, following the upperly described process. The performance of sexual acts in front of the webcam in real time under the instructions of the groomer³⁹ or the "dirty" chat using coarse language is a commonplace in online grooming. The more exposed the victim is, the more personal information is collected and the easier it becomes for the groomer to blackmail the victim so as to assure continuous communication or actual meeting. Moreover, the nature of net-grooming as a pre-stage of online child pornography and sex-trafficking is confirmed due to the groomers' activity: having collected personal information about their victims, they share it with other perverts who are keen on buying the childrens' images or videos or even kidnapping them in order to have sex with them or further sell them⁴⁰. The mere sending of e-mails or text with sexual content on the cell phone or the pc of the minor receiver is another type of grooming different from cyber-bullying as it takes place with the purpose to allure the child and lead him to sexual abuse.

D. Causes of online grooming: The scenery of grooming has two different poles which joint in a common point. On the one hand, the pervert and sexually delinquent groomer that satisfies his inner fantasies by “fishing” kids on the Net, camouflaged as a minor with the sole intention to abuse the child independently of the latter’s immaturity. On the other hand, the child who has heard very few about sex or the teenager that is anxious about his appearance and his sexuality, both being ashamed of asking their parents or teachers about such a sensitive matter. Both sides meet their worries and secret desires in the sex topic, and by chatting on it openly in a private chatroom conversation liberates the groomer’s dark side and loosens the child’s moral limits. Besides the psychological factor, the plain nature of the Internet with its anonymity, ubiquity and massive flow of information, eases the way for both sides: the groomer can pretend to be someone else and alter his moral code without being suspected; the child can hide from his parents’ offline surveillance and learn about how sexual relationships work just by sitting in front of their pc in their room. Chatting, blogging or searching information on the Net as a basic means of childrens’ socialization also opens the door for the groomer to enter: unlikely to the real world, where parents teach their children to cross the road with safety and where the road signs (traffic lights, speed limits, zebra crossings)⁴¹ help the kids to avoid danger, in the WorldWideWeb children usually have to face the groomer by their own due to their parents’ and teachers’ lack of knowledge. Consequently, parents are astonished after realizing that their children had a “second life” hidden in their babyrooms and performing sexual acts in front of their webcam.

E. Legislation and measures against online grooming: The intensity of the groomer’s online attacks and the criminal character of their final end has alarmed legislators worldwide in an attempt to effectively eliminate the phenomenon. In Australia, for instance, Criminal Code Act 1995 section 474.26 and 474.27 prohibits the use of a “carrier service” to communicate with the intent to procure a person under the age of sixteen or to expose that person to any indecent matter for the purposes of grooming. In Canada, it is an offence to lure a child, namely to communicate with a child through a computer system, intending to commit a sexual offence. In the United States, 18 U.S.C. §2422 makes it a federal offence to use interstate mail to entice a minor to sexual activity and §2425 makes it a federal offense to transmit information about a person under the age of 16 for that purpose. The Protecting Children in the 21st Century Act (2008) requires schools and libraries to have an Internet Safety Policy which must include education of minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chatrooms.⁴²In England and Wales, the Sexual Offences Act 2003 makes it an offence to online arrange a meeting with a child, for oneself or someone else, with the intent of sexually abusing the child, while the meeting itself is also criminalized. Thus, the mere arrangement of a meeting is enough for the groomer to be prosecuted without the actual meeting taking place and without the child being involved in the meeting (e.g. if a police officer poses as the child while contacting the groomer). In Greece, the relatively recent law 3727/2008 in his article 3§1 punishes with minimum imprisonment of two years the adult who, through the Internet, contacts with a minor under the age of fifteen and indulges his sexual dignity with gestures or indecent requests. If the act is committed repeatedly or if a meeting follows that contact, a minimum imprisonment of three years is imposed. If the adult’s contact is being made with a person that is presented as a minor under the age of fifteen, the minimum imprisonment imposed is one year and, if meeting has followed, a minimum of three years’ imprisonment is imposed. Article 4 of the abovementioned law imposes a

minimum of two years and a fine from 50.000 to 200.000 euros to the adult who, by using Internet communication, suggests (and actively facilitates the contact) to another adult to meet a minor under the age of fifteen, with the intention to sexually abuse him.⁴³ The legislators' intention to set serious limits to online grooming is obvious and it is quite significant that, no matter if online grooming is criminalized itself or as a pre-stage of more crucial crimes such as rape, sex-trafficking, kidnapping or killing (nobody know how the actual meeting arranged will end up), an important attempt is being made to harshly punish the sexual predators. In this direction, additional penalties to the groomer such as banning him for a period from having internet access except in a public library⁴⁴ or barring him from being alone with a child or ordering him to register to sex offenders' list⁴⁵ or banning him for life from working with children⁴⁶ proves that the society struggles for the establishment of a safer internet environment for the children. At the same time, technical applications have emerged to facilitate the police's investigations and to help parents control their children's harmful communication: for instance, computer scientists at Lancaster University (UK) have come up with a tool which can work out a person's age and gender using language analysis techniques and, in that way, uncover the groomers who enter childrens' chatrooms masquerading as children.⁴⁷ Parents can also detect their childrens' communication routine by accessing the "history" button, by saving copies of the conversations of their children in chatrooms, by installing privacy-filtration software (such as Netscape Nanny 5.0) to block the transmission of their childrens' personal information via the Net, by installing a key-logger software that saves all characters typed on the pc, by keeping the firewall and the antivirus software updated to prevent the groomer from accessing their childrens' pc or by using a filtering software to block access to chat and instant messenger programmes.⁴⁸ There is no doubt that, before the above involvement in their kid's private life, parents ought to build up his confidence to them and make him trust them or ask for their advice and help every time an incident of sexual stalking takes place. Educating the children on how to behave while socializing through their Internet communication is also useful: following a code of conduct based on never giving out information about themselves such as their real name, age, phone number or address, never sending their photo to a stranger without asking their parents first, never downloading files from unknown senders and always reporting to the site moderator by clicking the "report abuse" button, by telling their parents when someone makes them feel uncomfortable, by adjusting their account settings so that only approved friends can message them or by clicking the "no picture forwarding" option on their social networking sites to prevent further forwarding of their photos, is of great significance in avoiding sexual predators.⁴⁹ Another code of conduct is called "Zip it-Block it-Flag it" and encourages kids to avoid revealing personal information about them, to block people who send them nasty messages or attached files and to flag up people they trust (parents, teachers) if someone asks to meet them online.⁵⁰ Site's moderators can also support the effort made by monitoring all uploads of kids' images and keep the offensive ones out of public view or by detecting and deleting child-porn images through the use of developed technology systems such as image screening, keyword filtering, pattern analysis and disreputable URL blocking.⁵¹ The police is also involved in the prevention of online grooming: in the United States, for instance, Megan's Law allows the law enforcement authorities to reveal the names, addresses and pictures of sex offenders.⁵² In the UK, the sex offenders' register, which includes anyone convicted for sex crime since 1997, keeps a close eye on the sex offenders' possible delinquency.⁵³ In the same way, Sarah's Law in the UK (named after the homicide of

8 year old Sarah Payne) allows parents, carers or guardians to ask the police if someone with access to their child has a record or sex offences.⁵⁴The European Commission is also working on a plan to set a legal framework on online grooming⁵⁵ while, the online community participates actively on the fight against grooming, with ethical hackers using sophisticated software and sabotaging illegal sites; the example of Brad Willman (nickname: Citizen Tipster), who has hid software in child abuse images to track down paedophiles, shows that technology can really work for a better future for children⁵⁶

F. Case law: The uncountable cases all over the world have proven that online grooming is an international phenomenon possible to appear whenever networking socialization takes place. From depression and loss of self-confidence to kidnapping, rape and other kinds of sexual abuse, the effects on the victims are harmful. The groomers often are “next-door” people with apparently normal lives, while some of them work with kids. It is the anonymity of the Internet which gives them the opportunity to cover-up and reveal their real selves after the meeting with their victims is arranged. One of the most shocking cases is that of Jessica Stevenson⁵⁷, a 6-year-old girl from North Carolina. Her father, who had hired a man to kill his wife and her two brother so as to be free to keep abusing Jessica, was trading thousands of Jessica’s images through paedophile sites. He kept Jessica locked at the cellar of his house and, while abusing her sexually, he was taking pictures which afterwards sold to and shared with other paedophiles. A Manchester Police detective, in co-operation with Interpol and FBI, managed to trace him down through detecting his and his friends’ grooming tactics. Michael Williams, a postman from Cornwall⁵⁸, from 2004 to 2009, after creating fake profiles, he used social networking sites (Facebook, MSN Messenger, Bebo) to ask teenagers to perform sexual acts over their webcams while recording them and selling their videos and images to others. He also arranged to meet some of them before abusing them. He was sentenced to eight and a half years in prison and was ordered to sign the sex offenders’ register for life. Oliver Randall from Dorset (UK), first contacted with 12-years-old Amy through a social networking site and, after gaining her trust by telling her he was eighteen years old, within a week he got to know where she lived and her mobile number. He then started to ask her about her sexual life and kept texting her frequently in an attempt to arrange a meeting with her. Hopefully, her mother suspected something curious going on and informed the police which arrested Randall, who was finally jailed for four years for grooming more than 40 children, making and taking indecent images of children and engaging in sexual activity with underage girls.⁵⁹ Matthew Knott, a teacher in Manchester, targeted his 13-year-old victim in the social networking site Tagged.com and, after posing as a 15-year-old boy, he learned her age and where she lived, demanded naked photographs of her and arranged a meeting with her, during which he had sex with her. He was jailed for four years, was barred from working with children for five years and from being alone with a female under 16 and was banned for five years from having internet access except in a public library.⁶⁰“Sexting” is another kind of grooming, namely the practice of sending sexually suggestive text messages and images including nude or semi-nude photographs via cellular phones.⁶¹When the sender is an adult, online grooming legislation applies while, when both sides are minors, some States in the US have also criminalized “sexting” by charging both minors with possession and dissemination of child pornography, measure that has been heavily criticized from the supporters of the teenager’s right to privacy and free speech.⁶²

III. Final remarks: In a nutshell, it is evident that as long as young people choose to socialize and entertain themselves through blogging, instant messaging, chatting, texting or playing video games online, the possibility of being harassed by cyber-bullies and online groomers is quite high. Taking advantage of the minors' keenness on communicating fast and directly with their friends via the Web, cyber-attackers have set up their online field of action, using advanced technology and hidden behind the Net's anonymity to attract kids' attention and then bother them either by embarrassing them or by provoking their sexual awakening that leads to abuse. It is also the childrens' innocence and enthusiasm combined with their reluctance to discuss sexual matters with their technology-unaware parents or teachers that opens the door to offensive stalkers. The education of children by their parents and teachers on the appropriate and safe use of the Internet presupposes the basic knowledge of its function. It is also of great importance for the parents to motivate their children in being socialized in the offline world too by participating in activities that put into effect their body and mind such as sports, reading and eco-touring. Parental control is necessary as well in order to prevent destructive contact with online predators both by using sophisticated software and by obliging our children to follow a code of conduct while surfing online based on mutual trust and preservation of their private life's information. Moreover, Internet Service Providers, tech-experts, site webmasters and network moderators ought to keep up with advanced technology and co-operate with the law enforcement authorities so as to uncover the masked abusers and help to their arrest. It is for the legislators to shape a universal legal framework for the harsh and effective punishment of the Net delinquents considering not only the worldwide nature of the problem but also the injurious effects cyber-bullying and online grooming often have on children. After all, the numerous cases till today have proven it undoubtedly.

¹ http://www.education.gov.uk/publications/eOrderingDownload/Executive-summary_Byron.pdf, visited 10-01-2011 and Jeffrey Arnett, *Reckless Behavior in Adolescence: A Developmental Perspective*, 12 DEVELOPMENTAL REV. 339, 339 (1992)).
Richmond Journal of Law & Technology Volume XVI, Issue 3

² *Bullying Beyond the Schoolyard: Preventing and Responding to Cyberbullying*, by J.W. Patchin and S. Hinuja, Sage Publications (Corwin Press, 2009)

³ However, see *Cyber-bullying defies traditional stereotype: Girls are more likely than boys to engage in this new trend research suggests* by Gregg MacDonald, <http://www.fairfaxtimes.com/cms/story.php?id=2078>, visited 14-03-2011

⁴ Cyberbullying: The situation in Germany -Country Report, September 2009 by Thomas Jäger, Roland Arbinger & Urban Lissmann, Zentrum für empirische pädagogische Forschung (zepf)

University of Koblenz-Landau, Germany, http://www.cybertrainingproject.org/reports/CyberTraining%20-%20Situation%20in%20Germany.doc#_Toc241322203, visited 10-01-2011

⁵ *Bullies Move Beyond the Schoolyard* by J.W. Patchin and S. Hinuja, *Youth Violence and Juvenile Justice*, 4 (2), 148-169

⁶ <http://en.wikipedia.org/wiki/Cyber-bullying>, visited 10-12-2010

⁷ *Virtuality and its Discontents: Searching for community in Cyberspace* by Sherry Turkle, *The American Prospect*, 24:50-57

⁸ *Social psychological aspects of computer mediated communication* by Kiesler S., Siegal J. and McGuire T.W., *American Psychologist* 39, 1123-1134

⁹ *Regulating Cyberstalking* by Basu S. and Jones R.P., *JILT* 2007 (2), http://go.warwick.ac.uk/jilt/2007_2/basu_jones/, visited 15-12-2010

-
- ¹⁰ Surdin, Ashley (January 1, 2009). "States Passing Laws to Combat Cyber-Bullying — washingtonpost.com". washingtonpost.com. <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/31/AR2008123103067.html>. visited 13-12-2010
- ¹¹ <http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.1966>, visited 20-12-2010
- ¹² <http://www.webpronews.com/cyberbullying-law-makes-being-mean-online-a-felony-2009-05>, visited 20-12-2010
- ¹³ http://www.washingtonwatch.com/bills/show/111_HR_1966.html#toc3, visited 20-12-2010
- ¹⁴ <http://www.ncsl.org/default.aspx?tabid=13495>, visited 22-12-2010
- ¹⁵ <http://www.wiredsafety.org/gb/stalking/>, visited 21-12-2010
- ¹⁶ <http://www.out-law.com/page-5624>, visited 10-12-2010
- ¹⁷ "Cyberbullying: a global concern" by Jennifer A. Hanley, <http://www.fosi.org/downloads/resources/Cyberbullying.pdf>, visited 13-01-2011
- ¹⁸ "Spain Addresses Problem of School Bullying," *News from Spain*, April 25, 2005, <http://www.euroresidentes.com/Blogs/2005/04/spain-addresses-problem-of-school.htm>, visited 10-01-2011
- ¹⁹ http://kids.dart.gov.gr/KidsNewsInner.aspx?new_id=168&nwc_id=24, visited 12-01-2011
- ²⁰ "Exploring Cyberbullying in Spain", Country Report, September 2009, Juan Calmaestra, Rosario Ortega, Antonio Maldonado and Joaquin A. Mora-Merchan, University of Cordoba; Autonomous University of Madrid; University of Seville, <http://www.cybertraining-project.org/reports/CyberTraining%20-%20Situation%20in%20Spain.doc>, visited 12-01-2011
- ²¹ http://en.wikipedia.org/wiki/Suicide_of_Megan_Meier, visited 15-01-2011
- ²² **"Phoebe Prince, 15, Commits Suicide After Onslaught of Cyber-Bullying From Fellow Students"**
By Pete Kotz, http://www.truecrimereport.com/2010/01/phoebe_prince_15_commits_suici.php, visited 15-01-2011
- ²³ "How the Internet Beat Up an 11-year-old girl" by Adrian Chen, <http://gawker.com/#15589103/how-the-internet-beat-up-an-11-year-old-girl>, visited 10-01-2011
- ²⁴ <http://www.protegeles.com/>, visited 14-01-2011
- ²⁵ <http://www.pantallasamigas.net/>, visited 14-01-2011
- ²⁶ <http://www.ncpc.org/cyberbullying>, visited 14-01-2011
- ²⁷ http://www.stopcyberbullying.org/educators/wired_kids_summits.html, visited 14-01-2011
- ²⁸ <http://www.aasa.org/content.aspx?id=11652>, visited 14-01-2011
- ²⁹ <http://www.ncb.org.uk>, visited 14-01-2011 and <http://www.childline.org.uk>, visited 14-01-2011
- ³⁰ <http://www.saferinternet.pl>, <http://www.dyzurnet.pl>, <http://www.saferinternet.gr/index.php?childobjId=Text716&parentobjId=Category23&objId=Category214>, http://ec.europa.eu/information_society/activities/sip/projects/centres/practices/info_campaign/index_en.htm and http://ec.europa.eu/information_society/activities/sip/self_reg/index_en.htm, visited 14-01-2011
- ³¹ <http://www.spectorsoft.com>, visited 14-01-2011
- ³² www.facebook.com/help.php?hq=report+abuse, <http://www.myspace.com/index.cfm?fuseaction=misc.contact>, <https://support.live.com/eform.aspx?productKey=wlmessageabuse&act=eformats>, abuse.yahoo.com, visited 15-01-2011
- ³³ Cyberbullying: The situation in the UK, Country report, September 2009, by Helen Cowie and Pat Colliety, University of Surrey, United Kingdom, <http://www.cybertraining-project.org/reports/CyberTraining%20-%20Situation%20in%20the%20UK.doc>, visited 20-12-2010
- ³⁴ http://www.education.gov.uk/publications/eOrderingDownload/Executive-summary_Byron.pdf, visited 21-12-2010
- ¹⁷³⁵ http://en.wikipedia.org/wiki/Social_grooming, visited 20-01-2011
- ³⁶ <http://www.befreecenter.org/Upload/Conference/papers/PolicingChild%20SexualAbuse%20Online.ppt#5>, visited 20-01-2011
- ³⁷ http://www.fkbko.co.uk/root/Parents/cyberwellness/Sexual_health/adults_recognising_grooming.htm, visited 20-01-2011
- ³⁸ http://www.childcentre.info/robert/database/?id=10602&op=view_entry&entry_id=129, visited 20-01-2011

-
- 39 http://www.ceop.police.uk/Documents/CEOP_AnnualReview_09-10.pdf, visited 24-01-2011
- 40 <http://www.thinkuknow.co.uk/parents/faq/grooming/>, visited 22-01-2011
- 41 *ibid.*[1]
- 42 “Online Child Safety from Sexual Abuse in India”, by Lina Acca Mathew, Cochin University of Science and Technology, Kerala State, India, *Journal of Information, Law & Technology (JILT)*, http://go.warwick.ac.uk/jilt/2009_1/mathew, visited 27-01-2011
- 43 <http://new.e-go.gr/tech/article.asp?catid=6424&subid=2&tag=8206&pubid=1727704>, visited 20-01-2011
- 44 <http://www.timesonline.co.uk/tol/news/uk/crime/article6855294.ece>, visited 03-02-2011
- 45 <http://www.bbc.co.uk/news/uk-england-cornwall-11403984>, visited 03-02-2011
- 46 <http://www.facebook.com/topic.php?uid=38983950828&topic=9602>, visited 02-02-2011
- 47 <http://domino.lancs.ac.uk/info/lunews.nsf/1/FB8C9A290CACA37680257735003DFFD3>, visited 04-02-2011
- 48 http://www.fkbko.co.uk/root/Parents/cyberwellness/Sexual_health/Grooming1.htm, visited 04-02-2011
- 49 <http://www.kidsandcomputers.co.uk/what-internet-grooming.html>, visited 05-02-2011
- 50 http://kidshealth.org/parent/positive/family/net_safety.html, visited 03-02-2011
- 51 <http://www.newsterupdate.com/2010/12/paedophiles-sharing-child-pornography.html>, visited 04-02-2011
- 52 http://en.wikipedia.org/wiki/Megan's_Law, visited 05-02-2011
- 53 <http://www.guardian.co.uk/society/2006/jan/18/childrenservices.politics1>, visited 05-02-2011
- 54 <http://www.sarahslaw.co.uk/>, visited 05-02-2011
- 55 http://cordis.europa.eu/fetch?CALLER=EN_NEWS&ACTION=D&SESSION=&RCN=33036, visited 05-02-2011
- 56 <http://www.crime-research.org/news/2002/08/Mess1901.htm>, visited 05-02-2011
- 57 <http://www.crime-research.org/news/2002/08/Mess1901.htm>, visited 07-02-2011
- 58 <http://www.dailymail.co.uk/news/article-1282157/Facebook-grooming-How-pervert-postman-used-site-groom-hundreds-children.html>, visited 07-02-2011
- 59 http://www.thisisdorset.net/news/tidnews/3989733.Net_sex_predator_is_jailed_for_four_years/, visited 07-02-2011
- 60 <http://news.sky.com/skynews/Home/UK-News/Manchester-Teacher-Matthew-Knott-Jailed-For-Grooming-Over-The-Internet-Teenage-Girl-For-Sex/Article/200909415396300>, visited 07-02-2011
- 61 <http://jolt.richmond.edu/v16i3/article10.pdf>, visited 07-02-2011
- 62 “The failure of sexting criminalization: a plea for the exercise of prosecutorial restraint”, by Robert H. Wood, 16 *Mich. Telecomm Tech. L. Rev.* 151 (2009), <http://www.mtlr.org/volsixteen/wood.pdf>, visited 07-02-2011

