

## **2. Media as a platform for prevention, emotional support and child sexual abuse**



# Child pornography in the Internet

*Edith Huber*

Child pornography: Nearly no other crime reflects the deep abyss of human behavior in our society more than this one. Still there is no denying the fact that with the spread of digitalization child pornography experiences a significant increase in content and consumption. EUROPOL (2019) sees this crime as one of the biggest current threats which presents both legal and executive authorities with challenges on an international scale. This article discusses the phenomenon of child pornography in multiple dimensions and thus provides an overview of its variety and evolutions. In its course, the discussion covers criminological and social aspects. After laying the ground by defining what child pornography is from a legal point of view, how it can be produced, and what possible means of distribution are, various aspects of child pornography are discussed from a victim's, a perpetrator's, and a process point of view. At the end the difficult topic of prevention is touched upon.

*Keywords:* Child pornography, cybercrime, profiling, crime

“We are dealing with one of the most popular websites in the world and with tens of thousands of uploads per week: Badly trained operators are tasked with deleting pictures of rape and of persons under age from the pornographic platform xHamster. Alas the incomplete policy of the platform protects victims of sexual violence insufficiently.”

*(Meineck & Alfering, 2020)*

Pornographic representations of humans have been known to exist from early times on. As the Internet and its community grew, presentation and distribution of pornographic pictures expanded into new dimensions. Social media, file-sharing-sites, photo-sharing-sites, gaming devices, and mobile applications support the sharing of pictures and videos (U.S. Department of Justice, 2020). Pornography by itself is not rated as negative in the scientific literature (see the section “Definition“). This is why in case of child pornography the notions “child sexual abuse material (CSAM)” and “child sexual exploitation material (CSEM)” are used quite frequently (Interpol & Ecpat, 2018). Child pornography on the Internet is a global phenomenon which does not stop at national borders. It is not always easy to determine what is to be understood as child pornography on the Internet, what represents a criminal action, and how related content is distributed.

The Internet Watch Foundation (IWF) is an English organization with the goal of minimizing criminal misuse of sexuality with a specific focus on the abuse of children. To achieve this, IWF analyzes relevant websites and evaluates the results each year. 2019 their report documents that 9 from 10 websites containing child pornography are hosted in Europe. Of the sites hosted in Europe, 71 % are hosted in the Netherlands which is equivalent to 93.962 URLs (IWF, 2020).

When talking about the content created, the network End Child Prostitution, Child Pornography & Trafficking of Children for Sexual Purposes (ECPAT International) and International Criminal Police Organization (INTERPOL) introduce the terms “child sexual abuse material (CSAM)” and “child sexual exploitation material (CSEM)” (Interpol & Ecpat, 2018). The latter describes all sexualized material depicting children, including “child sexual abuse material” which refers specifically to material showing acts of sexual abuse or focusing on the genitalia of the child or both. In the context of this article, CSEM represents the growing amount of content produced at home by using the technological means which are easily accessible for anyone on the Internet.

## Definition

In order to describe the topic more clearly, it pays off to take a step back and have a look at the definitions of pornography and child pornography in general. Pornography can be seen as representation of verbal and visual acts (Duden, 2018). Based on this definition, four controversial points of view have been developed (Hill et al., 2007; Huber, 2019):

1. Pornography is seen as a safety valve. People with a leaning towards all kinds of sexual practices consume pornography so as to reduce the urge to realize their fantasies in real live.
2. Pornography is seen as direct or indirect cause for sexual violence. It serves as amplifier and also as trigger for aggressive sexual violence.
3. Consumption of pornography is seen as the consequence of an existing tendency to sexual aggressiveness.
4. There is no relationship between sexual violence and pornography.

Besides the fast development of online-pornography, the progress of digitalization emerged new notions like “cybersex”. Cybersex (also known as cybering, online-sex, or virtual sex) is understood to be “computer aided interaction between humans who are explicitly sexually motivated, which means that they seek sexual arousal and satisfaction sending each other

digital messages” (Hill et al., 2007). Understood as interaction, cybersex is legal, but it is also seen as the basis for the distribution of pornographic content in general and child pornographic material specifically on the Internet (Hill et al., 2007).

In most countries on earth child pornography is illegal. The legal frameworks themselves as well as the responsible governmental entities differ for differing countries. An important example is the legal definition of the age until which a person is still regarded as a child. In Austria and Germany, you are a child until you have reached your 14<sup>th</sup> birthday. In Belgium, Switzerland, the Netherlands, and Great Britain you are protected as a child until your 16<sup>th</sup> birthday. In Italy, France, Canada, and the United States of America a person is protected until the age of 18 (Kuhnen, 2007). In Germany, the legal framework is provided in § 184 (Verbreitung pornographischer Inhalte – Distribution of pornographic content) of penal code (Strafgesetzbuch – Deutschland, 2020). In 2015, the legal situation changed in Germany, so that files which present content that is known as “posing” (not necessarily punished legally until 2015) is now deemed to be child and adolescent pornography and treated as such even if the production of the content was self-motivated (Bundeskriminalamt, 2020a). Austrian legislation provides a framework for child pornography since 2012 in §§ 207a (Pornographic representation of persons under age) and 208a (Initiation of sexual contacts with persons under age) of Austria’s penal code.

In nearly all countries in the world, legal regulations deal with the crime of child pornography. As an example, American legislation defines the distribution of material containing child pornography as follows: “Sexual activity is not needed in the image to be considered pornography. The images may contain a nude picture of a child that is deemed sexually suggestive and be considered illegal. Child pornography under federal law is the disregard for age of consent for sexual activity in a given state. Some states consider age of consent to be younger than 18 years old, but when child pornography is concerned, any depiction of a minor under the age of 18 engaging in sexually explicit conduct is unlawful.” (HG.org, 2020) Sweden, on the other hand, does not define a specific age but takes the physical development into account (Kuhnen, 2007).

### Methods, forms and distribution

“The Public Prosecutor’s Office in Frankfurt am Main and the German Federal Bureau of Investigation possess more than 3,800 picture and video files showing serious sexual abuse of two children by an

unknown suspect in at least 12 cases. The victims are two boys between 7 and 12 years of age. The pictures and video clips are assumed to have been produced starting in 2014 and were uploaded to a site located in the so-called dark net providing child pornographic material in December 2017.”

(Bundeskriminalamt, 2018a)

## Methods for producing child pornographic material

Developments of media technologies in the 1990s provided a boost for the distribution of child pornographic content. An important element was the camcorder, a combination of video camera and video recorder, as it enabled a new type of observation and recording. These new capabilities also supported criminal misuse and provided an essential contribution to the distribution of child pornographic content. For the first time it became possible to create content at home and share the results with an interested audience (Kuhnen, 2007). In addition, personal computers became part of households starting with the mid-eighties. This and the introduction of the Internet to the wider public (Lamp, 1985) allowed a rapid distribution of child pornography.

Regarding sexually motivated criminal acts against children in online environments, one can discern three mechanisms: (a) distribution, production, and consumption of child pornography, (b) getting into contact with potential victims in preparation of abuses (“cyber-grooming”), and (c) formation of subcultural networks of offenders (Franke & Graf, 2016).

## Forms of child pornography

*Example: Ann and Max, both 13 years of age, fall in love for the first time. They take nude pictures of each other in clearly intimate positions. They break up after a few months and Max posts some nude pictures in various WhatsApp groups of their school out of hurt pride and anger.*

The example shows that child pornography has far more facets than perceived by the public and that it starts at a much earlier stage than it would be expected. One can distinguish between two forms of producing child pornography:

- voluntary posing
- involuntary posing

Voluntary posing encompasses all cases in which children and adolescents present themselves out of their free will. Here you come across the following situations: Teenagers like Ann and Max take pictures of each other being nude or in clearly recognizable erotic positions. More often they do not think of the consequences the publication of photos in intimate and private situations might have for them. Such photos are shared amongst teenagers mostly using social networking tools (Huber, 2019). Looking at the Austrian criminal statistics concerning voluntary posing, one can find a multitude of reports dealing with the scenario just described (Bundesministerium für Inneres, 2017b).

Another variant is the voluntary posing in an everyday situation. In this context, there is an ongoing discussion whether regulations from child protection actually apply to nude pictures arising from photos of an everyday situation of children and teenagers if these do not show an unnatural emphasis of their sex (Liesching, 2014). The discussions stem from the fact that the border line between an everyday situation and the emphasis of the sex of the child, something that is strictly forbidden, is not always easily drawn.

Both variants of voluntary posing still leave you with the fact that removal of the content from Internet may need quite some effort or may not be possible at all.

In addition to the variants of voluntary posing there exists involuntary posing, for which children and teenagers are forced to carry out sexual activities. These are clear cases of child sexual abuse. In many of them additional crimes like trafficking in human beings or slavery are committed. Taylor et al. (2001) distinguish 10 levels of presentation in involuntary posing.

When cyber-grooming – one of the important ways to achieve involuntary posing – takes place, grownups often pose as adolescents or children in order to win the trust of the young person. In many cases the grownups are older and use online-games or social networks to persuade their victims to send them sexually explicit pictures or videos. However, cyber-grooming represents a special variant in all of the scenarios introduced, because sometimes, as already discussed, children and adolescents share pictures and videos voluntarily (Make-it-safe, 2019; IWF, 2020). This trend has experienced rapid growth in the last decades.

In the relevant literature a number of terms are used for the description of sexually motivated contacts to children. You talk about luring (Canada), solicitation (United States), and grooming (United Kingdom) (Quayle & Newman, 2016).

## Victims

“The latest case of abuse in Münster is only the tip of the iceberg: Since the start of the Corona crisis, the demand for child pornographic pictures has risen up to 30 %. To catch the perpetrators, investigators use increasingly intelligent methods.”

(Döbber, 2020)

Sexual violence against children and teenagers becomes more and more a topic because the number of cases has been growing in the context of the COVID-19 pandemic. This observation is supported by Ylva Johansson, the EU's Commissioner for Home Affairs: “[...] there were indicators that child sexual abuse was increasing ‘enormously’ during lockdown.” (McCaffrey & Gill, 2020) Without doubt a pandemic will always present any society with challenges, but what is known about sexual violence in general and child pornography specifically?

Basically, we need to distinguish between known cases (here we talk about cases registered with the responsible authorities) and cases we can only speculate on (cases not registered with the responsible authorities). Taking the situation of known cases in Germany from 2016 to 2019 as an example, one will see that cases of child pornography grew significantly (2016: 5,687; 2019: 12,262). A comparison between 2019 and 2018 yields a growth rate of 65 %. In addition, the German Federal Bureau of Investigation is aware of 2,100 provable acts of crime which cannot be prosecuted due to the lack of data retention (Bundeskriminalamt, 2020b).

To glean analytic results about victimization from the available data is difficult as the cases registered with the authorities do not provide personal data like age or country of origin of the victim. Thus, there is a lack of statistically significant information which hampers the tracking of perpetrators massively on a worldwide scale. Global organizations like the IWF have access to more data. In 2019, the IWF provided a statistical analysis of 132,676 pertinent URLs and 54 newsgroups showing that more than three quarters of all victims of child abuse are between 7 and 13 years old and 92 % of the victims were female (IWF, 2020). It should be noted though that victims can be found in all ages of children and adolescents.

Interviews of victims indicate that children without a male person to trust, with mental handicap, with a history of abuse, or from a difficult economic environment become victims of child abuse with a higher probability. This is true for girls as well as boys, the latter being a little bit older on average (Hesselbarth & Haag, 2004). In addition, many publications show that victims are subject to traumatic disorders for the rest of



their lives as a consequence of the abuse. They need both medical and psychological treatment (Franke & Graf, 2016).

#### Variant 1: voluntary posing

Presenting oneself in social media like Instagram and Facebook has become a cultural part of our time. This is already true for children and teenagers. Erotic pictures and videos are often produced and shared voluntarily. (The story about Ann and Max at the beginning of section “Methods, forms and distribution” may serve as a good example of voluntary sharing.) At a later point in time, criminals use the material for distribution without obtaining consent from the victims. In Austria, the victims are typically between 14 and 19 years of age and are both male and female (Bundesministerium für Inneres, 2017a).

Furthermore, “voluntary” videos from children and teenagers which are produced by criminals via live streaming are on the rise. The victims are then often blackmailed by the perpetrators. In this case the victims are mostly female (IWF, 2020; Quayle & Newman, 2016). Partly activities of this category can also be assigned to cyber-grooming, which is discussed in the following section.

#### Variant 2: involuntary posing

Taking data from Interpol, Europol, and the Latin-America-Report, it becomes clear that especially children of countries which are poor become victims. Victims can also be found more often in countries known for their sex tourism like Eastern Asia, parts of Europe, Latin America, the Middle East, North Africa, North America, the Pacific region, Southern Asia, and Sub-Saharan Africa (Ecpat, 2016; Europol, 2019; Interpol, 2019). Girls are found to be victims more often than boys, their age being between 0 and 17 years. (IWF, 2020)

### Perpetrators

A large number of experimental and epidemiological studies were carried out in a purely male environment or with convicted criminals. In this context, pornography is often associated with male violence. Hill et al.

(2007) prove via evidence-based and experimental studies that “people with a high risk of being sexually violent [...] have more interest in violent pornography and experience a stronger negative influence. [...] Hardcore pornography without violence as well as with violence intensifies aggressiveness. Consuming pornography probably supports the fixation of sexual deviations (e.g., for pedophilia or sadomasochism) and can prepare the ground for sexual crimes” (Hill et al., 2007). The publications remain pretty general and do not differentiate between different types of crime. They can best be used to describe variant 2 (involuntary posing).

Further on a distinction is made whether the criminals produce, distribute, provide, or consume child pornography. In most countries on earth all of these activities are forbidden by criminal law. The criminals use the Internet out of intrinsic reasons to “develop fantasies, overcome scruples, monitor and contact victims, avoid detection, and communicate with other criminals” (Hill et al., 2007). There are groups of criminals called “searching”. They are motivated by searching through the Internet to find corresponding material. In contrast there is a group of criminals called “collecting”. Their main goal is to collect as much material as possible and store it in databases (Aiken et al., 2011). An extrinsic motive for participating in child pornography can be found in the financial gain arising from the production or distribution of child pornographic material or from providing a platform for the processing of this material. In addition, many authors from the area of forensic psychiatry describe the criminals by distinguishing between different psychological disorders (Franke & Graf, 2016).

A critical remark may be made about the scientific methods used to analyze the psychological disorders of criminals as it can be assumed that there are a high number of unknown cases in this area. In a variety of publications it came to light that criminals in the area of child pornography are nearly all white, male, and between 25 and 50 years of age. They seldom have a criminal record and have a better education than hands-on criminals. Very rarely the criminals are female (Elliott et al., 2009; Merdian & Egg, 2009; Wolak et al., 2011). Beyond that a relationship between Internet addiction and the consumption of child pornography has been proven (Wolak et al., 2011). Howitt und Sheldon (2007) carried out studies about 51 criminals which revealed that they had long criminal records and experienced heavy abuse during their childhood. Again it has to be remarked that the results present more of a collection of single studies than an evidence-based survey. The current status of available data makes it difficult to create an unambiguous typology of the criminals in question. Moran (2010) evaluated existing databases and identified the following

types: simple observers, beginners being curious about the material they might find, traders and criminals who provide the material online, closed groups of traders and distributors of illegal contents, and community experts.

### Hands-on and hands-off crimes

„Sexual abuse can be divided into so-called ‘hands-on’ and ‘hands-off’ crimes. ‘Hands-on’ crimes always involve physical contact between the victim and the criminal. ‘Hands-off’ crimes entail the presentation and creation of pornographic material as well as voyeurism, exhibitionism, and all other sexually explicit actions without physical contact between child and perpetrator.”

*(Monks – Ärzte im Netz GmbH, 2019).*

Based on the statistic of reported crimes, the situation in Austria can be characterized as follows. A phenomenon of the last few years shows an increasing number of children and adolescents producing pornographic material of their friends and partners. This has been described in variant 1: voluntary posing.

According to the Austrian criminal statistics, “sexual crimes are often committed by young and sometimes also female criminals” (Bundesministerium für Inneres, 2017a). The perpetrators are often at the same age as their victims (between 14 and 19 years of age). In this context one has to be careful using the word “criminal”. In many of these cases there is no conviction as the lawsuits are terminated at a preliminary stage. Thus, one can often only talk about an “accused” or “suspected” person (Huber et al., 2018).

There is nearly no data available about criminals falling into variant 2: cyber-grooming. In a qualitative survey by Stelzmann et al. (2020) about criminals guilty of grooming the following reasons for using the Internet were put forward: 1) In an offline-environment the risk to be caught is higher; 2) it is easier to get into contact with possible victims; 3) the psychological barrier to operate is lower; 4) victims can be manipulated more easily. The lack of research results for this topic also presents challenges for the development of preventive measures. Basically we are looking at persons who use social media and are active on gaming platforms. Frequently they will be grown-up males who chat up children or adolescents as described at the beginning of this section. These facts were corroborated by qualitative studies (Quayle & Newman, 2016).

## Process model

Tiroler Tageszeitung, 28.08.2018: „Limburg, Vienna – During the trial dealing with the child pornographic platform ‘Elysium’ at the district court in Limburg (Germany) a 62 year old Bavarian, who is said to have acted as moderator in chats and abused children sexually, admitted to also having been active in Austria. He said to have arranged a meeting with a man in Vienna to abuse the latter’s son and daughter.” (APA, 2018)

The available literature provides three different kinds of process- and business models concerning child pornography:

### Variant 1: voluntary posing

If, as described at the beginning of this section, digital material is created on voluntary basis, the producers will mostly be children and adolescents during a romance. The act of distribution on the Internet typically follows a break-up of the relationship with one of the two being hurt and burning for revenge (Huber et al., 2018). There is obviously no intent of financial gain at the basis of this variant.

### Variant 2: involuntary posing

There is a worldwide rise of willingness to collect material about child-sexual-abuse (CAM, child abuse material). This in course leads to a market worth billions of euros. Pictures are produced in many ways, for example via scanning and upload, using a hidden camera, recording domestic sexual abuse, commercial pictures, or by the children and adolescents themselves (Aiken et al., 2011). Production of the content often takes place in third world countries, whereas the distribution mainly takes place in the industrialized world. Frequently the criminals act in closed trading groups, which are equipped with a high level of security. Regarding the technical means of distributing child pornography, two technological developments encourage the rapid permeation of child pornography in the Internet: Anonymization services and peer-to-peer networks used for live streaming enable a commercial (live) access to child pornographic activities that is difficult to track.

The alarming dimension the process model involving peer-to-peer networks can reach is shown by the German Bundeskriminalamt's results concerning the child pornographic dark net site "Elysium". This site generated more than 87,000 users worldwide in a mere six months. This also led to an enormous rise in the number of pictures posted about child abuse and is now subject to many criminal investigations against the operators and the users involved (Bundeskriminalamt, 2018a).

As a second business model Europol singles out live-streaming of sexual abuse of children. Supported by new technologies described in the technical part of this article, a trend towards profit-generating abuse of foreign children makes itself felt. The criminals mostly reside in the western world. For cash the abuse can be consumed live (Europol, 2019).

### Prevention

It proves to be difficult to do preventive work in order to reduce the worldwide consumption of child pornography. It is a fact that victims are found especially among children living in poverty. This is certainly true for third world and emerging countries. Still there are also a significant number of consumers of child pornography in the western world for whom a prevention strategy has to be worked out as well.

International activities have been started to provide a better protection for victims. Interpol started a worldwide initiative to protect the rights of children. With forensic tools and international networks, the database ICSE was created. It allows 54 countries to send queries about convicted criminals (Interpol, 2019). The German Bundeskriminalamt notes on its website: "Most leads to data containing child pornographic material come from the US American non-governmental organization National Centre for Missing and Exploited Children (NCMEC). It cooperates with American Internet service providers like Facebook, Microsoft, Yahoo, or Google, which continuously scan their data and the data distributed using their services via newest filter technologies for abuse pictures" (Bundeskriminalamt, 2018b). It is imperative to define a worldwide coordinated strategy to battle child pornography in the Internet and destroy criminal networks more successfully by coordinating governmental organizations in a more efficient way.

A different set of preventive measures focusses on educating children and adolescents how to use new media. It uses didactic means in schools to explain the consequences of using the Internet. An important part is that

the children and teenagers are warned about typical approaches to certain crimes.

## Summary

This article takes the reader on a journey through the motives for producing and consuming child pornography and through the personal and social environments of the victims and their perpetrators. It shows the many, sometimes unintentionally produced, variants of child pornography, the legal frameworks that define them as being crime, and the ways criminals take to avoid detection.

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