



Exploring the Potential of Alternative Dispute Resolution (ADR) as an Effective Remedy for Sextortion

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ABSTRACT

Sextortion, has been categorized as a form of cybercriminal activity where a person makes threats of releasing sexual details or material. In the current generation, and the future, sextortion has become rife both globally and in Pakistan. As for the traditional legal means, these are frequently ineffective in addressing such kinds of offenses, and thus, possible ways to apply ADR methods are considered. Sextortion cases make matters more complicated by the fact that victims suffer emotional, social, and psychological abuse. There are legal systems in place today to deal with blackmail and harassment but these are many a times not private, not as fast and lacking in the support that the victim might need. Perhaps, more victim-focused can be such an 'alternative' strategy as: The Alternative Dispute Resolution (ADR) that is characterized by confidentiality, speed, and flexibility. This article explores the possibilities of ADR as solution for sextortion cases in Pakistan by reviewing the existing legislation, evaluating recent sextortion cases in the same country and comparing with the findings of other countries.



Introduction

Sextortion is a common and pernicious subtype of threat to reveal intimacy or sexual images in order to compel individuals to do something. Such requests might be of monetary kind by offering money, sharing more pics or sexting, having a physical contact or agreeing to do other things on the side of the manipulator. Sexual images are images which show the genital, anal or breast area of an individual, or the individual participating in sexual conduct. Sextortion is a form of image based sexual abuse or gender based electronic aggression as well as technology facilitated sexual violence because the threats are usually conveyed through electronic devices. Moreover, sextortion

can be more broadly classified under the category of gendered violence produced and containing rather than exclusively being perpetrated in confined contexts of intimate partner abuse, though, the latter may also draw on a specific shame and stigma hole that can be located in a person's gender and/or sexuality, their race, age, ability, and more.¹

It depicts bad aspects of both, sexual assault and cybercrime, when offenders use private photos or details for a victim in order to traumatize them. In Pakistan, the prevalence of sextortion has increased with the proliferation of digital communication platforms. Victims often face significant psychological trauma, social stigma, and a lack of effective legal recourse. Traditional litigation can be lengthy, costly, and may not provide the confidentiality that victims desire. This context necessitates exploring Alternative Dispute Resolution (ADR) as a potential mechanism to address sextortion cases more effectively.

Understanding Sextortion in Pakistan

Recent incidents highlight the growing concern of sextortion in Pakistan. For instance, in September 2024, the Federal Investigation Agency (FIA) arrested a suspect in Islamabad for online sexual harassment and blackmail, where the accused had been blackmailing a woman by sharing edited images on social media and sending inappropriate content to her relatives.² Similarly, in October 2024, the FIA's Cyber Crimes Circle in Quetta apprehended an individual involved in online harassment and blackmail of a female citizen.³ In addition, two individuals were arrested in Pakistan in connection with a sextortion case involving a teenager from North Country, USA. The suspects allegedly coerced the victim into sharing explicit content and threatened to release it unless their demands were met.⁴ These cases underscore the urgent need for effective remedies to combat sextortion.

Legal Framework Addressing Sextortion in Pakistan

Pakistan's legal system has provisions to address cyber harassment and related offenses. The Prevention of Electronic Crimes Act (PECA) 2016 criminalizes acts such as cyberstalking, cyber harassment, and the non-consensual dissemination of intimate images. This act provides specific provisions to counter such offenses. Section 21 of the Act criminalizes the deliberate sharing or broadcasting of any sexually explicit image or video of an individual without their consent, particularly when it aims to harm their reputation or serve as an act of revenge. The penalties for this offense include imprisonment of up to five years, a fine that may extend to five million rupees, or both. Additionally, Section 20 covers actions that damage an individual's reputation, which can also apply to certain forms of sextortion. The Federal Investigation Agency (FIA) plays a pivotal role in implementing these laws and investigating cases of cybercrime, including sextortion, across

¹ Alana Ray and Nicola Henry, 'Sextortion: A Scoping Review' (2025) 26(1) *Trauma, Violence, & Abuse* 138 <https://pmc.ncbi.nlm.nih.gov/articles/PMC11558931/> accessed 4 January 2025.

² News Desk, "Suspect Arrested in Islamabad for Online Sexual Harassment and Blackmail" *The Express Tribune* (September 6, 2024) <<https://tribune.com.pk/story/2494038/suspect-arrested-in-islamabad-for-online-sexual-harassment-and-blackmail>>

³ Desk QVW, "Cyber Crimes Circle Quetta Arrests Man for Online Harassment and Blackmail" (*Quetta Voice Breaking News, English News, Technology, Health*, October 11, 2024) <<https://quettavoice.com/2024/10/10/cyber-crimes-circle-quetta-arrests-man-for-online-harassment-and-blackmail/>>

⁴ '2 Arrests Made in Pakistan in North Country Teen's Sextortion Case' *CNY Central* (21 December 2024) <https://cnycentral.com/news/local/2-arrests-made-in-pakistan-in-north-country-teens-sextortion-case> accessed 4 January 2025.

the country.⁵ However, the implementation of these laws faces challenges, including limited awareness, reluctance of victims to come forward due to societal stigma, and procedural delays.

Alternative Dispute Resolution (ADR) in Pakistan

Alternative Dispute Resolution (ADR) is a broad and dynamic field. In Pakistan, it is not an unfamiliar concept. In fact, the practice of resolving disputes through alternative means has existed since the country's inception. For generations, communities have relied on panchayats and jirgas— assemblies of respected elders—to settle disputes and deliver justice.⁶ It encompasses methods like mediation, arbitration, and negotiation, offering a less adversarial and more collaborative approach to dispute resolution. In Pakistan, ADR has historical roots and is applied in various forms, including by the police to resolve civil or trivial complaints. The National Police Bureau (NPB) has established an Alternate Dispute Resolution Unit (ADRU) to integrate ADR into policing, aiming to address non-criminal public complaints and enhance community policing efforts.⁷

Potential of ADR in Sextortion Cases

Applying ADR to sextortion cases presents both opportunities and challenges:

- **Confidentiality:** ADR processes can offer the privacy that victims of sextortion often seek, encouraging more individuals to come forward without fear of public exposure.
- **Timeliness and Cost-Effectiveness:** ADR can provide swifter resolutions compared to traditional court proceedings, reducing the emotional and financial burden on victims.
- **Restorative Justice:** ADR focuses on the needs of the victim and the making of offender accountable, which may be seen as more therapeutic in restoring the victim.

Challenges and Considerations

Although there is potential for benefits to sextortion cases, there are several challenges to overcome when considering ADR for sextortion cases.

- **Power Imbalances:** Because the perpetrator involved may have a position of power, victims may feel intimidated or coerced during ADR processes.
- **Lack of Legal Precedent:** Lack of authority on these types of criminal matters, such as sextortion, has led to questions over the use of ADR, and whether it works.
- **Enforceability:** It is imperative that if agreements are reached through ADR, the agreements are enforceable and the perpetrators stick to terms.

Comparative Analysis: ADR in Other Jurisdictions

Internationally, the use of ADR in relation to sextortion and sexual offenses is not uniform. Some of the jurisdictions have adopted the Restorative Justice that focuses on the need to ensure that the victims and the offenders engage in a dialogue. For instance, in France, restorative justice has been

⁵ Research Society of International Law, 'Legal Framework for Policing Cyberspace in Pakistan: An Overview' (RSIL, 2023) <https://rsilpak.org/2023/legal-framework-for-policing-cyberspace-in-pakistan-an-overview/> accessed 5 January 2025.

⁶ "Alternative Dispute Resolution in Pakistan" (*GlobaLex | Foreign and International Law Research*) <[⁷ "NPB - Welcome to Our National Police Bureau!" <<https://www.npb.gov.pk/alternate-dispute-resolution-unit-adru>>](https://www.nyulawglobal.org/globalex/pakistan_adr1.html#:~:text=Alternative%20Dispute%20Resolution%20(ADR)%20is,to%20resolve%20them%20for%20years.>></p></div><div data-bbox=)

applied in handling cases of violence against women and some of the subcategories include those with the element of sexual coercion. These programs aim at giving offenders a chance to discuss with the victims in a controlled manner through the help of facilitators. Nonetheless, such approaches are problematic and entail the need to have measures in place to protect the victims and avoid reinjuring them.⁸ In the Philippines, strategies for dealing with sextortion have indirectly incorporated ADR in the use of Operation Strikeback as a coordinated effort. Working with INTERPOL, this initiative targeted criminal networks, organized crime networks, that were involved in sextortion. Also illustrating how transnational mediation coordinated between various countries and other ADR methods like negotiated settlements may apply to solve transnational sextortion cases.⁹ In contrast, countries like the United States have primarily relied on structured mediation frameworks in non-criminal contexts, emphasizing the importance of confidentiality and voluntary participation. For instance, victim-offender mediation programs in California have been applied in specific cybercrime cases, with agreements ensuring that perpetrators cease further harm while victims retain control over the outcomes.¹⁰ The comparative analysis highlights that while ADR mechanisms have potential benefits, particularly in reducing the stigma and public exposure often associated with sextortion cases, they must be carefully tailored to protect victims' rights. For appropriateness and ethicalities, the following should be put in place: victim-sensitive approaches to mediation, non-disclosure of information and psychological recovery measures.

Conclusion and Recommendations

Thus, the rising frequency of sextortion cases with college and university students in Pakistan urges for immediate, inventive responses. Receiving significant public stigma, fear of exposure, and mental anguish, these victims often fail to seek justice. Statutory avenues for assistance are erected in the Prevention of Electronic Crimes Act (PECA) 2016, which utterly fail to extend guarantees to victims' confidentiality, along with expediting the cases (PECA, 2016; UNODC, 2018). Given these situations, Alternative Dispute Resolution (ADR) offers an effective way to deal with such issues characterized with confidentiality, flexibility and client empowerment. Additionally, it is of great importance to help the institutions of education to help in battling this issue.

Recommendations

Developing Specialized ADR Systems

Standard ADR mechanisms have to be introduced for the sextortion related cases, particularly those with young students. Such frameworks should empower the victims and make it easy for participants to participate in the resolution process, without feeling like they are being judged or exposed. These processes should be conducted by professional and experienced mediators who are knowledgeable of such matters.

⁸ Le Monde, 'What is the Prison System Doing to Help Reintegrate Men Who Have Committed Violence Against Women?' (Le Monde, 22 October 2024) https://www.lemonde.fr/en/opinion/article/2024/10/22/what-is-the-prison-system-doing-to-help-reintegrate-men-who-have-committed-violence-against-women_6730113_23.html accessed 4 January 2025.

⁹ INTERPOL, 'Operation Strikeback Targets Sextortion Networks' (INTERPOL, 2014) <https://www.interpol.int/en/News-and-Events/News/2014/INTERPOL-coordinated-operation-strikes-back-at-sextortion-networks> accessed 4 January 2025.

¹⁰ Transparency International, 'The Deafening Silence Around Sextortion' (Transparency International, 21 October 2020) <https://www.transparency.org/en/news/the-deafening-silence-around-sextortion> accessed 4 January 2025.

Creating Confidential Mediation and Cyber Centers in Educational Institutions

Since most of the sextortion complaints involve college and university students, these institutions must form mediation by the faculty and cyber centers. These centers would afford the student's an opportunity to report the incidences in anonymity secure beyond this embarrassment or exposure.

Key Features:

- Hiding the identity of the victim and keeping her (him) anonymous.
- A favorable atmosphere that would make victims of the social vices not hesitate in reporting incidences that they have been through.
- Designated individuals such as the faculty members and professional counselors to address the complaints professionally.

Introducing Dedicated ADR Units

Currently there are confidential ADR units that can be part of the existing judicial systems to help victims irrespective of their background such as being a student. Supported by the digital technologies, these organizations may coordinate with the NGO's and the law enforcement to help victim in finding a secure and effective way of seeking justice.

Strengthening Legal and Institutional Frameworks

- The ADR processes should be classified under PECA 2016 amendments since the agreements made under mediation should legally enforceable.
- Higher learning institutions should engage legal agencies in order to have support structures in place for victims and management of such incidences.

Victim-Centered Safeguards

It is necessary to protect the victims against any counteractions from other persons. Both ADR and institutional entities have to put structures in place that avoids the exercise of power in the process of mediation.

Offer personality and psychological counselling services to the affected individuals and legal services where necessary. Make sure that the perpetrators are punished and that the measures provided for in the settlement are implemented as soon as possible and effectively.

Leveraging Technology for ADR

Alternative Dispute resolution is easily reached by digital tools and students in rural or conservative regions can benefit from them. Someone can seek for help without worry of exposure via secure digital mediation solutions with anonymity.

Promoting Awareness and Community Engagement

Sextortion must be raised as awareness by educational institutions and regional programs must come up with educational materials and campaigns that highlight the value of ADR as a

confidential and supportive mechanism for dealing with these issues. Doing so will help stigmatize the issues of sextortion and provide the students with the courage to talk about their experiences.

Adopting Global Best Practices

The Philippines' Operation Strikeback and France's relevant restorative justice programs can serve as models for Pakistan and help in developing culturally and legally appropriate approaches. Further, global organizations can be collaborated with by institutions to deal with cases with international aspects.

Future Directions

First pilot programs need to be run in universities and colleges of Pakistan to check the sustainability and effectiveness of mediation and cyber centers. Victim satisfaction, confidentiality and timeliness can be assessed in these programs. Supplementary insights to improve these systems can be provided through the coordination with academic institutions, NGOs and international organizations.

Naturally, these methods can make Pakistan a safe, useful, and supportive place for adolescents victims to seek justice. Mediation centers will create a safer space for students in the sense that it will protect honour of victims thus preventing innocent students from getting into embarrassment and social backlash.

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