

DIGITAL CHILD PORNOGRAPHY

Before the seventies, child pornography took the form of still photographs, films and printed materials. Producing child pornography in those years was not a safe occupation because it often involved people other than the actual perpetrator. Films had to be sent for processing, for instance. And distribution also presented a problem, since it often involved the use of postal services. The trade in child pornography then was smaller and riskier.

Then came personal video cams and digital photography, which reduced the visibility of production and the risk of illegal material coming to the attention of photo or film developers. And then the personal computers and the Internet, which allowed child pornography to be created, copied, stored and distributed quickly and unobtrusively to anyone anywhere in the world. The technology of the Information Age has dramatically enhanced ease of production, distribution and increased the amount of child abuse images available to anyone anywhere.

Online child pornography takes two basic and different forms. The first is the more overt, website, Internet Relay Chat (IRC) and newsgroup facilities and the second is the covert, sophisticated activity that takes place in relative privacy with the aid of encryption software and secret passwords. (*The Wonderland Club*)

Internet chat rooms are provided by Internet Service Providers and are accessible to anyone with internet connection, via a PC or mobile phone (*Mxit*), and the requisite software, which is readily and freely available. These IRC facilities allows for group discussions as well as the exchange of files containing images, still and moving, between participants.

And chat rooms are among the favourite hunting grounds for paedophiles and child molesters.

The World Wide Web (WWW) contains hundreds of thousands of websites devoted to pornography and child sex and may be accessed quickly and anonymously. The provision of secure credit-card processing services, which disguise the nature of the transactions, makes detection of subscriptions to such websites even more difficult.

More discreet and private exchange of child abuse images are facilitated by private bulletin boards. Technologies of pseudonymity and anonymity enable people to create false identities so as to avoid identification. Technologies of encryption allows one to conceal the content of Internet communications, including images, by converting the communication to unintelligible form using a mathematical algorithm or "key" so that only someone with that "key" can decrypt the content into intelligible form.

Remember the difference between analogue and digital – and remember to explain it to a presiding officer in terms that a five-year-old will understand! When you use a photocopying machine, you are making copies from an analogue picture to produce more analogue copies of that picture. When you are downloading, you are creating a picture from information stored in the binary code of batches of zeroes and ones. There is no picture coming over the Internet in to your hard drive – only batches of zeroes and ones. You have to create the picture by using your keyboard and computer software – only "pointing and clicking" or using a keyboard command will enable you to see the image. That is why downloading should be charged with two offences – creation and possession. (See the

opinion of the *Michigan Court of Appeal* and Jayson decision of the UK *Criminal Court of Appeal*).

Iyavar (2005)