

# The Use of New Communications and Information Technologies for Sexual Exploitation of Women and Children

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## I. INTRODUCTION

New communications and information technologies have created a global revolution in communications, access to information, and media delivery. These new communications and information technologies are facilitating the sexual exploitation of women and girls locally, nationally and transnationally. The sexual exploitation of women and children is a global human rights crisis that is being escalated by the use of new technologies.<sup>1</sup> Using new technologies, sexual predators and pimps stalk women and children. New technical innovations facilitate the sexual exploitation of women and children because they enable people to easily buy, sell and exchange millions of images and videos of sexual exploitation of women and children.

These technologies enable sexual predators to harm or exploit women and children efficiently and, anonymously. The affordability and access to global communications technologies allow users to carry out these activities in the privacy of their home.

The increase of types of media, media formats, and applications diversifies the means by which sexual predators can reach their victims. This paper will not attempt to categorize all the types and uses of this new technology. However, this paper will describe the most common and newest of these technologies, and how they are used for the sexual exploitation of women and children.<sup>2</sup>

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1. For the purpose of this paper, I use the term "sexual exploitation" to refer to trafficking for purposes of sexual exploitation, commercial sex acts, such as prostitution, pornography, and live sex shows, stalking for purposes of sexual assault or abuse, and all forms of child sexual abuse.

2. This paper is not about strict legal definitions, nor is it about the law. In fact, many experiences of women and children fall into gray areas, rather than conform to existing definitions. Also, much of the research on sexual exploitation and the Internet focuses on

## II. NEW AND OLD TECHNOLOGIES COMBINED

Older technologies, like television and cable are now combined with modern technologies to create new ways of delivering information, news, and entertainment.<sup>3</sup> Web TV combines the television with the Internet.<sup>4</sup> New cable networks use satellite transmission to deliver hundreds of channels and pay-per-view delivers content on demand.<sup>5</sup>

Presently, there is a high demand for pornographic videos, through mainstream communication networks such as cable TV.<sup>6</sup> Only one of eight major cable companies in the United States does not offer pornographic movies.<sup>7</sup> Satellite and cable companies say that the more sexually explicit the content the greater the demand.<sup>8</sup> ADULT VIDEO NEWS reports that pornography offerings on TV by satellite or cable are increasing video store sales and rentals, not decreasing them, as might be expected.<sup>9</sup> The explanation is that pornography on TV is advertising pornography and finding new buyers.<sup>10</sup> The mainstreaming of pornography is increasing the exploitation or abuse of women and children used in making pornography.<sup>11</sup> According to Paul Fishbein, owner of ADULT VIDEO NEWS, anything sells:

There are so many outlets [for the videos] that even if you spend just \$15,000 and two days – and put in some plot and good-looking people and decent sex – you can get satellite and cable sales. There are so many companies, and they rarely go out of business. You have to be really stupid or greedy to fail.<sup>12</sup>

Another producer said:

[A]nyone with a video camera can be a director – there are countless bottom feeders selling nasty loops on used tape.

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images, and the people in the images are rarely available for interviews to describe their experiences, their consent or coercion, their freedom or slavery. The extent to which the experiences of these women and children meets existing legal criteria for crimes is beyond the scope of this article.

3. DONNA M. HUGHES, *THE IMPACT OF THE USE OF NEW COMMUNICATIONS AND INFORMATION TECHNOLOGIES ON TRAFFICKING IN HUMAN BEINGS FOR THE SEXUAL EXPLOITATION: A STUDY OF THE USERS* (report submitted to the Group of Specialists on the Impact of the Use of New Information Technologies on Trafficking in Human Beings for the Purpose of Sexual Exploitation, Committee for Equality Between Women and Men, The Council of Europe, May 2001).

4. *Id.*

5. *Id.*

6. Kenneth Li, *Silicone Valley: Porn Goes Public*, *THE INDUSTRY STANDARD*, Nov. 6, 2000, at <http://www.thestandard.com/article/display/0,1151,19696,00.html> (last visited Mar. 22, 2002).

7. Frank Rich, *Naked Capitalists*, *N.Y. TIMES MAGAZINE*, May 20, 2001, at 51.

8. *Id.*

9. *Id.*

10. *Id.*

11. *Id.*

12. *Id.*

Whatever the quality or origin of a product, it can at the very least be exhibited on one of the 70,000 adult pay Web sites, about a quarter of which are owned by a few privately held companies that slice and dice the same content under different brands.<sup>13</sup>

As a result of the huge market on the web for pornography and the competition among sites, the pornographic images have become rougher, more violent, and degrading.<sup>14</sup> One producer claimed that there were “no coerced” performances in pornography videos, although she immediately acknowledged that “there are little pipsqueaks who get their disgusting little (misogynistic) videos out there.”<sup>15</sup> The “misogynistic porn” this producer refers to involves degrading images, such as ejaculation on the woman’s face, real pain, and violence against women that results in physical and emotional injuries.<sup>16</sup>

In the last ten years, some American and European pornography producers have moved to places such as Budapest, Hungary because of the availability of cheap actors from Eastern and Central Europe.<sup>17</sup> Budapest is a destination and transit city for women trafficked from Ukraine, Moldova, Russia Romania, and Yugoslavia.<sup>18</sup> There are hundreds of pornographic films and videos produced each year in Budapest.<sup>19</sup> Budapest is now the biggest center for pornography production in Europe, eclipsing rivals such as Amsterdam and Copenhagen.<sup>20</sup> Most Western European producers of sex videos use Eastern European actors whenever possible.<sup>21</sup> An executive at Germany’s Silwa production company explained: “They cost less and do more. Even excruciating or humiliating acts usually cost only two or three hundred dollars.”<sup>22</sup>

The postal service, traditionally the most anonymous and popular way to transmit pornography, is still used by collectors and producers of child pornography to distribute the pornography.<sup>23</sup> Now, sending materials

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13. Rich, *supra* note 7.

14. *Id.*

15. *Id.*

16. Martin Amis, *A Rough Trade*, GUARDIAN UNLIMITED, Mar. 17, 2001, at <http://www.guardian.co.uk/Archive/Article/0,4273,4153718,00.html> (discussing the high-risk, increasingly violent world of the pornography industry) (last visited Mar. 22, 2002).

17. Natasha Singer, *Blue Danube*, at <http://www.nerve.com/Photography/Plachy/BlueDanube/> (last visited Feb. 25, 2001) (on file with author).

18. Fedor Lukyanov, “*Alive Goods*” *Is Flow From the East*, ROSSIYSKAYA GAZETA, at [http://www.rg.ru/english/eco\\_soyuz/03\\_11\\_1.htm](http://www.rg.ru/english/eco_soyuz/03_11_1.htm) (last visited Mar. 23, 2002).

19. Singer, *supra* note 17.

20. *To Its Buyers and Sellers, The Sex Trade is Just Another Business*, at <http://www.pirko.de/Englisch/lustig/Sex.html> (last visited Mar. 23, 2002).

21. *The Sex Industry: Giving The Customer What He Wants*, THE ECONOMIST, Feb. 14, 1998, at 21.

22. *Id.*

23. Interview with Raymond Smith, Fraud, Child Exploitation and Asset Forfeiture Group, Office of Criminal Investigations, U.S. Postal Inspection Service (May 7, 2001).

through the mail is combined with internet technology.<sup>24</sup> Raymond Smith, U.S. Postal Inspection Service, who handles hundreds of cases of child pornography, has found that the rise in internet use by sexual predators has also increased their use of the U.S. mail.<sup>25</sup> He said that from the time they first started investigating child pornography in the early 1980s until five years ago, they have almost eliminated the distribution of child pornography.<sup>26</sup> But since the internet became publicly available, the number of cases connected to the internet has steadily increased.<sup>27</sup> In 1998, 32 percent of cases were related to internet.<sup>28</sup> In 1999, 47 percent were internet related, and in 2000, 77 percent of the child pornography cases were internet related.<sup>29</sup>

Producers of child pornography advertise their videos on the internet and distribute them through the mail.<sup>30</sup> Men in chat rooms trade small files, still images and short movie clips on the internet, but longer movies are sent by mail.<sup>31</sup> Stalkers talk to children in chat rooms, ask them to take pictures of themselves, and send them through the mail.<sup>32</sup> When stalkers convince children to travel to meet them, they send them bus and plane tickets through the mail.<sup>33</sup>

Scanners and video digitizers are used to turn old pornographic images, films, and videos into electronic formats that can be uploaded the internet.<sup>34</sup> About half of the child pornography online is old images from films and magazines produced in the 1960s and the 70s.<sup>35</sup> Digital cameras and recorders enable the creation of images that do not need professional processing, thereby eliminating the risk of detection.<sup>36</sup> These new types of equipment also make it technically easier for people to become producers of pornography.<sup>37</sup> Digital media formats are not static nor independent.<sup>38</sup> One format can be quickly converted into another.<sup>39</sup> Videos are still the primary production medium for child pornography, and the still images for

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24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

29. Interview with Raymond Smith, *supra* note 23.

30. *Id.*

31. *Id.*

32. *Id.*

33. *Id.*

34. James F. McLaughlin, *Cyber Child Sex Offender Typology* (2000), at <http://www.ci.keene.nh.us/police/Typology.html>.

35. *Id.*

36. *Id.*

37. Donna M. Hughes, *Pimps and Predators on the Internet – Globalizing Sexual Exploitation of Women and Children* (Apr. 1999), available at <http://www.uri.edu/artsci/wms/hughes/pprep.htm>.

38. *Id.*

39. *Id.*

the Internet are produced from video captured images.<sup>40</sup> From one video, 200–300 still images can be captured, and then uploaded to a newsgroup or to a web site.<sup>41</sup> According to the COPINE (Combating Paedophile Information Networks in Europe) Project, production of child pornography still combines older methods of production, while using new internet technologies for distribution.<sup>42</sup>

It is safe to say that the number of manufactures [producers of child pornography] has increased over the years with the availability of new medium. Home development of black and white 35MM film, self-developing Polaroid film, video cameras, camcorders, computer scanners, CUseme technology [live video and audio transmission] and now computer cameras (including video) have made child pornography easier and easier to produce and reproduce.<sup>43</sup>

One police analyst noted that prior to the internet the majority of collectors of child pornography were not distributors because duplication technology was not readily available.<sup>44</sup> Now, making copies of image files “involves a few clicks of any computer mouse allowing for effortless distribution.”<sup>45</sup> Therefore, collectors of child pornography have quickly and easily become distributors.

### III. NEW TECHNOLOGIES FOR SEXUAL EXPLOITATION

#### A. DIGITAL VIDEO DISK

One new technology is Digital Video Disk (DVD), which provides high quality videos and interactive capabilities for the viewer.<sup>46</sup> While making the videos, scenes can be shot from multiple angles, and all points of view can be added to a CD ROM.<sup>47</sup> The viewer can then choose the version, point of view, or camera angle he/she prefers.<sup>48</sup> Viewers can watch the movie in chronological order, moving from one character to the next, or watch the movie from one character’s point of view.<sup>49</sup> Viewers can interact with DVD movies in much the same way they do with video games, giving them a more active role.<sup>50</sup> According to one producer:

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40. Max Taylor, et al., *Child Pornography, The Internet and Offending*, ISUMA: CAN. J. POL’Y RES., Summer 2001, at 94.

41. *Id.*

42. *Id.*

43. McLaughlin, *supra* note 34.

44. *Id.*

45. *Id.*

46. Karen Kaplan, *Pushing Porn On DVDs*, L.A. TIMES, Jan. 9, 2001, at A1.

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.*

If a viewer wants something different, we give it to him. The viewer can go inside the head of the person having sex with [name deleted], male or female. He can choose which character to follow. He can re-edit the movie. It's a great technology.<sup>51</sup>

The following is a description of a recent pornographic movie recorded on DVD:

Chasing Stacy from VCA Labs, is a choose-your-own-adventure flick that follows Stacy the porn star as she signs autographs, drinks coffee, works out at the gym and takes a shower. At various points, a small green icon appears in the corner of the screen and Stacy looks straight at the camera. That's when viewers get the chance to ask Stacy out on a virtual date by pressing the Enter button on the DVD remote control. The date scenes are filmed so that the viewer feels like he's sitting directly across a glass table from Stacy, who provides insights into her personal life. Later, the viewer can select whether to take Stacy back to her house, to her office, or to another locale for a tryst. With the remote control, the details can be chosen as the action unfolds.<sup>52</sup>

The pornography producer, VCA, released this DVD in July 2000 and sold more than 12,000 copies by January 2001, making it the fastest selling title they have.<sup>53</sup>

Although technologies like this have many applications and enable creativity and interactivity, when used in pornographic films, these raise the question of the impact on people, their relationships, and expectations about relationships. A portion of men who use pornography and seek out women in prostitution do so either because their lack of social skills or their misogynistic attitudes prevent them from establishing relationships with their peers.<sup>54</sup> Technology such as this may further distance and alienate some men from meaningful and realistic relationships.<sup>55</sup>

There are a number of venues and media formats with different technologies for the transfer of files and communications, including Usenet newsgroups, World Wide Web, e-mail, live synchronous communication (text and voice chat), bulletin or message boards, Web cams for live transmission of images or videos, live video conferencing (live video chat), streaming video, peer to peer servers, and file sharing programs.<sup>56</sup> All forums and applications offer ways to engage in the sexual exploitation of

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51. Rich, *supra* note 7.

52. Kaplan, *supra* note 46.

53. *Id.*

54. Joe Parker, *How Prostitution Works*, at <http://www.prostitutionresearch.com/parker-how.html> (last visited Mar. 23, 2002).

55. Hughes, *supra* note 3.

56. *Id.*

women and children.<sup>57</sup>

How each is used for sexual exploitation depends on the legality of the activity, which varies from country to country, the techniques adopted by the sex industry or individual users, and the level of privacy or secrecy attempted by the users.<sup>58</sup> Perpetrators have taken advantage of new technologies and applications to stalk victims, transmit illegal materials, and avoid detection by law enforcement.<sup>59</sup> According to one official: "If it can be done, they're doing it."<sup>60</sup>

#### B. NEWSGROUPS

Usenet newsgroups are still popular sites for the exchange of information on how to find women and children for sexual exploitation.<sup>61</sup> Although much media attention is given to child pornography rings and cases that use sophisticated technologies to keep their activities secret, such as the WOnderland Club that used a Soviet KGB code to encrypt all its communications, the older public newsgroups are still commonly used to upload and download child pornography.<sup>62</sup> The COPINE Project reports that over 1000 child pornographic images are posted on newsgroups each week.<sup>63</sup>

#### C. WEB SITES

Web sites are used in various ways to assist in the sexual exploitation of women and children. Web sites are the most popular venue for the distribution of pornography online. Large legal sex industry businesses have sophisticated web sites with subscription fees that bring in millions of dollars per year.<sup>64</sup> There are also tens of thousands of free pornography sites that are maintained by amateurs or someone making a relatively small amount of money from advertising banners for larger sites and businesses.<sup>65</sup> Web sites offer streaming videos that can be viewed with web browser plug-ins.<sup>66</sup> The most recent versions of web browsers (e.g. Internet Explorer, Netscape) come packaged with these plug-ins.<sup>67</sup>

Pimps and traffickers use the web to advertise the availability of women and children for use in making pornography.<sup>68</sup> One example

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57. *Id.*

58. Hughes, *supra* note 37.

59. *Id.*

60. Interview with Glenn Nick, U.S. Customs Smuggling Ctr. (May 17, 2001).

61. Taylor, et al., *supra* note 40.

62. Stuart Miller, *Technological Level of Wonderland Network Shocked All Investigators*, IRISH TIMES, Sept. 3, 1998, at 15.

63. Taylor, et. al. *supra* note 40.

64. Donna M. Hughes, *The Internet and Sex Industries: Partners in Global Sexual Exploitation*, IEEE TECHNOLOGY & SOCIETY MAGAZINE, Spring 2000, at 35.

65. *Id.*

66. *Id.*

67. Hughes, *supra* note 3.

68. Hughes, *supra* note 37.

includes prostitution tourists and Western producers of pornography who have been traveling to Latvia since the early 1990s to find vulnerable children and young adults to sexually exploit in their videos.<sup>69</sup> In August 1999, the Vice Police in Latvia initiated criminal proceedings against the owners of Logo Center, a “modeling agency,” for production of pornography and the use of minors in the production of pornography.<sup>70</sup> The two managers of the Logo Center provided women and children to foreign prostitution tourists and foreign pornography producers.<sup>71</sup> They had several web sites<sup>72</sup> with pornography, information about minors, and photographs of their “models” in different sex acts.<sup>73</sup> During the time these pimps operated they exploited approximately 2000 women, men, girls and boys, resulting in 174 juveniles relying on prostitution for their basic livelihood.<sup>74</sup>

The Logo Center supplied women and children for pornography production in other countries. In one case they supplied “porno models” to a Swedish pornography producer who made videos in Finland.<sup>75</sup> The Logo Center Web site had links to other sites with bestiality and child pornography.<sup>76</sup> After being arrested, the two owners were charged with distribution of child pornography.<sup>77</sup>

Pimps also use web sites to advertise their brothels or escort services directly to men.<sup>78</sup> These sites are often used to attract foreign businessmen or tourists.<sup>79</sup> The following is from a web site in Prague, Czech Republic:

Would you like to spend an exciting night in Prague with a beautiful young girl? She will do everything for your pleasure. She will make you happy with kissing you on your mouth, French sex and sexual intercourse. During your stay, you can visit the “Golden City” with your girl. The girls are pupils and students, who are financing their education.<sup>80</sup>

Increasingly, prostitution web sites include photographs of the women, sometimes nude.<sup>81</sup> This practice exposes women, identifying them to the

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69. Personal Communication with Valdis Pumpurs, Head of the Criminal Police of Latvia (May 2001).

70. *Id.*

71. *Id.*

72. Web site urls: logosagency.com, pronorussian.nu, marige.nu, and logosagency.nu. (These web sites are no longer available on the internet) (on file with author).

73. Personal Communication with Valdis Pumpurs, *supra* note 69.

74. *Id.*

75. *Id.*

76. *Id.*

77. *Id.*

78. Hughes, *supra* note 37.

79. *Id.*

80. *Milas Holiday and Escort Service in Prague*, <http://www.prag-girls.de/frame-hallo.htm>, (last visited Apr. 21, 2001, web site no longer available online) (on file with author).

81. Hughes, *supra* note 37.



public as prostitutes.<sup>82</sup> Many of the photographs look like modeling photographs, and the women may never have intended for those photographs to be used to advertise them as prostitutes.<sup>83</sup> Some of the women may not even know their photographs are on web sites. Women suffer from the stigma placed on them for being in prostitution.<sup>84</sup> This public display and labeling further harms women in prostitution.<sup>85</sup>

Web based message boards and bulletin boards are increasingly popular for an exchange of information by perpetrators of sexual exploitation.<sup>86</sup> They are used in much the same way as newsgroups, but can be private and protected by passwords.<sup>87</sup> Using these applications, men can book sex tours and “appointments” with women through the web, e-mail and chat rooms.<sup>88</sup>

Message boards on brothels’ web sites enable men to post “reviews” of the women for other men, and communicate with pimps about the women’s appearances and “performances.”<sup>89</sup> On sites where the women’s photos are displayed, men can evaluate the women.<sup>90</sup>

Alina’s new photos indicate that she has gained some extra weight!! Please advise what is her weight currently. Thanks and regards . . . .<sup>91</sup>

Another example includes:

Dear Milla:

What happened to Alina? She seems that she gained some weight since the last time she was with you. She must not be 52Kg as written on her page. Please advise her exact weight.<sup>92</sup>

Men use message boards to make reservations for their upcoming visits.<sup>93</sup> A Web site for a brothel in Prague, Czech Republic had the following message and request:

Hallo Mila ! I found your page on the Internet.  
I’m going to Prague this summer and probably will visit your establishment. How long time before do one have to make reservations ? Could you please put out som more photos of the

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82. *Id.*

83. Hughes, *supra* note 3.

84. *See generally* COALITION AGAINST TRAFFICKING IN WOMEN, MAKING THE HARM VISIBLE: THE GLOBAL SEXUAL EXPLOITATION OF WOMEN AND GIRLS (Donna M. Hughes & Claire M. Roche eds., Feb. 1999).

85. Hughes, *supra* note 37.

86. Hughes, *supra* note 3.

87. *Id.*

88. *Id.*

89. *Milas Holiday and Escort Service in Prague*, *supra* note 80

90. *Id.*

91. *Id.*

92. *Id.*

93. *Id.*

girls. Is there also possible to have analsex with the girls if you stay overnight ? See you ! /Peter<sup>94</sup>

Another posting included:

I understand from our talk, by telephone you have, 6 girls our more, ATT the time, girls are from Ukraine. I will be in Praha, late August 2000, So I will arrive to Praha, late at night, if I remember rite, me flights is from Iceland to Copenhagen and from Copenhagen to Praha. do you have some taxi our pick up from the airport? I wold like to stay in your house the first 2 nights when I am testing your girls after that I will know which of your girls I like. I will chosen one of them to stay in me hotel four 2 nights, so I will have one of your girls, one hour at the time in your house before I chosen which one I chosen to stay with me in me hotel, is that ok with you? I understand you have 6 girls, I wold prefer to have sex with all of them, and then chosen one of the to stay in me hotel four 2 night after thatch, is thatch ok with you? Are your girls shaved? Ragnar . . . .<sup>95</sup>

Web sites are also used to market images and videos of rape and torture.<sup>96</sup> Slave Farm, a web site registered in Denmark, claims to have the "world's largest collection of real life amateur slaves."<sup>97</sup> Men are encouraged to "submit a slave to the picture farm." The images include women being subjected to sexual torture, bondage, and fetish sadism.<sup>98</sup> Description of images include: "needle torture," "hot wax," "extreme hogtie," "hanging bondage," "tits nailed to board," "drunk from the toilet," and "pregnant bondage."<sup>99</sup> Live chat is available where men can "command the bitches."<sup>100</sup> A number of images are available free, but full access requires payment of a subscription fee.<sup>101</sup> The women in the images and videos are visibly injured, with cuts, burns, bruises, welts, and bleeding wounds.<sup>102</sup>

Another web site registered in Moscow, Russia advertises itself as "the best and most violent rape site on earth."<sup>103</sup> It claims to have "Several Hundres [sic] of rape pics."<sup>104</sup> Subscribers are offered 30,000 hardcore

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94. *Id.*

95. *Id.*

96. Hughes, *supra* note 37.

97. SLAVE FARM, at <http://www.slavefarm.com> (last visited Mar. 19, 2002) ("the world's largest amateur BDSM site").

98. *Id.*

99. *Id.*

100. *Id.*

101. *Id.*

102. *Id.*

103. <http://www.borov.com> (last visited Feb. 26, 2001; web-site no longer links to this material) (on file with author).

104. *Id.*

porn images, 500 online video channels, and 100 long, high quality videos.<sup>105</sup> There are images and videos of “violent rapes, ass rapes, mouth rapes, gang rapes, nigger rapes, torn vaginas, and tortured clits.”<sup>106</sup> A free 13 MB video and audio movie can be downloaded in 12 segments, each about 1 MB.<sup>107</sup> The film shows a hooded perpetrator raping a woman in an office.<sup>108</sup>

Previously, few people had access to such extreme material.<sup>109</sup> As one consultant explained,

[f]ormerly men used to have to remove themselves from their community by three levels [to find extreme, violent pornography]. First, they had to go somewhere, physically, then know where to go, and then know how to find it. The Web makes it very easy to get that far removed very quickly.”<sup>110</sup>

The resurgence of child pornography through the internet is a priority for some law enforcement agencies, resulting in unparalleled international cooperation to break up the rings.<sup>111</sup> In contrast, the pornography of adults and post adolescent teens has been ignored.<sup>112</sup> In the United States and Europe, there are very few cases of prosecution of producers of adult and post adolescent teen pornography.

A lot of the pornography is extremely misogynistic, with women portrayed as seeking and enjoying every type of humiliation, degradation, and painful sex act imaginable.<sup>113</sup> Women and children are harmed physically, sexually, and emotionally in the making of pornography.<sup>114</sup> Although, there is less information about women in pornography, it is likely that many women are coerced into making pornography just as they are coerced into prostitution. In addition, by filming the violence and sex crimes against women and post adolescent teens, thereby turning it into pornography, images of these violent crimes can be distributed publicly on the internet with no consequences to the perpetrators.<sup>115</sup>

The percentage of degrading, violent, misogynistic pornography

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105. *Id.*

106. *Id.*

107. *Id.*

108. *Id.*

109. Interview with Jeff Middleton, Computer Focus (May 17, 2001).

110. *Id.*

111. Hughes, *supra* note 3.

112. *Id.*

113. *Id.*

114. Liz Kelly & Dianne Butterworth, Address at the Journal of Information Law and Technology's event entitled, Policing the Internet: First European Conference on Combating Pornography and Violence on the Internet (Feb. 14, 1999) (for a description, see Yaman Akdeniz, *Policing the Internet – Conference Report*, 1 J. Info. L. & Tech (1999), at [http://elj.warwick.ac.uk/jilt/Confs/97\\_1pol/akdeniz.doc](http://elj.warwick.ac.uk/jilt/Confs/97_1pol/akdeniz.doc)); IN HARM'S WAY: THE PORNOGRAPHY CIVIL RIGHTS HEARINGS 39-199 (Catharine A. MacKinnon & Andrea Dworkin eds., 1998) [hereinafter IN HARM'S WAY].

115. Hughes, *supra* note 3.

continues to increase, and the images and videos become more readily available.<sup>116</sup> However, there doesn't seem to be anything new in the content of pornography; perpetrators have always raped and tortured women and children in the making of pornography.<sup>117</sup> What is new is the volume of pornography produced and the fact that an average person with a computer, modem and search engine can find violent, degrading images within minutes, a search that could have taken a lifetime, just fifteen years ago. The increase in video clips with audio and streaming video makes the action and harm come alive.<sup>118</sup> New techniques, such as shockwave flash movies, enable the creation of animated videos.<sup>119</sup> Skilled amateurs can create snuff films for distribution on the Web.<sup>120</sup> One person I interviewed said that "[w]ith virtual film, it is possible to produce a snuff film from animation, but very difficult to tell it is not real. Now, we are limited only by our imaginations. There is nothing that can't happen on the Web."<sup>121</sup>

#### D. CHAT ROOMS

Real time synchronous communication, or "chat," is a popular means of communication on the internet.<sup>122</sup> Chat is available through Internet Relay Chat (IRC) channels, Instant Messaging, such as ICQ, Web based chat sites which are accessed through browsers, Multi-User Dimension (MUD) or Multi-User Simulated or Share Hallucination (MUSH) programs.<sup>123</sup> There are over 100,000 chat rooms available to users worldwide.<sup>124</sup> Some of these formats and the "rooms" users create are open to the public, some are private and require passwords, and others are used for one to one communication.<sup>125</sup> No messages are archived or stored and no log files are maintained, as is done with e-mails or web accesses, so stalkers use them to look for victims without the danger of being traced by law enforcement authorities.<sup>126</sup> There have been numerous cases in the United States and the United Kingdom, where predators contact children for both online and physical meetings.<sup>127</sup> Often, during these meetings, the children are emotionally and sexually abused.<sup>128</sup> There have also been numerous cases of online stalking of adults that began with conversations

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116. *See generally* IN HARM'S WAY, *supra* note 113.

117. Hughes, *supra* note 3.

118. *Id.*

119. Interview with Jeff Middleton, *supra* note 109.

120. *Id.*

121. *Id.*

122. INTERNET CRIME FORUM, INTERNET RELAY CHAT SUB-GROUP, CHAT WISE, STREET WISE: CHILDREN AND INTERNET CHAT SERVICES (Mar. 2001), at [http://www.internetcrimeforum.org.uk/chatwise\\_streetwise.html](http://www.internetcrimeforum.org.uk/chatwise_streetwise.html) (last visited Mar. 23, 2002) [hereinafter INTERNET CRIME FORUM].

123. *Id.*

124. *Id.*

125. *Id.*

126. *Id.*

127. *Id.*

128. INTERNET CRIME FORUM, *supra* note 122.

in chat rooms, which led to physical meetings that turned into sexual assaults.<sup>129</sup>

In chat rooms, perpetrators engage children in sexual conversation or expose them to sexual material, including adult and child pornography.<sup>130</sup> Predators sexually exploit children online through this sexual talk.<sup>131</sup> Perpetrators ask children to send them pictures or sexual images of themselves or their friends.<sup>132</sup> They may encourage the children to perform sex acts on themselves or friends for the stalker's sexual satisfaction.<sup>133</sup> Stalkers use these activities as part of a grooming process to entice children into more direct contact, such as telephone conversations and eventual physical meetings.<sup>134</sup>

When the child stalkers use voice chat the predators and stalkers encourage the children to get headphones to reduce the risk of someone else in the house hearing the voices.<sup>135</sup> They suggest that children get web cameras for their computers and move their computers to their bedrooms where the stalker can encourage sexual touching and masturbation while they watch via a Web cam.<sup>136</sup>

A typical ruse employed by paedophiles is when the predator asks the victim what she is wearing. This is usually followed by asking her to take something off such as her underwear. The more cunning paedophile will say something more innocuous like 'do you enjoy taking showers,' swiftly followed by 'do you touch yourself in the bath?' It is also commonplace to ask the girl if she has pubic hair in order to build up a mental picture of her level of physical maturity. The intention of most paedophiles is to engage the girl in cybersex activities.<sup>137</sup>

In one transnational case, Franz Konstantin Baehring, a thirty-seven-year-old German man living in Greece, contacted a fourteen-year-old girl from Florida in a chat room.<sup>138</sup> He followed his Internet communication with letters by mail and telephone calls.<sup>139</sup> After a year of corresponding, he convinced the girl to run away from home and travel to Greece.<sup>140</sup> To assist the girl in leaving her home, Baehring contacted a woman at a mobile

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129. Karamjit Kaur, *More Internet Date Rapes*, STRAITS TIMES (Singapore), Feb. 28, 2001; Tom Gardner, ASSOCIATED PRESS, Feb. 19, 2001; Conal Urquhart, *Killerspreadhi's Rape Fantasies on the Internet*, THE TIMES (London), Oct. 4, 2000.

130. INTERNET CRIME FORUM, *supra* note 122.

131. *Id.*

132. *Id.*

133. *Id.*

134. *Id.*

135. *Id.*

136. INTERNET CRIME FORUM, *supra* note 122.

137. *Id.*

138. Interview with April Hindin, Postal Inspector, Tampa, Fla. (May 15, 2001).

139. *Id.*

140. *Id.*

phone store and convinced her to assist an "abused girl in leaving home."<sup>141</sup> The woman met the fourteen-year-old, gave her a programmed cell phone and drove her to a local airport.<sup>142</sup> The girl flew to Ohio, where Robert Arnder, a convicted child pornographer and one of Baehring's contacts, assisted the girl in getting a passport and leaving the United States: Baehring paid Arnder \$2000 dollars for his assistance.<sup>143</sup> Police were able to trace the girl's travels and her contacts by examining the e-mail messages left on her computer at home.<sup>144</sup>

Upon investigation of Robert Arnder, who assisted the girl in Ohio, they found that Arnder had pornographic images and videos of his own thirteen and seventeen-year-old daughters on his home computer.<sup>145</sup> He had sexually abused his daughters for at least five years.<sup>146</sup> Arnder has since been indicted on 147 counts of rape, 145 counts of sexual battery, two counts of compelling prostitution, six counts of pandering obscenity involving a minor, four counts of pandering sexually oriented material involving a minor, three counts of child endangerment and one count of interference with custody.<sup>147</sup>

In Greece, Baehring kept the fourteen-year-old girl under control by locking her in an apartment in Thessaloniki.<sup>148</sup> She was not permitted to answer the phone or the door.<sup>149</sup> The girl's friends received e-mail messages sent from Internet cafés in Athens and Thessaloniki saying that she was happy.<sup>150</sup> Baehring told his mother that he felt pity for her because she suffered from leukemia and he was trying to make her happy.<sup>151</sup> He told the girl that he was a child psychologist who specialized in hypnotherapy and ran a youth center.<sup>152</sup>

When authorities found Baehring, he was charged with abduction of a minor with malicious intent, sexual assault and exposing a minor to improper material.<sup>153</sup> Investigation of Baehring's home revealed child pornography of other girls.<sup>154</sup> He is suspected of involvement with

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141. *Id.*

142. *Id.*

143. *Id.*

144. Interview with April Hindin, *supra* note 138.

145. *Man faces 308-Count Indictment Related to Alleged Sex Acts With Teens*, ASSOCIATED PRESS, Jan. 24, 2001.

146. *Id.*

147. *Id.*

148. Jill King Greenwood, *Missing-Girl Case Points to Greece; 2 Suspects Charged*, TAMPA TRIB., Jan. 27, 2001, at 12.

149. *Id.*

150. *Id.*

151. *Missing Teen Found, Says She Doesn't Want to go Home*, ATHENS NEWS, Feb. 2, 2001 [hereinafter *Missing Teen Found*].

152. *Id.*

153. *German Man Charged With Luring Florida Girl Overseas*, ASSOCIATED PRESS, Feb. 3, 2001.

154. *Id.*

pornography rings on the internet.<sup>155</sup> The girl suspects that Baehring may have had other girls under his control and used them in making pornography.<sup>156</sup>

The international effort to find the missing girl involved the Polk County Sheriff's Office in Florida, the U.S. State Department, the U.S. Customs Department, U.S. Postal Inspectors, the FBI, Interpol, the U.S. Embassy in Greece, the Greek Consulate and the police in Greece.<sup>157</sup> The international cooperation has been praised, but the intensity of these efforts also highlights the resources needed to find one girl, and there are thousands of girls missing each year from parts of the world where such resources and cooperation don't exist.<sup>158</sup>

#### E. FILE TRANSFER PROTOCOL

Although File Transfer Protocol (hereinafter FTP), is one of the oldest ways of exchanging files on the internet, it is still popular with child pornography collectors for one-to-one exchange of child pornography.<sup>159</sup> FTP allows users to have direct access to another person's computer hard drive to upload and download files.<sup>160</sup> This technique of file exchange is more likely to occur between child pornography collectors who have met in other venues and have come to trust each other.<sup>161</sup>

#### F. LIVE VIDEO CHAT

Every venue on the internet is used to transmit images of sexual exploitation. The number of video clips is increasing and streaming video is available for those with high-speed internet connections.<sup>162</sup> Live Web broadcasts have become common.<sup>163</sup>

In 2000, a case of human smuggling and trafficking was uncovered in Hawaii, U.S.A., in which Japanese women were trafficked into Honolulu to perform live on the internet for audiences in Japan.<sup>164</sup> Due to more restrictive laws concerning pornography in Japan, the men decided to operate their web site from Hawaii and broadcast the live shows back to Japan.<sup>165</sup> The Japanese men in Hawaii placed ads in Japan for "nude models."<sup>166</sup> Upon their arrival in Hawaii, the women were used to make pornographic films and perform live internet sex shows.<sup>167</sup> The entire

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155. *German Suspected of Links With Pornography Rings*, ATHENS NEWS, Feb. 6, 2001.

156. *Missing Teen Found*, *supra* note 151.

157. Hughes, *supra* note 3.

158. *Id.*

159. *Id.*

160. *Id.*

161. *Id.*

162. *Id.*

163. Hughes, *supra* note 3.

164. *Immigration Raid Closes Internet Porn Site*, ASSOCIATED PRESS, Jan. 15, 2000.

165. Interview with Omer Poirier, U.S. Attorney, Honolulu, HA (May 1, 2001).

166. *Id.*

167. *Id.*

operation was aimed at a Japanese audience.<sup>168</sup> The web site was written in Japanese.<sup>169</sup> The women performed strip shows by web cam and responded to requests from men watching in Japan.<sup>170</sup> They used wireless keyboards for live sex chat with the men at a rate of \$1 per minute.<sup>171</sup> The Japanese men, operating as Aloha Data, used digital cameras to capture the live video chat, then transmitted it to a server in California run by a “not respectable, but not illegal” internet service provider called Lucy’s Tiger Den.<sup>172</sup> Japanese viewers accessed the performance through the California server.<sup>173</sup>

The U.S. Immigration and Naturalization Service pursued the case, not because of the pornographic content of the broadcast or the sexual exploitation of the women, but because of immigration violations.<sup>174</sup> This case offers some twists in crime, human smuggling or trafficking and new technologies.<sup>175</sup> James Chaparro, Director of the Anti-Smuggling and Trafficking Unit, U.S. Immigration and Naturalization Service, characterized the case in this way: “The Japanese men violated U.S. immigration law by smuggling/trafficking Japanese women into the U.S. in order to circumvent the Japanese law against pornography.”<sup>176</sup> Omer Poirier, U.S. Attorney in Honolulu, who handled the case described it in this way: “Japanese men were smuggling women into the U.S. from Japan to provide services for men in Japan.”<sup>177</sup>

#### G. PEER TO PEER NETWORKS AND FILE SWAPPING PROGRAMS

In the last two years, a new technology was developed and released as freeware that can create a network of peer computers.<sup>178</sup> The result is an open, decentralized, peer-to-peer system.<sup>179</sup> File swapping programs are used to find files on the network.<sup>180</sup> Using the program the user designates one directory on his/her computer that will be open to the public and another for downloaded files.<sup>181</sup> When the user logs onto the internet, he/she will be automatically connected to all other people running the same program.<sup>182</sup> All available files are indexed into a large searchable

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168. *Id.*

169. *Id.*

170. *Id.*

171. Interview with Omer Poirier, *supra* note 165.

172. *Id.*

173. *Id.*

174. Hughes, *supra* note 3.

175. *Id.*

176. Interview with James M. Chaparro, Director of the Anti-Smuggling and Trafficking Unit, U.S. Immigration and Naturalization Service (May 1, 2001).

177. Interview with Omer Poirier, *supra* note 165.

178. HUGHES, *supra* note 3.

179. *Id.*

180. *Id.*

181. *Id.*

182. *Id.*



database.<sup>183</sup> When keywords are entered the request moves from one computer to the next returning links to files.<sup>184</sup> At that point, the program can download the requested files from other members' network computers.<sup>185</sup> It is touted as a revolution in how computers and people communicate with each other on the internet. Examples of these peer to peer networks include: Napster, Scour Exchange, Gnutella, Freenet, Imesh.<sup>186</sup>

These programs create a decentralized system, meaning there is no central server through which all communications pass.<sup>187</sup> Consequently, there are no logs of transmissions, and transmissions are not traceable because each site can only trace the connection back one level.<sup>188</sup> You can enter the public network or create a private one of your own.<sup>189</sup> These features this new information technology so attractive to perpetrators.<sup>190</sup>

[S]oftware that turn[s] your PC into both a client and a server. They'll create a true Web by allowing users to easily connect directly to each other. . . . Download Gnutella and you can trade any type of file, pirated or not, with anybody else on the Gnutella network in virtual anonymity.<sup>191</sup>

Gnutella has a monitoring feature that allows users to monitor the searches of others to see what people are searching for.<sup>192</sup> According to Glenn Nick, U.S. Customs Cyber Smuggling Center "most searches on these networks are for adult and child pornography."<sup>193</sup>

#### IV. TECHNOLOGIES FOR ANONYMITY AND DISGUISE

For those engaging in criminal activity or sexual exploitation, anonymity and disguise are critical. Criminals in general are using new communications technologies, such as mobile phones, to avoid police tracing of their phone calls.<sup>194</sup> Mobile phone services often offer free or cheap phones for signing up for their services.<sup>195</sup> Criminals use these

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183. *Id.*

184. *Id.*

185. *See generally* GNUTELLA, <http://welcome.to/gnutella> (last visited May 1, 2001).

186. HUGHES, *supra* note 3.

187. *Id.*

188. *Id.*

189. Ron Harris, *Gnutella Gives Copyright Holders Headaches*, ASSOCIATED PRESS, Apr. 10, 2000.

190. HUGHES, *supra* note 3.

191. Jesse Berst, *How Napster and Friends Will Turn the Web Inside Out*, ZDNET, Apr. 24, 2000, at <http://www.zdnet.com/anchordesk/stories/story/0,10738,2554369,00.html>.

192. *Id.*

193. Interview with Glenn Nick, U.S. Customs Cyber Smuggling Center (May 17, 2001).

194. Richard Davis, *New Technology: What Impact Will This Have On How Criminals Manage Their Business?*, Address at the Wilton Park Conference entitled *Organised Crime: The Dynamics of Illegal Markets*, West Sussex, UK (Mar. 1, 2000).

195. *Id.*

phones for a week, and then discard them.<sup>196</sup> Pre-paid phone cards enable anonymous use of landline telephone systems.<sup>197</sup> Users of cellular and satellite phones can be located far away from their home bases and still be able to use their phones.<sup>198</sup> Mobile phones can be programmed to transmit false identification.<sup>199</sup> Those engaging in international sexual exploitation use new technologies for ease of communication and to avoid detection.<sup>200</sup>

Criminals can avoid being traced by sending their communication through a series of carriers, each using different communication technologies, such as local telephone companies, long distance telephone companies, internet service providers, wireless networks, and satellite networks.<sup>201</sup> They can send the communication through a number of different countries in different time zones.<sup>202</sup> This complicated routing of communication makes it difficult to trace the perpetrator.<sup>203</sup>

In addition, criminals can avoid identification by transmitting their messages over the Internet through a series of anonymous re-mailers that strip off identifying headers and replace them with new ones.<sup>204</sup> One re-mailer service removes identifying features from the header, holds all incoming message until five minutes after the hour, and then resends them in random order to make tracing an individual message more difficult.<sup>205</sup> Messages can pass through up to twenty other re-mailer services, with at least one located in a country known for its lack of cooperation with the global community and law enforcement.<sup>206</sup>

Perpetrators can also utilize technologies that do not save incriminating evidence. New technologies like Web TV, in which web communications are displayed on a TV, do not have a file cache, like browsers installed on a computer.<sup>207</sup> Therefore, illegal material is not accidentally left in the cache to be discovered by the police.<sup>208</sup>

Encryption is a technology used to disguise the content of either text or graphics files. Currently, there is a debate among lawmakers around the world about whether law enforcement agencies should be provided with encryption keys so they can decode messages if there is evidence of its use

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196. *Id.*

197. *Id.*

198. *Id.*

199. *Id.*

200. HUGHES, *supra* note 3.

201. *See generally* PRESIDENT'S WORKING GROUP ON UNLAWFUL CONDUCT ON THE INTERNET, THE ELECTRONIC FRONTIER: THE CHALLENGE OF UNLAWFUL CONDUCT INVOLVING THE USE OF THE INTERNET (Mar. 2000), at <http://www.usdoj.gov/criminal/cybercrime/unlawful.htm>.

202. *Id.*

203. *Id.*

204. HUGHES, *supra* note 37.

205. Dorothy E. Denning & William E. Baugh, Jr., *Hiding Crimes in Cyberspace*, INFO., COMM. & SOC'Y, Sept. 1, 1999, at 251-76.

206. *Id.*

207. Taylor et al., *supra* note 40.

208. HUGHES, *supra* note 3.

in committing a crime.<sup>209</sup> Several law enforcement officials in the United Kingdom and the United States indicated that at this point the capabilities and threat of encryption seem to be talked about more than they used to for cases of trafficking and sexual exploitation.<sup>210</sup> Encryption programs are not easy to use, and other methods of hiding activity or content are more popular and easier to manage.<sup>211</sup>

## V. TECHNOLOGIES OF CYBER HIJACKING

The sex industry uses techniques such as “page jacking” to misdirect or trap people on pornographic web sites as page after page of pornography opens up. Page jacking is a technique the sex industry uses to misdirect users so they mistakenly come to their web sites.<sup>212</sup> The web sites include false key-word-descriptions so that the search index will bring these individuals on to pornographic web sites.<sup>213</sup> The users will then click on the link of their chosen topic, only to find themselves on a pornographic web site.<sup>214</sup>

Another technique used by the sex industry is called “Mouse-trapping.” “Mouse trapping” occurs when the sex industry web page designers disable browser commands, such as “back” or “close,” so that viewers cannot leave a pornographic site.<sup>215</sup> Once intended or unintended viewers are on pornographic sites, they are trapped on the pornographic sites because the “back” or “close” buttons/icons are disabled so that when clicked, another pornographic web site opens up, resulting in an endless number of web pages opening up on the viewer’s screen.<sup>216</sup> In addition, pornographic web sites can change the default homepage setting on a web browser, so the next time the user opens the browser he/she is taken directly to the pornographic site.<sup>217</sup> Furthermore, the sex industry has no idea who they are trapping on their web sites, whether they are children or adults who fervently do not want to view pornography.<sup>218</sup>

Pornographers are very aggressive about using popular current events and search subjects to misdirect viewers.<sup>219</sup> The sex industry has exploited just about any topic on the web to trap people onto its web sites.<sup>220</sup> Pornographers will even exploit the arrests of other pornographers.<sup>221</sup> For

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209. Denning & Baugh, *supra* note 205.

210. HUGHES, *supra* note 3.

211. *Id.*

212. *Id.*

213. *Id.*

214. *Id.*

215. *Id.*

216. HUGHES, *supra* note 3.

217. *Id.*

218. HUGHES, *supra* note 37.

219. *Id.*

220. *Id.*

221. Personal communication with Amy Potenza, Research Assistant, University of Rhode Island (May 24, 2001).

example, when a research assistant performed a computer search for news reports about the break-up of a child pornography ring in Russia, she found that entering the case related keywords directed her to web sites with child pornography.<sup>222</sup>

## VI. CONCLUSION

The use of new communication and information technologies for the sexual exploitation of women and children is creating a crisis for women and children's status, rights, and dignity all over the world. Pimps, traffickers, stalkers, and users of pornography and women and children in prostitution have adopted new technologies to further their abuse and exploitation of women and children.

The use of new communications and information technologies in the sexual exploitation of women and children continues to grow with the increased number of users on the internet. Internationally, there have been governmental and law enforcement responses to distribution of child pornography, and in the U.S. and U.K. official responses to child stalkers in chat rooms. However, there is little governmental intervention to stop the sexual exploitation of adult women.

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222. *Id.*