

## LINK BETWEEN CHILD PORNOGRAPHY AND ACTUAL ABUSE

Any argument that child pornography has a cathartic effect on users, and thus reduces offences against children, on the basis that there is no empirical proof that child pornography contributes to actual abuse of children ignores a very simple fact: child pornography is itself proof of the sexual abuse of children. Such an argument, very much like the finding that child abuse images that appeal to aesthetic feelings do not constitute the offence of child pornography, as was held in the *De Reuck* case by the Constitutional Court, is largely based on theoretical abstractions and not on the realities of the production, distribution, uses and effects on child-victims of child pornography and also ignores the economics of child prostitution, child sex tourism and the trafficking of children for sexual exploitation.

The effects of child pornography cannot be the subject of empirical research for obvious ethical reasons. But one cannot ignore anecdotal evidence. For instance, in June 2004, 10-year-old Holly Jones was abducted on her way home from school by Michael Briere, a 36-year-old software developer. The child was raped, strangled and dismembered. In his statement to the Toronto police, Briere said that he was watching child pornography on the Internet just before abducting the Holly Jones and believed that watching child pornography had played a critical part in inciting him to commit the crime. "I would say that, yes, viewing the material does motivate you to do other things.....the more I saw it, the more I longed for it in my heart" ([http://www.mytelus.com/news/article.do?pageID=news\\_home&articleID=1641482](http://www.mytelus.com/news/article.do?pageID=news_home&articleID=1641482))

A number of law enforcement agents in the USA, the UK, Canada and Australia, have reported that a high percentage of those who have been charged and convicted for sexual offences against children have also been found to be in possession of child pornography. [See, for instance, Margaret Healey, *Child Pornography: an International Perspective*, ECPAT (1996); Australian Parliament Report (1995)].

Liz Kelly and Linda Regan, in *Rhetorics and Realities: Sexual Exploitation of Children in Europe*, EU STOP Report (2000), observed that "whilst there are probably some individuals who limit their activity to collecting child pornography, in the majority of cases known to law enforcement, child protection agencies and non-governmental organisations, the production and use of child pornography is one practice within a repertoire of child sexual abuse."

While scientific evidence to establish a "cause-effect" link between the collection of child pornography and actual sexual abuse of children may be inconclusive, the high correlation and anecdotal evidence between the collection and viewing of child pornography and the contact abuse of a child suggest that there is no evidence to refute such a link either.

What is the significance of the link between child sexual abuse and child pornography? Common sense suggests that in every case of child molestation, one should also look for child pornography. In other words, the investigation should not be restricted only to finding evidence of child molestation or sexual abuse but should also include a search and seizure warrant of the molester's computers for child pornography.

Iyavar (2006)