

A STUDY ON CHILD PORNOGRAPHY AND ITS ADVERSE IMPACT ON THE SOCIETY

AUTHORS – MADHUMITHA & VEERA ABINESH KUMAR, SAVEETHA SCHOOL OF LAW, SAVEETHA INSTITUTE OF MEDICAL AND TECHNICAL SCIENCES (SIMATS)

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ABSTRACT

Child pornography is the electronic publication and transmission of obscene material of children. Child pornography has increased in recent years due to its easy access to the internet and readily available videos on the internet. Child pornography is the most vicious crime that occurs and has led to a variety of other crimes, including sex trips and child sexual abuse. The development of child pornography is driven by two main factors. It is the introduction and availability of home video, video, digital cameras, computers, and software that make child pornography production relatively inexpensive, and secondly the development of internet technology. This has made the production and distribution of this material surprisingly high. The Protection of Children from Sexual Offences (POCSO) Act, 2012 focuses on the crimes of sexual abuse and sexual exploitation of children through stringent legal provisions and POCSO e- box is developed which is an online complaint management system for easy compliance and direct reporting of sexual offences against children. The **aim** of this research is to analyse the impact of watching child pornographic videos among adolescents. The researcher has followed empirical research and a convenient sampling method. A total of 200 samples have been collected. The results show that watching child pornographic videos among adolescents have an adverse impact on their sexual behaviour and it also affect their relationship with others.

KEYWORDS – Child pornography, Internet, technology, child sexual abuse, POCSO Act

INTRODUCTION

Child pornography is the electronic publication and transmission of obscene material of children. Child pornography has increased in recent years due to its easy access to the internet and readily available videos on the internet. Child pornography is the most vicious crime that occurs and has led to a variety of other crimes, including sex trips and child sexual abuse. Child pornography laws in almost all western societies impose shorter penalties for non-commercial distribution, depending on the amount and content of material distributed, and are strict on producers and distributors, usually including imprisonment. Convictions for possession of child pornography usually include imprisonment, but these decisions are often converted to a suspended sentence for

the first offender. Interpol has designated Germany as one of the leading producers of child pornography and designated the Netherlands and the United Kingdom as major distribution centers. The United States is one of the largest demand markets for child pornography, but in recent years interest has shifted to Southeast Asia. The development of child pornography is driven by two main factors. It is the introduction and availability of home video, video, digital cameras, computers, and software that make child pornography production relatively inexpensive, and secondly the development of internet technology. This has made the production and distribution of this material surprisingly high. The Protection of Children from Sexual Offences (POCSO) Act, 2012 focuses on the crimes of sexual abuse and

sexual exploitation of children through stringent legal provisions and POCSO e- box is developed which is an online complaint management system for easy compliance and direct reporting of sexual offences against children. The factors affecting the study include the following: Watching porn has become an almost universal phenomenon among young people, increased sexual dysfunction in young men, sexual impotence is on the rise due to a growing obsession with pornography young people increasingly tend to imitate risky sexual behaviors and are open to sexual objectification, the cultural environment is increasingly sexualized, there is growing opposition to women. and beliefs in gender stereotypes and inequality have increased. According to the current trend, it is observed that in 2020 alone, 738 cases of child pornography were recorded in India, according to National Crime Records Bureau figures. According to the data, there is sharp increase in the number of child pornography cases compared to 2019, when only 103 cases were recorded. In 2018, the number was just 44. This means that 2020 saw a sharp increase in the number of child pornography cases by 619% compared to 2019. However, in 2020, there were only 272 charged cases and no one was sentenced. Moreover only four people were convicted in 2019 and one was convicted in 2018. According to online child sexual abuse imagery rankings child pornographic cases are reported in various countries including Mexico, Bangladesh, United States, Brazil, Vietnam, Algeria and Pakistan. However, India, Indonesia and Thailand account for 37% of the reported cases.

OBJECTIVES

- To analyse the impact of watching child pornographic videos among adolescents.
- To examine the effect of technology advancement on child pornography
- To study the importance of POCSO Act, 2012

- To understand the adverse impact of watching pornographic videos on society

LITERATURE REVIEW

Jody Osborn (2010), The author analyses the re-conviction rate of internet sex offenders is lower than that of exposed sex offenders. It has been found that the standard versions of RM2000 and Static-99 overestimate the level of risk posed by cybercrime and that the adjusted version of the RM2000 may be a more realistic measure of the level of risk in this ensemble. In addition, it has also been noted that low-risk offenders have less access to images of young children and images depicting more serious victims than high-risk offenders. **Marie Henshaw (2015)**, The author discusses the child pornography offenders are thought to be relatively successful and generally pro-social individuals with less extensive and diverse criminal histories than exposed offenders. The child pornography offenders also exhibit high levels of sexual preoccupation, deviant sexual preferences, and deficits in interpersonal and affective domains that exceed those of exposed abusers. **Barry Blundell (2002)**, The author discusses the rapid development of personal computers and Internet technology and its implications for control of the transmission of illegal material, in particular the regulation of online child pornography in Australia, legal considerations of Internet pornography user profiles. **Chris O'Connor (2005)**, The author describes child pornography as stored electronically rather than by more traditional means, using information and communication technology in child pornography statistics related to allegations on child pornography in Victoria since 1999-2004 on the characteristics and motives of crime. **Kathryn C Siegfried (2008)**, The author discusses the increase in accessibility via the Internet, research shows that the child pornography industry generates around \$3 billion a year and has around 100,000 websites offering illegal child pornography. According to the U.S. Department of Justice's National Incident-Based Reporting System

(NIBRS), which collects crime statistics, including the number of child porn cases, the percentage of all related pornography Child sexual abuse increased from 15% in 1997 to 26%. In the year 2000. **Philip R Magaletta (2012)**, The author discusses the dramatic increase in child pornography convicts, little is known about their underlying medical needs. The results indicated that interpersonal deficits and depression were most evident in the profiles of the Internet only child pornography offenders. Consistent with previous research, they also scored lower on aggression and dominance than child molesters and male models. **Katherine S Williams (2004)**, The author examines the ways in which the justice system attempts, through existing legislation and progressive sentencing policy, to control child pornography. It has been concluded that the function of the law needs to be defined more carefully in order to focus more clearly on the protection of children and the surest means of achieving it. **Michael C Seto (2010)**, The author analyses that few offenders are being addicted to the internet, viewing child pornography as a substitute for indiscriminate sexual preference. There is evidence that recently arrested offenders are more prone to sexual deviance, as they are more likely to have pictures of boys, a larger collection of images depicting sexual violence or other pornographic content and engage more in online commerce and communication. **Janina Neutze (2010)**, The author compares two groups. Firstly the study compares men who have committed only child pornography or child molestation in the past six months with men who have not committed a crime during the same time period. The second set is based on lifetime criminal history and compares child pornography offenders with child molesters and men who have committed both crimes. **Max Taylor (2001)**, The author emphasizes pornography as an essential quality of the image, but these definitions can vary depending on the laws of a given country. This is a particular problem with regard to the Internet, where cultural, ethical and legal differences make it difficult to define

“pornography” in such a global society. **Jennifer A Mc Carthy (2010)**, The author indicates that child pornographers form a heterogeneous group. In addition, temporal factors related to substance abuse, antisocial tendencies and deviant sexual preferences and situational factors related to Internet sexual activity, and child pornography discriminates against sexually abusing minors from those who do not. **Hannah Lena Merdian (2013)**, The author differentiates subgroups of child pornography violators as (1) the type of violation, (2) the motivation behind the child pornography offence, and (3) the situation and society involved in the offense. The study identifies the distinct pathways of child pornography offenses, related to different crime needs, crime severity, and assessment and treatment strategies suitable for the offender. **Gerard Niveau (2010)**, The author emphasises the type of evidence confiscated from offenders which demonstrates the importance to national and international activities carried out by law enforcement agencies. The study shows that cyber -identity research is important to assess the seriousness of acts of violence against children in practice that are often not recognized by the justice system. **Shelly L Clevenger (2014)**, The author describes the offenders arrested for manufacturing/distributing personal computers are more likely to (a) have had a drug/alcohol problem at the time of the offence, and (b) have been violent before. Also, unlike child pornography manufacturers/distributors, full-time employment and marital status can be important factors in considering the possibility of arrest for child pornography holders, it is consistent with the principles of self-control theory. **Catherine D Marcum (2010)**, The author investigates the prevalence of cybercrime, particularly possession of child pornography, in law enforcement jurisdictions and the types of training that agencies provide. The study shows that state and local law enforcement are now proposing to effectively combat these tech criminals. **Marcel Aebi (2013)**, The author

emphasised that owners of child pornography differed demographically from boys with sexual contact and had fewer criminal records than boys who sexually abused their classmates and adults. Adolescent owners of child pornography conclude that specific targeted interventions focused on dysfunctional internet use and sexually deviant arousal are needed. **Sandy Jung (2013)**, The author examines that with the advent of the Internet, the number of people who have access to and possess child pornography has dramatically increased, and the number of referrals for evaluation and treatment has increased accordingly. **Erik Faust (2014)**, The author states that recidivism rates vary significantly between the two groups, with child pornography offenders having lower recidivism rates in most recidivism rates. Child contact sex offenders were at much higher risk of being arrested for new or non-sexual violent crimes than child pornography criminals by controlling background characteristics and timing of incidents. **Mathew L. Long (2012)**, The author states that there may be homology between possession of indecent images of children, victim selection, and abusive behavior. The impact on law enforcement is explained in terms of helping potential contact breaches

and prioritizing investigations. **Alisdair A. Gillespie (2012)**, The author emphasises on two countries namely, England and Wales and the United States, have national law to secure jurisdiction as well as those in child pornography within the territory of the United States. The study also indicates the jurisdiction of many crimes with regard to cyberspace.

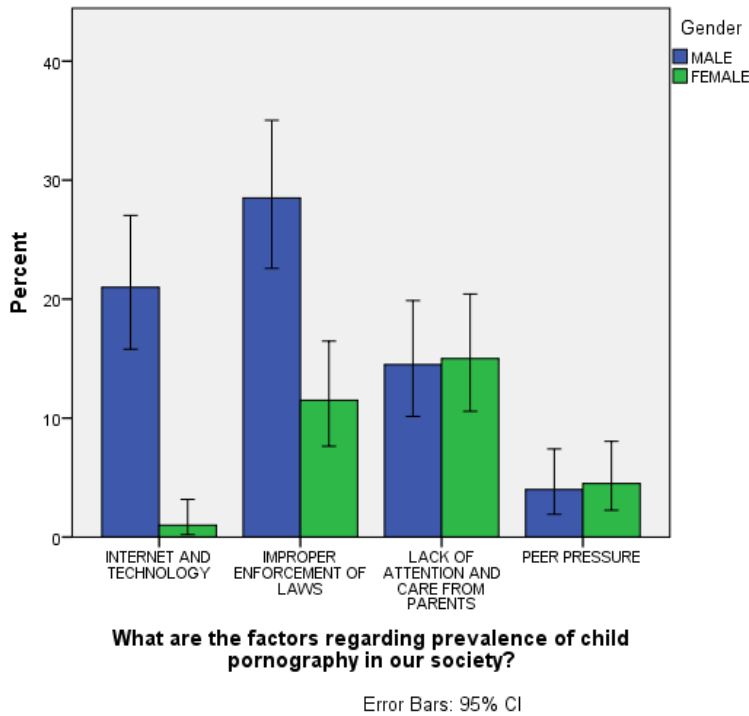
METHODOLOGY

Empirical research is used for the purpose of the study. It helps to understand the behavior of individual groups or a society. Convenient sampling method is used to collect the samples where the survey was taken from the common public. Samples are collected based on the ease of access or availability. The sample size of this paper is 200. Independent variables are gender, educational qualification, age and occupation. Dependent variables are factors associated with prevalence of child pornography in our society, appropriate punishment for prohibiting child pornography, threat faced by our society due to child pornography, agreeability on the punishment provided under POCSO Act and agreeability on the popularity of watching child pornography among school students.

GRASP - EDUCATE - EVOLVE

ANALYSIS

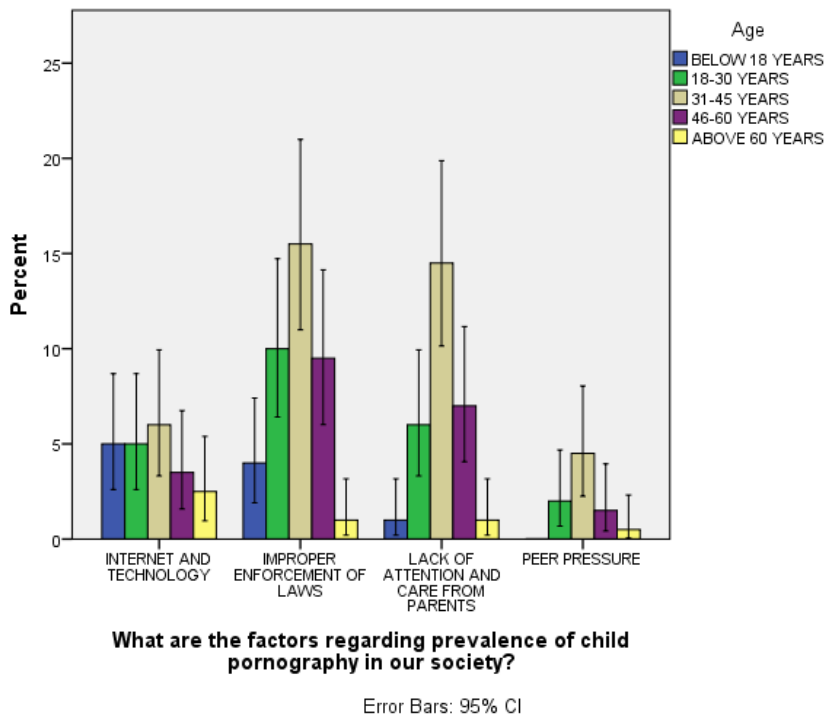
Figure 1



LEGEND

The figure 1 shows the gender distribution with respect to the opinion on factors associated with the prevalence of child pornography in our society.

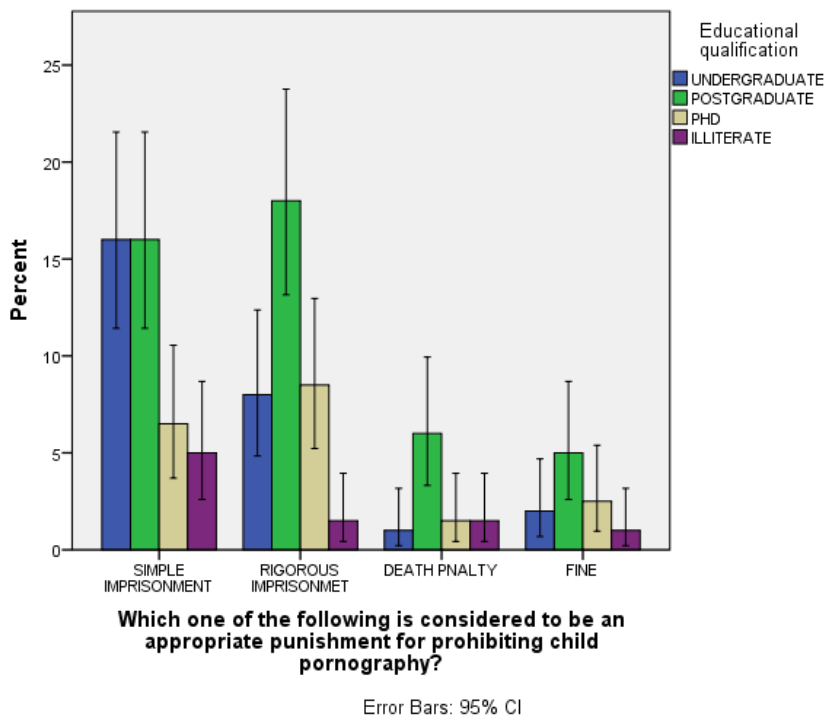
Figure 2



LEGEND

The figure 2 shows the age distribution with respect to the opinion on factors associated with the prevalence of child pornography in our society.

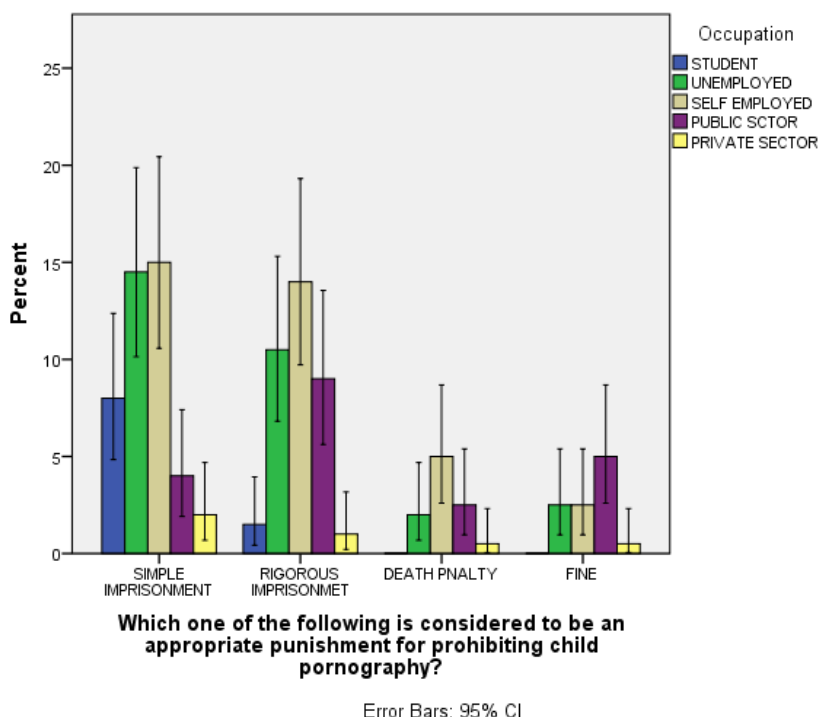
Figure 3



LEGEND

The figure 3 shows the educational qualification with respect to the opinion on appropriate punishment for prohibiting child pornography.

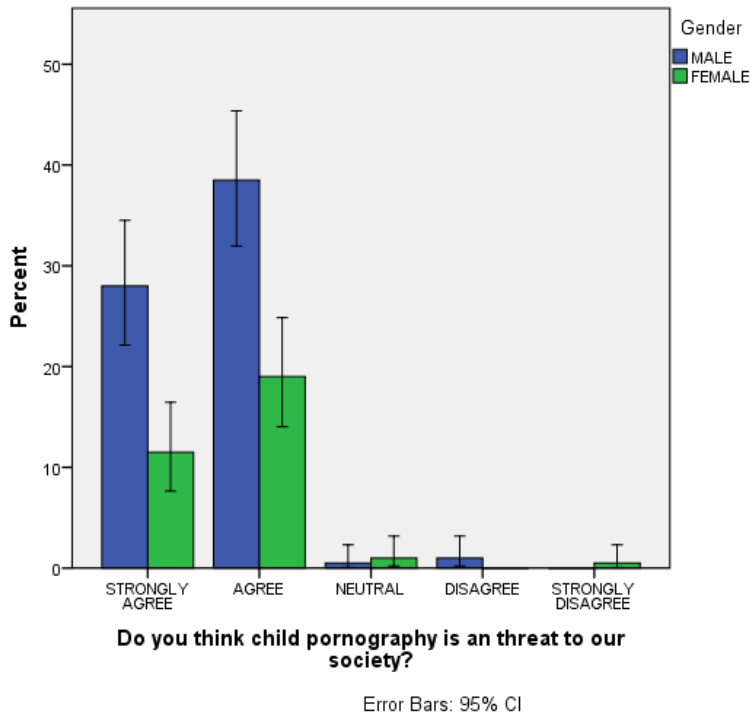
Figure 4



LEGEND

The figure 4 shows the occupational distribution with respect to the opinion on appropriate punishment for prohibiting child pornography.

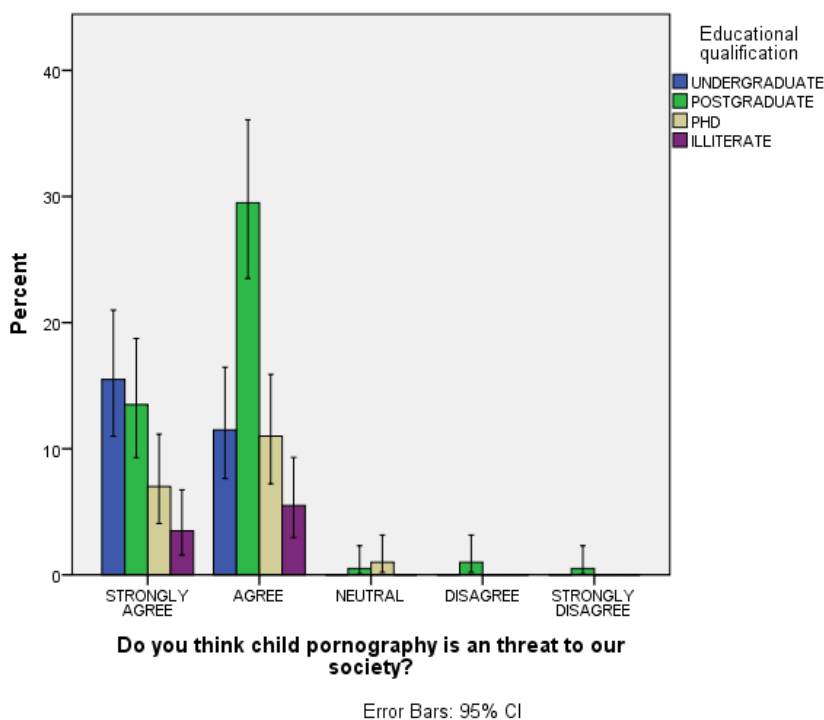
Figure 5



LEGEND

The figure 5 shows the gender distribution with respect to the threat faced by our society due to child pornography.

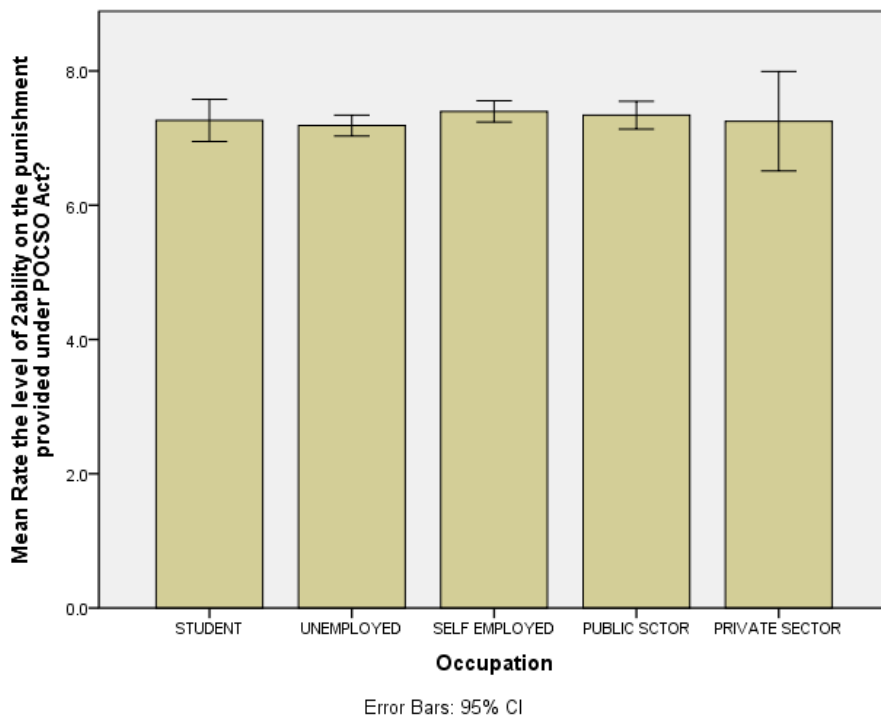
Figure 6



LEGEND

The figure 6 shows the educational qualification with respect to the threat faced by our society due to child pornography.

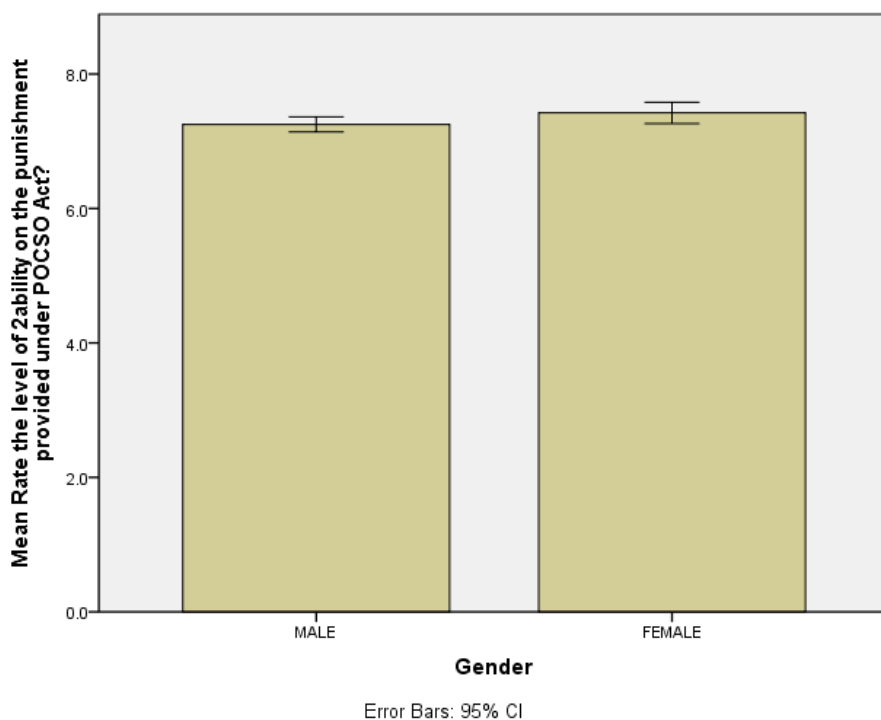
Figure 7



LEGEND

The figure 7 shows the occupational distribution with respect to the opinion on agreeability on the punishment provided under POCSO Act.

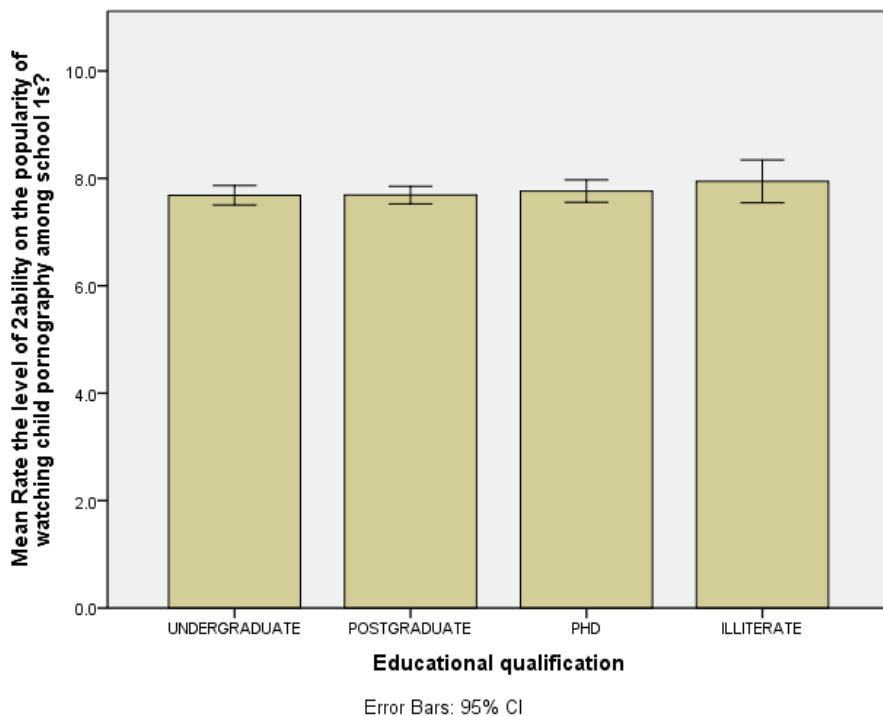
Figure 8



LEGEND

The figure 8 shows the gender distribution with respect to the opinion on agreeability on the punishment provided under POCSO Act.

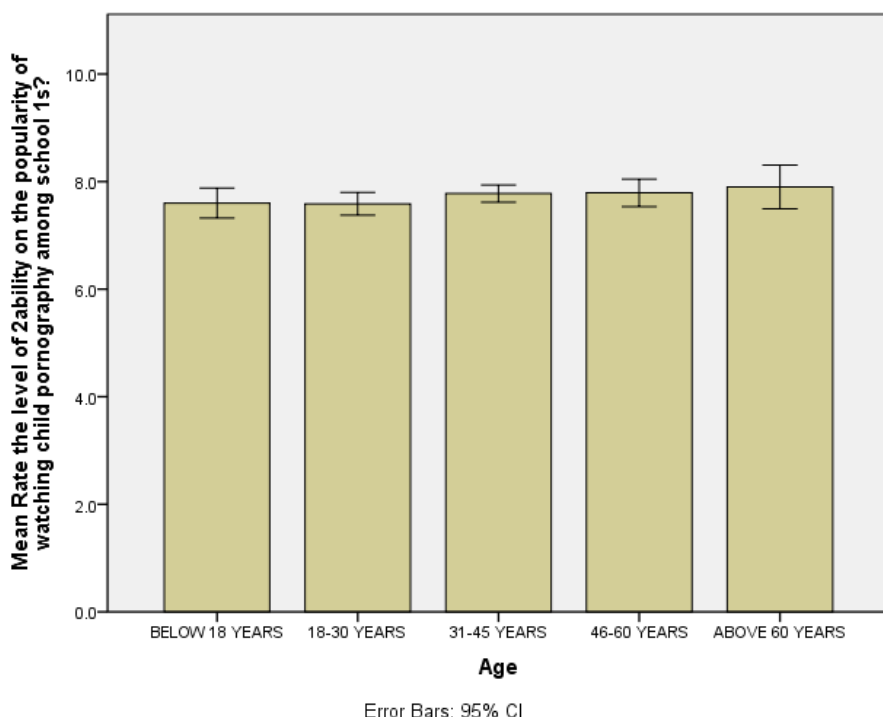
Figure 9



LEGEND

The figure 9 shows the educational qualification with respect to the opinion on agreeability on the popularity of watching child pornography among school students.

Figure 10



LEGEND

The figure 10 shows the age distribution with respect to the opinion on agreeability on the popularity of watching child pornography among school students.

RESULTS

In figure 1, the male respondents have chosen improper enforcement of laws as a factor associated with prevalence of child pornography in our society. In figure 2, the respondents belonging to the age group 31-45 years have chosen improper enforcement of laws as a factor associated with prevalence of child pornography in our society. In figure 3, the postgraduate respondents have chosen rigorous imprisonment as an appropriate punishment for prohibiting child pornography. In figure 4, the self employed respondents have chosen simple imprisonment as an appropriate punishment for prohibiting child pornography. In figure 5, the male respondents have agreed that child pornography is a threat to our society. In figure 6, the postgraduate respondents have agreed that child pornography is a threat to our society. In figure 7, the self employed respondents have agreed to the effectiveness of punishment provided under POCSO Act. In figure 8, the female respondents have agreed to the effectiveness of punishment provided under POCSO Act. In figure 9, the illiterate respondents have agreed on the popularity of watching child pornography among school students. In figure 10, the respondents aged above 60 years have agreed on the popularity of watching child pornography among school students.

DISCUSSION

From figure 1 and 2 we can observe that improper enforcement of laws as a factor associated with prevalence of child pornography in our society. The task of monitoring the effective implementation of the POCSO law has been assigned to the National Committee for the Protection of Children's Rights established in 2007. Despite the POCSO law, the laws of 2012 and 2019, the POCSO law

poses certain problems and challenges. Lack of exclusive "special" courts and special prosecutors, children often come into contact with the accused and active interrogation of survivors persists, resulting in survivors often becoming hostile, more so in the absence of any witness protection system. The failure of the police to collect relevant evidence, obtain statements from relevant witnesses, or collect the correct forensic samples are some of the major shortcomings affecting convictions.

From figure 3 and 4 we can observe that rigorous imprisonment and simple imprisonment as an appropriate punishment for prohibiting child pornography. A person sentenced to simple prison will be required to do simple labor in prison, while someone facing a rigorous prison term will be required to do hard labor while serving his sentence. The aforementioned law stipulates that severe penalties are imposed depending on the seriousness of the offence, with a maximum penalty of life imprisonment and a fine. In line with international best standards for child protection, the law also makes it mandatory to report sexual offences.

From figure 5 and 6 we can observe that respondents have agreed that child pornography is a threat to our society. Online traffic is an emerging and growing threat as people turn to digital technology due to the pandemic. According to the latest Trafficking in Persons Report, in 2021 (USA), the number of online searches for child sexual abuse material in India has increased by 95%. India ranks very high in searches for this material with a total of 11.6% of global online searches performed from India.

From figure 7 and 8 we can observe that respondents have agreed to the effectiveness of punishment provided under POCSO Act.

POCSO prescribes severe penalties depending on the severity of the offence, with a maximum penalty of life imprisonment and a fine. Section 44(1) of the POCSO Act of 2012 provides that the National Committee for the Protection of the Rights of the Child (NCPCR) and the State Commission for the Protection of the Rights of the Child (SCPCR) will oversee the implementation of the law.

From figure 9 and 10 we can observe that respondents have agreed on the popularity of watching child pornography among school students. With university/ higher secondary studies so busy and stressful, many students use porn as an opportunity to escape. Getting lost in the world of sexual fantasies, even for a few minutes, is a common release for many students. It has become an addiction among students and leads to rough and vulgar sexual acts. Therefore students should opt other methods to keep them stress free and their parents should be vigilant on their activities.

LIMITATION

The major limitations of my study is the sample frame and the places where it is restricted. The sample frame of my research is 200 samples and the place my research was restricted to was the online survey method.

SUGGESTION

The real solution to this problem lies in grassroots reforms, mainly in households. Good parenting techniques and maintaining regulated control over their children are of primary importance. The law can punish the perpetrators, but real change and addressing the problem at its root can only come from changes at the grassroots level.

CONCLUSION

Child pornography is a horrifying aspect of new age reality. Child pornography is the electronic publication and transmission of obscene material by children. Child pornography has increased in recent years due to its easy access to the internet and readily available videos on the internet. Child pornography is the most

vicious crime that occurs and has led to a variety of other crimes, including sex trips and child sexual abuse. The Protection of Children from Sexual Offences (POCSO) Act, 2012 focuses on the crimes of sexual abuse and sexual exploitation of children through stringent legal provisions and POCSO e- box is developed which is an online complaint management system for easy compliance and direct reporting of sexual offences against children. Although several causes have been identified, there have been no successful attempts to contain them. There has also been a determination of the type of population most likely to be revealed in this type of activity. However, there have been no successful attempts to address them. This proves that, while determining the cause of the problem, it is also important to address the root cause of the problem. Laws aimed at mitigating the threat of child pornography in India are in force, though clearly not enough. The real solution to this problem lies in grassroots reforms, mainly in households. Good parenting techniques and maintaining regulated control over their children are of primary importance. The law can punish the perpetrators, but real change and addressing the problem at its root can only come from changes at the grassroots level.

REFERENCES

- Jody Osborn, The use of actuarial risk assessment measures with UK internet child pornography offenders, Journal of Aggression, conflict and peace research, vol.no 2, issue No 3, 2010, ISSN No 1759-6599, pg.no 16-24.
- Marie Henshaw, Looking Beyond the Screen: A Critical Review of the Literature on the Online Child Pornography Offender, Journal indexing and metrics, vol.no 29, issue No 5, DOI No - 10.1177%2F1079063215603690, 2015, pg.no 416-445
- Barry Blundell, Child pornography and the Internet : accessibility and policing, Australian police journal, ISSN NO -

- 0005-0024, 2002, vol.no 56, issue no 1, pg No 59-65
- Chris O'Connor, Child pornography and the internet : a statistical review, Australian police journal, vol.no 59, issue No 4, ISSN No : 0005- 0024, 2005, pg.no 190-199
 - Kathryn C Siegfried, Self reported online child pornography behaviour: A psychological analysis, International journal of cyber criminology, vol no 2, issue no 1, 2008, ISSN No: 0974-2891, pg.no 286-297
 - Philip R Magaletta, Exploring Clinical and Personality Characteristics of Adult Male Internet-Only Child Pornography Offenders, International journal of offender therapy and comparative criminology, vol.no 58, issue no 2, 2012, DOI No - 10.1177%2F0306624X12465271, pg.no 137-153
 - Katherine S Williams, Child Pornography Law: Does it Protect Children?, Journal of Social welfare and family law, vol.no 26, issue No -3, DOI No - 10.1080/01418030412331297065, pg.no 181-195
 - Michael C Seto, Explanations given by child pornography offenders for their crimes, Journal of sexual aggression, vol.no 16, issue no 2, DOI No: 10.1080/13552600903572396, pg No 169-180
 - Janina Neutze, Predictors of Child Pornography Offenses and Child Sexual Abuse in a Community Sample of Pedophiles and Hebephiles, Journal Indexing and Metrics, DOI No: 10.1177%2F1079063210382043, vol No 23, issue no 2, pg.no 212-242
 - Max Taylor, Child Pornography: The Internet and Offending, Canadian Journal of policy research, vol.no 2, issue no 2, 2001, pg.no 94-100.
 - Jennifer A Mc Carthy, Internet sexual activity: A comparison between contact and non-contact child pornography offenders, Journal of sexual aggression, vol.no 16, issue no 2, DOI No- 10.1080/13552601003760006, 2010, pg.no 181-195
 - Hannah Lena Merdian, The three dimensions of online child pornography offending, Journal of sexual aggression, vol.no 19, issue no 1, 2013, DOI No: 10.1080/13552600.2011.611898, pg.no 121-132
 - Gerard Niveau, Cyber-Pedocriminality: Characteristics of a Sample of Internet Child Pornography Offenders, Child abuse & neglect: The international journal, vol.no 34, issue No 8, ISSN No: 0145-2134, 2010 pg.no 570-575
 - Shelly L Clevenger, A Matter of Low Self-Control? Exploring Differences Between Child Pornography Possessors and Child Pornography Producers/Distributors Using Self-Control Theory, Journal Indexing and Metrics, vol.no 28, issue No 6, DOI No: 10.1177%2F1079063214557173, pg.no 555-571
 - Catherine D Marcum, Policing Possession of Child Pornography Online: Investigating the Training and Resources Dedicated to the Investigation of Cyber Crime, International Journal of police science and management, vol.no 12, issue No 4, 2010, DOI No: 10.1350%2Fijps.2010.12.4.201, pg.no 516-525
 - Marcel Aebi, Criminal History and Future Offending of Juveniles Convicted of the Possession of Child Pornography, Journal indexing and metrics, vol.no 26, issue No 4, 2013, DOI No: 10.1177%2F1079063213492344, pg.no 375-390
 - Sandy Jung, Child pornography possessors: Comparisons and contrasts with contact- and non-contact sex

offenders, Journal of sexual aggression, vol.no 19, issue no 3, 2013, DOI No-10.1080/13552600.2012.741267, pg.no 295-310

- Erik Faust, Child Pornography Possessors and Child Contact Sex Offenders: A Multilevel Comparison of Demographic Characteristics and Rates of Recidivism, Journal indexing and metrics, vol.no 27, issue No 5, DOI No 10.1177%2F1079063214521469, pg.no 460-478, 2014
- Mathew L. Long, Child Pornography and Likelihood of Contact Abuse: A Comparison Between Contact Child Sexual Offenders and Noncontact Offenders, Journal Indexing and Metrics, vol.no 25, issue No 4, DOI No : 10.1177%2F1079063212464398, 2012, pg.no 370-395
- Alisdair A. Gillespie, Jurisdictional issues concerning online child pornography, International Journal of Law and Information Technology, vol.no 20, issue No 3, 2012, DOI No: 10.1093/ijlit/eas007, pg.no 151-177

