

Child Pornography - An Overview

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Abstract - The India Child Protection Fund (ICPF) report published in April 2020, reported that there has been an escalation of 95% in consumption of child pornography material in India. This data has been cited from 'Pornhub', which is one of the biggest pornography websites all over the world.

Index Terms - Child Pornography- Centre for Cyber Crime Prevention against Women and Children (CCPWC)- Protection Of Children from Sexual Offences (POCSO) Act, 2012, India Child Protection Fund (ICPF) report, India Child Protection Fund (ICPF) - Ministry of Women and Child Development.

INTRODUCTION

The new emerging trends of Information and Computer Technology (ICT) have given way to new types of crimes, which impede potentiality and human rights of women and girls in particular with psychological violence, degrading them both physically and mentally. Of all the crimes Pornographic content has become an alarming crime harming women and children to a great extent. Exposure to pornography at a young age may lead to poor mental health, sexism and objectification, sexual violence, and other negative outcomes. Among other risks, when children view pornography that portrays abusive and misogynistic acts, they may come to view such behavior as normal and acceptable. Nearly half of children between the ages of 9-16 experience regular exposure to obscene images.

After the development of internet, anybody can have easy access of data and information from all over the world. But instead of taking benefits of internet, some people are misusing of computers and internet for crime such as cyber pornography, cyber stalking, email bombing, virus attacks, web jacking etc. Other than these crimes, offenders use the cyber world for child abuse which is also a kind of cybercrime. Violence and harms against children and young people in cyberspace and in relation to new technologies

include: the production, distribution and use of materials depicting child sexual abuse; online solicitation or 'grooming' (securing a child's trust in order to draw them into a situation where they may be harmed); exposure to materials that can cause psychological harm, lead to physical harm, or facilitate other detriment to a child, etc. Offenders use illegal activities such as online grooming against the children to make their victim.

UNICEF is alarmed by the massive quantity of pornography available online, including increasingly graphic and extreme content that is easily accessible to children of all ages. Efforts to regulate content and restrict children's access to pornography have not kept pace with technological shifts that have profoundly altered the landscape for the consumption of Pornography. While many jurisdictions have effectively restricted children's access to pornography in non-digital media, including by making it illegal to distribute pornography to children or knowingly expose them to it, efforts to do the same in digital environments have not been effective.

The India Child Protection Fund (ICPF) report published in April 2020 reported that there has been an escalation of 95% in consumption of child pornography material in India. This data has been cited from 'Porn Hub', which is one of the biggest pornography websites all over the world.

The term 'child pornography' has been defined under the Protection of Children from Sexual Offences Act, 2012 (POCSO). According to section 2(da) of the POCSO Act, child pornography is any kind of visual display of overt sexual activity that engages a child. Such content may be an image, a video or any computer-generated picture which cannot easily be differentiated from a real child. It includes all those images which shows a child to be involved in such activities whether it is created, adapted or modified.

NATURE OF CHILD PORNOGRAPHY

The offence of child pornography is not just one offence, rather it is a series of offences and harsh consequences. It begins with the sexual abuse of child who probably don't even understand as to what is happening with him, and even if he knows about it, that doesn't make it any better. Then such abuse is recorded and distributed among certain horrible people who take intense pleasure in watching those children suffering in pain owing to their exploitation, which provokes them to do it themselves. This is how the desire to do such heinous acts evolves among people, and many of them even succeed to do it, hence more crimes.

A child is someone who is at the very beginning of his/her life and have many years to live ahead, however, when he/she becomes a victim of an offence as brutal as child pornography, it becomes very difficult for that child to live normally afterwards. Such an incident would leave a stigma in the mind of such a child forever.

The expansion of the Internet and advanced digital technology lies parallel to the explosion of the child pornography market. Child pornography images are readily available through virtually every Internet technology, including social networking websites, file-sharing sites, photo-sharing sites, gaming devices, and even mobile apps. Child pornography offenders can also connect on Internet forums and networks to share their interests, desires, and experiences abusing children, in addition to selling, sharing, and trading images.

REASONS FOR CHILD PORNOGRAPHY

The reasons for high demand of child porn are different for different age groups. The primary viewers among the adolescents are those who are nearly 18 to 21 years of age and have sexual dysfunction which means they have difficulty in maintaining erections and achieving orgasms.

Children and adolescents themselves view child pornography, out of curiosity, and for fantasizing. Another reason can be a monetary benefit for the sale of child pornographic material.

However, in case of older people, the majority of the persons watching child porn are either pedophiles or hebephiles or ephebophiles, which are the terms to persons with psychiatric disorder either an adult or

older adolescent having experiences sexual attraction with children of different ages

Pedophilia is a psychiatric disorder in which an adult or older adolescent experiences a primary or exclusive sexual attraction to prepubescent children.

Hebephilia is the strong, persistent sexual interest by adults in pubescent children who are in early adolescence, typically ages 11–14.

Ephebophilia is the condition of being sexually attracted to adolescents in later adolescents, typically ages 15–19)

These are the people attracted or sexually oriented or interested towards children or mid to late adolescents.

It is surprising to know that in the view of many of them, it is their love towards those children. Other than these, there are also many sadists who just take pleasure in watching those children in pain while they are being molested.

All these rising demands of child porn from these people would be ineffective if there was no means to fulfil them in the first place. Here comes the role of the internet which has become the nucleus of sharing such materials making them more popular. The advancement of digital technology and internet expansion has contributed a lot in shooting up of the child pornography market. The videos are easily available, easily affordable and they even conceal the identity of the viewer, hence increasing the number of people watching the same.

Child pornography is a horrifying aspect of the new age reality. Though some of the reasons have been traced, there have been no successful attempts to curb them. There also has been the identification of which kind of population is more prone to getting divulged in these kinds of activities. Still, there have been no successful attempts at resolving these. This evidences that, as important, it is to mark the reasons for the problem, so is to uproot these reasons.

IMPACT OF GROWING POPULARITY OF CHILD PORNOGRAPHY

1. The growing popularity of child pornography, attributed to various reasons has the following impacts-Porn viewing has become a near-universal phenomenon among young men, all over the world.
2. Increasing sexual dysfunction among young men.

3. Stronger belief in gender stereotypes and inequality.
4. The perpetuation of sexual violence against women.
5. Increase in the rape culture, especially the rape of young girls.
6. Development of sexual disorders in young children.
7. Young children often become vulnerable to sexual abuse, cyberbullying, and sexual exploitation.

EFFECT OF COVID-19 ON CHILD PORNOGRAPHY IN INDIA

In addition to the regular ongoing crimes COVID- 19 brought with it not just physical ailments but also an increase in the child pornography industry in India. During the lockdown period due to the spread of COVID-19, almost all schools, colleges and offices were closed down. All the works and studies were being conducted online due to which the number of hours people spent on the internet increased to a large extent. There is no doubt that apart from the usage of the internet for academic purposes, children would get exposed to all the aspects of this advanced digital technology if they spend so much time on it. But while exploring the internet, these innocent children have no idea about the sexual predators who are roaming out there to hunt them. And the reason these people are targeting children is none other than the rising demand of child porn as we have already discussed.

Due lockdown, all kinds of people including paedophiles, child molesters, child rapists, etc. spent their time browsing the internet way more than they usually do. It is evident from the fact that there has been a shoot up in searching of words such as 'teen sex', 'sexy child', etc. in this period according to the ICPF report. Such actions lead to the increase in demand of child sexual abuse content, and in order to fulfil the same the controllers of child pornography network go to any extent to provide updated material to their customers and fill their pockets with billions. This demand encourages the masters of pornography market to do child sexual abuse, child molestation, child trafficking, etc., hence, giving rise to more and more crimes.

According to a report titled 'Child Sexual Abuse Material in India', there has been an increase of up to

200 percent in the demand for violent child pornography material on the internet. This figure is both alarming and disappointing.

LEGAL ASPECTS

Protection Of Children from Sexual Offences (POCSO) Act, 2012

This Act was enacted to provide a robust legal framework to protect children from sexual assault, sexual harassment, and pornography offences while safeguarding the child's interest at every stage of the court process.

The framing of the Act seeks to place children first by making it easy to use by including mechanisms for child-friendly reporting, recording evidence, investigating, and prompt criminal trials through designated special courts.

The new Act calls for a number of crimes to punish an accused. It acknowledges ways of penetration other than penile-vaginal penetration and also criminalizes acts of childhood immodesty.

1. Penetrative sexual assault: penetration of penis/ object/ another part of the body into the vagina/urethra/anus/mouth of the child or asking the child to do so with them or any other male.
2. Sexual assault: when someone touches the child or causes the child to touch them or someone else, sexual harassment: passing sexually colored remarks, sexual gesture/noise, repeated follow-up, flashing, etc.
3. Child pornography exacerbated sexual assault / aggravated sexual assault.

Amendment to POCSO Act, 2012

The Parliament of India passed an amendment to the Protection of Children from Sexual Offences Act, 2012, in August 2019.

The new bill aims to improve the punishment of minors for sexual crimes, including a death sentence. To counter child pornography, the Bill provides that those who are using a child for sexual purposes will be prosecuted with up to five years imprisonment and fine. However, the punishment would be up to seven years and fine in the event of a second or subsequent conviction.

The Bill defines child pornography as any visual representation of sexually explicit behavior involving a child, including photographs, video, digital or

computer-generated images that cannot be distinguished from a child.

GOVERNMENT OF INDIA INITIATIVES

Government has taken several steps to tackle Cyber Crime against children. These, inter alia include:

The Government is implementing a comprehensive central sector scheme, namely “Centre for Cyber Crime Prevention against Women and Children (CCPWC)” to handle all issues related to check all cyber-crime against women and children including child Central Board of Secondary Education (CBSE) has issued guidelines on 18.08.2017 to schools on the safe and secure use of Internet. This circular directs schools to install effective firewalls, filtering and monitoring software mechanisms in all the computers and deploy effective security policies.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 notified under the IT Act, specifies that the intermediaries shall inform the users of computer resource not to host, display, upload, modify, publish, transmit, update or share any information that is, inter alia, obscene, pornographic, paedophilic, harms minor in any way; violates any law for the time being in force; etc.

Government periodically blocks the websites containing extreme child sexual abuse material (CSAM) based on INTERPOL’s “worst of list” received through Central Bureau of Investigation (CBI), the national nodal agency for Interpol in India. The Government is implementing a comprehensive central sector scheme, namely “Centre for Cyber Crime Prevention against Women and Children (CCPWC)” to handle all issues related to check all cyber-crime against women and children including child pornography.

National Cyber Crime Reporting Portal, www.cybercrime.gov.in has been launched by the Government to enable citizens to online report complaints pertaining to all types of Cyber Crimes with special focus on Cyber Crimes against women and children. Complaints reported on this portal are attended by the respective Law Enforcement Authorities of States. A nation-wide helpline number [155260] is also made functional to help public in filing complaints through the portal.

The Government has published a handbook for Adolescents/Students on Cyber Safety, in order to make them aware about various types of Cyber Crimes and how to protect themselves from such crimes. The handbook is available on www.mha.gov.in and www.cybercrime.gov.in. The handbook is also shared on NCERT website by Ministry of Education.

To strengthen the mechanism to deal with Cyber Crimes in a comprehensive and coordinated manner, the Central Government has taken steps for spreading awareness about Cyber Crimes; issuance of alerts/advisories; capacity building/ training of law enforcement personnel/prosecutors/ judicial officers; improving cyber forensic facilities; etc.

CONCLUDING REMARKS

The computer and internet are being used to commit crimes against the children such as child exploitation, production, distribution, and possession of child pornography; exposure to harmful content; grooming, harassment, and sexual abuse; and cyber bullying.

India’s child pornography laws are enshrined in S.67B of the IT Act as well as in Ss.11 and 13 of the POSCO Act, 2012 can be utilize. The Protection of Children from Sexual Offences (POCSO) Act had been amended in 2019 to include the definition of child pornography under Section 2(da) and punishment provided under Section 14 and Section 15 of the Act. Laws to curb the menace of child pornography in India are in force, although it is evident that these are not enough. The real solution to this problem lies in the reforms at the grassroots level, primarily in the homes. Right parenting techniques and maintenance of regulated checks on children by their parents are of utmost importance. Laws can punish the guilty, but actual change and finishing of this problem from its very root can happen only from grassroots level changes.

The best approach for parents, caregivers and teachers responding to children's exposure to pornography is to encourage open communication, discussion and critical thinking on the part of children, while educating themselves about the internet and social media.

Parents and caregivers are less likely to be intimidated by online risks if they are informed and take an active role in their children's digital lives.

REFERENCE

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