

Stockholm Congress Panel Report: Child pornography

The Child pornography panel heard contributions from the Chair, Ron O'Grady (New Zealand), Lars Svård, Superintendent (Sweden), Toby Tyler, Sheriff (US), Junko Miyamoto (Japan, Tilman Fűrnis, Münster University (Germany), Margaret Healy, Fordham Law School (US). The Rapporteur was Rima Salah, UNICEF Vietnam.

In this panel, the issue of child pornography was discussed from a variety of perspective. Although there is no universal definition of child pornography, as this would involve an array of cultural, moral and sexual beliefs which differ around the globe, for the purpose of the panel, it was defined as follows:

- Sexually explicit reproductions of a child's image;
- Audiovisual material which uses children in a sexual context (Council of Europe definition);
- Visual depiction of the sexual exploitation of a child, focusing on the child's sexual behaviour or genitals (Interpol definition).

The characteristics of child pornography, which are this phenomenon a substantial and unique challenge to professionals and child advocates, include:

- The lack of any uniform definition;
- Lack of data regarding the production and distribution of child pornography in many parts of the world;
- Shifting patterns of production and consumption of child pornography;
- The remarkable advances in computer technology that have impacted the problem of child pornography more than any other area of child sexual exploitation;
- The victimization of the child is not a single event.

Why is child pornography used?

- Sexual arousal and gratification;
- Children's lower inhibitions or resistance to participation in sexual acts;
- Blackmail and power;
- Profit and collection;
- Exchange among paedophiles.

How widespread is child pornography legislation?

The study of Laura Lederer from the University of Minnesota on national legislation and international trafficking in child pornography reveals that, of 165 countries included in the study, only 31 countries reported that they have specific legislation prohibiting the production, distribution and possession of child pornography. While most countries do have some form of law prohibiting child sexual exploitation, it is important to have specific legislation addressing supply and demand and distribution, if the international community is to stop proliferation of child pornography.

In Sweden, from the law enforcement perspective (police), the fight against child pornography should be given high priority and there must be viable resources and trained police, international

and national cooperation., similar legislation in other countries, or the need for a central criminal record (database), instructions for the police on how to handle computer crime, and the police must learn how to take care of child victims.

Recommendations on legislation and law

1. Countries should consider mandatory reporting for child pornography;
2. Child pornography should be outside the protection of freedom of speech laws. However, the development of computer technology presents significant challenges at arriving at protection of children and freedom of speech;
3. Governments need to consider the need for financial restitution and counseling of children used in child pornography;
4. Governments should develop forfeiture laws, similar to those used for drug traffickers, to seize the property of child pornographers;
5. Model criminal legislation should be developed for child pornography for countries who would like to introduce or improve legislation;
6. All countries need to consider how to handle pseudo-child pornography (computer variations of child pornography using processes of morphing, eg adult body and child's head);
7. All countries should pass legislation prohibiting the mere possession of child pornography;
8. Countries should translate their criminal codes to facilitate international cooperation;
9. Countries should begin the process of regularizing and synchronizing laws dealing with child pornography.

The effect of new technologies on child pornography

Child sex exploiters have always used new technology to facilitate the sexual exploitation of children. Today, photography, videography and the Internet are used for this purpose. The Internet is the single largest source of child pornography, therefore the Internet combined with other related computer technologies promises to provide immense opportunities for the distribution of child pornography and the sexual exploitation of children, both commercially and non-commercially.

Without aggressive and innovative policing, legislation and intervention, there is a real risk that the Internet will facilitate for thousands of paedophiles worldwide to participate in the sexual exploitation of children.

Why don't we see the child?

Child pornography affects the relationships, loyalties and attachments of children. It causes feelings of worthlessness, anxiety, shame, helplessness, abandonment and denigration of the child. The pornography itself creates a permanent reminder to the child of the above feelings.

How to serve the child victim?

Emphasis should be placed on the process of dealing with the child victim. How should we talk to the children and how can we avoid secondary damage? To address these questions, we need to establish proper training, inter-professional cooperation, together with a heightened sense of

awareness of the trauma of the child victim. The need for long-term follow-up and support should be considered for victims of sexual abuse and who may be at risk of becoming abusers themselves. There is a need for a study to be conducted as there is no information available on the effects on children when they are aware of the permanency of the pictures. The only long-term effective study was conducted in Sweden. Resources should be made available to ensure family and social support, being the most effective remedies in the long term, although therapy would also be required in the year or two after exposure to the events.

Recommendations

1. The debate regarding child pornography should be carried out at a global level, and public awareness heightened as to its abusive connotations to children.
2. Computer-generated child pornography and the possession of child pornography in general should be criminalized.
3. The police should be adequately trained, resourced, and given the authority to be proactive in the pursuit of child abusers. Laws that do not allow for this should be changed.
4. As paedophilia is an international phenomenon, international efforts and cooperation between police forces and investigation agencies are required to combat it.
5. There should be support for a Protocol to the CRC on the issue of child prostitution, the sale of children and child pornography. Such a protocol might also tackle the question of the age of consent.
6. The recommendations on legislation (above) should be adopted.
7. To combat child pornography, an alliance between governments, NGOs, UN bodies and civil society needs to be established, both at national and international levels.