

Child Pornography and its Links to Tourism

EQUATIONS

31 March 2011

In India the developments in information technology and communication systems have contributed to the increase and ease of exchange of child pornography. The link between child prostitution, child sex tourism and child pornography is found to be strong. The countries where child prostitution and child sex tourism exists are also becoming a source for child pornography. Child sex tourism and trafficking makes the children vulnerable to child pornography. Even a person, who is in possession of child pornography, is also most likely to be an active abuser of children or on the way to becoming one. Internet makes it is easier to produce and distribute child pornography materials, locally, nationally and internationally, network with other offenders and to contact children. A pornographic image is hard to eliminate from the internet completely (100%) because an image on the web can be downloaded and viewed by others.

This is a compilation of dated case studies from India and around the world to show how child pornography and child abuse and tourism are interlinked. It illustrates how child pornography spreads, either through tourism or other forms of contact, like the Internet. Children are being 'adopted' from poor families with false promises of a better life for the child, indicating how easy it is to take advantage of poor families who are desperate for their children to have a good life. The cases also illustrates the ease of access to children. All this serves as an indication that we need to improve the control and supervision of different sectors where children are in focus since it attracts perpetrators and offenders and exploits the vulnerability of children. It calls upon the national and state legislature, the tourism, travel, hospitality industry and other stakeholders to take immediate action to address this issue!

Introduction

Growth in tourism is welcomed as it is seen as a key contributor to economic growth. However, tourism often grows without taking into account protective or mitigative measures. As a result tourism has lead to the exploitation of children in the form of trafficking, prostitution, pornography, child sex tourism and child labour. As a consequence of this kind of exposure children become more vulnerable to drugs, crimes, HIV/AIDS, exploitation and alienation from communities and families.¹

ECPAT International traces the origins and spread of child pornography². The beginning of the 1970's saw an increase in commercial production of child pornography in the Western world, mainly in Denmark, Holland and Sweden. Some of the children in the pornographic materials produced in Europe, included children from India, Mexico and Africa. In the mid-70s commercial child pornography became available in the United States as well as in Europe. The beginning of 1980's saw increased governmental regulation, first in the USA and later on in Europe. This resulted in a decrease in commercial distribution and instead most child pornographic material was in the realm of non commercial exchange between paedophiles and child molesters.

The developments in information technology and communication systems have contributed in a big way to the increase and ease of exchange of child pornography. Internet facilities make it easy and accessible to organize sexual abuse of children, and make a perfect platform for different child perpetrators/ offenders.³ Due to the development of new technologies, it is easier to produce and distribute child pornography materials, locally, nationally and internationally. The Internet helps perpetrators to be anonymous and send e-mails with attached child pornographic images all over the world. The internet can be used to make contacts with other offenders and to distribute home made and commercial child pornography materials around the world, and even get in contact with children. Even when a pornographic image is discovered it is hard to eliminate it from the internet completely (100%) because an image that has been uploaded on the web can be downloaded and viewed by many others individuals on the web.

Perpetrators, who sexually abuse children, often document this activity through video or a photo camera which results in basic child pornography production⁴. Internet Watch Foundation (IWF)⁵ in its annual report (2006) reported that there has been a four-fold increase in the number of images involving severe child abuse including sadistic sexual activity. Moreover, there was a 34% increase in the number of reports of child pornography.

Sexual exploitation of children doesn't have to be through actual intercourse with a child, since even producing and/or possessing child pornography is a form of exploitation. Child pornography can appear in different ways and can be published in various forms, like magazines, books, drawings, writings, tapes, and sent via mobile phones or computer files. There are even ways of making pornographic pictures of children without the child being aware of being exposed to sexual exploitation, which are being distributed, sold or traded later on. Due to new technologies, and the possibilities it provides, it is possible to combine two images into one, or even distort pictures to create a new one. This process is called "*morphing*", and makes it easy to make pornographic images from non-pornographic images of real children, producing so called "*virtual children*". Since "*virtual children*" are about a desire for sexual relations with children, it is also an exploitation of children. "*Grooming*" is another phenomenon that occurs on the Internet, and includes exploitation of the child by an adult using different chatrooms and websites to meet and talk to a child for a physical or virtual meeting that successively grows in to a sexual act.

In a study undertaken in 2007 by the Ministry of Woman and Child Development (MWCD), Government of India⁶, that surveyed 12,447 child respondents on abuse, 20.90% were subjected to severe forms of sexual abuse that included sexual assault, making the child fondle private parts, exhibit private body parts and being photographed in nude. Over one fifth of these children faced more than three forms of sexual abuse. 4.46% reported being photographed in the nude.

Among the victims of child pornography⁷, 52.01% were boys and 47.99% were girls. 48.17% of the child pornography cases were with 5-12 year old children. 28.02% were adolescents (15-18 years) and 23.81% were 13-14 years of age. Out of the total child respondents in the study who were photographed in the nude, 5.27% of the children were not going to school, 2.83% of the children were going to school, 4.75% were working children, 5.39% were street children and 4.68% children were in institutional care. The same study also showed that 30.22% of total number of child respondents reported being exposed to pornographic pictures. Out of these children 42.35% were in the age group of 15-18 years, 30.26% in the age group of 13-14 years and 22.86% were in age group of 5-12 years.

The Holders of Child Pornography Materials

The holders of child pornography can be both foreign as well as domestic are often close caregivers within family and related persons⁸. All of these fall in the category of perpetrators. Some of them who are strangers to the child usually go under the cover acting like somebody who is willing to help the poor family and who is providing the children with toys and other supplies that cannot be obtain by themselves. Sex tourists are also a source of child pornography since they travel around the world to have sex with minors, and even document it

Another problem within child sex exploitation is that the parents are often not aware of the fact that their children are at risk, or are already being victimized by pornographers, sex tourists, pimps and others forms of perpetrators/offenders. There are also cases where the parents are aware of the situation, but do not see anything wrong with pornography, believing that it only involves taking pictures.⁹ To excuse or to rationalise the action of abusing a child, perpetrators/offenders use the argument that sex with a child is an cultural aspect and therefore acceptable, and/or that the financial and/or supply contribution, that they provide for the child in exchange for sex, are beneficial for the child, the family and the community, and that there is nothing wrong in what they are doing.¹⁰

Social Risk Factors

There are different factors which makes the children vulnerable to sexual exploitation/ abuse:

1. *Societal Acceptance*: A society that in a way accepts (even if it is accepted in a subtle way) the sexual abuse/ exploitation of children, is putting the children in to a risk zone of being victims for the abuses. Once a society sets norms about different subjects, in this case sexual exploitation, it becomes "*natural*" and "*unquestioned*", especially for the child¹¹.
2. *Poverty*: Poverty is a factor that creates a climate for a child that increases the risk of being an easy victim for sexual abuse/ exploitation. It is also a factor that limits the opportunities for families to provide a safe childhood for their children and therefore is putting children in a risk zone of child sexual abuse/ exploitation.
3. *Living and working in the streets*: Children on the streets lack a safety net, like parents and other caregivers. This makes children vulnerable and makes them an easy prey for abducting etc, and can be an indirect force into prostitution.

4. *Inadequate Laws and Corruption*: Some countries have weak law enforcement against the issue, and even weak investigation force and protection of the children. Corruption among police and other significant law officials is an obstacle when trying to combat sexual abuse/ exploitation of children

Harm to Children

Any kind of sexual abuse/ exploitation of a child, including child pornography, can leave the child victim with serious and lifelong, even life threatening consequences. The consequences may involve, besides physical and psychological disorder, even repression in spiritual, moral and social development of the child. The physical violence contains kicking, beating, and of course the sexual abuse upon the child. The physical violence upon children is often perpetrated by pimps, traffickers and sometimes, the customers. Feelings of shame, guilt and low self-esteem and belief of not being worthy are some of the psychological consequences of being sexually abused/exploited, as well as stigmatizing and leaving a child outside the family and society. This also contributes to nightmares, sleeplessness, hopelessness and depression in the child. All these factors may lead a child into suicide, substance abuse, or other self destructive behaviour¹². Other consequences are that children develop eating disorders and they may act with “pseudo maturity” where their role boundaries may be confusing.¹³

Harm occurs also when a child is being exposed to child pornography, where he/she is most likely to be in danger of being desensitised and seduced into believing that pornographic activity is something normal for children. It can also be a way of providing a modelling that may affect children’s behaviour and result in learning experience which connects sex to exploitation, force or violence. Children who are being victimized for this kind of abuse can experience symptoms that include physical symptoms and illness, but also emotional withdrawal, anti-social behaviour, mood- swings, fear and anxiety. Healy 2004 noted that children who were involved in sex rings, all of whom were sexually abused, 54.8% of the children were also used in the creation of pornography. Children who are sexually abused or exploited may be at high risk of becoming perpetrators or abusers themselves. Those who have been photographed may also take drastic measures, for example, burning the house where the pictures are located or stealing back the record of their exploitation and are always the victims of an unlawful and often destructive act.

Another way of harming children is through “grooming”, that occurs on Internet, in chat rooms, where a predator can easily approach a child. Through the contact with a child over some time, the predator gains a child’s confidence; develops a relationship, encourages the child to send and/or receive pornographic pictures as a way of saying that the abuse is acceptable, and later on arranges a meeting in person for actual abuse and production of pornographic material as well.¹⁴

Child Pornography’s Links to Other Forms of Sexual Exploitation

Child pornography is often linked with several actors across borders, and can, for example, be linked with different countries. One country can be a place where production takes place, and the child that is being used for the pornographic production is from a second country, and the final pornographic product could be or end up in a third country.¹⁵ Through child trafficking or child prostitution one can “recruit” children for pornographic images, which leads to child pornography and ends up in consumption of child pornography materials.

An investigation undertaken by *Redd Barna* a Norwegian organization titled “*The sexual exploitation of children in developing countries*” (1989) highlighted that the children in child pornographic material were the same children who were exploited through prostitution. Most of the material were private productions and usage, since offenders and customers of different kind take pictures with child victims, and have the pictures or/and videos as a souvenir. These materials are also being shared between paedophiles within their associations. Healy (2004) also shows that viewing child pornography increases the likelihood of sexual abuse of children. There are discussions among social scientists about an correlation of the usage of child pornography as a starting point to other sex crimes. The research paper also pointed out that a significant number of child molesters who have been arrested were in possession of child pornography. The Police Department, in Los Angeles, estimated that half the 700 child molesters, who were arrested over the 10 years, were in possession of child pornography, of which 80% owned either child pornography or adult pornography.

The link between child prostitution, child sex tourism and child pornography is found to be strong. The countries where child prostitution and child sex tourism is a common aspect are also becoming a source for child pornography, since the two forms of abuse are linked to one another. Even a person, who is in possession of child pornography, is also most likely to be an active abuser of children or on the way to becoming one.

A study undertaken by Johns Hopkins University on International Child Sex Tourism in 2007, reemphasises the strong linkage between child sex tourism and child pornography. Out of the 50 cases documents in the study 21 cases contained child pornography produced by the offender during the abuse or in possession of child pornography made by somebody else.¹⁶

Offenders' Use Pornography Materials for these Purposes¹⁷:

1. *Arousal and gratification*: Individuals use pornography to stimulate their sexual drive and to aid in sexual stimulation. Some may only fantasise and others may use it as a prelude to actual sexual activity with minors.
2. *Validation and justification*: of paedophile behaviour: The paedophile uses pornography to convince him/her self that their behaviour or obsession is not abnormal, but is shared by thousand of other sensitive, intelligent and caring people.
3. *To lower a child's inhibitions*: Child abusers use pictures of other children having sex to assist in the seduction of a child and encourage reluctant children to freely participate. Images are often used as a way to show a child what the offender wants the child victim to do. Pornography may be used under the appearance of "sex education" to create sexual arousal in the child.
4. *Blackmail*: Sexually explicit images are used to ensure the lifelong silence of the victimised child by threatening to show the pictures to parents, peers or others. Child victims will not always report pictorial records--even if they report sexual abuse--because they may be ashamed of what happened to them as well as of their participation in the pornography.
5. *A medium of exchange*: Child pornography is used as a means of establishing trust and camaraderie with other paedophiles and molesters and as proof of their good intentions when establishing contact with other exploiters. It is a medium of communication with fellow exploiters in public and private sex markets.
6. *Access*: Some exploiters exchange pornography to gain access to other markets and to other children.
7. *Profit*: Although most do not sell child pornography, there are some paedophiles and child molesters who sell home-made videos and photos on a one-to-one basis. Some child exploiters sell their self-produced materials to finance trips overseas to popular sex tourist destinations.¹⁸

Since demand for child pornographic materials is rising, the children are more vulnerable and are pushed into prostitution. Child sex tourism and trafficking makes the children even more vulnerable for sexual purposes, where production of child pornography can occur.

The Legal Framework

The international child protection standards are set forth in the United Nations Convention on the Right of the Child (UNCRC 1989) and in its Optional Protocol to the Convention on the Rights of Child on the Sale of Children, Child prostitution and Child Pornography (2000) by specifically addressing computer related crimes against children.

The *UNCRC* 1989 gives basic international legal standards for the child. Article 34 and 35 emphasises that state parties should undertake to protect the child from all forms of sexual exploitation and sexual abuse. States are also supposed to have appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or the traffic in children, for any purpose or in any form.

The Optional Protocol to the Convention on the Rights of Child on the Sale of Children, Child prostitution and Child Pornography (2000) is an extension of the measures expected to be taken by the State Parties, in order to guarantee the protection of the child from sexual exploitation, including child pornography, and Article 3 emphasizes that every state party shall include the sale of children, offering, delivering or accepting a child for the purpose of sexual exploitation, as well as producing, distribution, importing, offering, selling and possessing child pornography, under criminal or penal law, whether the crime is committed domestically or abroad.

The Convention on Cybercrime, 2001 has a broader definition on child pornography which covers pornographic material and prohibits that producing child pornography for the purpose of its distribution through a computer system; offering or making available child pornography through a computer system; distributing or transmitting child pornography through a computer system; procuring child pornography through a computer system for oneself or for another; possessing child pornography in a computer system or on a computer-data storage medium, realistic images representing a minor engaged in sexually explicit conduct.

The Council of Europe's Convention on the Protection of children against Sexual Exploitation and Abuse (Article 20, 2007) calls upon the states to take measures to ensure that production, offering or making, distributing, transmitting, procuring, possessing, knowingly obtaining access, through information and communication technologies of child pornography is being criminalized.

The ILO's Convention No 182 (1999) emphasises the worst forms of child labour, where Article 3 comprises the use, procuring and offering of a child for production of pornography or pornographic performances and Article 4 requires regulation on the issue by national laws or regulations on the issue for the elimination of that kind exploitation.

The Indian Situation

In India legal system the issue of child pornography received scant attention until recently. The Indian Penal Code 1860 (IPC) and in a few cases the Indian Post Office Act 1898 was applied to prosecute the offender for the offence related to use of obscene materials. Section 292 and 293 of IPC prohibits selling, hiring, distributing, public exhibitions, circulation, production or possesses an obscene book, pamphlet, paper, writing, drawing, painting, representation or figure or any other obscene object and material.

The Indian Post Office Act 1898 under Section 20 punishes transmission by post of indecent or obscene, printings, paintings, photographs, lithographs, engravings, books or cards, or any other indecent or obscene article. Only one case has been registered under this Section in India¹⁹.

In 2000, the Information Technology Act 2000 came into force which punished transmitting obscene materials in electronic form but it failed to address the issue of child pornography which exploits children in many ways.

The term 'pornography' when used in relation to an offence is not defined in any statutes in India but the term 'obscenity' has been explained in two statutes in India, and these legislations prescribe that 'obscenity' in certain circumstances constitutes an offence. These legislations are (i) The Indian Penal Code, 1860 ('IPC') and (ii) The Information Technology Act, 2000 ('IT Act').

Although neither the IPC nor the IT Act defines what 'obscenity' is, section 292 of the IPC and section 67 of the IT Act, (which corresponds to section 292 of the IPC) explain 'obscenity' to mean anything which is lascivious or appeals to the prurient interest or if its effect is to deprave and corrupt persons. Therefore according to the law in India, anything that is lascivious or appeals to the prurient interest or if its effect is to deprave and corrupt persons would be considered to be 'obscene'.

In 2006 an Expert committee was appointed by Government of India to review and propose amendments to the Information Technology Act (IT) 2000. The Expert Committee recommended the strengthening of protection of children against exploitation in child pornography. In 2009 the Information Technology (Amendment) Act 2008 came in to force incorporating a Section 67 (b) which prohibits publishing or transmitting or causes to be published or transmitted material in any electronic form that depicts children engaged in sexually explicit act or conduct. This Section also prohibits:

- a. creation of texts or digital images, collects, seeks, browses, downloads, advertising, promoting, exchanging or distributing material in any electronic form depicting children in obscene or indecent or sexually explicit manner or
- b. cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resources, or
- c. Facilitates abusing children online or
- d. Records in any electronic form own abuse or that of other pertaining to sexually explicit act with children.

This amendment has taken into consideration the international child protection standards set forth in the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, both which India has signed and ratified.

Furthermore it is specifically addressing computer-related crimes against children. This amendment is in recognition of the increasing use of information technologies to "groom" children (preparing a child for abuse by lowering their inhibitions and gaining their trust).

In addition to the above mentioned legislations the Indecent Representation of Women Prohibition Act 1986 prohibits and punishes publishing, production, selling, hiring, distribution, circulation or sending by post of any book, pamphlet, paper, slide, film, writing, drawing, painting, photographing representing indecent representation arranging or taking part in publication of advertisement that contains indecent representation of the girl child. This Act was limited in use as it leaves out audio material and simulated images. This Act does not apply to male children. Another important legislation is the Goa Children's Act 2003. It was the first Act in the Country which recognised that tourism is a contributor to child exploitation. This Act punishes any sexual assault with imprisonment. If any form of soliciting or publicizing, or providing of children to any adult or even other children for purposes of commercial exploitation, occurs is considered as a criminal act, and will be charged under the Act. This includes hosting websites, taking suggestive or obscene photographs, providing materials, soliciting costumers, guiding tourists and other clients, appointing touts, using agents, or any other form which may lead to abuse of a child. The only disadvantage of this Act is that it is applicable only to the State of Goa.

Indian Case Studies

Indian Case Studies

1. *Freddy Peats vs India, 1996 (Session Case No. 24 of 1992)*²⁰

Country of offence: Goa, India

Law charged under: Indian Penal Code, Immortal Traffic Prevention Act, Indian Post Office Act Drugs and Cosmetic Act

Status: Convicted

This was the first case which created public awareness on child abuse and pornography. Freddy Peats, a foreigner with unknown origin, was convicted in India in year 1996 for sexually abusing children, , prostituting boys under the guise of running a shelter and in possession of 2305 child pornographic photos, 135 strips of negatives as well as medication and narcotic substances. He was charged under Indian Penal Code (Sections 342, 355, 323, 337, 328, 292, 293, 377); Immortal Traffic Prevention Act (Section 4,5,6 and 9); Indian Post Office Act (Section 20) and under Drugs and Cosmetic Act (Section 27). This was the first conviction for running an organised paedophilia racket in India.

2. *Wilhelmus Weijdeveld vs. India, 2009*²¹

Country of offence: Tamil Nadu, India

Law Charged Under: Information Technology Act 2000

Status: Convicted

In November 2009, for the first time a case was registered against an offender under the Section 67 (b) of the Information Technology Act (Amendments) 2008. Wilhelmus (56), is a Dutch citizen who started his stay in India as a tourist and eventually ended up running an orphanage, where he was sexually abusing five of the boys at the orphanage. 7th November 2009, he was arrested by the cyber crime wing of the Tamil Nadu police, after being alerted by the INTERPOL that he was uploading child pornography materials on the internet. The case is still pending before the Session Court of Chennai.

Subsequently many cases of child abuse have been unearthed, many of them with direct links to tourism, and however the record of convictions of these cases have been abysmal. The case of Weijdeveld who was charged under the Information Technology Act 2000, is the first case charged under the ITA since its amendments came in to force and is a good example to show the importance of having a specific law rather than clubbing it with other laws which makes the offences less serious.

In annexure 3 we have a series of case studies from around the world to show how child pornography and child abuse and tourism are linked to each other. They also illustrate how child pornography is spread world wide, either through tourism or other forms of contact, like the Internet. Children are being 'adopted' from poor families with false promises of a better life for the child, indicating how easy it is to take advantage of the poverty of families who are desperate for their children to have a good life. The cases are also an illustration of how easy it is to access children. All this serves also as an indication to the fact that we need to improve the control and supervision of different sectors where children are the main focus, for example, teaching institutions, beaches etc, since it attracts perpetrators/ offenders, and make children vulnerable.

Response Mechanisms

The Declaration and Agenda for Action which was developed at the First World Congress against Commercial Sexual Exploitation of Children which took place in Sweden in 1996 called upon the state parties to combat commercial sexual exploitation of children and pornography by developing strategies and plans of action²².

In December 2001, the Second World Congress was held in Yokohama, Japan to reaffirm, the protection and promotion of the interests and rights of the child to be protected from all forms of sexual exploitation since the first World Congress. At this Congress the Yokohama Global Commitment 2001 was proclaimed to reaffirm the commitment. After this a number of states have established centres which specialise in the investigation of online child sexual abuse²³.

In 2008, the World Congress III against Sexual Exploitation of Children and Adolescents was held in Rio de Janeiro, Brazil. It called on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement frameworks for the protection of children from child pornography/child abuse images²⁴ by emphasising the following

- Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
- Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.

Make technologies easily available, affordable and usable for parents and other caregivers, including assisting with the use of filters to block inappropriate and harmful images of children.

Recommendations

Child pornography is a real and pressing problem that exists at the local, national and international levels. New technologies and the growth of internet are creating more commercial opportunities for child exploiters and pornographers and facilitating development and extending the reach of distribution networks. These technologies also facilitate organised sexual abuse and violence against children by networks of commercial buyers, sex tourists, paedophiles and traffickers, as well as various forms of prostitution of children and young people. The global distribution of child pornography via the internet and other technologies without laws to protect children makes it difficult for national law enforcement authorities to prosecute offenders locally. It is therefore of primary importance

to direct educational campaigns and training towards parents, teachers, students, legislators, civil servants, child welfare agencies, the private sector and law enforcement personnel on a national level. International exchange of information and training is vital. The INTERPOL, Standing Working Party on Offences against Minors initiated in 1992 is a good example of the kind of collaboration which is necessary. Currently, the Standing Working Party includes law enforcement officials from 29 different countries who are actively collaborating in their efforts to prevent the sexual exploitation of children. "Operation Starburst," the first major international operation against individuals using the Internet to trade child pornography, is a further illustration of international cooperation. In 1995, this worldwide police operation resulted in the arrest of 15 offenders in Britain and a number of others in Hong Kong, Germany, South Africa, Singapore, Canada and the United States.

Regulation of child pornography presents special challenges that require technical knowledge. Law enforcement officials around the world require technical training. Governments must be willing to provide funds for such training and the necessary equipment. The establishment of an international resource organisation which would employ a team of specialists in the areas of investigation, law enforcement, behavioural science, prosecution, law and computer technology could be an invaluable resource for the global community.

The protection of children must become a global priority and nations must commit their resources accordingly. This protection includes a firm commitment to the detection and prevention of sex crimes against children and to the treatment of children who have been sexually exploited. The World Congress has been called in order to promote such a goal and should provide a forum where India needs to affirm the norms for protection of children set forth in the United Nations Convention on the Rights of the Child.

The recommendations flow from the data and the facts emerging from this secondary research. It is critical that various stakeholders demonstrate serious intent to address the issue of sexual exploitation of children decisively and consistently. The recommendations are specifically for India.

Prevention and Protection

Educational and awareness raising bodies need to:

- Develop educational programs addressing the issue of child pornography and its links to other forms of abuse, with aim to provide education for the children on the different aspects of the problem; situation recognition, how to protect them selves etc, online and in real life. Provide information about laws related to sexual contact, risks and dangers related to transmitting sexual images, and nature and tactics used in online grooming by sexual offenders.
- Use differentiated strategies relevant to particular age groups: for adolescents give focus to safe use and access to the internet, recognising and acting against risky situation online and practicing refusal and resistance techniques.
- Recognise schools as potential valuable partners for child protection and identify standards and measures to involve them in preventing and assessing sexual victimisation when it is taking place.
- Establish seminars and parental meetings in schools to provide information and education for parents and caregivers on what child abuse is and how it affects the child, how to prevent and protect their children from sexual abuse, and even how to recognize, approach and help a child when any form of sexual abuse has occurred.
- Take responsibility to reach out with the information and education to the children and families who don't have access to school for different reasons, as well as identify the reasons and take appropriate measures against it.
- Study children and adolescents' online sexual behaviour in chat rooms, websites, blogs, a forum- to ensure information is practical and specific to these platforms and that relevant help is provided.
- Education, awareness, reporting and support must be available for community members as well, to ensure that child abuse images and sexual exploitation can be stopped and addressed, online and offline.
- Give acknowledgment to the extent of the problem and allow public discussions on the issue. Through media carry out discussions and debates on the issue, to raise the awareness about child exploitation and create an open dialog in the society.
- Public policies are needed to tackle child pornography and take into account the relationship between child pornography and other forms of sexual exploitation of children, tourism, Internet etc.
- All the information should be available in local languages

Internet

- Priority should be given for development of software that will detect and block child pornography, which should be available for organisations, families, private persons, companies etc.
- Develop report sites on the internet with an easy access for the Internet user to report detected child pornography images.
- Use various strategies relevant to give focus, information and education in how to use and access to the Internet safely, recognising and acting against risky situations online with respect to child pornography and other forms of exploitation.
- Address the responsibility of Internet providers and other relevant actors for preventing and responding to reported child pornography and online child sexual abuse.

Support and Rehabilitation for the child victims

- Establish shelters and rehabilitation centres for the child victim who are free of fee, provides anonymity for the child, confidentiality, and provides the child with help and support at any level and on conditions of the child.
- Develop specialized therapy treatment, attractive to children and their families, with long-term support services for victims of child abuse.
- Introduce regular and mandatory health controls for children, physical and psychological, in schools or other relevant bodies, to increase the possibility of early detection of child abuse, and give support and protection for the child.

Law enforcement responses

- Recognize the importance of, and give priority for establishing well developed definitions and laws against child pornography particularly and in relation to other forms of abuse.
- Increase advocacy to make all actions and materials that represent sexual exploitation of children illegal across different countries and legal instruments: viewing and possessing child pornography, fictitious child pornography such as simulated or computer-generated images of child pornography or pseudo child pornography and other material which represents the sexual exploitation of children.
- Develop databases for more effective investigation, prosecution, identification and assistance: a centralised database of cases/ images is essential to accelerate effective identification of victims and offenders; determine the type of offences and their scale, define counteraction, treatment and recovery measures accordingly.
- Develop specialized sectors within the police department that will consist of professionals with specialization on the issue to take action against child pornography and other forms of child abuse, more frequently, which increases protection and prevention of children exploitation.

Tourism Industry

- Acknowledge the responsibility of the tourism industry in the action against child abuse and assign up Code of Conduct comprising Children's Rights including protection and prevention from sexual exploitation.
- The Code of Conduct for tourism industry should be mandatory for implementation and monitoring of the implementation should be provided.
- Give priority for detection of the risk areas in the tourist resorts for child abuse, and establish supervision for these areas where discovery of child abuse can be detected and prevented.
- Establish a well developed collaboration between tourism industry, police department and other relevant actors for the issue of child abuse and child pornography.

Research Team: *The research on this paper has had several people contributing to it. Selma Koso who interned with EQUATIONS wrote the initial draft and S Vidya, of EQUATIONS, and Joyatri Ray (in a volunteer capacity) worked on it subsequently.*

Annexure I

Accepted Definitions of the term Child Pornography

Sexual exploitation consists of several types related to one another, which are trafficking for sexual purposes, prostitution, pornography and sex tourism.²⁵ These forms of exploitation include children, with no exceptions for age, gender, background or planned work for them. There are also two categories of child pornography; which are child pornography and child erotica. Child pornography refers to “sexually explicit reproduction of a child’s image” and child erotica to “any material, relating to children, that serves a sexual purpose for a given individual”.

In the paper *Child pornography and sexual exploitation of children online (2008)*²⁶, prepared by Lars Loof et.al, names three categories in which investigative agencies frequently divide evidential material:

1. Indicative: which is material depicting, clothed children, which suggests a sexual interest in children
2. Indecent: material depicting naked children which suggests a sexual interest in children.
3. Obscene: material that depicts children in explicit sexual acts.”

Following are various International and national definitions which defines child pornography, hence we think it is important to document the important definitions to understand the nuances of the term pornography.

Globally accepted definitions

Child Pornography:

“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: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.” (Article 34, UN Convention on the Rights of the Child, 1989).

In May 2000, the United Nations General Assembly adopted the *Optional Protocol* in order to extend the content in the *Convention on the Rights of the Child*. The Protocol entered into force in January 2002.

“(. . .) any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose.” (Article 2(c) of Optional Protocol on the sale of children, child prostitution and child pornography, 2002).

India is bound to the definition of UNCRC and *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* and needs to follow up since the ratification of the convention and the protocol. There are also few other definition which are globally accepted, but the conventions are not ratified by India yet, but they are still important to be documented. Some of them are as following:

“ For the purposes of this Convention, the term "the worst forms of child labour" comprises: (...) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”. (Article 3 (b), ILO convention 182, 1999)

“The term ‘child pornography’ shall include pornographic material that visually depicts: a minor engaged in sexually explicit conduct; a person appearing to be a minor engaged in sexually explicit conduct; realistic images representing a minor engaged in sexually explicit conduct”. (Article 9 (2) of the Convention on Cybercrime, 2001)

Definitions specifically adopted in India

“Whoever –(a) publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct; or (b) creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner, or (c) cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource; or(d) facilitates abusing children online; or (e) records in any electronic form own abuse or that of others pertaining to sexually explicit act with children shall be punished(...)” (Article 67B, Information Technology (Amendment) Act, 2000)

"For the purposes of above definition a book, pamphlet, paper, writing, drawing, painting representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it". (Section 292 of The Indian Penal Code 1860)

" 'Indecent representation of women' means the depiction in any manner of the figure of a woman; her form or body or any part thereof in such way as to have the effect of being indecent, or derogatory to, or denigrating women, or is likely to deprave, corrupt or injure the public morality or morals." (Article 2, Indecent Representation of Women Prohibition Act, 1986)

" 'Sexual offences' for the purpose of awarding appropriate punitive action means and includes; 'Grave Sexual Assault' which covers different types of intercourse ; vaginal, oral, anal, use of objects, forcing minors to have sex with each other, deliberately causing injury to the sexual organs, making children pose for pornographic photo or films (...)"'. (Section 2, Goa Child Act, 2003)

Annexure II

The legislative landscape

United States of America (USA)

The *Federal Code of USA*, comprises child pornography as a crime. It prohibits employment, uses, induces, entices or coerces of a minor to engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct. It criminalises the material that depicts sexual exploitation of children and criminalizes transportation and production, both interstate and foreign commerce, of visual depiction that involves a child who is engaged in a sexually explicit conduct. The code also prohibits any person to mail, transport, interstate or abroad, as well as receiving, distributing or reproducing of child pornographic material. Finally the Code prohibits any person outside USA to employ, use, persuades etc, a child for production of sexually explicit material for import into United States, or the person outside USA to receive, transport, distribute or sell child pornography with intention to import it in to USA.

The *PROTECT Act 2003* (Amendment Act To Federal Code) adds few more sections which further criminalise "reproduction of child pornography for distribution through mails, for interstate or foreign commerce, including computer, as well as advertising, promoting, presenting, distributing or solicits by computer any material that reflects the belief, or that is intended to cause another to believe, that the material is, or contains an obscene visual depiction of a minor engaging in sexually explicit conduct; or a visual depiction of an actual minor engaging in sexually explicit conduct". The Act further prohibit any person to distribute, receive, or possess with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that depicts a minor engaging in sexually explicit conduct, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex.

Africa

In Africa the *Charter on the Rights and Welfare of the Child* 1999 calls upon the states to take legislative, administrative, social and educational measures to protect the children from the torture, inhuman or degrading treatment, physical or mental injury or abuse, neglect, maltreatment including sexual abuse. Under Article 27 of the Charter it specifies on sexual abuse and calls upon the states to undertake protection of child from all forms of sexual exploitation and sexual abuse and take measures to prevent the inducement, coercion or encouragement of a child to engage in sexual activity, as well as to prevent child prostitution or similar sexual practices, and usage of children in pornographic activities, performances and materials. In 2009 the *Films and Publications Amendment Act*, (No. 3 of 2009) came into force besides the existing African Charter on the Rights and Welfare of the Child. Under Section 24 B of the Act it prohibits any person to possess, create, produce, contribute to or assist in any creation or production of child pornography. It also criminalizes the importation, procurement, obtaining, exportation, broadcasting, distribution of any film, game or publication, and also advocating, advertising, encouraging or promoting child pornography or the sexual exploitation of children.

Asia and the South-Western Pacific Ocean

New Zealand

The *Film, Video and Publications Classification Amendment Act 2005* simply categorizing any offence that involves child pornography as crime and emphasizing that a person commits an offence when knowing or having reasonable cause to believe that the publication that is objectionable.

Philippines

Republic Act of Philippines (No. 7910, 1992, Article 5) emphasizes that any person who hires, employs, uses, persuades, induces or coerces a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall be imprisoned.

Sri Lanka

Sri Lanka Penal Code was amended in 1998 and inserted a Section which prohibits any person to hire, employ, assist, persuade, use, induce or coerce a child to appear or perform in obscene or indecent exhibition or show or to pose or model for, appear in any obscene or indecent photograph or film of who sells or distributes, or otherwise publishes, or has to his possession, any such photography or film.

Europe

Europe Convention on Cybercrime 2001 (Title 3 , Article 9, 2001) called upon the state parties to adopt appropriate legislative and other measures in aim to criminalize offences under its domestic law, even when committed intentionally. The criminal offences are considered to be production of child pornography for the purpose of its distribution through computer system, offering or making available child pornography through a computer system, distributing or transmitting child pornography through a computer system, procuring child pornography through a computer system for oneself or for another person or possessing child pornography in a computer system or on a computer-data storage medium.

In addition to the above convention in 2007 Council of Europe came up with the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse 2007 which further called upon the state parties to take legislative or other measures to ensure that the producing, offering or making available, distributing or transmitting, procuring, possessing, knowingly obtaining access, through information and communication technologies, to child pornography is criminalised (Article 20). The convention also emphasizes the states obligation to take legislative or other measures to criminalised recruiting a child into participating in pornographic performances or causing a child to participate in such performances. Also coercing, profiting from, exploiting a child and knowingly attending pornographic performances involving the participation of children (Article 21).

Norway

The Norwegian Penal Code under Section 204 prohibits production, acquiring, importation, possession, and supplement of any form of sexual assault of children or presentation sexualising children, and who ever handles or deals with any presentation of sexual assault of children or presentation sexualising children is committing a crime.

Ireland

The Child Trafficking and Pornography Act of Ireland 1998 reads that any person shall be guilty of an offence if that person knowingly produces, distributes, prints or publishes any child pornography, as well as if that person knowingly imports, exports, sells or shows any child pornography, and the following Chapter 6 is complimentary to the Chapter 5, where even possession of child pornography is criminalized.

United Kingdom

The Sexual Offences Act 2003 in United Kingdom prohibits any person to intentionally arrange or facilitate prostitution or involvement in pornography in any part of the world of another. Under this Act it is considered as an offence if the person intentionally causes or incites or control over any of the activities of another person to become a prostitute, or to be involved in pornography, in any part of the world.

Legalisations which puts onus on the Internet service providers

- United States of America and Australia are the countries which have develop legislation that makes it punishable for the Internet service providers and domain hosts to not report child pornography to the police within a reasonable time.
- United States of America and South Africa are the countries which have laws that make it possible for the police to give orders to Internet Service Providers (ISP) to provide the police with IP address, specific data about a specific person etc, for the investigation.
- The problem with encryption is solved by United Kingdom and Australia through development of laws allowing the police to have access to passwords and other encrypted material during an investigation, meaning that the person who possess computer with passwords is obliged to give the password to the police if requested, and to refuse the cooperation makes it punishable by law.²⁷

Annexure III

Case Studies from across the world

1. *Wragg Durham vs. United Kingdom, 2001(reference not found)*²⁸

Country of offence: Malaysia

Law charged under: Sex Offenders Act

Status: Convicted

Wragg (UK citizen), charged under Sex Offenders Act, was caught when he got off a flight from Kuala Lumpur at Manchester airport and police searching his bag found a camcorder with child pornography, while searching his bag. He pleaded guilty to charges of smuggling, possessing and taking obscene pictures of children. Case of Wragg is the first case where the filming of child pornography abroad has been prosecuted in the UK, using the Sex Offenders Act. He was also a part of Wonderland that is a famous global child pornography ring, where 750 000 pornographic images were distributed on the internet.

2. *Brett Stevens vs South Africa, (Case No. CA & R 54/07, 22 June 2007)*²⁹.

Country of offence; South Africa

Law charged under: Sexual Offences Act & Films and Publications Act

Status: Convicted

The case of Brett Stevens is that he got convicted by the Eastern Cape Division of the Higher Court of South Africa under section 14(1)(b) of the Sexual Offences Act and Section 27(1)(a)(i) and (ii) of the *Films and Publications Act*, for abusing two five-year old girls while they were sleeping, and taking pictures of them while nude. He also photographed them during a more active participation including physical touching on the girl's private parts that resulted in 71 photographs.

3. *Wayne Nelson Corliss vs. USA, 2009 (reference not found)*³⁰

Country of offence: Thailand

Law charged under: unknown

Status: Convicted

Wayne Nelson Corliss, was arrested 2008 for travelling to Thailand three times between 2000 and 2002 to have sex with boys aged at that time 6 and 9 years. He was found guilty for five counts; that included, among other, distribution and possession of child pornography and travelling to foreign countries to engage in illegal sexual activity, and sentenced for 20 years in prison. (Information about the law he was charged under is not provided)

4. *Marvin Hersh vs USA, 1998 (15F. Supp.2d1310,1998 U.S.Dist.LEXIS 8520)*³¹

Country of offence: Honduras (Dominican Republic, Mexico)

Law charged under: The Mann Act (White Slave Traffic Act)

Status: Convicted

Marvin Hersh (citizen of Central America), college professor, travelled to Honduras and was sexually engaged with minor boys, and he convinced one of the boys parents that their son would have better educational opportunities if he came with Hersh back to America. The parents agreed and the boy followed with Hersh to America where he was presented as his son. This resulted in sexual acts two to three times a week, and included pornographic materials as well. During an investigation on Hersh by Department of Children and Families (DCF), Hersh claimed that the boy was

his son, and agreed on DCF's wish to search through his house. Pornographic images on minors in sexual activities were found on his computer and also revealed that Hersh has molested 8 years old boys in USA and abroad. He was convicted for 105 years in prison, under The Mann Act, for, among others, transporting a minor to foreign country for commercial purposes as well as for receiving and possessing child pornography.

*5. Gregory Kapordelis vs Russia, 2004 (No. 1:04-cr-00249-CAP-GGB-1)*³²

Country of Offence: Russia

Law Charged Under: The PROTECT Act

Status: Pending

Karpodelis is who was a medical provider in Georgia and also worked as a physician at summer camps. He was arrested for having sex with young boys while travelling to Russia. He is charged for 13 counts, and child pornography is one of them. The case is still pending, but the charge is made under The PROTECT Act.

One of the more famous cases in the United Kingdom was "Operation Cathedral." In September 1998, the largest international investigation by the United Kingdom police, over 100 people in 12 different countries, including the United Kingdom, Germany, the United States and Italy, were arrested with conspiracy to distribute child pornography³³.

Annexure IV

Organizations Working on Child Pornography

ASACP- Association of Sites Advocating Child Protection is a non-profit organization focused on elimination of child pornography from the internet. The main measures are reporting child pornography and organizing efforts of the online adult industry in action against child sexual abuse. ASACP also provides information to parents on how to prevent children from viewing "age-inappropriate" material online and also keeps the members informed on the laws and regulations on child pornography.³⁴

ACPO- is an Anti Child Porn Organisation, comprised of volunteers from all around the world, and its main focus is on stopping the sexual exploitation of the children around the world, but for the last 5 years ACPO has also been addressing the problem with child pornography on the Internet, and also the usage, by the predators, of Internet to get to the child pornography.³⁵

ATSEC -Action against Trafficking and Sexual Exploitation of Children is a non-profit organization in Bangladesh and consists of 15 different NGOs. All of the NGO's together are working for prevention of trafficking in children and women and sexual exploitation. The work is through advocacy, awareness, social mobilization etc, and is concerning "sub-national", national and regional levels. The aim is to defeat inhuman actions, including exploitative sexual crimes against women and children.³⁶

CEOP- (Child Exploitation and Online Protection Centre) is dedicated to elimination of the sexual abuse of children and is a part of UK policing. Main objectives are about tracking and bringing offenders to account with local and international forces.³⁷

CHILD WISE- is working with providing direct assistance and support, awareness raising and education within the community on the issue and is the leading child protection charity working in Australia, Asia and the Pacific. It is also building capacity for communities to protect children as well as to respond to new possible risks to children. CHILD WISE is also reducing the impact of child sexual abuse and exploitation.³⁸

CPIU - (Counter Paedophilia Investigative Unit) is created by computer experts, law enforcement agents, and counter-paedophilia experts in the aim to fight the sexual offenses and to stop child pornography on the internet. They provide information about Internet Safety and other relevant information on the topic.³⁹

ECPAT- is an International NGO, working to ensure that the Internet and other facilities are not misused in a purpose of exploiting children in any way, including child pornography. Through collaboration with governments, law enforcement, technology industry and other NGO's, ECPAT is trying to develop protocols for reporting and responding to such crimes as well as raising the awareness and education.⁴⁰

In August 2010, ECPAT International launched make-IT-safe website. The website can be accessed from <http://www.make-it-safe.net41/>. This website is launched to call on the Industry and the governments to make their services and products safer for children and to empower young people to promote the issue of Internet safety and promote the signing of code of conduct by cyber-cafes in countries around the world.

ICMEC- (International Centre for Missing and Exploited Children), is a global service agency that is in cooperation with Interpol, among others, to combat child pornography and other forms of child exploitation. Their root is in Belgium, where the government of Belgium wanted to take measures against child abuse and searched for help from the USA's National Centre for Missing & Exploited Children, and got launched by them. Now it has grown and helped other countries and organisation, which are now working to identify and coordinate a global network of organisations fighting child sexual exploitation etc⁴².

INTERPOL plays a great role in investigating child pornographic crimes, as it focuses on commercial exploitation and trafficking of children, the predators themselves, violent crimes against children and child sexual abuse images. The work is based on co-ordination of international investigations, information and intelligence analyses and management of their own Child Abuse Image Database (ICAID).⁴³

EUROPOL, European Law Enforcement Agency which aims at improving the effectiveness and co-operation of the competent authorities in the Member States in preventing and combating terrorism, unlawful drug trafficking and other serious forms of organised crime.⁴⁴

IWF- (Internet Watch Foundation) is a United Kingdoms hotline for reporting, among others, child pornography. IWF has partnership with the online industry, law enforcement, government, the education sector as well as charities, international partners and the public in aim to minimise the availability of child sexual abuse content hosted anywhere in the world and criminally obscene and incitement to racial hatred content hosted in the UK. IWF is an independent self-regulatory body, funded by the EU as well as by internet service providers, mobile operators, filtering companies etc.⁴⁵

NCMEC - (The National Centre for Missing & Exploited Children) is an organisation in USA that have the mission to help prevent child abduction and sexual exploitation, as well as to help find children who are missing and assist victims of sexual exploitation, their families, and the professionals who serve them.⁴⁶

Net Clean White box – Net Clean Technologies, a Swedish based company that develops technical solutions to support protection of children on the Internet. It has experience in fighting sexual assault of children on the Internet, and therefore develops products in cooperation with police department's world wide, and is providing a blocking system for child pornographic material that is used by companies, governments and organisations.⁴⁷

PREDA – (People's Recovery, Empowerment Development Assistance Foundation) is a Philippine organisation whose services have direct focus on helping children trafficked into prostitution and sold as sex slaves to local and foreign tourists and children in prison. With the fast response team PREDA is able to provide direct action for abused children and rescue them from abusive situations and protect them.⁴⁸

SANGONET- in South Africa, a pro child website (Sangonet) has been launched by the Film and Publication Board (FPB) and is working for elimination of child pornography in South Africa, through taking reports from members of the public on child sexual abuse images.⁴⁹

Save the Children- International organisation that is taking measures against sexual exploitation against children. The approach is through strengthening local responses for the prevention of exploitation and abuse, on a community, local organizations, civil, national and international society level.⁵⁰

VGT- (The Virtual Global Taskforce) is fighting online child abuse and is made up for of law enforcement agencies from around the world. The main aim is to create an effective, international partnership of law enforcement agencies that helps to protect children from online child abuse. Three of the objectives with VGT are to make the Internet a safer place, identify and held children at risk, as well as to hold perpetrators "appropriately to account" The VGT is made up of the Australian Federal Police, The Child Exploitation and Online Protection Centre in the United Kingdom,

The Royal Canadian Mounted Police, The US Department of Homeland Security and Interpol, and also the Italian Postal and Communication Police Service.⁵¹

Organisations in India

ALF – (Alternative Law Forum) was started by a collective of lawyers in year 2000 in India, who saw a need for an alternative practice of law, since they believed that “*practice of law is inherently political*”, and are aiming to a practice of law that will combat the issue of social and economic injustice, and also do work on child pornography.⁵²

ATSEC INDIA- Is an International NGO that also operates in India and works with an “*all -out*” effort to provide children and women with protection from trafficking and sexual exploitation.⁵³

CHILDLINE – is the first 24-hour telephone line that is always available for vulnerable children, and that is a free emergency phone service. It is also possible to link the children that call forward to services for care and rehabilitation. CHILDLINE also has a function of a platform that is bringing together the Ministry for Women & Child Development, Government of India, UNICEF, Department of Telecommunications, street and community youth, non-profit organisations, etc, and is working for the protection of the rights of all children in general. The special focus of CHILDLINE, among others, is children affected by physical, sexual, or emotional abuse and even children of commercial sex workers.⁵⁴

NLSIU- (The National Law School of India University) is situated in Bangalore, Karnataka and is a national institution aimed to act as a “*pace-setter*” and to experiment in legal education, and is also a body that tackles the field of child pornography.⁵⁵

TULIR- is a nongovernmental and non-profitable organization that is committed to work against child sexual abuse in India, with the location in Chennai. Some of their objectives are to “*support and participate in local, national and international efforts to promote and protect the rights of the child*”, awareness rising and to carry out research, documentation etc.⁵⁶

YPPSA- (The Youth Partnership Project in South Asia) is working for child survivors of commercial sexual exploitation in South Asia, including India, and is empowering and builds capacity of youth to take the lead in fight against Commercial Sexual Exploitation of Children (CSEC). Through YPPSA, young people in Bangladesh, India and Nepal have developed peer support programmes in schools, specially located in areas that are considered to be at high risk with aim to share information and provide support to prevent offences within CSEC. YPP is also reaching out to local communities through awareness campaigns.⁵⁷

All of the organisations listed above, international as national (India), are not all working specifically on child pornography, but they are working on issues related to different forms of child exploitation that may be a source of child pornography. To combat child pornography the main mechanisms are developed for the child pornographic images in the electric form on the internet. Since internet is an easy-access phenomenon for child pornography and anonymity is a possibility, it makes a perfect platform for publishing, distributing and downloading child pornography. Besides the anonymity and the easy access, Internet provides predators and offenders with connections world wide and even so with child pornography in a bigger amount and variety, which is the reason why the priority when combating child pornography is concentrated on the Internet. But the child pornography on the Internet has a root in some kind of abuse of a child that has occurred in the real life. So in fact all the measures taken to combat child abuse are at the same time indirectly combating child pornography as well.

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