



CHILD PORNOGRAPHY

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INTRODUCTION

The desire to have collections of a large number of photographs of children seems to be a common, although not universal, characteristic of many pedophiles.

Some of this exchange of photographs takes place in person, a great deal takes place through the mails, and recently a significant amount of the exchange has taken place by the use of computer networks through which users of child pornography let each other know about materials they desire or have available.

—Attorney General's Commission on Pornography (1986)¹

The legal definition of child pornography is, at best, unclear. In part because of this ambiguity and in part because of the nature of the crime itself, the prosecution and sentencing of perpetrators, the protection of and restitution for victims, and the means for preventing repeat offenses are deeply controversial. In an effort to clarify the questions and begin to formulate answers, experts in law and the social sciences examine child pornography law and its

consequences. Focusing on the roles of language and crime definition, the contributors present a range of views about the increasingly visible role child pornography plays in the national conversation on child safety, as well as the wisdom of the punishment of those who produce, distribute, and possess materials that may be considered child pornography.

DEFINITIONS

UN DEFINITION: Child pornography (also called child sexual abuse material or child porn) is pornography that exploits children for sexual stimulation. It may be produced with the direct involvement or sexual assault of a child (also known as child sexual abuse images) or it may be simulated child pornography.²

INDIAN DEFINITION: According to the definition given in POSCO Act, 2012 child pornography is "any visual depiction of sexually explicit conduct involving a child which includes photograph, video, digital or computer-generated image indistinguishable from an actual child and an image created, adapted or modified but appear to depict a child".³

FEDERAL DEFINITION: According to Section 2256 of Title 18, United States Code, child pornography refers to any kind of visual depiction that displays sexually explicit conduct that involves individuals who are under the age of 18.⁴

¹ <https://mtsu.edu/first-amendment/article/793/attorney-general-s-commission-on-pornography>

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<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25058&LangID=E>

³ <https://www.financialexpress.com/india-news/govt-defines-child-pornography-brings-digital-or-computer-generated-content-under-it/1641214/>

⁴ [https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography#:~:text=Section%202256%20of%20Title%2018,under%2018%20years%20of%20age\).&text](https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography#:~:text=Section%202256%20of%20Title%2018,under%2018%20years%20of%20age).&text)



HISTORY AND DEVELOPMENT

Child pornography laws are of a relatively recent vintage. The first American jurisdiction to prohibit child pornography was California. In 1961 it passed a law prohibiting individuals from using a minor to “prepare[], publish[], print[], exhibit[], distribute[], or offer[] to distribute, . . . any obscene matter.” Any individual who engaged in that prohibited behavior was guilty of a misdemeanor and could be fined up to two thousand dollars and imprisoned for up to one year. North Dakota passed legislation in 1975 that made the production of child pornography a Class C felony. Tennessee enacted a similar prohibition that same year. A number of other states and the federal government enacted anti-child-pornography laws in 1977 and 1978. India passed its anti-child pornography in 2012 with increasing cases of child sexual abuse and assault.⁵

While media reports of exploited children captivated the public and lawmakers, these initial child pornography statutes resembled laws criminalizing obscenity. That is to say, most of the laws prohibiting child pornography criminalized the production and distribution of child pornography images that were obscene.⁶ It was only until later 1990’s that protection and rehabilitation of child victim laws were also made.

The rise of the Internet, as well as the rapid

development of several other technologies, allowed for fast, widespread, and anonymous distribution of child pornography. Before the advent of the Internet, distributing child pornography was a time-intensive and expensive undertaking. A distributor would have to physically copy an image,²⁰ expend effort to identify interested recipients (such as taking out advertisements in pornographic magazines or otherwise actively attempting to meet others interested in acquiring child pornography), and physically mail or otherwise transfer a package to the intended recipient. Because images would significantly deteriorate in quality after a few copies, distribution was extremely limited.

As the Internet led to increasing availability of child pornography, legislators sharply increased the sentences imposed on child pornography offenders. For example, in 1990, federal law punished the possession of child pornography by up to ten years in prison.⁷

The most recent child pornography issue to reach the U.S. Supreme Court involved victim restitution. A federal statute requires courts to order defendants convicted of certain crimes, including child pornography offenses, to pay the victim “the full amount of the victim’s losses.”⁸

At present, however, the discussions surrounding child pornography are

⁵ =Notably%2C%20the%20legal%20definition%20of, child%20engagement%20in%20sexual%20activity.
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<https://www.jstor.org/stable/pdf/j.ctt1gk08jr.4.pdf?refreqid=excelsior%3Aa45f49680df5df5f9e61ea1bbf395225>

⁶ National Resource Center, supra note 1, at 112–13 (noting different approaches to obscenity issue in the states); Payton, supra note 5, at 521–31

⁷ 18 U.S.C. § 2252(b) (1990)

⁸ 18 U.S.C. § 2259(a)



underdeveloped. Although child pornography law is a matter of sustained public interest, a number of important issues have remain underexplored. For example, there are serious disputes about the relationship between child pornography offenders and child sex abuse. Constant efforts are being made to mitigate this issue. Guilty parties use child pornography for some reasons. Five of the most widely recognized include:

1. Create a perpetual record for excitement and satisfaction.
2. Lower child's restraints.
3. Validate and affirm the child sex guilty party's conviction frameworks.
4. Blackmail unfortunate casualties and other co-guilty parties.
5. Sell for benefit or exchange.

INTERNATION STANCE⁹

Organization:

International Centre for Missing & Exploited Children (ICMEC)

This organization combats child sexual exploitation, child pornography, and child abduction. For child pornography they have set up "model legislation" which defines child pornography and sets up recommended sanctions/sentencing. According to research performed in 2018; child pornography is illegal in 118 of the 196 Interpol member states. This figure represents countries that have sufficient legislation in establishing 4 or 5 of 5 criteria met as defined by the ICMEC.

ECPAT International (ECPAT)

ECPAT focuses on halting the online sexual exploitation of children, the trafficking of children for sexual purposes and the sexual exploitation of children in the travel and tourism industry. This organization tracks countries that have implemented standards as defined by agreements such as the Convention on Cybercrime, and Lanzarote Convention through their human rights reports.

Treaties

At least 2 major treaties are in place with 1 "optional protocol" to combat child pornography worldwide. These are considered International obligations to pass specific laws against child pornography which should be "punishable by appropriate penalties that take into account their grave nature". The first of these treaties has to do with The Council of Europe's Cybercrime Convention, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and the EU Framework Decision that became active in 2006. These required signatory or member states to criminalize all aspects of child pornography. The second involves the United Nations which established Article 34 of the United Nations Convention on the Rights of the Child (UNCRC). This stated that all signatories shall take appropriate measures to prevent the exploitative use of children in pornographic performances and materials. An optional protocol was also added that requires signatories to outlaw the "producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes" of child

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https://en.wikipedia.org/wiki/Legality_of_child_pornography



pornography. Some of the negotiations and reviews of the process took place at the World Congress against Commercial Sexual Exploitation of Children held in 1996 and 2001.

HARM INFLICTED

1. Victims and Pornography

- Child pornography producers harm children by inflicting physical or psychological injury. The use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the child.
- It promote sexual abuse and exploitation of children. As to sexual abuse, some children incur physical injuries such as genital bruising, cuts, lacerations, and sexually transmitted diseases.
- The children may suffer psychological injuries including depression, anger, withdrawal, low self-esteem, and feelings of worthlessness. They sometimes engage in self-destructive behavior including substance abuse, prostitution, depression, and suicide.
- The sexual abuse or exploitation inflicted by a producer is a traumatic event that is a “psychosocial stressor.” The effects of the trauma include a clustering of disturbing psychological phenomena of intrusive and repetitive imagery associated with memories of the traumatic event.
- All these harms inflicted on a child affects his overall development as an individual.

2. The Family and Pornography¹⁰

- Married men who are involved in pornography feel less satisfied with their

conjugal relations and less emotionally attached to their wives. Wives notice and are upset by the difference.

- Pornography use is a pathway to infidelity and divorce and is frequently a major factor in these family disasters.
- Among couples affected by one spouse's addiction, two-thirds experience a loss of interest in sexual intercourse.
- Both spouses perceive pornography viewing as tantamount to infidelity.
- Pornography viewing leads to a loss of interest in good family relations.

3. The Individual and Pornography

- Users tend to become desensitized to the type of pornography they use, become bored with it, and then seek more perverse forms of pornography.
- Men who view pornography regularly have a higher tolerance for abnormal sexuality, including rape, sexual aggression, and sexual promiscuity.
- Prolonged consumption of pornography by men produces stronger notions of women as commodities or as "sex objects."
- Pornography engenders greater sexual permissiveness, which in turn leads to a greater risk of out-of-wedlock births and STDs. These, in turn, lead to still more weaknesses and debilities.

CLASSICAL VIEWPOINT

As we know Bentham’s contribution to ‘classical’ theory is based on the fact that he was a utilitarian, interested in the happiness and well-being of the population and therefore believing that punishment, in the form of the infliction of pain, should always be justified in terms of a greater good. At the

of-pornography-on-individuals-marriage-family-and-community.html

¹⁰ <https://www.catholiceducation.org/en/marriage-and-family/sexuality/executive-summary-the-effects->



heart of Bentham's writing was the idea that human behaviour is directed at maximizing pleasure and minimizing pain, (the pleasure-pain principle).

Beccaria believed that laws needed to be put into place in order to make punishments consistent and in line with the crime. He believed that crime prevention in its effectiveness is down to three main ideas, these being the certainty of the crime and how likely it is to happen, the celerity of the crime and how quickly the punishment is inflicted and also the severity of the crime, and how much pain is inflicted. Beccaria thought that the severity of the penalties given should be proportionate to the crime committed and no more than what is necessary in order to deter the offender and others from committing further crimes.¹¹

From these two ideas we derive some basic understanding about how to deal with crimes such as child pornography. They are:

1. Design child pornography laws and punishments in a way. It ensures maximum happiness in the country.
2. Punishments inflict pain, but only on the perpetrators, however, it brings happiness to a lot of people who have either directly or indirectly been victims to this crime.
3. Child pornography are grievous crimes. They affect the mental as well as physical health of minors who actively are a part of child pornography and passively watch it. Such grievous crimes must have grievous punishments.
4. One must recognize the severity and certainty of this crime, and make laws in a way that it firstly, that the perpetrators are

accordingly punished it and secondly, it reduces the crime, i.e., the laws act as a deterrence.

NEO-CLASSICAL VIEWPOINT

Neo-classical criminology can be defined, simply, as a school of thought that assumes criminal behaviour as situationally dynamic and individually-determined. Neoclassical theories of crime assert that deterring, reducing, or eliminating crime can occur through stricter child-rearing practices, enhanced punishments, and/or an increase in surveillance and security. Neoclassical thought is typically linked to politically conservative crime control policies.¹²

From this theory we derive certain understanding about how to deal with a crime as heinous as child pornography:

1. Firstly, we must understand the psychic of the doers of child pornography and what situation led to such criminal behaviour. Accordingly, we must create laws and policies which eliminate the root causes of such criminal behaviour development.
2. The tribe must be educated and well-taught since birth. This will help them to develop a sense of respect and dignity for their fellow citizens. This will act as deterrence to child pornography as individuals will alienate themselves for committing such crimes which harms none other but minors.
3. The government must ensure strict regulatory policies and a very enhances infrastructure, so that firstly, the crimes are prevented due to the strict regulation and security provided to the minors and

¹¹ <https://www.lawteacher.net/free-law-essays/criminology/the-classical-school-of-criminological.php>

¹² <https://great-home-decorations.com/neoclassical-criminology-school-theory/>



secondly, if the crimes are committed, there is speedy delivery of justice.

4. We conclude that, what we require is a very government. Which not only makes strict laws, but executes them as well and also the justice system is very efficient.

POSTIVE SCHOOL VIEWPOINT

This school of thought represented a shift from abstract thinking to rationalism. It views that 'criminal behaviour is the product of external forces that are beyond individual control.' Theorists of this school of thought lean toward determinism which views the cause of crime as factors lying outside of the offender's control. Rather than using punishment as a method of crime control, positivism relies on identification and treatment of a problem to control crime. Because biological, social and psychological factors influence criminal behaviour the offender's role in these undesirable behaviours is lessened. By examining the offender's environment, these factors can be eliminated thereby removing criminal behaviours.

According to the ethics of Positivism, punishment for criminal behaviour should be based on the circumstances of the crime rather than the crime itself.¹³

SOCIOLOGICAL ASPECTS THAT LEAD TO CHILD PORNOGRAPHY:

With the widespread exploitation of Internet facilities present today, the distribution and accessibility of child pornography has become quite effortless. Such easy access has led to the increase in the number of child pornography perpetrators.

At the same time, society and the government has been quite ignorant to this crime until recently. As a result, the number of young victims is very high.

A person will produce and sell child pornography only if he earns profit from it. The profit he earns is from the increasing demand for the same in market. Individuals in our society needs to be educated about the ill-effects child pornography has on young victims. They need to be educated to respect the life and dignity of every individual including young victims. As only this will lead to drop in number of crimes. However, such an awareness and education lacks in our society, therefore this sociological aspect in one of the major leading factors to an increase in this crime.

Inconsistent legal penalties for non-production offenses also increases the demand for obscene imagery of victims by encouraging the endless production of child pornography.

PSYCHOLOGICAL ASPECTS THAT LEAD TO CHILD PORNOGRAPHY:

Individuals are often triggered to watch child porn as to satisfy their sexual needs. This had led to an increasing child pornography market.

Several individuals are affected by a disorder, paedophilia, where in an adult or older adolescent experiences a primary or exclusive sexual attraction to prepubescent children. It develops intense and recurrent sexual urges towards and fantasies about prepubescent children. This has also led to an increase in child pornography.

¹³ <https://www.jstor.org/stable/1140864?seq=1>



Pornography highly affects the mental behaviour of a person. Understanding its psychology, we realize how viewing child porn eventually leads to its addiction. As a result, its demand as well as demand for new variations increases. Thus, increasing this crime rate.

Young adults are a large audience of child pornography. Lack of parental guidance has led to an increasing exposure to child porn as they do not develop that appropriate psychic that only proper parental education can ensure.

Child pornography is a medium through which males kind of feel a domination over their female counterparts. The people who produce these pornographic films, seeing the kids in a compromising positions often get a feeling of satisfaction and pleasure. They try to fulfill their sadistic motives through it.

BIOLOGICAL ASPECTS THAT LEAD TO CHILD PORNOGRAPHY:

Our brain controls all our activity. Sometimes, our brain is not fully developed due to genetic reasons or brain injury. Thus, sometimes we are not fully aware of our actions. As a result, when we are exposed to child porn, our brain might not articulate its ill-effects rather we are more and more attracted to it and this increases this crime.

Pornography is addictive, and neuroscientists are beginning to map the biological substrate of this addiction.

Genetic changes in an individual during puberty and adolescence increases their curiosity in child porn indirectly as a medium to explore their own body which stimulates an increase in child pornography. The hormones and adrenaline rush created in a person's body while viewing such pornographic films, act as triggers for their

compulsive behaviour. They are aware that viewing porn is wrong and condemnable but they are unknowingly forced towards it.

PREVENTIVE STRATEGIES

1. Stringent laws will act as a deterrence to this crime. Countries must adopt strict anti-child pornography laws so that the perpetrators of this crime develop a sense of fear about being harshly punished.

2. With stringent laws, what is important is its proper execution. Police needs to be actively involved in this. The producers and distributors of child pornography should be identified, arrested and punished. The judicial system should also be very efficient and ensure speedy and fair judgements.

3. We must also recognize the situations which led to a person committing this crime. Efforts must be taken to eliminate these situations. The root causes of this crime must be eradicated.

4. Parents must ensure proper guidance of their children so that they do not become viewers of this crime. They must ensure that their kids are not indulged in such crimes.

5. Individuals must be properly educated about how this crime affects young adults and they must be sensitized about the same.

6. Last but not the least, we as responsible citizens of this society must stop ourselves from getting indulged into child pornography.

INTERNATIONAL LAWS

Under International law the first convention which was implemented on children's right was (CRC) convention of rights of children. This convention lays the guidelines on right enjoyed by the children's and also give accurate meaning to the term child. It is



comprehensive convention which deals with every aspect of a child right. Article 2 of the convention make it clear that there must not be any discrimination made in respect to race, language, sex, religion or any other status when you are empowering the child with their rights. Article 19(1) states that every child need to be protected from different type of physical and mental violence specifically sexual maltreatment, sexual abuse and sexual exploitation. This amounts to be most essential article to put end to sexual exploitation of children. The universal Declaration of human rights also deals with child abuse and protection.¹⁴ Under article 25(2) of the declaration, it has been observed that every children born out or without wedlock needs to be equally protected. Likewise in International covenant on civil and political right we have Article 24(1) which states that every child will be protected without any discrimination in respected of race, sex, color accordingly as it is required his status as a minor on the part of his family and society. Article 34 of the United Nations Convention on the Rights of the Child (UNCRC) stated that all signatories shall take appropriate measures to prevent the exploitative use of children in pornographic performances and materials.¹⁵

The Council of Europe's Cybercrime Convention and the EU Framework Decision that became active in 2006 require signatory or member states to criminalize all aspects of child pornography.¹⁶

¹⁴ <https://www.intechopen.com/books/digital-forensic-science/legal-framework-on-child-pornography-a-perspective>

¹⁵ <https://cypcs.org.uk/rights/uncrc/articles/article-34/>

INDIAN LAWS

Sexual maltreatment among children in India has become wildly throughout the years, and an ongoing report by the Ministry of Women and Child Development expressing that over half of children have been manhandled comes as an eye-opener. Sexual maltreatment of children has not been another wonder yet has won in the public eye for quite a while. Notwithstanding, the endeavors to check this marvel have been negligible, prompting an ascent in child sexual maltreatment.

Considerably after rehashed request by different partners to sanction another law to ensure children, such requests failed to be noticed. At last, the Government of India in the wake of setting up a draft Bill in the year 2006 passed the Protection of Children from Sexual Offenses Act, 2012. This exceptional enactment guarantees the assurance of children from sexual offenses lastly takes into consideration stricter discipline for such paedophiles.

There are different laws in India to secure and advance the offspring of the nation. In the Constitution itself, Article 21 accommodates the privilege to life and freedom, Article 24 does not permit children beneath 14 years to work in a mine, plant or take part in dangerous business. Article 39(f) makes it required for the State to coordinate its approach towards making sure about the wellbeing and quality of children and to give those openings and offices to grow steadily

¹⁶ Akdeniz, Yaman (2008). *Internet child pornography and the law: national and international responses*. Ashgate Publishing, Ltd. p. 11. ISBN 978-0-7546-2297-0.



and Article 45 gives that the State will attempt to give youth care and training to children beneath the age of 6 years [3]. There likewise exist uncommon laws for violations against children, for example, The Immoral Traffic (Prevention) Act, 1986, The Child Marriage Restraint Act, The Child Labor (Prohibition and Regulation) Act, 1986 and The Juvenile Justice (Care and Protection of Children) Act, 2000.

The Penal Code, 1860 and The Criminal Procedure Code, 1973 oversees the substantive and procedural pieces of criminal offenses, including those which apply to children. Since no uncommon arrangements are overseeing the maltreatment of children, similar laws apply to the grown-ups and offspring of the nation. The laws overseeing sexual offenses incorporate Sections 375 (Rape), 377 (unnatural offenses) and 354 (shocking the humility of ladies) under the Penal Code. There are additionally offenses against minor young ladies for example Section 372 (selling of young ladies for prostitution) and Section 373 (purchasing of young ladies for prostitution). In any case, these laws are not exhaustive or satisfactory to deal with such grave offenses on such delicate matured children. These arrangements are additionally one-sided towards ladies and are insufficient themselves either substantively or procedurally to meet the exceptional needs of sexual maltreatment among children.

Disregarding such broad laws, the State of Goa passed the Goa Children's Act, 2003¹⁷

to ensure, advance and safeguard the interests of children in Goa and to make a general public that is pleased to be child inviting. The demonstration isolates the offenses into grave rape which covers various kinds of intercourse-vaginal, oral, butt-centric, utilization of articles, constraining minors to have intercourse with one another, purposely making injury the sexual organs and making children present for explicit photographs or movies; rape which covers sexual contacting with the utilization of anyone part or item, voyeurism, exhibitionism, indicating obscene pictures of movies to minors, making children watch others occupied with sexual act, giving of dangers to explicitly mishandling a minor, loudly manhandling a minor utilizing revolting and profane language; and interbreeding which is the commission of a sexual offense by a grown-up or a child who is a relative through ties of appropriation. In this manner, this was the main enactment of India constrained to Goa, where there were exceptional laws to shield children from sexual maltreatment.

Child pornography is illegal and strictly prohibited across the country under section 67B of the Information Technology Act, 2000.

In the light of the grave circumstance confronting children in India, today, the Protection of Children from Sexual Offenses Bill was made in the year 2006 and was at long last passed by the Indian Parliament in 2012.¹⁸

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<https://citizen.goapolice.gov.in/documents/10184/1794152/childrens.pdf/390f738b-fe8f-4582-a463-7a35e832af37>

¹⁸ www.financialexpress.com/india-news/what-is-pocso-act/1140766/



Protection of children from sexual offenses act, 2012:

The Protection of Children from Sexual Offenses Act, 2012 was ordered with the article to shield the children from offenses of rape, inappropriate behavior, sex entertainment and to accommodate the foundation of Special Courts for the preliminary of such offenses and matters associated therewith or accidental thereto.

The act declares use of children for pornographic purposes to be an offence. The Act orders a discipline of a limit of 5 years and in the second conviction this may stretch out as long as 7 years with a fine. In the event that the individual additionally participates in such a demonstration, that establishes the previously mentioned sexual acts/attacks, he would be subject to forever detainment. Additionally, an individual who stores obscene material for business purposes in any structure including a child will be rebuffed with detainment reaching out as long as 3 years or fine or both. Additionally, An individual who abets the commission of the offense by abetting, planning, deliberately supporting by any demonstration or oversight would be at risk for the offense and would be culpable for as long as 1 year or with fine or both.

ANCILLIORY CRIMES

CHILD PRONOGRAPHY LEADS TO SEVERAL OTHER CRIMES LIKE:

1. Child sexual abuse and harassment: Seeing young adults in porns creates a very negative impact on viewers, they start treating children as mere object of

amusement and this results their harassment and abuse.

2. Rape of minor girls and boys: Viewers start thinking of them as superior human beings and children as their submissive or subordinates. Thus, they start sexually exploiting them and rape them.

3. Illegal downloads and piracy: Child Pornography is banned in several countries around the world, but the addictive nature of viewers leads them to watch it illegally and piracy. Such activities are prohibited under Indian IT Act, 2000 and is treated as a crime.

4. Stalking, cyber bullying and cyber harassment: Watching child por sometimes leads to pedophilia nature. Thus, starts the cycle of cyber stalking. The victims are harassed and bullied that their videos and photos will be leaked to their parents if they do not fulfill their wishes.

5. Prostitution: Being involved in Child Pornography in young age, there mindset is developed so that as adults they sometimes get into the prostitution business.

FEW CASES¹⁹

S. NO	CAS E NAME	Y E A R	CO UR T	CASE DETAILS
1.	Kaml esh Vasw ani V. Unio n of India and Ors.	20 16	Sup rem e Co urt	A writ petition was filled in the SC of India to curb Child pornography in India. It was demanded that various measures towards improvement

¹⁹ SSC online - <https://www.sconline.com/>



				in the effectiveness of blocking child pornography on the internet must be taken and ensure protective measures to reinforce support to young victims.		4.	Sreekanth C. Nair V. Developer of Web-Site	2008	Kerala High Court	We realize through this case as to how internet facilities is exploited to commit this crime. Genuine looking websites when clicked upon redirected to porn sites involving child pornography. Such criminal activities must be mitigated.
2.	Alakh Alok Shrivastava V. Union of India	2018	Supreme Court	It was held that adequate steps must be taken by High courts to provide child friendly atmosphere in Special Courts keeping in view the provisions of the POCSO Act so that the spirit of the act is observed.		5.	George M. Geervarghese V. State of Kerala	2019	Kerala High Court	A minor girl's nude pictures were and videos were circulated in WhatsApp groups and available on porn sites. It was held that such activities promote child pornography and thus the perpetrator was not given anticipatory bail for such a crime.
3.	Pramanishi and Ors. V. Union of India	2019	Delhi High Court	Development of a centralized online reporting portal (http://www.cyberpolice.gov.in/) for dealing with complaints concerning child pornography.						

STATISTICS



The United Kingdom children's charity NCH has stated that demand for child pornography on the Internet has led to an increase in sex abuse cases, due to an increase in the number of children abused in the production process.²⁰

In a study analyzing men arrested for child pornography possession in the United States over a one-year period from 2000 to 2001, 83% had pornographic images of prepubescent children and 80% had images graphically depicting sexual penetration. 21% had images depicting violence such as bondage, rape, or torture and most of those involved images of children who were gagged, bound, blindfolded, or otherwise enduring sadistic sex. 39% had child-pornography videos with motion and sound. 79% also had images of nude or semi-nude children, but only 1% possessed such images alone. Law enforcement found that 48% had more than 100 graphic still images, and 14% had 1,000 or more graphic images. 40% were "dual offenders", who sexually victimized children and possessed child pornography.²¹

A 2007 study in Ireland, undertaken by the Garda Síochána, revealed the most serious content in a sample of over 100 cases involving indecent images of children. In 44% of cases, the most serious images depicted nudity or erotic posing, in 7% they depicted sexual activity between children, in

7% they depicted non-penetrative sexual activity between adults and children, in 37% they depicted penetrative sexual activity between adults and children, and in 5% they depicted sadism or bestiality.²²

The NCMEC estimated in 2003 that since 1997 the number of child pornography images available on the Internet had increased by 1500%.²³

In 2007, the British-based Internet Watch Foundation reported that child pornography on the Internet is becoming more brutal and graphic, and the number of images depicting violent abuse has risen fourfold since 2003.²⁴ About 80 percent of the children in the abusive images are female, and 91 percent appear to be children under the age of 12.

Regarding internet proliferation, the U.S. Department of Justice states that "At any one time there are estimated to be more than one million pornographic images of children on the Internet, with 200 new images posted daily." They also note that a single offender arrested in the U.K. possessed 450,000 child pornography images, and that a single child pornography site received a million hits in a month. Further, that much of the trade in child pornography takes place at hidden levels of the Internet, and that it has been estimated that there are between 50,000 and 100,000 paedophiles involved in organized

²⁰ "Internet porn 'increasing child abuse'". *Guardian Unlimited*. London: Guardian News and Media Limited. 12 January 2004. Retrieved 1 June 2007.

²¹ "What is Child Pornography". *NCMEC*. Archived from the original on 8 May 2008. Retrieved 30 April 2008.

²² Claire Milner, Ian O'Donnel (2007). *Child Pornography: Crime, computers and society*. Willan Publishing. p. 123. ISBN 978-1-84392-357-2.

²³ "Child porn among fastest growing internet businesses". National Center for Missing and Exploited Children, USA. 5 August 2005. Archived from the original on 18 October 2007. Retrieved 13 March 2008.

²⁴ *The San Francisco Chronicle*. Associated Press. Archived from the original on 2 December 2007. Retrieved 30 April 2008.



pornography rings around the world, and that one third of these operate from the United States.

In 2019, the *New York Times* reported that child pornography was now a crisis.

RECENT NEWS IN INDIA

1. An alarming rise in the demand for child pornography material (also referred to as has been seen ever since the Covid-19 induced lockdown was enforced, the India Child Protection Fund (ICPF) claimed on Monday.²⁵

2. A Rajya Sabha committee has made 40 recommendations to prevent sexual abuse of children and to contain the dissemination of child pornography content on social media. The report was presented by Vice President Venkiah Naidu on Saturday. The committee recommended important amendments to the Protection of Children From Sexual Offences Act, 2012 and the Information Technology Act, 2000 besides institutional, social and educational measures to tackle the issue of child pornography on Social Media. The committee also urged Prime Minister Narendra Modi to build up a global political alliance to tackle the issue of child pornography on Social media.²⁶

3. The Central Bureau of Investigation (CBI) has arrested a man who was doing business of selling child sexual abuse material through mobile applications. CBI has filed a case against a man and unknown others under POCSO and Information Technology (IT) Act. According to CBI, the man had created 3 accounts and 20 groups on the

Telegram messaging application for the sale of objectionable material. Of these 20 accounts, two accounts were for advertising posts or messages for the sale of obscene videos or photos, including child sexual abuse content.

4. A notice was issued to Google, Twitter, and WhatsApp on Saturday by the National Commission for Protection of Child Rights (NCPCR) over child pornography. Citing the report by an NGO named India Child Protection Fund (ICPF) of Child Sexual Abuse Material in India, the Commission said that the internet traffic in India belonging to child porn increased by 95 per cent between March 24 and 26, as compared to the traffic before the lockdown. The Commission sent separate notices to each of the platforms and sought a reply by April 30.²⁷

5. And many more such child pornographic chains run in India, which are working for years hidden. All of the perpetrators must be caught immediately and punished.

CONCLUSION

The legitimate and procedural boundaries to ensuring the interests of children on the Internet are vexing. Definitional challenges, just as various social and social mores, make troubles concerning contriving a compelling global structure for ensuring child on the web. The issues are additionally exacerbated by various methodologies that have been received concerning issues including the effort of criminal ward over exercises led by means of the vehicle of the internet, removal and the acquiring of proof. The absence of a

²⁵ <https://telanganatoday.com/demand-for-child-pornography-in-india-spiked-since-lockdown-icpf>

²⁶ <https://www.dnaindia.com/india/report-rajya-sabha-committee-files-recommendation-report-to-curb-child-pornography-on-social-media-2810811>

²⁷ <https://www.dnaindia.com/topic/child-pornography>



steady and amicable structure on security, content guideline, and pornography additionally goes about as significant obstructions to affecting a serviceable worldwide technique to ensure the interests of children on the internet. Be that as it may, as the conversation likewise looks to the show, the challenges are not impossible.

Over the years, different research in regard to the status of child pornography children around the globe has shown that gradual advancement is being made. Different global legitimate instruments are set up, which has helped bring issues to light and connect new criticalness to this reason. It stays clear, in any case, that more nations need to make a move now on the off chance that we are to make sure about a more secure future for the world's children. While fighting child pornography at home and abroad is an overwhelming assignment, harmonization of laws is fundamental to viably address this developing, worldwide marvel.

As I would see it, to control child pornography, we ought to totally boycott pornography destinations. This stringent activity can take care of the issue to a bigger degree. This would give us an opportunity to think and plan some better approaches to annihilate child pornography around the world. Delineation of minors, both genuine and virtual, just as grown-ups giving off an impression of being minors, in electronic child pornography, ought to be forestalled by Indian law. Stringent estimates must be taken to battle such egregious maltreatment.

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