Chapter 2
Child Pornography and IT

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ABSTRACT
The sexual exploitation of children remains a very serious problem and is rapidly increasing globally through the use of the Internet. This chapter focuses on the child pornography and IT, and the various methods to combat this problem. The ease of acquiring IT and digital equipments, the global reach of Internet and freely available peer-to-peer services have made child pornography a very complex issue to undertake. The borderless nature of the Internet and the lack of unified criminal code among nations further escalated the complexity of law enforcement against child pornography.

INTRODUCTION
In our technology savvy society, the sexual exploitation of children takes many forms and various means. An image of a child engaged in real or simulated sexual activities is considered a form of child pornography in the same manner as images depicting parts of child’s body with the intention of stimulating sexual arousal or gratification for the viewer of that image. Similar effects are attempted to be achieved in virtual pornography where a morphed or blended artificially created images of children are depicted in sexual activities. Whether these images are limited to a child or involve several children with or without participation of adults, who may or may not be visible to the viewer, they are means of child exploitation and sexualisation of children. While these images are disturbing to most of us, they are used as fulfillment of sexual fantasies by viewers of such images worldwide. As these images are transmitted through electronic means, they are distributed through Internet and test society’s tolerance for what is acceptable and not acceptable behaviour involving children of any age.

While child erotica with lewd images of children is not something new, as will be presented in child pornography section to follow, the means of
transmitting these images has evolved over time. With this change, the challenges to the legal aspect of child pornography and the magnitude of child pornography is getting vast and complex; and how IT is assisting criminals to disseminate this crime and at the same time help law enforcement to mitigate this issue is discussed. Although it is beneficial to discuss the social and psychological effects of child pornography (for more information on psychological effects of child pornography, please refer to Additional Reading section), the main focus of this chapter remains the electronic distribution of images which portray the illegal sexual interaction of children, current detection and prevention methodologies and legal aspects of child pornography.

**BACKGROUND**

**What is Child Pornography?**

The exact definition of child pornography differs from country to country, but the core definition of child pornography remains the same everywhere. The Convention on the Rights of Children defines a child as every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier. Article 34 of the Convention declares that, States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials (Child Rights Information Network, 1990, Article 34).

The Canadian statutes and regulations, under criminal code C-46, section 163.1 defines child pornography to include a “photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means, that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years” (Canadian Legal Information Institute, 2008, Bill C-46). On the contrary, the U.S. jurisprudence has established that virtual child pornography without using real children or real images of children is not punishable by U.S. law (Meek-Prieto, 2008, p. 95).

The United Kingdom Protection of Children Act, Section 1 of the Protection of Children Act 1978, as amended by the Criminal Justice and Public Order Act 1994, defines child pornography as, any indecent photographs or pseudo-photographs (an image, whether made by computer graphics or otherwise howsoever, which appears to be a photograph) of a child; including data stored on a computer disc or by other electronic means which is capable of conversion into a photograph (Internet Watch Foundation, 2009).

South Africa Amendment of Section 1 Act 65 defines child pornography as “any image, however created, or any description of a person, real or simulated, who is, or who is depicted or described as being, under the age of 18 years engaged in sexual conduct; participating in, or assisting another person to participate in, sexual conduct; or showing or describing the body, or parts of the body, if such a person in a manner or in circumstances which, within context, amounts to sexual exploitation, or in such a manner that it is capable of being used for the purpose of sexual exploitation” (Government Gazette, 2004, p.2).

From all these, (Maalla, 2009, p. 7) summarized the definition of child pornography on the Internet as “any media file depicting a child engaged in real or simulated explicit sexual activities or lewdly depicting parts of a child’s body, with the intention of stimulating sexual
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