Counter-Surveillance Strategies Adopted By Child Pornographers

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ABSTRACT

On the one side, it could be argued that ICT provide a perceived anonymity for people downloading and distributing child abusive material, also labelled child pornography. While, on the other side the technology offers powerful surveillance mechanisms to monitor these activities and thus constitutes a powerful tool for law enforcement. This article aims to explore how offenders manage the risk of surveillance when downloading, distributing and exchanging child abusive material. Critical research with a focus on panopticon is used as a theoretical framework. The data is drawn from interviews with offenders, convicted of child pornography. The findings show that the offenders have developed technological and social strategies to reduce the risk of surveillance and addresses the need of a new theoretical concept better adjusted to surveillance practices that allow the many to watch the many. The ultimate motivation for researching this topic is to contribute to the development of effective child protection strategies.

Keyword: Child Abusive Material, Critical IS Research, ICT, Offender, Panopticon, Strategies, Surveillance

INTRODUCTION

The widespread dissemination and use of information and communication technologies (ICT) (Knights & Murray, 1994) in combination with technological advances have facilitated for individuals with a sexual interest in children to produce, download, distribute and exchange child abusive material (Taylor & Quayle, 2003; Sheldon & Howitt, 2007; Gillespie, 2008). Another characteristic of the technology is that it easily can be used to create networks where people with a sexual interest in children can meet other like-minded individuals (Thomas & Loader, 2000). Research shows that these kind of networks are considered important by people with a sexual interest in children, since they offer the possibility to share and exchange child abusive material regardless of national boundaries (Taylor & Quayle, 2003; Eneman, 2008). Murray (2006) highlights the dualistic nature of ICT and uses the metaphor of a double-edged sword. One could argue that, on the one side, the technology provides ‘perceived anonymity’ (Sheldon & Howitt, 2007) or ‘apparent cover of anonymity’ (Gillespie, 2008), accessibility and affordability. Another feature of the technology is that it reduces the social exposure for people downloading and distributing child abusive material (Taylor & Quayle, 2003; Adam, 2005; Eneman, 2008). Whilst, on the other side the technology offers

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powerful surveillance mechanisms that can be used to monitor these activities and thus constitute a powerful tool for law enforcement in crime detection (Gillespie, 2008; Lyon, 2006; Thomas & Loader, 2000). Contemporary surveillance systems have become less obvious and overt, and more systematic and subtle in our everyday life (Lyon, 2001; Haggerty, 2006). Consequently, even that people are aware of the risk of being monitored when downloading and/or distributing child abusive material, they do not know exactly when they are subject of surveillance or how comprehensive others’ knowledge of them actually is (Lyon, 1994).

The research topic of this article is child abusive material (Quayle et al, 2006; 2008), also labelled child pornography. Gillespie (2008) argues that child pornography is ‘an extremely controversial label’ and that professionals tend not to use it since it reduces the gravity of what the material portrays and invites comparisons with adult pornography. The term child pornography is not unproblematic and there is not one single definition of it. Interpol has formulated the following useful definition of child pornography: “Child pornography is created as a consequence of the sexual exploitation or abuse of a child. It can be defined as any means of depicting or promoting the sexual exploitation or abuse of a child. It can also be defined in such forms as visual depictions, audio depictions and textual depictions (Gillespie, 2008). Quayle et al (2008) have, in the recent thematic paper on Child Pornography and Sexual Exploitation of Children Online, recognised that there has been a significant change in the discourse used to describe the material portraying sexual abuse and/or exploitation of children. They have identified that the terms ‘abusive images’ and ‘abusive material’ now are widely used by professionals. It should be emphasized that not all sexual depictions of children are visual, therefore the latter term ‘abusive material’ is more appropriate to use since it also capture non-visual material such as audio and text (Sheldon & Howitt, 2007). Most jurisdictions use the term ‘child pornography’ (Gillespie, 2008). This article will primarily use the term ‘child abusive material’ but the term ‘child pornography’ will also be used due to that it is the legal definition used in Sweden. I do however agree with Gillespie (2008) and Quayle et al (2006; 2008) that the term child pornography is an inadequate term. The research topic of child abusive material is studied in relation to ICT usage. When using the term ICT it should be noted that ICT is not one homogenous technology (Gillespie, 2008; Eneman, 2006). ICT consists of several different technologies, which have different characteristics, and there are also variations in how different technologies are interpreted and used (Monteiro & Hanseth, 1995; Walsham, 2004).

According to current Swedish legal position: production, distribution and possession of child pornography are criminalised. The Swedish legislation has however been proven to be inadequate in parts (Eneman, 2005), and has not been adjusted to tackle the contemporary technological challenges (Gillespie, 2005; 2008). The limitations refer to the lack of legal regulation of viewing child pornography online and the current classification of child pornography as a ‘crime against public order’ and not as a sexual crime. England and Wales solved the issue of viewing child pornography online by inserting the verb ‘to make’ into the legislation to more effectively adjust it to modern advanced technology (Gillespie, 2005; 2008). Besides being a criminal offence in many Western countries, child pornography is also a phenomenon that is strongly unacceptable in society (Taylor and Quayle, 2003). To sum up, the implication is that people who download, distribute and exchange child abusive material, also labelled ‘child pornographers’ (Sheldon & Howitt, 2007), have strong incitement to protect their identity to reduce the risk of being detected and thereby be prosecuted for the committed crime.

My ultimate motivation (Walsham, 2005; Stahl, 2008) for researching this topic is to contribute with knowledge to the development of legislation in this area.
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