

THE HARMFUL EFFECTS OF CHILD PORNOGRAPHY

A crime and a picture of a crime scene

Generally speaking, child pornography is both a crime in and of itself, and it is also a picture of a crime scene. It may provide evidence of further crimes against a child or children. Child pornography can consist of a child or children engaged in sexual behaviour alone or with one or more adults, or it could involve two or more children performing sexual acts, with or without adults being involved or being visible. Such imagery can range from sexualised photographs of a single child or children, or sexualised images of their genitals, through to the most abject pictures of brutal anal or vaginal rape, bondage, oral sex, bestiality or other forms of degradation, sometimes involving very young children or babies. Child pornography amplifies and broadcasts the original act of abuse that it depicts. In so doing, it can substantially aggravate the original offence.

Child pornography is at once both a form of child abuse and also a representation of it. The consequences of that abuse are now very well known and understood. In some studies, about 50% of the children who had been sexually abused experienced depression, post-traumatic stress disorder, disturbed behaviour, or a combination of these and those who were removed from home during an investigation may have faced higher rates of such problems. Among this same cohort, 59% admitted to having suicidal thoughts and 66% showed signs of other emotional and behavioural problems. Sexually abused young people may also subsequently show types of sexualised behaviour which can put them further at risk.

In a study of 40 sexually abused or abusive children, four became pregnant and seven were thought to have become involved in prostitution. In one study as many as 50% of children who abused other children had themselves been sexually abused. Two other studies also showed a strong link between child prostitution and the production of child pornography.

The link between child sex abuse and child pornography

There is a very strong link between the possession of child pornography and abuse. A person in possession of child pornography is very likely either to be an active abuser already, or to be on a path that will lead him to abuse later. Utting cites two studies from the USA.

In the first, carried out by the Chicago police in 1984, it is claimed that in almost all arrests for the possession of child pornography they discovered photographs of the abusers having sex with children. The photographs had been taken by the abusers themselves. In the second, carried out by US Customs, it seems that at least 80% of those who buy (child) pornography are active abusers, and a proportion of the rest will not have yet been caught.

In a third study, carried out by the US Postal Inspection Service, since 1997 of the 828 individuals arrested...for using the mail to sexually exploit children, actual child molesters were identified in 36% of those cases.

Studies and anecdotal evidence establish beyond doubt what one's common sense also suggests: whenever the authorities uncover someone in possession of child pornography, they are also identifying someone who

is potentially a real and active danger to children. Immediate and urgent consideration will need to be given to appropriate forms of action to protect any children with whom the person might already be in contact, e.g. within his own family, or with whom he might be about to come into contact. This can provide the police with a huge dilemma. On the one hand, they may need to amass further evidence to strengthen or develop a case, and that naturally means they cannot tip off or warn the person who is being investigated, but on the other they owe a duty to children to protect them from abuse. In practice, police forces will generally resolve this by increasing the surveillance on the suspect and step-in if they believe he is likely to be in a position where further or new offences could occur.

The volume of child pornography and its commercial dimension

In 1995 Inspector Terry Jones of the Greater Manchester Obscene Publications Squad in the UK was involved in seizing a total of 12 child pornographic images and all of them were either in the form of photographs or videos. In 1999 he seized 41,000 child pornographic images and all except for 3 were on computers, with almost all of the images concerned originating on the Internet. Police forces active in this area in many different parts of the world tell a similar story.

There can be no certainty about the volume of child pornography in existence. By its very nature, it is an illegal item. Consequently no one will declare how much they have or how much they are making. Moreover, because of its durability, there is little doubt that a great deal of child pornography currently in circulation can be 20 or 30 years old and, therefore, it is hard to distil modern trends.

Historically the production of child pornography was overwhelmingly seen as being a cottage industry., mostly produced by amateurs as a by-product of abuse. However there is now some evidence that organised criminal groups may be starting to involve themselves in child pornography. There have been frequent suggestions that the arrival of the Internet is not only opening a new and hugely expanding market for child pornography. It is also creating ever greater demands for new material of ever greater levels of depravity and corruption. The Wonderland case, and numerous other recent, large scale police actions, seem to provide strong evidence to support this belief.

Take the Landslide case.....

On 13th April, 2000, a Federal Grand Jury in Texas, USA, returned an 87-count indictment against 5 individuals and a corporation, Landslide Inc., in what Inspector Ray Smith of US Postal Inspection Service believes is the largest single commercial child pornography operation ever uncovered. All the accused were found guilty in August, 2001. The two US principals were sentenced respectively to 14 years and to life imprisonment.

L. was a US\$9 million dollar business that worked through the Internet. In its last month of trading alone it had grossed US\$1.4 millions. The Cyber TipLine linked to the National Centre for Missing and Exploited Children had passed on over 250 complaints about the company that it had received from all over the world. The owners of the business, T. and J. R. of Tarrant County, Texas, established a system for collecting monthly subscriptions to hardcore pornography sites, including child pornography sites. They were working jointly with a Russian and four Indonesians, all operating out of their own countries.

In May 1996, in another investigation led by the US Postal Service in Operation Special Delivery, T. F. was arrested and his business was closed following the discovery that he had been using Mexican boys, some as young as 7 years old, in child pornography video tapes. His company was making as much as \$0.5 million per year.

In Operation Special Delivery over 130 searches were conducted in 36 states of the USA. Large quantities of child pornography were found as a result of these searches and more than 95 individuals were prosecuted. Among the individuals prosecuted were members of the clergy, youth leaders, teachers, police officers, an attorney, and a doctor.

In a widely reported action by the French police in May, 1997, where, following an 18-month investigation of a mail order video company, 2500 officers searched 800 homes, detaining 345 people of whom 235 were charged. Among the people charged were 31 teachers, 2 holiday centre directors, 2 priests and 6 doctors, one of whom was a paediatrician.

In 1993 Groner published a study in which estimates made by the German police suggested that, within Germany, 130,000 children are forced by parents or other close acquaintances to participate in child pornography and that there are about 100 private dealers within the country. Kelly also cites a 1988 study by David Finklehor et al in which, in a study of child sex abuse in day care settings, in 14% of all cases it was suspected that child pornography had been produced.

The effects of new technologies

Making and storing images and sounds

Video cameras, video-cassette recorders, computers, different sorts of communications devices, scanners, digital cameras and similar technologies are becoming very much cheaper and much more widely available. They have hugely facilitated both the production and distribution, and the storage, of child pornographic images and made their large-scale distribution possible.

Morphing and “virtual” pornography

In some countries, the definition of child pornography has been based on the notion that, historically, it usually involved harm being done to an actual child. This is, of course, a good reason for outlawing child pornography, but now that computer technology makes image manipulation, the creation of “virtual” pornography, or .morphing., extremely easy, it ought not to be the only factor weighed in the balance.

How would anyone be expected to know the difference between two pictures, one based on real events the other the product of computer manipulation, where both depicted broadly similar acts and where both looked as genuine as the other? Any notion of difference rooted in the artificiality of one as opposed to the realness of the other would be wholly abstract in nature and not at all apparent to the viewer.

If it came to court, having to make fine forensic distinctions between real and artificial images of child pornography risks making a mockery of the

law. If to the rest of the world something looks like child pornography, it should be treated as if it were child pornography. Moreover, how does one prove a negative? Often it may be hard to prove that a particular image is not, in fact, a real person suffering real abuse. Similarly, it might be very hard for the prosecution to show that it was.

Civilised society has declared that the depiction of children as sexual objects is unacceptable. It has done this not just because of the harm it generally does to the children who are its immediate victims. It is also because viewing child pornography can desensitise adults and lead them towards further harmful or abusive behaviour, and therefore also puts other children at risk. As we have seen, it can also be instrumental in nature, desensitising or sexualising children in inappropriate ways. Child pornography is often used by sexual predators quite deliberately to lure children into abusive relationships. In that context, therefore, whether or not the image is real or artificial is of no significance.

The impact of the Internet

The Internet is no longer the adults-only, academic medium it was until comparatively recently. It is now a consumer product aiming to be in every home, and used by every family. It cannot reasonably hope or expect to continue operating as if the world were governed by the same standards and expectations of the Senior Common Room. We live in a world where children are forever present. They cannot be written out of the picture and wished away.

In every other area of life it is understood and accepted that children need to be given the time and space to develop into healthy and

independent adults. There are certain types of situations, certain sorts of materials they ought to be shielded from and certain types of relationships which they ought to be discouraged from having. The Internet can claim no special exemption from these norms.

The Internet has moved, in less than eight years, from being an obscure network used primarily within the academic community to becoming a mass consumer product which is having a profound impact in terms of restructuring many areas of social, cultural and economic life in the industrialised countries. This transition started in the early to mid-90s with the development of the world wide web and email. It has been gaining momentum ever since. Today, the Internet extends to a little less than 7% of the world's population, but almost 90% of all users are in the major industrialised countries. However, its forward march is relentless.

Because of the way the Internet is being integrated into educational systems, and because of the ready way in which they can adapt to new technologies, children are among the fastest growing groups of Internet users worldwide. Precisely because the Internet is becoming so widely used by children it is feared it is acting like a magnet to child sex abusers who are stalking children, seeking to entice them either into supplying them with new child pornography, or into real world meetings where they can sexually abuse them, or both.

Anecdotally, it is frequently suggested that sales of traditional sex-related magazines and videos generally are in decline as more and more of its traditional consumers shift their attention to the Internet. Sales of Penthouse magazine have fallen from over 3.5 millions in the 1980s, to around 850,000 today. Playboy has continued to decline in 2000, down 12% on the previous year with losses rising from US\$5.3 millions to

US\$46.6 millions. Hard core pornography journals are thought to have suffered similar declines.

Police forces across the world have also noted that child pornography has moved on to the Internet in a major way. Previously child pornography was often quite hard to find, requiring the person to take a number of risks in order to obtain it, e.g. by going to certain sex shops or video stores in particular parts of town, where one might be seen by people who knew you, or you risked being seen by the police. Alternatively, and equally risky in terms of the possibility of discovery or exposure, there would be mail order companies that might keep your name and address or bank details in their files. But the arrival of the Internet can make much of this unnecessary for those who can access it, and with the removal of these old barriers or inhibitors, the early signs are that more people are being tempted to become involved.

Child pornography can be and has been traded, using almost every technology available on the Internet. However, there are three principal access points: the web, newsgroups and chat rooms.

World Wide Web

The web is a source of child pornography on the Internet but it is not the major source. In a study carried out by the University of Cork, Ireland, between June and November 1997 sexualised images of under age girls on the web were coming principally from Japan, with 73% of all sites found originating there. The next highest source was the USA with 14%, followed by the UK at 3%. A greater number of sites offered sexualised images of boys but no comparable percentages were provided.

Newsgroups and Communities

Newsgroups are still the principal source of publicly available child pornography on the Internet. Newsgroups are similar to electronic bulletin board where people with shared interests can exchange information and files which they .post. to a specific group whose name generally indicates the nature of the subject-matter. An analysis of the reports submitted to the UK's Internet Watch Foundation (IWF) suggested that the great bulk of child pornography is to be found in only 28 Newsgroups, with nearly half originating in just three of them

More recently, services analogous to Newsgroups, sometimes referred to as .online communities., have been established by a variety of Internet companies and Internet Service Providers, and sadly many of these look set also to become major repositories for illegal material unless appropriate action is taken.

Chat Rooms

Chat rooms are where child sex abusers go looking for children or they go looking to trade, swap or otherwise acquire child pornography. On one day in December, 1997, researchers from the COPINE project sampled 55 channels on two different IRC networks. They each had titles like .babysex., or .preteensex. or .toddler spanking. and between them had 518 participants. Child sex abusers have coined a term for their search for children in chat rooms. They call it .chicken hawking.. The child sex abuser will enter a chat room where he believes he may find a child. He will not necessarily take part in the ongoing conversation but will instead simply observe the way the conversation is going until he spots someone whom he

believes to be a child, maybe an especially vulnerable child. Here the sex abuser is playing the role of a hawk, circling and watching for his prey, the chicken..

Typically the abuser will seek to befriend the child, perhaps by pretending initially to be a child themselves, a child who shares their interests and concerns. The next stage will be to persuade the child to go off into a private chat room where just the two of them will converse. Eventually, they will exchange email addresses and maybe then mobile telephone numbers for text messaging or direct telephone calls. The child sex abuser will seek to draw the child into his web and may encourage the child to take pornographic photographs of himself or herself, either alone or with friends. Ultimately, a meeting in the real world might be arranged when the adult might look forward to abusing the child further.

A note on peer-to-peer networking over the Internet

Technologies such as Napster and Gnutella have recently been popularised as a means of enabling people to exchange music files across the Internet. They allow anyone with an Internet connection to become both a server and client thus allowing people across the world to connect directly to each other's machines without having to use a third party's services. There is some suggestion that child pornographers are already using these technologies to communicate directly with each other in ways which further reduce the possibility of detection.

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