

CHILD PORNOGRAPHY IS A BOOMING INTERNET BUSINESS

Child pornography today has become a multi-billion dollar commercial enterprise, and is among the fastest growing businesses on the Internet.¹ Advancing information technology, including advances in its ease of use, has made it easier and cheaper to produce child pornography. The technology not only facilitates the production of child pornography but also its distribution. The Internet allows for instant access by millions of individuals to millions of sites, many with child pornography. The Internet is easy to use, it is cheap and it allows for anonymity – making it the medium of choice of paedophiles and child predators. Financial institutions, ever on the look out to make a quick profit, have become accessories to this sexual abuse and exploitation of children by providing paedophiles with credit card facilities. As Ernie Allen, President and Chief Executive Officer of the National Centre for Missing & Exploited Children said,

"The fact that child pornography can be purchased using a credit card.....is causing an exploding global problem and an immeasurable impact on the sexual exploitation of children."

And the popularity of social networking chatrooms among children has increased the danger to children from paedophiles using information technology to make online contact with children and for "grooming" them for offline sexual abuse.

¹ Top Ten Reviews, an online resource that reviews Internet safety, reported that child pornography generates US\$3 billion annually. In Rand terms, that amounts to around a staggering R7 000 000 000,00 annually

Statistics about child pornography arrests in South Africa are not available. However, given that child pornography via the Internet is a global phenomenon, statistics of those arrested for the possession of child pornography in other countries is not irrelevant when. Arrests in the United States, for example, for the possession of child pornography, during a one-year period from 2000 to 2001, produced alarming results. According to investigators, the majority of those arrested had images of children who had not yet reached puberty. "Specifically, 83% had pornographic material that involved children between ages 6 and 12; 39% had material involving children between ages 3 and 5; and 19% had images of infants or toddlers under age 3."²

The exact number of sites hosting child pornography on the Internet is difficult to estimate. For instance, a 2002 report by ECPAT International and the Bangkok Post, estimated that 100,000 child pornography web sites existed on the Internet in 2001. Since 1997, the number of child pornography images on the Internet is estimated to have increased by 1500%.³ And the CyberTipline, operated by the National Centre for Missing & Exploited Children, received 21,603 reports of child pornography in 2001, and in 2004 it received 106,176 reports – a 491% increase over a four-year period. The Internet Watch Foundation also reported that not only is there an increase in the number of child abuse images available on the Internet but that the images are of younger and younger children, including toddlers, and are more and more sadistic.⁴

² *The National Juvenile Online Victimization Study*, National Centre for Missing & Exploited Children (2005)

³ The Internet Watch Foundation

⁴ 2006 Annual Report

Child pornography is illegal in almost all countries, even though a number of countries have not promulgated legislation dealing specifically with child pornography. However, the problem is the lack of harmonisation of child pornography laws, making the investigation and prosecution of these despicable crimes difficult. Apart from jurisdictional problems, the problem is exacerbated by the lack of effective law enforcement infrastructures and resources, both human and material. Even more troublesome is the lack of harmonisation in the approach of the courts, with some courts trivialising child pornography through inappropriate and often non-custodial sentences handed out to convicted paedophiles and child molesters. This despite the fact, in the "Information Age", the physical location of the offender is irrelevant since the images are downloaded from the same sites by paedophiles in all countries. It makes very little sense that a court in the United States would impose a custodial sentence of 20 years, while a court in South Africa would impose a "slap-on-the-wrist" fine to a paedophile who downloaded the same images from the same site as the convicted paedophile in the United States. Given the difficulties in the harmonisation of national laws, it is a pity that courts, who are not restricted by "protocol", do not play a role in, at least, the harmonisation of sentences.

The Film and Publication Board has established a "Hotline" (0800 148 148) for the reporting of unsolicited child pornography that one stumbles across, as part of Government's National Action Campaign Against Child Pornography. Knowledge of the actual commission of any child pornography offence by any person must, of course, be reported immediately to the police. The fight against child pornography requires the conscious vigilance of all those who care about the security and well-being of our children. Silence on the part of those who should speak out, and

assist in protecting our children from sexual abuse and exploitation, is a betrayal of all children.

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