

VIOLENCE AGAINST CHILDREN IN

CYBERSPACE



ECPAT INTERNATIONAL

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**A contribution to the United Nations
Study on Violence against Children**



ECPAT International

Violence against Children in Cyberspace

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PREFACE

There is a unique opportunity at this time to transform the growing moral unease arising from increasing violence perpetrated against children from an underlying social disquietude into a broad social action for the protection of children. The United Nations Secretary-General's Study on Violence against Children, which is being undertaken to examine the scope of the problem of violence against children and to identify measures to eliminate it, provides an opening for action by enabling the participation of civil society organisations and others in a global change agenda that seeks to end violence against children, wherever it occurs.

This report on *Violence against Children in Cyberspace* was conceived and developed by ECPAT International as part of its contribution to the important enterprise of the wider UN study and as a means of highlighting all the spaces in which children require protec-

tion from violence. This project has involved collaboration with several specialist advisers, and the concerns addressed here are integrally connected to ECPAT's overall work to combat the commercial sexual exploitation of children. Through our work, we can see the ease with which people who are intent on harming children move between the physical and the virtual worlds in order to exploit a child. This report therefore is a response to growing concerns about abuse and exploitation of children via new information and communication technologies (ICTs).

The multiplication in the appearance online of images of sexual abuse of children is a particularly abhorrent manifestation of violence against children in and via cyberspace and new technologies. But many other forms of harm, such as bullying, are also increasingly evident. As technological advances have outpaced our

understanding of their social impacts, including negative impacts, there is a critical need to understand the experiences of children in their own use of new ICTs. This need is particularly important as children will likely continue to be the front-runners in the use of new technologies and in the exploration of social life within virtual settings. As yet, research on the short and long-term impacts on children of engagement and interactions through ICTs is limited. Understanding the elements that have an impact on their vulnerability as well as on their ability for self-protection is therefore crucial.

Nevertheless, we do see patterns emerging from work with children on various forms of commercial sexual exploitation, indicating that where a child is sexually abused or exploited in settings such as in the home or the street, image-making of their abuse is frequently involved. These images may be then used to inhibit and silence the child. They also may be widely circulated or traded online or via phone, fuelling a vicious cycle of demand for children for sexual purposes.

The recording of abuse against a child advances power and control to the abuser. The impact on the child is profound and cannot be underestimated. It creates a fear that then opens opportunities for the child to be exploited in many other ways. The ease, speed and extent of instantaneous distribution of abuse materials serves further to consolidate an abuser's power over a child. Often, images of the abuse of one child are then used to lower the defences of another child who is being prepared, or 'groomed', for abuse.

Of great concern also are advances in technology that enable sexual violence against a child to be organised to occur live online, in real-time, whereby multiple abusers may participate from different physical locations across the world. Another concern highlighted in this report is that child sexual abuse images and other pornographic materials are commonly used as a sex education tool that inducts young people into perceiving human relationships in light of these representations.

The urgent issues raised by this study sound an alert. ECPAT will continue to advocate for a response to this alarm and to call for prompt follow-up of the actions recommended here. As will be seen, the recommendations of this report are wide-ranging and multi-level and require actions from all sectors of society. They include education programmes for young people and their parents and guardians; the development and delivery of therapeutic and other forms of care specific to these forms of violence; the promotion and use of codes of conduct for Internet service providers; assessment of impacts on children in all ICT research and development programmes; and the convening of a global multi-stakeholder body for protecting children in relation to new ICTs. The report calls also for a deeper, coordinated and global investigation and action to fulfil these aims and asserts the commitment of ECPAT to work in collaboration with all those concerned to act to address these issues.

Carmen Madriñán
Executive Director
ECPAT International

FOREWORD

VIRTUAL SPACE - CONCRETE CONSEQUENCES

Violence against children is a pervasive phenomenon that knows no political, cultural, economic, nor *technological* boundaries. The boom in information and communication technologies (ICTs) over recent decades has brought completely new ways of establishing and maintaining relationships. This is a very normal everyday reality for many children and young people, and an exciting possibility for the rest. In very different ways, children are vulnerable to multiple forms of violence that threaten their physical and psychological integrity. And just as in the physical world, a framework to protect children in cyberspace must be established which is based on child rights and human rights instruments. Generally, however, our ability to keep up with the pace of change and our capacity to respond has lagged well behind the need.

The United Nations Secretary-General's

Study on Violence against Children was conceived to examine the scope of the problems and to offer concrete alternatives to stop violence against children across the full range of settings, including in virtual settings or 'cyberspace'. To this end, I am very grateful to ECPAT International for preparing this comprehensive global report, *Violence against Children in Cyberspace*, as a contribution to the global Study on Violence against Children. This report assists with the overall assessment of what can be done to stop violence against children in the context of the Internet and communication technologies.

Violence against Children in Cyberspace offers new insights into the depth and extent of violence and potential harm to children in relation to new ICTs. It draws information together in a way that has not been done before. Since the early dawning of Internet capabilities there has been much

emphasis on bridging the digital divide, and now this report draws attention to the simultaneous need for built-in protections, especially for children and young people.

While the enormous positive impact of new technologies and the fact that they will only expand in the future is well recognised, this report also helps to explain, particularly to the uninitiated, the pitfalls and provides some signposts for what can be done.

Various media and new technologies are explored, but particularly the Internet and mobile phones and the convergence between the two are discussed. The significant role of mainstream media in shaping social and cultural attitudes especially for children and young people (including attitudes about sexual violence and about children) is a central theme.

The report challenges the cliché that children without direct access to new technologies aren't touched by their influence. Despite the very different levels of exposure to new ICTs around the world, the report explains how children are at risk whether or not their community is in the vanguard of technological change.

State responses alone will never be sufficient. A multi-stakeholder approach is recognised as essential to upholding children's right to access to information but also to protection from harm. Such an approach emphasises the need for corporate citizens as well as governments and civil society to take their responsibilities seriously. Just as children and young people are adapting

their ways of communicating and responding in the information age, governments and systems must also find new ways. Families are the first line of protection for children and young people generally. But, given that all families are not equally equipped to manage this task in relation to the virtual world and that the risk posed to different children will vary, families and carers need specific support to do this.

The rapid nature of technological change and uptake is a blatant barrier to more timely action. The ICT industry is so clearly ahead of governments and most communities, while many parents struggle to stay abreast of the latest Internet games their children are playing, at the very least, without truly grasping the intricacies of the platform.

That children themselves are often more skilled and informed than the adults tasked to protect them should be recognised as a clear signal to welcome the genuine participation of children and young people in finding solutions.

Much can be done now. This groundbreaking report by ECPAT brings a comprehensive and global perspective to the concrete consequences of the way in which new ICTs directly affect an increasing number of children globally. It highlights the need to recognise and investigate the potential for harm in advance, rather than stand by to see first how the negative impacts accrue against children. Many recognise this. But coordinated action is needed to resolve the fragmented approach taken so far.

This report gives the global community no

excuse for saying that “we didn’t know” or “we couldn’t foresee” the exponentially increasing violence caused to children in relation to new information and communication technologies.

To offer such an excuse would implicate us as complicit in the violation of the fundamental rights of all children to live free of violence, including in the virtual world.

Paulo Sérgio Pinheiro

*Independent Expert responsible for the
United Nations Secretary-General’s
Study on Violence against Children*

EXECUTIVE SUMMARY

Violence against children and young people in cyberspace is a new phenomenon that will continue to affect more children and young people across diverse locations unless safety planning is built into the structure of the so-called new information society. This report is intended to provide a framework for promoting recognition and understanding of the real risks of violence for children and young people within cyberspace and through the use of new technologies, in particular the Internet and mobile phones. It identifies the harms confronted by children and young people in this environment and uses the data available to assess current and emerging patterns. It raises concerns about new areas where harm may occur, which may be averted if early action is taken. Finally, it makes recommendations that may be enacted by a wide range of actors to serve the best interests of all children and young people, and thus the wider society.

TYPES OF VIOLENCE

Violence and harms against children and young people in cyberspace and in relation to new technologies include:

- The production, distribution and use of materials depicting child sexual abuse.
- Online solicitation or 'grooming' (securing a child's trust in order to draw them into a situation where they may be harmed).
- Exposure to materials that can cause psychological harm, lead to physical harm, or facilitate other detriment to a child.
- Harassment and intimidation, including bullying.

VULNERABILITY FACTORS

Children and young people of all social classes

risk confronting any or all of these forms of violence as they occur in relation to new technologies. The likelihood of harm can be expected to increase if forethought for the interests of children is not provided for in development planning, especially planning aimed at promoting new information and communication technologies (ICTs) and resolving inequities in access to them.

At risk are children and young people who currently use new ICTs and those who will do so in the future. As well, children who do not have access to the latest communications devices also may be subjected to influences arising from their usage. These children are made the subjects of photos that are then sent into cyberspace, or they are advertised online as commodities, and/or they are affected by violence and harms arising from other people's online interactions, including the use of pornography (depicting adults and/or children).

Some children are especially at risk due to a range of vulnerability-enhancing factors common to all environments. They are in socially and economically difficult situations, they have already experienced harm such as sexual abuse and exploitation, they are lonely, they feel alienated from their parents and others, they have low self-esteem, and/or they lack confidence. Gender is also seen to be a risk factor, with seemingly more girls than boys appearing to be harmed through cyberspace interactions (although boys are increasingly featured in pornographic images circulating online).

Cyberspace: A new social environment

Cyberspace is a new social environment that is distinct and yet can encompass all the physical places in which people interact. The protection of children and young people in this environment is as essential as in any other location. But there are special challenges: Identifying potential harms, understanding the perspective of young people, and enacting practical measures to assure children of their right to protection.

DUTY BEARERS

The responsibility that exists in the physical world to assure children and young people of their rights and protection also applies to cyberspace and the use of new ICTs. That is, cyberspace is not an empty space but rather a social arena in which things happen to and between people and where the vulnerabilities and risk factors of the physical world remain in play. Interactions in cyberspace have consequences in the physical world.

Governments

Decision and policy-makers within governments at various levels are recognised to have responsibility to act for the protection of children in cyberspace. Some governments have in recent years enacted and implemented well-articulated laws, policies and systems to protect children in cyberspace. Some have set up focused taskforces and participated actively in cross-border cooperation and consultation to prevent violence against children, especially

with regard to materials depicting child sexual abuse (child pornography). For the most part, however, these actions have occurred in response to situations of harm becoming apparent after a new technology has been rolled out, perhaps quickly mainstreamed, and adapted for use in criminal or otherwise harmful ways. Many other governments, meanwhile, lag in taking appropriately targeted action. Discrepancies remain between how countries define harm, childhood and sanctions in relation to Internet offending.

Private sector

Within the ICT industry, some business entities involved with developing, marketing and selling new communications technologies (sometimes in partnership with governments) have sought to introduce child protection measures. This may occur after harm against a child or young person is done – or where cases of harm receive a lot of publicity. But other than remaining within the law of the locations at which they operate (for the most part), ICT businesses do not generally incorporate child protection planning into their fundamental work and outlooks. All manner of business is involved, including phone and Internet companies, Internet service providers (ISPs), banks, credit card companies and financial transaction processing centres, software makers and computer dealerships, and Internet cafes and games parlours.

Children, families and communities

To date, protection measures in relation to new ICTs have generally focused on individual responsibilities – held by children and young

people, parents and guardians, and teachers – for acting against recognised potential harms, including sexual solicitation and exposure to harmful and inappropriate materials. Young people are agents for enacting change, protecting themselves and advising others on issues, trends and techniques for safety. As they are on the frontline, parents and carers will be a primary target of awareness-raising and education initiatives about how to be safe in cyberspace. Protection measures to be undertaken by all parties include noting the kinds of harms that may occur, maintaining vigilance regarding the online life of young people, and providing technical advice and solutions. Not all children, however, have the benefit of parents able to be on constant standby. As well, the role of parents in general is going to be severely undermined by mobile Internet access, possibly making redundant some of the strategies that educationalists have been promoting among parents thus far.

With this in mind, the recommendations of this report build on a call for the incorporation and mainstreaming of child rights and protection strategies within the governance structures that are shaping the development of the new information society.

EVOLVING TRENDS: EARLY WARNING

The scale of violence against children in virtual space is closely related to the rapid expansion of ICTs since the early 1990s when the emergence of web browsers triggered the

Internet boom. The take-up of new ICTs has occurred unevenly according to the economic circumstances and location of communities. Now, the unfolding convergence between the Internet and mobile phones, however, will envelop diverse societies rapidly. Children and young people, who are commonly in the vanguard of those who quickly make use of new ICTs – the Internet and World Wide Web, mobile phones, digital cameras, web-cameras, and online and offline electronic games – can be expected also to embrace convergence. Some important emerging trends include:

Phones and 3G

The convergence between the Internet and mobile phones (made possible by third generation, or 3G, technology) is making and will continue to make a profound difference to the ways in which children and adults alike enter into cyberspace. Until recently, entry into cyberspace required access to fixed phone lines and computers. In Africa, this impeded wider access to the Internet. But now, a phone – and also the newer handheld games consoles – will provide access to cyberspace from any location. Parents and guardians will find it more difficult, therefore, to supervise children and young people while they are online. Photo and video capabilities will permit phone users to transmit imagery even further afield than their personal call lists, and directly into cyberspace. Some businesses are seeking to implement measures to protect children when using phones, for example by installing age verification systems so that they will not easily be able to access pornography online (though adults may access it legally).

Online games

Online multiplayer interactive games are a boom business, notably in North and South-East Asia, and draw in millions of people. This business, involving both fantasy game-playing and gambling sites, will be promoted and expanded greatly in the near future. Handheld games consoles with Internet capabilities will further promote virtual interactions. Online games potentially provide a new platform where children and young people will be exposed to solicitations and potentially harmful interactions with other people online. Social impact assessments from a child protection perspective appear not to be available.

Peer-to-peer exchanges

In recent years, most concern about protecting children in online interactions has focused on chat rooms. In light of recognition that adults have lured children from chat rooms into face-to-face meetings where the child has been assaulted or otherwise violated, some Internet businesses have adapted or closed chat room services. In the meantime, children and young people with access to the latest technologies have been moving into peer-to-peer exchanges, due to the availability of free software that encourages the sharing of music files and other materials. Peer-to-peer transmissions occur directly from one server to another without any tracking devices. This facility is also popular among people exchanging images of child sexual abuse. In addition, children and young people are increasingly opting to use instant messenger (IM) services. Social impact assessments on peer-to-peer usage appear lacking.

Internet cafes

Many children who do not own a mobile phone or computer still go online or play games through Internet cafes. Some prefer to use a cafe even if they have access to a computer at home or school. Concerns are rising in various locations about children looking for and downloading age-inappropriate, harmful or illegal materials while in these public places, as well as their unsupervised engagement in online interactions with unknown people. In some communities, local groups are lobbying for Internet cafes to be required to operate according to safety guidelines and to implement protection measures, including the use of software to filter and block pornographic and other offensive material, and to set up user registries. The impact of 3G convergence on Internet cafes remains to be seen.

KEY POINTS AND ISSUES

Other concerns raised in this report include:

Demand for child sex

Adult interest in sex with children is promoted by distinctive aspects of cyberspace. This interest has increased among individuals or become more apparent since the rise of the Internet. It was either well-hidden or latent previously, or it is increasing as a result of online interactions. These interactions include communications among abusers, who may be located anywhere in the world, that provide social reinforcement and offer validation for the 'normalcy' of sexual violence against children. In a vicious cycle, further sexual exploitation

of children is required to meet a growing demand for abuse materials. Rising demand also provides profit-making incentives.

Cyberspace is influential

Social interaction in cyberspace is affected by distinctive factors that can influence people's behaviour in ways not apparent in offline interactions. People do and say things they would not normally do and say (even among people who know each other offline). People do not always recognise that their behaviour and actions in cyberspace have consequences in reality. And people interacting online can interpret situations and meanings differently than they might in the physical world. Actors in cyberspace may also develop a distorted understanding of reality. This has profound implications for children and young people who are still learning and developing their critical reasoning skills. These aspects of social interaction in cyberspace can contribute to the facilitation of harm against children and young people.

Opportunities to do harm

Cyberspace hosts a vast number of venues (including chat rooms, message boards and games) where children and young people congregate. This provides greater opportunities for abuse-intent people to seek out and approach children and young people, and to harm them psychologically and/or physically. Some abusers are prepared to travel some distance to meet children or young people whom they have contacted online, or whose existence and vulnerability has been made known to them online. More children and

young people will be at risk of encountering violence and harm via cyberspace as more people across the world gain access to the Internet and new technologies, and particularly as the Internet is accessed from mobile phones and games consoles.

Pornography as primary violence

Sometimes a child or young person's experience of being made the subject of abuse materials is regarded as a secondary harm. This view is apparent where the violation coincides with the committal of other crimes against the child or young person, such as prostitution or trafficking for sexual purposes. As well, the perception that image-making is less harmful can be apparent in situations where a child's carers or guardians express relief that a child was 'only photographed' rather than directly physically violated. These outlooks fail to recognise the deep harm that may be caused. Using a child for pornography production in any context should be seen as a fundamental abuse, rather than a by-product of other harms. More research is needed to investigate this issue. But recent studies and feedback from research under way suggest the use of children to make pornography 'adds value' to a commercial sexual exchange and assists in facilitating a child's submission into other forms of commercial sex.

Exposure to pornography

Many more children are exposed to pornography (particularly depicting adults) and other age-inappropriate and harmful materials, intentionally or not, than was the case before the Internet's arrival. Some

children look for this material. Others receive it without asking, including from potential abusers and spam emailers. The relationship between various forms of harm that may be committed against children in cyberspace, extending to sexual abuse and exploitation offline, commonly centres on the availability and use of pornography (depicting adults and/or children). Pornography is often used in the process of soliciting a child and seeking to lower their inhibitions about sex, including inhibitions about being used to make pornography. This process occurred before the Internet. But the accessibility of pornography online, the ease and perceived anonymity of transmission, and the environment of 'virtuality' itself, for example in the use of web-cameras, make the use of pornography in online grooming so much easier for an abuser.

Pornography as socialisation

The socialising impacts of pornography on children are clearly understood by abusers who use it to groom children. Among people known and unknown to each other, pornography (depicting adults and/or children) is a tool for inducting and socialising children and young people into behaviours and outlooks that reflect the content of pornographic materials. In cyberspace, materials depicting extreme violence, degradation and hate are more easily available than was the case previously. Pornographic materials commonly reinforce social conditioning that devalues girls and women in the eyes of boys and men. Exposure to pornography can result in a combination of effects on the viewer:

Dependency, desensitisation and acting out. The interconnections between the making of child abuse images and the use of all forms of pornography to lure children and inculcate them into certain kinds of behaviour (socially acceptable or not) are rarely acknowledged in debate about the effects of pornography in general.

Young offenders

Concerns are emerging that some young people aged under 18 or in early adulthood are accessing and trading in images of child sexual abuse. The information is limited and it is too early to assess whether this derives from curiosity in sex with peers, indicates the young people have been sexually groomed and exploited by others, or is occurring for other reasons.

SPECIAL CHALLENGES

Self-harm

Some children and young people appear not to recognise the harm they may do themselves through their interactions in cyberspace, for example where a child makes and sends a pornographic or otherwise harmful image of her or himself via phone or web-camera, or where a child posts personal details on dating sites, or where a child who meets someone online then arranges to meet them face to face (without consulting others).

Cyber bullying

Some children and young people appear not to recognise the degree to which their actions

in cyberspace can cause serious harm and distress to others. This includes where children and young people hurt each other through bullying or harassment.

Rights

Notions of the right of adults to freedom of expression and privacy are often seen to win out over a child's right to be protected. The tension is particularly apparent with regard to sex, cyberspace and so-called private spaces – including sexual abuse of a child in the home and the use of online pornography. But freedom of expression is not absolute. It is constrained by other public policy considerations, including child protection.

Balance

The irony is that the rights of children and adults both could be affected negatively if authoritarian measures are taken to protect children against violence and harm in cyberspace. This is one reason why it is so important that all actors – especially within industry and government – act in cooperation to see that safety in cyberspace is assured without the requirement for draconian measures.

Information gaps

The information to hand about harms to children and young people in cyberspace is disparate and clustered in communities where new technologies have been available to more people for a longer time. Even there, research is relatively new and many gaps remain. Across all regions, much basic investigation and research is required to build a holistic

understanding of the range of harms that may be done to children and young people within and via cyberspace, to devise ways to prevent this, and to assist those who nevertheless still experience harm. Key actors, namely businesses and governments, are encouraged to commit budgetary and other resources for research programmes on this front. Areas for action include:

- The impact of engagement with new ICTs on the personal development of children and young people.
- The various ways in which children and young people use and perceive new ICTs, the resulting impacts on their behaviour and interactions online and offline, and assessment of self-protective mechanisms employed or not in relation to new technologies.
- The impacts on children and young people of exposure to and use of pornography (adult and child), online and offline.
- The impacts of adult use of pornography in relation to perceptions of children and the sexual abuse and exploitation of children.
- Integration of questioning about ICTs and children into other research agendas, including questions related to the sexual exploitation of children in all forms.
- Assessment of the incorporation of child protection measures into ICT business work planning, including research and development.

INTRODUCTION

Access into virtual settings

- Cyberspace comprises the Internet, the World Wide Web and other similar computer networks and systems.
- Mobile phones allow a user to access cyberspace, especially as they are used to log into the Internet.
- Online games create a virtual reality, in association with offline consoles, videos and software.
- See *Appendix I: Glossary*

and international policy-making is clearly to encourage the spread of these technologies across the globe, as is apparent in the promotion of the so-called new information society.

The scale of violence against children in virtual space is closely related to the rapid expansion of information and communication technologies (ICTs) since the early 1990s when the emergence of web browsers triggered the Internet boom. The Internet is perhaps the first and best known of the modern ICTs. In many ways, the subsequent development of other such technologies coheres around or depends to some degree on the Internet, which links in with several distinct technologies, including the World Wide Web, instant messaging (IM), chat rooms, online games, and file-sharing or peer-to-peer software. The Internet may hold centre stage in any discussion of policy in this area, but it is not alone on the stage. Mobile

A NEW VIRTUAL SPACE

Violence against children and young people in relation to new technologies, and in particular the Internet, is a new phenomenon that has spread across diverse societies in recent years in step with the emergence of several new technologies into the mass consumer market of many countries. The thrust of national

phones and their supporting networks are rapidly becoming a significant component of ICTs. Global positioning system (GPS) technology is also beginning to integrate with mobile phones and aspects of the Internet. New games consoles are more sophisticated and increasingly will incorporate many more interactive components, including the ability to tap into the Internet. Many ICTs are already in common usage among children and young people, or they are the kind of products or technologies to which children and young people will be drawn, and in huge numbers.

A defining characteristic of new ICTs is the potential they allow for the creation of 'virtual' spaces within which children, young people and adults can interact. Exchanges occurring within these spaces or settings, known as cyberspace, simultaneously take place in physical locations and have consequences beyond their virtual boundaries. For the most part, experiences in these settings are positive. But cyberspace also reflects the same polarities of human behaviour as occur in physical spaces wherein children are vulnerable to harm and violence inflicted by others. The main harms identified are:

- The production, distribution and use of materials depicting child sexual abuse.
- Online solicitation or 'grooming' (securing

a child's trust in order to draw them into a situation where they may be harmed).

- Exposure to age-inappropriate, illegal or harmful materials which can cause psychological harm, lead to physical harm, or facilitate some other detriment to a child or young person.
- Harassment and intimidation, including bullying.

Children and young people confront these dangers in virtual settings just as they do in physical ones. However, the harms done to their physical and psychological well-being are often shaped by distinctive factors that do not apply in environments considered strictly physical. The violence and harm inflicted in virtual spaces affect the child as an individual and all children collectively (that is, by shaping ideas about children). Violence is initiated through psychological means, by an adult or peer known or unknown to the target child, who uses power and authority to affect a child in a harmful way. This interaction can and does lead to threatened or actual violence in physical places.¹

In virtual space, harmful and/or violence-inducing interaction is facilitated by the use of new technologies, shaped by the human construction of virtual settings as locations of interactive experience, and rendered distinct

¹ For a definition of violence, see: WHO. (2003). World Report on Violence and Health. Geneva: World Health Organisation.

by several primary factors that distinguish aspects of experiences in the virtual world from other areas of social life. Key distinguishing factors include the scale and longevity of materials entered into cyber realms, and the acceleration of impacts occurring in physical settings. The distinctive global nature of virtual space means that a technology that is used for abusive purposes in one country also has consequences for individuals in almost any part of the world. For example, cyberspace can be used by sexual exploiters of children for networking, including arranging child sex tourism and trafficking of children.

This report focuses on violence and harms caused to children in cyberspace and in relation to new technologies by drawing attention to the distinctive aspects of this phenomenon. This focus is intended to stress the role of human agency and potential to make decisions and choices about social development that are alert to the rights of children.

THE CHALLENGE

A primary challenge is that even as evidence of technology-facilitated abuses against children is apparent, the particularities of harms committed within and via virtual settings are not fully understood. Research is disparate, concentrated in particular regions. But it is clear that several key factors must be taken into account in looking to solutions:

- Understanding the way children and others use and experience new technologies.

- Identifying the physical and psychological harms caused to children in the short term and the long term.
- Assessing the frameworks of governance, rule of law and law enforcement as applied to virtual settings in the context of local and global jurisdictions and business activity.
- Investigating the challenges of implementation at all levels.
- Providing care services for child victims of crimes in and via cyberspace.

Two other fundamental factors entwine with these issues:

Socialisation

Those who harm children are ultimately responsible for the damage they inflict as individuals, and are not to be absolved. But social construction and conditioning also mould situations where harm may be done, including where children hurt each other (in virtual settings as in the playground). Social agents at all levels, therefore, are to be held accountable for the decisions they make and actions they take that affect the welfare of children, including the developers of new technologies, associated businesses, governments, international agencies, civil society, families and individuals.

Rights

There is a perceived conflict between the rights of a child to be protected from harm and the rights of an adult to privacy and freedom of expression and opinion. The nature of this conflict varies from country to country and depends on domestic laws, traditions and

customs. This clash is most evident within the context of sexual abuse occurring in the home (with reference to privacy arguments) and child abuse materials (with reference to freedom of expression or opinion arguments). Freedom of opinion is restricted in international law, however, where such expression contravenes the respect of the rights or reputations of others, or is necessary for the protection of national security or of public order, or of public health or morals.² Similarly, although international law advances the idea that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State”,³ international jurisprudence also explains that a State has a duty “to ensure the child such protection and care as is necessary for his or her well-being”.⁴

WHAT ARE VIRTUAL SETTINGS?

ICTs are commonly regarded as a medium for the transmission of data. But human imagination and the multi-layered interactions

made possible by the technology combine to shape a sense of space that is distinct from the physical world. In this sense, virtual settings encompass all the sites of interaction created by ICTs. Experiences that occur within and via virtual settings are necessarily based in the physical world, but they encompass actions in multiple physical and virtual sites simultaneously. This simultaneity occurs in:

- Cyberspace (the Internet, the World Wide Web and other similar computer networks and systems).
- Mobile phones (especially, but not limited to, where it is possible to intersect with the Internet).
- Online games (also associated with offline consoles, videos and software).

Cyberspace, as the primary virtual space, will increasingly be entered into via mobile phones with the expanding availability of third-generation technology (3G), which permits people to access the Internet through their phones. For now, it is more commonly accessed through computers, which may be

² UNGA. (1966, December 16). International Covenant on Civil and Political Rights. Res. 2200 A (XXI). Article 19.

³ UNGA. (1966, December 16). International Covenant on Civil and Political Rights. Res. 2200 A (XXI). Article 23.

⁴ UNGA. Convention on the Rights of the Child. Res. 44/25, Annex, 44, UNGAOR. Supp. (No. 49). Article 3(2).

There is no simple way to resolve this conflict. Ultimately a government must decide the matter by enacting laws that permit or restrict certain behaviours, or a court will need to adjudicate case by case. Two North American cases illustrate this point. In *R. v. Sharpe*, a paedophile successfully argued that Canada’s laws on child pornography violated his freedom of expression guaranteed by the Canadian Charter of Rights and Freedoms. In *Ashcroft v. Free Speech Coalition*, the US Supreme Court held that elements of the federal Child Pornography Prevention Act that referred to virtual child pornography violated the US Constitution’s first amendment.

in homes, schools, libraries, cafes and club rooms, hotels, and in people's pockets in the form of a personal organiser, smart phone, small portable computer, or games console. Traditional media, including television, radio and print, as well as the advertising sector, also draws people towards cyberspace. Offline media is commonly connected into online settings and regulatory administration of such media by national broadcasting authorities now often extends to cover cyberspace issues.

Virtual settings are not divorced from physical settings. Local and national authorities, including child welfare services and police, retain their usual responsibility to protect children. This is even as components of cyberspace-related abuse, self-harm, exploitation and bullying may occur in or across different places that are not all within the same jurisdiction. A child subjected to violence in one location is entitled to protection and care at that location, regardless of their abuse perhaps being facilitated or viewed in other jurisdictions. Images of child sexual abuse, for example, may circulate in cyberspace and be accessed in countries far removed from the place where a child was abused to make the images. Governments too have a duty of care to assure that child of

special assistance, and to act to prevent similar crimes occurring. In sum, local, national and regional responsibilities to protect children are not overridden by the simultaneously multi-territorial nature of cyberspace.

CHILDREN AND NEW TECHNOLOGIES

Children and young people are in the vanguard of the almost 1 billion people who log into cyberspace, and they will account for a significant proportion of expansion in usage of new ICTs in coming years. Leading the way in connectivity is Asia, even as just 8.4 per cent of the region's population is estimated to be connected.⁵ Consider India, where the almost 40 million people who enter into cyberspace represent less than 4 per cent of the country's population.⁶ Europe and North America follow. While proportionately more people in industrialised economies own and use new communications devices and associated online services, growth in Internet usage there is at saturation point. The expansion of entry points into cyberspace is now focused elsewhere.

Meanwhile, an estimated 1.5 billion people worldwide own mobile phones in a market

⁵ Miniwatts International. (2005). Internet Usage Statistics - The Big Picture: World Internet Users and Population Stats. Miniwatts International Ltd. Retrieved from <http://www.internetworldstats.com/stats.htm>

⁶ Internet World Stats. (2005). Internet Usage in Asia: Internet Users & Population Statistics for 35 countries and regions in Asia. Miniwatts International. Retrieved from <http://www.internetworldstats.com/stats3.htm>

worth \$US800 billion in 2005. By 2007, there will be 2 billion mobile phone owners.⁷ Most of the growth in this sector is in developing countries, especially in Africa and Asia. In Africa, proportionately more phone subscribers use a mobile phone than on any other continent.⁸ In the Asia-Pacific region, an estimated 1 billion people will be mobile phone subscribers by 2010 (from 230 million in 2000).⁹ Currently, 12 per cent of children in the region aged under 15 have a mobile phone (29 per cent in Hong Kong, followed by 25 per cent in Australia and Japan).¹⁰

Convergence between the Internet and mobile phones will soon make it the norm to enter into cyberspace via a mobile phone. 3G technology, introduced in Japan in 2001, is now available in the Republic of Korea and Europe, and is being tested elsewhere. Where it is introduced, people will not have to depend on fixed phone lines and desk-top computers to enter into cyberspace. The implications for child protection are enormous. As the Internet goes mobile, parents, guardians and carers will have great difficulty in supervising young people's interactions in cyberspace.

For many young people, interaction in virtual settings is now a significant component of their social life and includes a range of communicative activities: sending messages by phone or instant messaging (IM) services, sharing music and other materials through peer-to-peer services, communicating via chat rooms, and playing online games with many fellow players spread across the world. Chat rooms and online discussions are popular forums for online interaction among children in North America, the UK and elsewhere. But, partly as a result of public education programmes and negative publicity arising from several cases of child abuse emerging through chat rooms, there is a steady shift away from chat sites towards IM and peer-to-peer transfers. Online games, which draw in millions of people through subscription services, are also a significant platform for meeting people online.

LOCATION OF USAGE

Children and young people of all social classes, cultures, religions and regions enter into

⁷ NECTEC. (2005). Thailand. Retrieved from <http://www.nectec.or.th/tindex.html>

⁸ Budde, P. (2005). 2005 - Africa Telecoms, Mobile and Broadband. Overview and Company Profiles report: Executive Summary. Australia: Paul Budde Communication. Retrieved from <http://www.budde.com.au/publications/annual/africa/africa-overviews-summary.html>

⁹ Chan, P. (2002, April 20). Why Asia is still bullish about wireless. *Business Times*.

¹⁰ Agence France-Presse. (2004, August 8). Hong Kong children top mobile phone ownership in Asia. Textually.org. Retrieved from <http://www.textually.org/textually/Archives/004862.htm>

the virtual world from a variety of physical settings. It is still the case that sexual abuse of a child is more likely to occur within the family than anywhere else, but cyberspace opens up the possibility for family members to use the technology abusively vis a vis other family members and also provides strangers with the opportunity to contact children and young people with whom they would not otherwise have had any kind of relationship. New technologies enable unknown people to enter into the lives of children who may simultaneously be in the privacy of their home and the physical presence of carers and guardians. In other words, more people now have access to children in their most intimate and private settings, and this allows greater opportunities for solicitation of children and abuse and violence by people outside the family.

Other children may not use new ICTs, but they will feel the influence and impact of usage by others. Where economic deprivation, limited education and/or remoteness inhibit a child's capacity to enter into cyberspace independently, she or he can still be made the subject of images of abuse that are disseminated in cyberspace and via phone. Lack of access does not mean risk is absent.

PERSONAL DEVELOPMENT

The development of children and young people is shaped by what they witness, experience and learn in the world around them. When it comes to engaging in virtual settings, the impacts on a child's personal growth will depend on the developmental level of the individual, their physical world situation, and their motivations for being involved in particular virtual activities and interactions.

Learning derived from sensory experience may lag a child's cognitive understandings, which in turn may be partly shaped by interactions in cyberspace. Ways of interpreting meanings can be affected, if not distorted. The increasing prevalence of young people using new ICTs to target peers for psychological harassment is said to be due, at least in part, to the distance that the technology permits between the abuser and their target. For example, by inflicting harm via email, online discussions, phone texting, and the creation of hateful websites, etc, the bully does not actually see the painful impact on their target and the real harm they do.¹¹

Similar processes operate in other virtual experiences, such as when children and

¹¹ Campbell, M.A. (2005). Cyber bullying: An old problem in a new guise? *Australian Journal of Guidance and Counselling*. No. 15. pp.68-76.

young people learn about sex and sexuality (voluntarily or involuntarily) through access to pornographic materials in contexts removed from emotional interaction. Yet cyberspace-

accessed pornography is increasingly providing the foundation for many young people's understanding of sex and its role in intimate relationships.

A VERY REAL DISTINCTION

Distinctive qualities or aspects affecting behaviour and interactions in cyberspace

- Proximity
- Access
- Velocity
- Identity
- Scale
- Scope
- Permanence
- Reinforcement
- Reality

Cyberspace provides dislocated and decentralised meeting places for everyday encounters among individuals and groups. Within this virtual space, children and young people interact as they do in the physical

world – they participate in the construction of social lives and circles where they seek and exchange information, they communicate and confide with friends and peers, they meet and interact with strangers, they make new friends, they learn and work out value systems, they play games and ‘hang out’, and they test and develop their identities. They also have arguments, challenge authority, seek information deemed taboo, take risks, enter ‘no-go’ zones, experience fear, stress and anxiety, and test the boundaries of discipline as established by their guardians.

Interactions in cyberspace usually mirror people’s everyday attitudes, but certain characteristic behaviour may be enhanced or subdued inside this space by mediums, processes and methods of communication employed for virtual interactions. Sometimes people act differently in cyberspace than they

would in physical settings. They do and say things online that they would not do and say elsewhere. This applies to communications between people known to each other just as it does to interactions between strangers. Online behavioural changes may then lead to behaving out of character in the physical world too. For children and adolescents in particular, who are undergoing a formative period of personal development, their attitudes and behaviours as manifested inside virtual space can be quite different than in their physical space.

Aside from testing boundaries and identities, virtual interaction puts community values to the test. For some people, cyberspace is seen as an amoral place where people do not act in accordance with their usual moral conscience. But cyberspace also plays host to competing concepts of moral and cultural values. This competition includes the challenge by some groups that people should be 'open' and 'free' in this environment, for example, with regard to matters related to sex and personal feelings. Children and young people enter into this mix and feel associated pressures (moral, physical, peer, etc.) to respond at a critical time of their personal and moral development.¹²

(See side boxes in this section for case examples that illustrate these points with regard to young people's own engagement in cyberspace.)

¹² ECPAT International. (2005, June). ECPAT International Roundtable Meeting on Violence against Children in Cyberspace. Discussion. Bangkok, Thailand. June 12-13. *See Appendix II, Meeting of Specialists.*

In need of friendship

A young boy who has trouble making friends or is otherwise alienated finds it easier to express himself online and to look for companionship in that environment. The virtual world may be preferable to his physical reality, though his insecurity may also be noticeable to others online.

Bullying at school left a 12-year-old boy in the UK feeling isolated and lonely, though he was well looked after at home. His family encouraged him to try to meet friends his age online. He began chatting online with someone whom he thought was a teenage girl. A real-world meeting was arranged, but the girl turned out to be an older man who sexually assaulted him.

Source: Palmer, T. with Stacey, L. (2004). [Just one click: Sexual abuse of children and young people through the Internet and mobile phone technology](#). UK: Barnardo's. pp.26-27.

DISTINCTIVE QUALITIES

Whether or not an individual's behaviour changes in cyberspace, interactions in the online world are necessarily quite different when compared with interactions in other locations. Communication and cognition online are affected by restricted sensory

discernment, and situations and occurrences may seem unreal, or 'virtual'. Language used carelessly in an email, for example, may convey an unintended message and emotion.

Several distinctive aspects of cyberspace have implications for interactions that are

Potential for self-harm

A teenage girl poses sexually in front of a web camera or phone camera and transmits her photo to others, including strangers. In the physical world she may not feel comfortable enough with her body to evoke such an image in the physical presence of other people.

In Ireland in 2004, police investigating child pornography transmitted by phone found the culprit to be a 14-year-old girl who, using a digital camera, had taken pictures of herself naked and then sent an image via an instant messaging service. The image circulated by phone among hundreds of secondary school students.

Source: Quayle, E. & Taylor, M. (In press). Young people who sexually abuse: The role of the new technologies. In Erooga, M. & Masson, H. (Ed.s). Young people who sexually abuse: The role of the new technologies. Oxford: Routledge.

experienced online and extend offline, and for the ways in which harms may subsequently manifest for children and young people.¹³

Proximity

Cyberspace facilitates close emotional and psychological contact among people who may not previously have known one another. They may be physically close or distant, though cyberspace can impart a sense of 'safe distance' regardless. In the physical environment, the greatest risk of harm comes from a child's immediate social circle, namely the family. In cyberspace the risk of harm can come from someone the child has never physically met. Cyberspace is not bound by geography or political borders. Where personal contact is made online and risky or harmful exchanges (including text or imagery) occur between a child and an abuse-intent adult, investigators can face the challenge of trying to deal with a situation where both parties are situated in different jurisdictions.¹⁴

Access

Cyberspace provides abuse-intent persons with opportunities for contacting and interacting with children away from adult supervision. This is less easily done in physical settings such as the home or school where responsible adults are more often on standby. Children,

¹³ ECPAT International. (2005, June). ECPAT International Roundtable Meeting on Violence against Children in Cyberspace. Bangkok, Thailand. June 12-13.

¹⁴ On how the online environment gives a distorted sense of distance, see: Bergner, D. (2005, January 23). The Making of a Molester. *The New York Times Magazine*. Retrieved from <http://www.nytimes.com/2005/01/23/magazine/23PEDO.html?ex=1107544306&ei=1&en=0cbd4f657910b350>

as well as adults, also have easier access to inappropriate sites and harmful materials, including images of sexual abuse of children, adult pornography, and literature that seeks to justify adult-child sexual relationships as being healthy or normal.

The availability of children in cyberspace, coupled with the vast and growing amount of materials related to their abuse, is a dangerous combination.

Velocity

Cyberspace is unusual also because of the high speed with which data (text, photos, audio) is transmitted, interactions occur, and relationships develop. Lowered inhibitions and the sense of anonymity facilitate relationships online that can form quickly and become intimate much more rapidly than relationships initiated offline.¹⁵ Speed poses particular challenges for monitoring of behaviours in cyberspace and investigating crimes, not to mention the rapid shifts that occur in the use of ICTs.

Identity

People sometimes feel less inhibited in cyberspace. They believe they can act anonymously because oversight mechanisms are perceived to be absent. This perception

Perceptions of reality: An other world

A boy assumes, for hours, days or even weeks, the role of a character within an online multi-player fantasy game. His intense involvement in the game engenders confusion between his virtual setting and the physical world.

In China, a 13-year-old boy who committed suicide in January 2005 was reported to have spent so much time in virtual settings he could not distinguish the virtual from the physical. Also in China, an adult game player was reported to have murdered a man whom he claimed had stolen a virtual sword, a 'prized fantasy possession' he had won in an online game.

Source: Watts, J. (2005, March 31). Harsh reality of China's fantasy craze. The Guardian Unlimited. Retrieved from <http://www.guardian.co.uk/online/news/0,12597,1448800,00.html>

Identity: Dangerous fiction

An otherwise quiet teenager invents multiple online identities and uses them to engage with others and to pressure a peer into inappropriate behaviour online, leading to physical violence.

A boy in the UK adopts multiple discrete identities as he interacts with another boy he has met through a chat room. The recipient interacts with each 'character' and appears to believe fully in their 'histories'. Eventually, the first boy persuades the other boy to try to kill him – that is, initiating his own death and the committal of murder by the other boy.

Source: Bachrach, J. (2005, February). U Want Me 2 Kill Him? *Vanity Fair*. New York. pp.86-101.

¹⁵ For an analysis of fast-forming online relationships between adolescent girls and older men, see: Wolak, J., Finkelhor, D., & Mitchell, K. (2004). Internet-initiated Sex Crimes against Minors: Implications for Prevention Based on Findings from a National Study. *Journal of Adolescent Health*. 35. pp.424.e11-424.e20.

may even assist to change someone's mood. The interaction is not just passive communication.¹⁶ The effect can be felt by adults who deal with abuse images or seek to contact and lure a child. It can also be felt by children and young people as they adopt fantasy identities, role play or bully peers.

Perceptions of anonymity link with the idea that actions in cyberspace are only 'virtual' and therefore do not have consequences in

Testing tempers

A pre-teen girl adopts uncharacteristic behaviour in her virtual communications, including being verbally aggressive towards others ('flaming') in situations where rules of civil behaviour are not clearly defined. The response to her aggression is extreme.

In Japan, an 11-year-old girl fatally stabbed a classmate after being upset by an online exchange with the girl. Afterwards, it was noted that young people were taught the technical skills for online engagement but little was done to teach them about cyber etiquette. A psychology professor noted that people said things online that they would not say face to face, and arguments became more heated more quickly. Communication is made more difficult by not being able to hear the other party's voice tone or to see their facial expressions.

Source: Nakamura, A. (2004, June 5). Killing stokes fears over impact of Net. *The Japan Times*. Retrieved from <http://202.221.217.59/print/news/nn06-2004/nn20040605a5.htm>

the physical world. Individuals with this outlook more easily follow through on desires or interests that otherwise might not be acted upon.

Scale

The extensive nature of cyberspace and the large number of people who visit the sites within it mean that harm committed against a child or young person in the context of this environment is multiplied exponentially. The victim's abuse may be exposed to the view of a vast audience. One humiliating photo of a child or a hateful comment might have a limited circulation in the child's physical community. But a posting of the same image or hurtful text online will be available to a much greater number of witnesses, and for a long time.

Scope

Cyberspace offers abuse-intent adults access to a larger pool of potential targets, as well as an enormous library of materials related to abuse and violence. The amount of abusive images of children circulating online suggests that people who would not previously have sought out or accessed such material are now doing so. This provides a greater profit motive to create more of the same.

Permanence

Materials posted in cyberspace may be erased only with difficulty, if at all. This is a serious concern for victims made subjects of such materials (including abuse images or hate text). They do not know who may see evidence of their humiliation at any point in time.

Social reinforcement

Cyberspace facilitates the creation of discrete social networks that would not easily form in the absence of the virtual element. In this context, an individual may find validation for views and activities deemed anti-social or criminal, such as an interest in sex with children.

Real and unreal

Some people interpret the meaning of actions and expressions in cyberspace differently than they might interpret them in the physical world. In cyberspace they do not have the benefit of using all their senses to assess how things are (for example, all the signals imparted by someone else's physical responses to situations). This affects one's powers of discernment, and by extension their ideas and understandings about what might be real or unreal. For young people in particular who are still learning and developing their critical reasoning skills, interactions in cyberspace that appear disconnected from emotion and real consequences can impart a distorted understanding of reality.

Children and young people confront dangers in virtual social life just as they do in physical locations. The harms done to well-being through virtual experience and interaction, however, are shaped by distinctive factors that do not necessarily apply in locations that are

Young offenders

A young male participates in online chat sites to find others who are interested in sex with children and to buy or trade images of child sexual abuse.

In New Zealand, people aged under 25 who were prosecuted for child pornography offences were very likely to use Internet Relay Chat to access the material. They were also more likely to use password and encryption methods for storing materials. Meanwhile, a 14-year-old boy in the UK was pressured by peers to download abuse images. He explained that he had not reopened the documents, which proved true. He had not wanted to see the images in the first place.

Sources: Carr, A. (2004, April). Internet Traders of Child Pornography and other Censorship Offenders in New Zealand. Wellington, New Zealand: Department of Internal Affairs / Te Tari Taiwhenua.

Palmer, T. (2005, August). Personal correspondence with ECPAT International.

strictly physical. The distinction arises through the affect of new ICTs on processes of human interaction. These technologies do far more than provide a means of transmitting data and ideas. They help humans create actual places within which they interact. The experience occurs simultaneously in a physical place as well as a virtual place. The consequences may be felt psychologically and physically.

¹⁶ Taylor, M. & Quayle, E. (2005). Abusive images of children. In Cooper, S., Giardino, A., Vieth, V. & Kellogg, N. (Ed.s). Medical and Legal Aspects of Child Sexual Exploitation. Saint Louis: GW Medical Publishing. pp.268-269.

IMAGES OF CHILD SEXUAL ABUSE AND EXPLOITATION

Images and other depictions of the sexual abuse and exploitation of children existed before the popularisation of the Internet. But the creation and expansion of the World Wide Web from the early 1990s, coupled with a dramatic reduction in the cost of hardware and telecommunications, facilitated an increase in reported crimes related to child pornography, including its production, distribution and possession. By 2000, police across several countries were encountering

individuals who had collected hundreds of thousands of images of children being sexually abused.¹⁷ Such sizeable collections were made possible by the ease of circulating the material in cyberspace. Now, cyberspace is host to more than 1 million images of tens of thousands of children subjected to sexual abuse and exploitation.¹⁸

Since 2000-2001, the amount of child sexual abuse material appearing in circulation is

¹⁷ Carr, J. (2004). Child abuse, child pornography and the Internet. UK: NCH. p.11.

¹⁸ Howe, A. (2005, June 23). Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs. Issue 17. Evidence for June 23, 2005. Ottawa, Canada. Retrieved from http://www.parl.gc.ca/38/1/parlbus/commbus/senate/Com-e/lega-e/17evb-e.htm?Language=E&Parl=38&Ses=1&comm_id=11

Palmer, T. with Stacey, L. (2004, February). Just one click: Sexual abuse of children and young people through the Internet and mobile phone technology. UK: Barnardo's. p.30.

reported to have increased further. Police are finding images of more 'new' children who have not previously appeared in their databases. Proportionately more of the images reveal very severe abuse and very young children.¹⁹ Interpol and some national police agencies report that they are identifying more children as a result of database cross-checking. But still, very few children violated in the making of pornography are located. Of the thousands of images in the Interpol-managed database, for example, just 320 children have ever been located.²⁰ Child welfare practitioners expect the extent of the problem is greater than that revealed thus far.

The production and distribution of abuse images of children is big business, estimated to be worth billions of dollars a year. Estimates of annual business volume range widely from \$US3 billion to \$US20 billion (the latter, according to the US Federal Bureau of Investigation). Of this material, 55 per cent is reported to be generated from the United States and 23 per cent from Russia.²¹ For the first half of 2005, reports monitored in the UK

Demand fuels incentive to harm

Materials depicting the sexual abuse of children are in strong demand. These materials (child pornography) may be made offline and then circulated in cyberspace. Or they be made by sexually abusing a child in real-time before a live online audience. There is no universal understanding of 'child pornography', and laws and counter-actions are commonly out of sync across borders. The children subjected to violence through pornography making come from all social groups, as do their abusers. But the harms experienced by a child can be quite distinct, and require specialised responses that take this into account.

indicated commercial sites accounted for just over half of actionable reports, with the US and Russia apparently the two main countries hosting such sites. They were followed by Spain and Sweden. Most 'free to view' sites were traced to ISPs in Russia, the US, Spain, Thailand, Japan and the Republic of Korea.²² Much abusive material also is distributed in

¹⁹ Taylor, M. and Quayle, E. (2003). *Child Pornography – An Internet Crime*. Hove and New York: Brunner-Routledge.

²⁰ McCulloch, H. (2005, April). Personal communication between Interpol General Secretariat Assistant Director and ECPAT International. Bangkok, Thailand.

²¹ Council of Europe. (2005, in press). *Organised crime situation report 2005*. Provisional report. Strasbourg: Directorate General of Legal Affairs, Council of Europe. (This report clarifies data contained in the CoE's 2004 report, *Organised crime situation report 2004: Focus on the threat of cybercrime*. Summary. Provisional report. p.8.)

²² Internet Watch Foundation. (2005, July 25). Record breaking 6 months for Internet Watch Foundation. Press release. UK: IWF. Retrieved from <http://www.iwf.org.uk/media/news.134.htm>

What is 'child pornography'?

The Convention on the Rights of the Child's Optional Protocol on the sale of children, child prostitution and child pornography defines child pornography as "... any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose". Hard-core materials depict a child engaged in real or simulated explicit sexual activities or lewdly depict parts of a child's body. Soft-core pornography involves 'erotic' images where a child, naked or not, is sexualised. Images of abuse also include illustrations or animations as well as digitally created or altered images (involving 'morphing' or compositing techniques). While child pornography is almost always photographic images of real children,* it is important that laws on child abuse materials acknowledge and include reference to virtual and animated imagery as a crime against children. This is the case in the Council of Europe's Convention on Cybercrime and some national legislations.

* Source: Heimbach, M.J. (2002, May 1). Internet Child Pornography. Prepared Statement. Congressional Testimony Before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary. United States House of Representatives. Retrieved from <http://www.fbi.gov/congress/congress02/heimbach050102.htm>

video format, often at local markets, while other material is traded in exchange for like materials, or access to them.

In some countries, material known as 'virtual pornography' is legal and big business. In Japan, for example, a report analysing developments in the country's computer contents market

(including software and publications such as comics) gives an indication of the business value of child abuse illustrations and cartoons in some anime or *manga* materials.²³ The analysis estimates the market for *moe* products (books, images and games), which are related to anime and *manga*, was worth 88.8 billion yen (US\$800 million) in 2003. The term *moe* is used in a neutral sense for economic analysis. But taken literally it refers to a fetishist sexual attraction that some fans of computer games, anime and *manga* have for female child characters, who may be depicted in pornographic and erotic contexts within games, animations and illustrations. *Moe* web pages sometimes link to other pages containing images, stories and chats in which very young characters are the objects of sexual violence, abuse and fantasy. A proportion of the *moe* market may therefore be regarded as related to child sex abuse images. The report expected the market for *moe* products to expand.

DEFINITIONAL DISHARMONY

Child pornography, now more commonly referred to as depictions or images of child sexual abuse, represents a child or children in a manner that is intended to aid sexual arousal and gratification. Visual, textual or audio material of this nature has the power to incite further sexual abuse and exploitation of a child, and contributes to the rationalisation by abusers that using a child for sexual purposes is 'normal'. This power exists whether or not a real child is used to make this material, for

example, when abuse images are illustrations or computer-generated.

Individual and community understandings of child pornography vary within and between societies. There is no single jurisdiction governing cyberspace, and there is no common set of definitions, principles or regulations that law enforcement around the world may apply. (*See box at left.*) This is one of the greatest challenges in seeking to combat child pornography crimes. Many countries do not have laws that refer expressly to child pornography, let alone define it explicitly as the violation of a child involving sexual abuse, exploitation and violence. Rather, depictions of child abuse are more often categorised in national or local legislations under broad obscenity laws, where the focus is on social morality and order rather than an act of violence committed against a child. Even where laws exist, their application in cyberspace is constantly being tested.

THE VICTIMS

Vulnerability

Until the rise of the Internet, the subjects of abuse images were most usually girls. But in

recent years, many more boys feature in abuse images available online.²⁴ Information is scant on the situations and circumstances of these girls and boys. It is understood, though, that

Diverse groups exploited

In Mexico, a 1999-2000 study on the commercial sexual exploitation of children in Acapulco found a diverse group of children were exploited through pornography production, much of it well-organised. Some of the children, many of them boys, lived on the streets and/or were involved in prostitution with tourists. Other children were apparently obtained from poor rural areas, where parents were paid in order to permit the departure of their daughters, ostensibly in order to gain an education or a job. Others were middle-class school children who agreed to pose for photographs in exchange for money. The exploiters were foreigners and local people.

Source: Azaola, E. (2000). Stolen Childhood: Girl and Boy Victims of Sexual Exploitation in Mexico. DIF, UNICEF and CIESAS.

See Casa Alianza and ECPAT International. (2001). Investigation on the Trafficking, Sex Tourism, Pornography and Prostitution of Children in Central America and Mexico. Casa Alianza and ECPAT International.

²³ The report by S. Shinano for the Hamagin Research Institute Ltd was published in April 2005.

See Japan recruits romantic otaku geeks to revive economy. (2005, August 2). *Mainichi Daily News*. Retrieved from <http://mdn.mainichi-msn.co.jp/waiwai/news/20050802p2g00m0dm015000c.html>

²⁴ Cooper, S. (2005). Medical Analysis of Child Pornography. In Cooper, S., Estes, R., Giardino, A., Kellogg, N. & Vieth, V. (Ed.s). Medical and Legal Aspects of Child Sexual Exploitation. Saint Louis: GW Medical Publishing. p.223.

Tourists with cameras

Rare is the tourist without a camera, and indeed, image-making appears to be common in the context of child sex tourism, though research explicitly identifying the connections is only recent. In Nepal, almost all child respondents in focus group discussions about child sex tourism reported being photographed nude by a tourist at some stage; 81 per cent said they had been shown pornographic material by tourists.

Similarly, in Czech Republic, outreach workers say children involved in street prostitution report that they are often asked by their exploiters, or clients, to pose for pornography making. Czech police note the pornography made by these exploiters may then be exchanged or uploaded onto the Internet. Exploiters get their information on where to find the children via the Internet and word-of-mouth.

Sources: Beddoe, C. & Ferran, L. (Ed.s). (2003, December). Situational Analysis Studies on Child Sex Tourism in Tourist Destinations of India, Nepal and Sri Lanka. Bangkok: ECPAT International.

Bell, I. & Pickar, A. (2004). Trafficking in children for sexual purposes: Country report, Czech Republic. O'Briain, M. (Ed.). The Joint East West research project on trafficking in children for sexual purposes in Europe: the sending countries (Trafficking II). Amsterdam: ECPAT Law Enforcement Group. p.42.

children are at most risk of being violated through pornography production within the home and family. The child usually knows their abuser/s as a parent, a relative, a guardian or someone else close to them. In these situations, the abuse may be more likely to come to light inadvertently as a result of inquiries by social welfare workers and reports from neighbours, rather than as a result of police inquiries into online crimes.²⁵

Many children are also made subjects of abuse materials outside the domestic sphere, notably children who live or spend a lot of time on the streets as well as children in prostitution and children who are trafficked. Children are also reported to be recruited for abuse from orphanages. (*See boxes throughout this section.*)

New manifestations

Most Internet-disseminated abuse images are made offline before they are entered into cyberspace. But pornography-making is also organised to occur and be viewed online in real time, using web-cameras and streaming video. An audience will receive notification of the time at which to log on to see a child sexually abused. Audience members may be anywhere in the world. They may pay money or exchange images with the direct abuser.²⁶

²⁵ Wolak, J., Finkelhor, D. & Mitchell, K. (2005, in press). The Varieties of Child Pornography Production. US: Crimes Against Children Research Center, University of New Hampshire. p.23.

²⁶ See Palmer, T. with Stacey, L. (2004, February). Just one click: Sexual abuse of children and young people through the Internet and mobile phone technology. UK: Barnardo's. p.28.

In the Philippines, profit-making ventures known as cyber sex dens involve adolescents and adults performing sexual acts in front of a web-camera in accordance with the instructions of a viewer who pays by credit card.²⁷

Other new manifestations of child pornography production involve children and young people with access to the latest ICTs, including digital cameras, web-cams and phone-cams, creating pornographic imagery of themselves, their friends and their peers, and then transmitting it into virtual spaces. This may occur at the urging of a peer or the request of a stranger. The advent of mini-cameras, among other things, also allows for pictures and videos to be made more easily without the subject's knowledge.

Other young people seek to represent themselves as 'adult' by putting into circulation images of themselves posed in mimicry of the 'erotic' of mainstream advertising and media, television and film. In the Russian Federation and countries of the Commonwealth of Independent States (CIS), modelling is a well-paid and legitimate job that draws in many girls. In some cases, however, it is a pathway for a child to be commercially sexually exploited,

The links with trafficking

In India, people traffickers admitted in interviews for a study by the National Human Rights Commission that trafficked children, in particular adolescent girls, were forced to make pornography.

In Moldova, border police arrested two women traffickers in 2001 as they were transporting a group of boys and girls aged 13 to 16 from Chisinau to film studios in Odessa, Ukraine, where the children were to be used to make abuse images. The children came from families with financial problems, mostly in rural areas of Moldova. The parents had allowed the women to take their children on a 'holiday'. Some of the children said they had made the journey before, in return for small sums of money. In Belarus, boys and girls as young as 10 are reported to be trafficked for the purpose of making of pornography.

Sources: Bhat, A. (2004). Report on Laws and Legal Procedures Concerning the Commercial Sexual Exploitation of Children in India. Bangkok: ECPAT International. Citing National Human Rights Commission, UNIFEM & Institute of Social Sciences. (2004). Action Research on Trafficking of Women and Children. India.

O'Briain, M., van den Borne, A. & Noten, T. (Ed.s) (2004). Joint East West research on Trafficking in Children for Sexual Purposes in Europe: The Sending Countries. Programme against Trafficking in Children for Sexual Purposes in Europe. Amsterdam: ECPAT Law Enforcement Group. p.48. p.50.

²⁷ Trinidad, A.C. (2005). Child Pornography in the Philippines. Manila, Philippines: UP Center for Integrative and Development Studies (UP CIDS-PST) and UNICEF. pp.78-80.

Philippine Daily Inquirer. (2005, January 23). 19 girls rescued from cyber exploitation. *Philippine Daily Inquirer*. p.19.

Lured into organised violence

In 2000, police in Russia and the UK investigating the production and distribution of Russian-made videos depicting extreme sexual violence against children, including murder, believed about 100 boys aged between nine and 15 were recruited over two years. Most of the boys were lured from railway stations, having come originally from troubled families in Moscow's outer suburbs. Others were believed to have been recruited from orphanages. Children were paid a commission to find other boys to be filmed, according to reports. Of three men jailed in Russia in relation to this case, two were released under an amnesty aimed at clearing overcrowded prisons. Client lists for the videos included people in Italy, Germany, the US and the UK.

Source: Burke, J., Gentleman, A. & Willan, P. (2000, October 1). British link to 'snuff' videos. *The Observer*. Retrieved from http://observer.guardian.co.uk/uk_news/story/0,,375883,00.html

and many of the photos taken of girls who respond to the advertisements are sold through commercial sites.²⁹ In the US, a young person might post a personal profile and 'sexy' photo on a teen website, some of which have millions of members. Some of these sites link to adult dating sites.³⁰

It is apparent that as children grow up in environments where a camera is eternally present and real-time image transmission is a part of the everyday, some young people do not or have not learned to protect boundaries of intimacy and privacy, and as a consequence may do harm to themselves and to others. An important factor in developing protective actions for these children and young people is that they may not perceive there to be a problem.³¹

including through pornography production.²⁸ In Japan, too, advertisements on young people's bulletin boards offer payment to girls for 'modelling' photos. The advertisements sometimes link to age-inappropriate materials

THE ABUSERS

The people who deal in images of child abuse are not a homogenous group. Although the great majority are male, they come from all

²⁸ O'Briain, M., van den Borne, A. & Noten, T. (Ed.s) (2004). *Joint East West research on Trafficking in Children for Sexual Purposes in Europe: The Sending Countries*. Programme against Trafficking in Children for Sexual Purposes in Europe. Amsterdam: ECPAT Law Enforcement Group. p.29.

²⁹ Miyazaki, T. (2005). Recent report of Internet trouble in Japan. Internet Museum in Japan. Presentation. Tokyo.

³⁰ Denizet-Lewis, B. (2004, May 30). Friends, Friends With Benefits and the Benefits of the Local Mall. *The New York Times Magazine*. Retrieved from <http://www.nytimes.com/2004/05/30/magazine/30NONDATING.html?pagewanted=1&ei=5007&en=b8ab7c02ae2d206b&ex=1401249600&partner=USERLAND>

³¹ Quayle, E. & Taylor, M. (In press). Young people who sexually abuse: The role of the new technologies. In Erooga, M. & Masson, H. (Ed.s) *Young people who sexually abuse: The role of the new technologies*. Oxford: Routledge.

regions, social classes, cultures, walks of life and age groups. Many are fathers. Others are adolescents. Many are highly skilled in using new technologies. Some are travellers and tourists. Not all fit the clinical classification of 'paedophile'.³² They are not necessarily outsiders at the margins of society but may be situated at the centre of communities.

The age of people who access and use child abuse material is varied. But reports from different regions indicate that makers and users of child pornography may also sometimes be aged under 18 or in their early adulthood. In a New Zealand survey, a quarter of 185 people who committed offences involving objectionable material (mostly images of child sexual abuse) were aged 15 to 19. More than half were aged under 30.³³ The information

is insufficient to assess whether this is a wider trend and whether it is driven by age-appropriate curiosity in sex with peers or signals that the young people themselves have been sexually exploited.³⁴

In the UK, where data suggests that 30-40 per cent of sexually abusive acts are perpetrated by people aged under 18, a 16-year-old boy who was arrested for taking pornographic pictures of children and for possessing child abuse materials was found to have been encouraged by an older man he had met in a chat room.³⁵ A survey in the US found that very few of the people arrested for possession of child pornography were younger than 18.³⁶ A New Jersey police operation in 2005, however, found 10 juveniles among 39 people arrested for online child pornography offences.³⁷

³² Sub-group against Sexual Abuse and Exploitation of Children. (2005). Paedophilia. In Towards a shared understanding of terminology referring to the sexual abuse and exploitation of children. Geneva: NGO Group for the Convention on the Rights of the Child.

³³ Wilson, D. & Andrews, C. (2004, November). Internet traders of child pornography and other censorship offenders in New Zealand: Updated statistics. Wellington, New Zealand: Department of Internal Affairs.

³⁴ See O'Connell, R. (2003). A Typology of Cybersexploitation and On-line Grooming Practices. UK: Cyberspace Research Unit, University of Central Lancashire. p.4.

See Carr, A. (2004, April). Internet Traders of Child Pornography and other Censorship Offenders in New Zealand. Wellington, New Zealand: Department of Internal Affairs / Te Tari Taiwhenua. p.41

³⁵ Palmer, T. with Stacey, L. (2004, February). Just one click: Sexual abuse of children and young people through the Internet and mobile phone technology. UK: Barnardo's. p.23.

Jones, V. (2003, December 10-11). International Initiatives to Protect Children from Sexual Exploitation and Abuse. Concept Paper for the Fifth European Union Human Rights Forum. Rome. p.3. Citing Stop It Now UK & Ireland. 2002. Retrieved from <http://www.redbarnet.dk/>

³⁶ Wolak, J., Finkelhor, D. & Mitchell, K. (2005). Child-Pornography Possessors Arrested in Internet-Related Crimes. US: National Center for Missing and Exploited Children.

³⁷ Patterson, M. (2005, May 22). On a sordid trail. *The Star-Ledger*: New Jersey. p.1. Retrieved from <http://www.nj.com/news/ledger/index.ssf?/base/news-0/1116737473322180.xml&coll=1>

Virtual settings facilitate the formation of discrete social networks of people with an interest in sex with children. These groups provide social reinforcement to members, allowing them to rationalise their sexual interest in children as legitimate and to be encouraged. Within such 'communities', child sexual abuse materials are a trading currency for membership and also enhance the status of members.³⁸ These interactions commonly occur in newsgroups (bulletin boards), via emails, and increasingly through file-sharing peer-to-peer systems.³⁹

An individual's involvement in child sex abuse materials at any level contributes to demand for abuse images, and therefore demand for the sexual abuse and exploitation of children. In addition, more people may seek to abuse children directly as a result of using child pornography. Comparative research on the relationship between using abuse material and directly abusing children is limited. But initial studies suggest an association.⁴⁰

PRIMARY CO-FACILITATORS

Internet service providers

Profit-making websites that carry illegal material are often stored by ISPs in countries where laws addressing new technologies and the prevention of child sexual abuse and exploitation are weak or not enforced. The website operators may not fear penalty because the ISP is not compelled to remove the site or the images, or to ascertain the identity and whereabouts of the people who operate sites through its service. International police actions may see many people arrested and charged with offences related to accessing material online, while website operators (and image producers) remain at liberty.

Financial institutions

The buyers of abuse images and consumers of live cyber sex shows may on occasion use their credit cards for the transactions. Where credit card companies and financial transaction service centres cooperate with law enforcement,

³⁸ Taylor, M. & Quayle, E. (2005). Abusive images of children. In Cooper, S., Estes, R., Giardino, A., Kellogg, N. & Vieth, V. (Ed.s). Medical and Legal Aspects of Child Sexual Exploitation. Saint Louis: GW Medical Publishing. pp.264-265.

³⁹ See Krone, T. (2005, April). International police operations against online child pornography. Trends & Issues in crime and criminal justice, No. 296. Australian Institute of Criminology. Retrieved from <http://www.aic.gov.au/publications/tandi2/tandi296.html>

⁴⁰ Collins, P. (2005). Child Sexual Abuse and the Paraphilias. In Cooper, S., Estes, R., Giardino, A., Kellogg, N. & Vieth, V. (Ed.s). Medical and Legal Aspects of Child Sexual Exploitation. Saint Louis: GW Medical Publishing.

J. Wolak, K. Mitchell & D. Finkelhor. (2003). Internet Sex Crimes Against Minors: The Response of Law Enforcement. US: National Center for Missing and Exploited Children (NCMEC). p.viii, p.7, p.17.

Wilson, D. & Andrews, C. (2004, November). Internet traders of child pornography and other censorship offenders in New Zealand: Updated statistics. Wellington, New Zealand: Department of Internal Affairs.

these buyers may be traced, depending on the jurisdiction in which the buyer lives or if the financial transaction is posted in accounts. But organised crime operations and recurrent customers of child abuse images are more difficult to track as they may make payments by more anonymous methods that cannot be traced to a bank account or a credit card. Payments may be made directly to special bank accounts that are changed constantly to avoid detection.⁴¹ Or the buyer may use e-gold, a system for online trading using gold credits as currency. This system need not involve a bank and is highly anonymous.⁴²

Some businesses decide to implement policies aimed at combating crimes against children. The Visa International credit card company has developed a policy on ethical standards for dealing with child pornography, with the aim of assisting to close down websites carrying child abuse materials.⁴³ Meanwhile, in the Philippines, financial services operations insist that the privacy of customers is paramount.⁴⁴

Refusal to act against harm

In Canada in 2005, a 16-year-old boy was reported to have posted sexually explicit photos of a girl, 16, on a teen website, along with sexually explicit text. The boy was charged with child pornography offences. The US-based webmaster, however, refused requests from the Canadian police to remove the photos. The website, a general-interest youth-oriented site, draws in thousands of hits each day and is overseen by a US-based company.

Source: Friesen, J. (2005, April 22). Ex-boyfriend, naked photos create web of woe for girl. *The Globe and Mail*. Toronto, Canada. Retrieved from <http://theglobeandmail.ca/servlet/story/RTGAM.20050422.wxteen0422/BNStory/National/>

Software developers

New programs, many of which are available for free, allow for the peer-to-peer transmission of data directly from one server to another without any tracking devices. Other programs

⁴¹ Philipson, S. (2004, July). Credit cards: Room for action against criminals. *ECPAT Newsletter*. Bangkok: ECPAT International. No. 43. p.4.

⁴² See Petit, J.M. (2004, December 23). *Rights of the Child*. Report submitted by Mr Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography. Advance Edited Version. E/CN.4/2005/78. United Nations Commission on Human Rights. Sixty-first session. Item 13 of the provisional agenda.

⁴³ Visa Asia. Fighting Internet Child Pornography. Visa Asia. Retrieved from <http://www.visa-asia.com/ap/sea/cardholders/society/acp.shtml>.

See Visa International. (2004, Dec. 13). Visa Advances the Fight Against Internet Child Pornography. Press release. Hong Kong: Visa. Retrieved from http://www.visa-asia.com/ap/sea/mediacenter/pressrelease/NR_HK_131204.shtml

⁴⁴ See Trinidad, A.C. (2005). *Child Pornography in the Philippines*. Manila, Philippines: UP Center for Integrative and Development Studies (UP CIDS-PST) and UNICEF. p.123.

of concern to law enforcement agencies include encryption software and anonymity packages, both of which create significant obstacles for investigating cyber crimes.

Online search engines

Some people use normal searching methods or are directed by links to find online groups and entities trading abuse images or websites where child abuse images are sold and/or access is provided to real-time cyber sex.

COMMON PHYSICAL AND PSYCHOLOGICAL CONSEQUENCES

A child forced to make abuse imagery may suffer ill-effects that are common to sexual abuse and exploitation. The impacts will vary according to the resilience of the child and the nature and duration of the abuse. Depending on a child's age and the degree of physical violence used against them, a child used to make pornography will suffer physical trauma and pain. She or he may consequently experience any or all of a range of other effects and symptoms, including depression, low self-esteem, restlessness, hunger, exhaustion, concentration difficulties, aggressive behaviours and repressed anger. She or he may feel guilty and fear for the safety

of themselves and of others. They might find it difficult to trust people, they may act with pseudo maturity, their role boundaries may be blurred, and they may show confusion (resulting from, among other things, being groomed by their abuser). The child may cause self-harm, including through the misuse of substances. (Some children are also drugged before being abused.) In some cases, a child will suffer post-traumatic stress disorder.

Other concerns for a sexually abused and exploited child's well-being, and consequently for their care, include the possible reluctance of a child to expose a family member as an abuser. They may also feel that they have caused harm by introducing other children to an abuser or by being involved in sexual acts with other children. Sometimes, a very young child made accustomed to abuse may think it is normal.⁴⁵

DISTINCT IMPACTS

A child may also confront distinct harm factors arising from having been made the subject of abuse imagery in the context of cyberspace. Practitioners report that a child in this situation may feel that the existence of imagery of their humiliation masks the violence they have experienced and makes

⁴⁵ Palmer, T. (2005, in press). [Behind the Screen: Children Who Are the Subjects of Abusive Images.](#)

them appear complicit. This dilemma adds an extra traumatic burden and may make it more difficult for a child to report what has happened to them, as they fear others will not believe their anguish. Children are commonly made to smile, to seem compliant, in front of a camera. Consequently, the child fears being seen to have allowed the abuse. In Sweden, a group of child victims of pornography denied the abuse despite visual evidence of its occurrence. Children in the UK reacted similarly in another case involving a global investigation.⁴⁶ A child may feel they can cope better if they deny the occurrence of events they find hard to accept.

A child thus harmed may also feel immediate or future shame and fear being recognised as they try to contend with real and imagined community attitudes. A sense of shame may be more acute for adolescents than younger children as older girls, for example, may worry that stigma attached to their abuse will impede marriage and child-bearing prospects.⁴⁷ Anxiety may intensify where a child understands that images of their abuse will continue to be replicated and circulated

to an audience that is both nearby and global long into the future. Some of these symptoms will occur even where a young person has created the imagery herself or himself.

The concern that images will resurface is difficult to resolve therapeutically and legally, as stressed by adults who are now trying to come to terms with their experience of similar abuse as children.⁴⁸ The longevity and global accessibility of abuse imagery provided within virtual settings means that the child cannot assist resolution of their trauma by gaining control over the images and destroying them. Some children will understand this (including those who have created pornographic imagery of themselves). Others will not. Even parents who were not involved in the production of abuse images of their children may not appreciate the extent of the violation.⁴⁹

CARE AND PROTECTION

The harm done to a child abused in pornography making will be different when there is a commercial aspect to the abuse.

⁴⁶ Taylor, M. & Quayle, E. (2005). Abusive images of children. In Cooper, S., Estes, R., Giardino, A., Kellogg, N. & Vieth, V. (Ed.s). *Medical and Legal Aspects of Child Sexual Exploitation*. St Louis: GW Medical Publishing. p.271.

⁴⁷ Trinidad, A.C. (2005). *Child Pornography in the Philippines*. Manila: UP Center for Integrative and Development Studies (UP CIDS-PST) and UNICEF. p.64.

⁴⁸ Astrom, P. (2004). *Beyond All Tolerance: Child Pornography on the Internet*. Save the Children Sweden. p.31

⁴⁹ Trinidad, A.C. (2005). *Child Pornography in the Philippines*. Manila: UP Center for Integrative and Development Studies (UP CIDS-PST) and UNICEF. p.65.

It is important therefore to discriminate between the purely familial context and a commercial context. The investigation and disclosure requires careful management. The knowledge that an image has been found can be emotionally devastating for the child, who has no control over the disclosure process. She or he may be left feeling helpless and knowing that police officers, social and health workers and others have become aware of intimate details of the abuse they have experienced.⁵⁰

The child's welfare must be the primary concern in any investigation. A key difficulty is that unless questions about image-making are specifically asked, both by police and welfare investigators, a child may be very unlikely to volunteer information about the experience of being used to produce abuse materials. This situation must be handled with great sensitivity. Consideration also is needed about the impact on a child of requiring them to give video evidence. The process may cause further harm by evoking feelings and responses in the child that echo those they experienced at the time of the abuse.⁵¹ As well, a child can easily suffer further harm if they are pressured to verify the authenticity of an abuse image.⁵²

These are difficult and delicate issues for which child protection workers need more training on therapeutic strategies. It should be kept in mind also that refinement of systems of assistance, where they exist, may lead to increased identification of children thus abused as well as greater retention of such children in rehabilitation programmes. (Currently, some of the children who have been identified and placed in care programmes drop out of the system even as adults involved may continue to seek and receive assistance).

Finally, trauma survivors struggle with the need to achieve closure. In the case of children abused in pornography production, the provision of compensation may assist them to gain a sense of control over their experience.

LEGAL CHALLENGES

The law is inconsistent across jurisdictions about what constitutes child sexual abuse material. In some countries photographing a child naked is considered production of child pornography, while in other countries the State must prove that the motivation (or

⁵⁰ Palmer, T. (2005, January). Abusive images: The impact on the child. *ECPAT Newsletter*. No. 49. Bangkok, Thailand: ECPAT International.

⁵¹ Palmer, T. (2005, January). Abusive images: The impact on the child. *ECPAT Newsletter*. No. 49. Bangkok, Thailand: ECPAT International.

⁵² Jones, V. (2003, June). *Position paper on child pornography and Internet-related sexual exploitation of children*. Brussels: Save the Children Europe Group.

intent) for making the image was sexual. In some jurisdictions, photographing an adult dressed like a child meets the legal definition of production of child pornography and in other cases the written word or an audio recording could be considered child pornography. In some jurisdictions it is possible to prosecute under a production offence where no child, or even person, was used in the making of the pornography, such as when material is created artificially through computer techniques or is an illustration. In most legal systems, however, the absence of an identifiable victim makes prosecution for production of abuse material very challenging if not impossible. Even where there is a clear understanding of what constitutes child pornography within a country or region, the definition of who is a child under the law may be inconsistent.

Different countries have different definitions for what it means to distribute abuse materials. In some countries the law states that distribution sits with the individual who enters an illegal image into cyberspace. In other countries, distribution takes place at the site of the computer hub, network or ISP. Still in other countries distribution is recorded at the physical location where an individual takes receipt of the material. These differences were not seen to be such a concern before the rise of the Internet because there were far fewer intermediaries; distribution was simply regarded as originating from the location where an envelope containing abuse material was initially mailed.

Possession of criminal material accessed in

virtual settings is also more complicated to investigate and prosecute than possession offences in physical settings. In some jurisdictions, viewing child abuse images on the Internet, without downloading them onto a hard drive, is not an offence. In other jurisdictions, this action is known as an access crime and it carries a much lower sentence than possession (i.e., where the material is downloaded).

Another distinct feature of child pornography possession in virtual settings is the development of encryption software that allows an individual to possess illegal material in the belief that law enforcement may not be able to crack the encryption or obtain the key to decrypt the material. In some jurisdictions it is an offence to refuse to divulge to police the key for encryption software. But in many other countries this is not a crime in and of itself.

Where the child is post-pubescent, prosecuting the offence of producing child abuse images is made more complicated by the age of consent, sometimes referred to as the age of protection. In most places, governments have set an age at which a child can consent to sexual activity. However, this age may not be (and frequently is not) consistent with the age contained in child pornography statutes, if and where they exist. Therefore, a child might consent to have sexual relations with a peer or adult, depending on the jurisdiction, but cannot consent to have his or her picture taken during that legal sexual activity. This lacuna has led to statutory appeals which, in some instances, have resulted

in the lowering of the age contained in the child pornography legislation.

PREVENTION AND PROTECTION

A coordinated and cooperative approach by national and international police forces is needed in order to cope with multi-jurisdictional issues affecting counteractions against these crimes. Cooperation and collaboration is required among provinces within countries, within regional blocs, and internationally. Cooperation also requires, to an extent, harmonisation of laws and protocols for dealing with crimes against children.

Yet police forces across the world remain commonly under-resourced and lack tailored training to address crimes of this nature while also assuring children of maximum protection. There is wide disparity between countries in their law enforcement capabilities and the resources required to investigate cyberspace offences. Difficulties include the tracking of material uploaded onto ISPs and the forensic examination of computer hard-drives and other electronic storage devices (especially where material is encrypted). Sharing of expertise across borders is clearly essential.

Cooperation is occurring among some countries, with various joint police operations conducted in recent years. In 2003, the Virtual Global Taskforce (VGTF) was established by police forces in Australia, Canada, the UK and the US, in cooperation with Interpol, to

prevent and deter child abuse via the Internet. The taskforce, which works with various partners from the private sector and civil society, is expected to draw in more partners. One of the deterrent actions undertaken by the taskforce is Operation PIN. This involves a website that purports to contain images of child abuse. Anyone who enters the site and attempts to download images is met with various warnings alerting the individual to the criminality of their actions. The individual is informed that he has entered a law enforcement website, has committed an offence and that his details may have been noted and passed to the relevant national authorities.

Police forces in some countries have established databases of abuse images. Where a child in an image is confirmed as not having been recorded previously, police prioritise the investigation on the assumption that the child may still be at risk. Special software assists police to identify visual clues in images which may assist in tracing the child and their abuser. In 2004, Interpol took over management of the database assembled by COPINE (Combating Online Paedophile Networks in Europe) and 14 countries now exchange images under the Interpol arrangement. In June 2005, the Group of Eight (G8) countries agreed to work on a joint database and to provide extra funding for this work.

Databases go some way to assisting in cross-border investigations. There are concerns, however, about difficulties in ensuring that children's full rights are protected. Child victims of pornography-making may suffer

distinct harm arising from the existence and sharing of abuse images. Knowledge of the existence of images in police databases may be just as harmful for the child. This is a difficult dilemma that requires much consideration. Very strict protocols and guidelines are required, with universal application, regarding the management of databases (who may access them, how images are used and shared, etc).

Technical advances may assist to better

protect a child's privacy, as a child's image may be removed from a picture and the background might be sufficient to trace their whereabouts.⁵³ It is also possible to cross-check among images using algorithmic means rather than visual recognition. Other issues to be addressed include whether a victim of sexual abuse images (either as a child or later as an adult) should be able to have their image removed from a database. These matters are yet to be resolved.

⁵³ This occurred in a case in Canada in 2005. Toronto police used digital techniques to remove a victim's image from a photo before releasing it publicly to try to find the child. This case stirred much debate on ethical practice because police also released an image of another child believed to be a witness. Very soon upon public release of the photos, it was found that the victim had been rescued in the US and the abuser was in jail. The case highlights also that if Canadian and US police shared a common database, the inquiry could have concluded more quickly. See Toronto Star, The. (2005, May 23). Editorial: New tools needed to fight child porn. *The Toronto Star*. Canada.

GROOMING FOR HARM

Ease of access

Grooming (or preparing) a child for sexual abuse and exploitation is made easier in the context of cyberspace. Simply put, there are new places in which to find children, such as chat or game sites. New ICTs also make it easier for travelers to carry grooming materials with them to the physical locations at which they may seek out children.

Distinctive aspects of virtual settings assist the initiation of virtual encounters – and also physical encounters. As in the physical world, an adult intent on contact with children and young people may seek to enter the same places as children and young people. Noting the venues where young people congregate, including chat rooms, newsgroups, teen dating sites and online multiplayer games, an adult

may enter the site too and observe and/or interact with participants. They may identify the potentially vulnerable, for example, the child who seems lonely, isolated, alienated, awkward or confused about personal identity and sexuality, but also sometimes the child who seems especially outgoing. Anonymity is enhanced by the construction of cyberspace, where presence need not be declared and where fictional identities are easily adopted. Alternatively, the adult may already know the child with whom they engage.

Some young people meet face to face with people whom they initially encounter in cyberspace. In one study, most young people reported positive views of the experience of such meetings with peers.⁵⁴ But it is also true that some adults arrange physical meetings with the intention of violating the child or young person. Over two or three years in

the UK, media reported police investigations involving 27 children who were physically harmed in meetings with adults whom they had met in chat rooms.⁵⁵ In the US, one in five children aged 10 to 17 reported receiving sexual solicitations over the Internet. These involved being asked by an adult to meet, being contacted by phone, or being sent regular mail, money or gifts.⁵⁶ A British study found that about half of chat room users aged 8 to 11 reported experiencing online conversations of a sexual nature, though these were not necessarily abusive. In the 9-16 age group, 6 per cent reported online sexual conversations that they thought unpleasant or offensive.⁵⁷

THE PROCESS

After initiating contact online, an adult may encourage the targeted child or young person to move out of a public chat room into a more private location or to use IM instead. If a young person continues engagement in the

Solicited within the family

A 12-year-old girl in the US was sexually solicited by her step-father, who sent messages from his computer to her computer, both situated in the same family home. The man also harassed the girl with online pornography. He was convicted of sexual assault, risk of injury to a minor and enticing a minor over the Internet. The man alleged he would not have acted in this way had it not been for the Internet's facilitation of the communication.

Source: Bergner, D. (2005, January 23). The Making of a Molester. *The New York Times Magazine*. Retrieved from <http://www.nytimes.com/2005/01/23/magazine/23PEDO.html?ex=1107544306&ei=1&en=0cbd4f657910b350>

communication (whether or not the parties know one another), an adult may then pursue a more intense process of grooming. (*See boxes in this section.*) This tactic is common to situations of sexual abuse and exploitation in any environment. It involves an adult building a relationship of trust with a child, seeking to

⁵⁴ O'Connell, R., Price, J., & Barrow, C. (2004). Cyber Stalking, Abusive Cyber sex and Online Grooming: A Programme of Education for Teenagers. UK: Cyberspace Research Unit, University of Central Lancashire.

⁵⁵ Carr, J. (2004). Child abuse, child pornography and the Internet. UK: NCH. p.3.

⁵⁶ Finkelhor, D., Mitchell, K., & Wolak, J. (2000, June). Online Victimization: A Report on the Nation's Youth. US: National Center for Missing and Exploited Children.

Wolak, J., Finkelhor, D., & Mitchell, K. (2004). Internet-initiated Sex Crimes against Minors: Implications for Prevention Based on Findings from a National Study. *Journal of Adolescent Health*, 35, 424.e11-424.e20.

⁵⁷ O'Connell, R., Price, J., & Barrow, C. (2004). Cyber Stalking, Abusive Cyber sex and Online Grooming: A Programme of Education for Teenagers. UK: Cyberspace Research Unit, University of Central Lancashire. Citing CRU 2002 study. p.5.

lower their inhibitions in order to draw the young person into intimate discussion and actions online and/or physical contact offline. Gifts or money may be offered. Some children and young people reject such advances before they get out of hand.⁵⁸ Some do not. Some online grooming occurs gradually. But a distinctive aspect of interaction in cyberspace that facilitates the grooming process is the rapid speed with which communications can become intimate.⁵⁹

Chat rooms draw attention

A 14-year-old girl in the UK met a man in a chat room, though he pretended to be a teenager. She did not give him her personal details despite his requests. When he became aggressive, she put a block on him in her account so he could not contact her. The man, however, adopted a new adolescent identity and sought her out again. This time, she communicated with him for longer and gave him her phone number. When he tried to set up a meeting, she ended contact. It turned out the man, who was 64, had preyed on more than 70 girls across the world. He was subsequently jailed after meetings with two girls, 13 and 14. He encouraged girls to commit indecent acts, told several he wanted to rape them, and had downloaded images of pre-pubescent girls on his home computer.

Source: Morris, S. (2003, October 10). The victim's story. The Guardian Unlimited. Retrieved from <http://www.guardian.co.uk/child/story/0,7369,1059930,00.html>

Grooming is motivated by the desire to use a child for sexual gratification. This may be attained through virtual interaction as the adult draws the young person into discussing intimate matters. Exposing a young person to sexually explicit materials is a tactic to reduce resistance or inhibitions about sex, and as the relationship builds a child may not balk on receipt of such materials. Easy access to pornography online, the widespread take-up of digital cameras, web-cams and phone-cams, the shift from film to digital formats so that a photographer does not have to process film through public outlets, and the ability to transmit imagery anonymously to anywhere in the world combine to permit easy use of pornography for virtual grooming. The target child may also be drawn into producing pornography, by sending photos, using a web-cam or engaging in sexual discussion. This in turn provides the groomer with another means of controlling the young person through threat of exposure to a wider audience. Where a physical meeting is arranged, a young person may be assaulted or made otherwise frightened. Other times, the grooming succeeds to the extent that the older person is able to exert power and authority, sometimes accompanied by the promise of gifts, to prime the young person into sexual interaction without physical force being used.

Grooming inflicts psychological harm, including through threats, blackmail, betrayal of trust, and receipt of disturbing materials. Where the making of pornography is also involved, the harm done may be extended as the young person later recognises that material

entered into cyber circulation is available to a global audience indefinitely and cannot be reclaimed.

CHANGING TRENDS

Much of the research related to young people's online behaviour is geographically limited and often centres on chat rooms. In view of evolving trends in preferred platforms for interaction, however, it may be that chat rooms will not be the most risky online place for children and young people to be. Some businesses have found it prudent in recent years to restrict or shut the door on chat rooms that are not moderated. Aside from safety concerns, chat rooms are not cost-effective. These closures coincide with a boom in peer-to-peer networks, as young people and others move towards exchanging data and communicating via file-transfer and IM platforms.⁶⁰ Peer-to-peer communication is also popular among people exchanging images of child abuse (such

Cyber dating

In Japan, 22 per cent of female high school students and 18.4 per cent of males were reported to have used dating sites in 2000-01. Among this group, 43.2 per cent of girls and 27.8 per cent of boys had met with people physically as a result.

Source: Kioka, Y. (2003, March). Dating Sites and the Japanese Experience. Japan: National Police Agency National Police Agency. Retrieved from <http://www.iajapan.org/hotline/2003mobilepro-en.html>

networks involve no host servers and it is very difficult to monitor traffic between sites).⁶¹

Meanwhile, online interactive game sites are now significant venues for virtual encounters, notably for young people in North and South-East Asia.⁶² It is estimated that in China, 40 million people log into online role-playing games. In the US, the number of online gamers has increased by 52 per cent to 17 million people since 2000. Almost 90 per cent

⁵⁸ ChildLine. (2005, June). Children talking to ChildLine about the Internet. Briefing paper. UK: ChildLine.

⁵⁹ Wolak, J. (2005, June). ECPAT International Roundtable Meeting on Violence against Children in Virtual Settings. Presentation. Bangkok, Thailand. June 12-13.

⁶⁰ O'Connell, R., Price, J., & Barrow, C. (2004, February). Emerging trends amongst Primary School Children's use of the Internet. UK: Cyberspace Research Unit. University of Central Lancashire.

⁶¹ See New Zealand Press Association. (2005, July 19). Praise for child-porn jail sentence. Retrieved from <http://www.stuff.co.nz/stuff/0,2106,3349537a10,00.html>

⁶² Watts, J. (2005, March 31). Harsh reality of China's fantasy craze. Guardian Unlimited. Retrieved from <http://www.guardian.co.uk/online/news/0,12597,1448800,00.html>

of adolescents use the Internet in the US, and 81 per cent of them play games online.⁶³ As with chat rooms, communication begins in the game but may be moved into a private online location. While there is debate about the impacts on young people of online and offline game playing,⁶⁴ it appears that no impact assessments to assess child protection issues within games are available. Yet police in Europe are concerned about the potential for harm.⁶⁵ And police in Taiwan report a case of a man luring a girl into sex after they met in an online game.⁶⁶ This area of interaction will need to become a target for safety programmes.

Many children know how to deal competently with such situations. They recognise that risks online mirror risks offline and they are attuned to the nuances of virtual meetings. They know that they should cut communications with people who worry them and/or to seek support and advice. In some cases, children will have been made aware (through school,

family, friends or other means) of education and advice materials and services such as help lines offering support and safety strategies. But some children will still not know how to deal with grooming, where to turn or how to respond, and neither may their parents or teachers or other trusted adults. More children are likely to confront such situations as access to virtual spaces expands more quickly than education and training programmes can keep up. Many of these children, unlike those in countries where connectivity is already at saturation point and education and safety programmes are established within school curricula, will in the next years enter into virtual spaces without the benefit of having learned incrementally about the pros and cons of virtual interaction.

LEGAL CHALLENGES AND LAW ENFORCEMENT

Many unusual challenges confront legislatures, prosecutors and law enforcement agencies in their efforts to combat online grooming. Firstly, notions of anonymity and the speed of interactions and relationship-forming, as compared with physical settings, require that law enforcement agents act quickly. Even though a targeted child may be physically situated far from the online groomer, a face-to-face encounter can still occur after just a few weeks of intense communication.

Secondly, groomers can combine their efforts online to gain more information about their victims with searches of online databases,

Risks in games

In Taiwan, a 13-year-old girl reportedly met a 30-year-old man in a multi-player game online. They chatted online several times and a physical meeting was arranged, where they had sex. Police arrested and charged the man for having sex with a minor.

Source: China Times. (2005, July 1). Taipei. Retrieved from http://www.tol.com.tw/CT_NS/

including phone books and profile searchers. Often victims of online grooming may not even realise that someone already has gathered personal information about them. Legislatures need therefore to draft comprehensive laws that prohibit the private sector from publishing personal details, particularly those of children and young people.

Thirdly, online grooming can be a much more private and secret interaction in cyberspace. If the groomer has their target's mobile phone number, for example, they can easily communicate with the child or young person from a distance. These private communications create an obstacle in the collection of evidence and prosecution of crimes. Laws are required to ensure that the private sector maintains records for a specified period, where possible. As well, pressure can be placed on mobile phone companies to provide educational resources when individuals, particularly young people, buy telephones and other ICT tools.

Finally, one person can groom several people at the same time. In addition, if a young person

rejects their advances, they can 'disappear' and adopt a new identity to re-approach the same young person. Law enforcement needs to be trained on how to investigate the possibility that a groomer has more than one victim and to look within victims' statements for patterns of behaviour.

Travelling with intent

The use of new technologies to groom a child does not necessarily mean that children are first found in cyberspace. Information from Cambodia is that some abusers reportedly carry their lap-top computers abroad, and on contacting a child show them pornography via their computer and thus begin the grooming process.

Source: Ray, C. (2004, November). Protecting Our Children Online Roundtable. Presentation by US Ambassador to Cambodia. Hong Kong.

⁶³ Lenhart, A., Madden, M. & Hitlin, P. (2005). Teens and Technology: Youth are leading the transition to a fully wired and mobile nation. Washington: Pew Internet & American Life Project.

⁶⁴ See Egenfeldt-Nielsen, S. & Heide-Smith, J. (2004). Playing With Fire: How do computer games influence the player? Sweden: The International Clearinghouse on Children, Youth and Media. Nordicom. Goteburg University.

⁶⁵ These concerns are expressed by G.S. Manzi, a senior police officer with the Italian Internal Affairs Ministry who specialises in investigating crimes against children. See Manzi, G.S. (2004, July). A challenge for the real world. ECPAT Newsletter. Bangkok: ECPAT International. No. 48.

⁶⁶ China Times. (2005, July 1). Taipei. Retrieved from http://www.tol.com.tw/CT_NS/

EXPOSURE TO PORNOGRAPHY AND HARMFUL MATERIALS

Understanding sex and violence

With the Internet, children and young people are ever more likely to be confronted with or to have access to materials deriving from the multi-billion-dollar global market for 'adult entertainment'. For some, accidental exposure to pornography (more commonly depicting adults) is disturbing. But many others look for this easily accessible material, which can become a foundation for their understanding of sexual relationships and violence. Research into the impacts of children's exposure to pornographic and otherwise violent materials is limited. But studies under way point to the relationship between the induction of boys into the use of pornography and continued demand for commercial sex with children.

sexually explicit material of all descriptions, than was the case before the Internet became so widely available. Children and young people are commonly exposed to these 'adult' materials, where extreme sexual violence and degradation have become more overt in recent years.⁶⁷ Some children and young people will be upset and disturbed when such materials enter unbidden into their environment, for example via unsolicited email. But others will seek out what is easily available. These out-of-context materials may then provide the foundation of a young person's understanding of sex and violence.

Cyberspace exposes children and young people to a far wider array of age-inappropriate, harmful and dangerous materials, including

SOCIALISATION

The development of children and young people is deeply influenced by what they witness and experience in the world, be it the

everyday reality of the physical world or the virtual world and various forms of mass media, including television, film, radio and print. The socialising consequences of these influences can be difficult to assess and confirm. But there is no doubt that the advertising industry (among others) takes note of the power of images to affect people. Even as children and young people may take a critical view, many act out in accordance with depictions of the world as presented by the mainstream media (advertising, music videos, film, etc). Sometimes children and young people understand this to be a kind of play-acting. Sometimes they do not distinguish between role-playing and reality.

The impacts on children and young people of witnessing violence and pornography, divorced from emotional interaction with the subject, may be noted *after* the event of a child coming to harm or causing harm, though research is limited. In Cambodia, two

boys in their early teens are reported to have raped a seven-year-old girl, in mimicry of a pornographic video they had seen in a video bar.⁶⁸ In Australia, 90 per cent of 101 children aged under 10 and attending a hospital child-at-risk assessment unit for 'sexually abusive behaviour' were said to have reported they had regularly seen sexually explicit images online.⁶⁹ Across various countries, young people post images on online dating sites of themselves in sexually suggestive poses. Abusers, of course, recognise that pornographic materials can have the effect of disarming a child and lowering their inhibitions. In the Philippines, one child welfare agency notes that almost all cases of child sexual abuse with which it deals involve the use of pornography to groom and 'sexualise' the targeted child.⁷⁰

Certain depictions of violence, sexuality and sexual conduct that may be legal in some societies arguably have the effect of objectifying sex and violence in everyday thought and

⁶⁷ Watson & Lefeuer. (2005). Understanding the Impacts of Pornography on Adults and Children. In Cooper, S., Estes, R., Giardino, A., Kellogg, N. & Vieth, V. (Ed.s). Medical and Legal Aspects of Child Sexual Exploitation. Saint Louis: GW Medical Publishing. p.193.

⁶⁸ Phnom Penh Post. (2003, June 6-19). Violent and Child Pornography widespread. *Phnom Penh Post*. Vol. 12. No. 12. p.5.

⁶⁹ Colman, E. (2003, November 26). Children 'act out' net porn images. *The Australian*. Retrieved from <http://www.theaustralian.news.com.au/>.

Wallace, N. (2003, November 26). Net helps children start sex attacks. *The Sydney Morning Herald*. Retrieved from <http://www.smh.com.au/>.

⁷⁰ Trinidad, A.C. (2005). Child Pornography in the Philippines. Manila, Philippines: UP Center for Integrative and Development Studies (UP CIDS-PST) and UNICEF. pp.63-64.

human interaction. They make it seem removed from real-world consequences. Virtual settings also permit relatively easy circumvention of proscriptions, whether they apply to all members of the society or only to those aged under 18. In the US, boys interviewed for a magazine article about perceptions of sex and relationships reported that they began to access Internet pornography regularly from the age of 12, 13 and 14. One boy was quoted: “Who needs the hassle of dating when I’ve got online porn?”⁷¹ This boy was tapping into an industry reported to be worth \$US2.6 billion to \$US3.9 billion a year in the US, of which \$US1 billion is Internet-related.⁷² Another estimate suggests the global market for adult pornography is worth \$US57 billion (\$US12 billion in the US), with online pornography accounting for \$US2.5 billion.⁷³

Exposure to pornography can result in

a combination of effects on the viewer: dependency, escalation of usage, desensitisation and acting out. It is suggested that the entire ‘adult entertainment’ market has moved through the first three stages since the late 1980s, at least in the context of North America.⁷⁴ Societies determine their position on sexuality and its representation according to their own value systems. But, regardless of local laws and proscriptions, usage of pornographic material for sexual gratification is commonly deemed ‘normal’ for men (with particular reference to socially dominant perceptions of masculinity). As males introduce and share pornographic materials among one another, a process of socialisation serves to reinforce stereotyping by which the subjects depicted in the materials may be viewed as sexual objects. The implications are serious with regard to the relationship between the use of pornography and male demand

⁷¹ Denizet-Lewis, B. (2004, May 30). Friends, Friends With Benefits and the Benefits of the Local Mall. *The New York Times Magazine*. Retrieved from <http://www.nytimes.com/2004/05/30/magazine/30NONDATING.html?pagewanted=1&ei=5007&en=b8ab7c02ae2d206b&ex=1401249600&partner=USERLAND>

⁷² Ackman, D. (2001, May 25). How Big Is Porn? *Forbes.com*. Retrieved from <http://www.forbes.com/2001/05/25/0524porn.html>

⁷³ Internet Filter Review. (2003). Internet Pornography Statistics. Retrieved from <http://Internet-filter-review.toptenreviews.com/Internet-pornography-statistics.html>

A Reuters Business Insight report in 2003 noted that while just 1.5 per cent of websites contained adult content sex in 2001, this represented two-thirds of all online content revenue (a \$US2.5 billion industry). McCullagh, D. (2004, March 22). The battle over triple ‘x’. *CNET News.com*. Retrieved from http://news.com.com/The+battle+over+triple+x/2010-1026_3-5176611.html

See also: Business Insights. (2003). Online Adult Entertainment. Reuters. Retrieved from <http://www.globalbusinessinsights.com/rbi/report.asp?id=rBTC0055>

⁷⁴ Watson & Lefeuer. (2005). Understanding the Impacts of Pornography on Adults and Children. In Cooper, S. et al. *Medical and Legal Aspects of Child Sexual Exploitation*. Saint Louis: GW Medical Publishing. Vol. I. p.197.

for sex that drives the sexual exploitation of children, as indicated by ongoing research in Central America, Panama and the Dominican Republic.⁷⁵ A complementary process is in play where older males (brothers, fathers, uncles, cousins, etc) further myths of male sexuality premised on inherent biological needs as they use pornography to teach boys and young men about sex while inducting them into the routine of buying sex and exploiting women and girls.⁷⁶

UNWANTED EXPOSURE

For some children and young people, inadvertent exposure to sexually explicit material online is troubling, if not disturbing. Again in the US, a study found that a high

proportion of children aged 10 to 17 who received unsolicited sexual material reported feeling very or extremely upset by the material. It arrived in the form of 'spam' email or was accidentally accessed while searching online.⁷⁷ Meanwhile, in the Republic of Korea, the Ministry of Information and Communication reports a rising number of complaints about online pornography and says young Internet users are increasingly exposed to it whether they wish to see it or not. The rise in the number of complaints is said to be due largely to the popularity of peer-to-peer sites, where Internet users can share personal files without having to go through an age authentication process.⁷⁸

In the UK, young callers seeking advice through a help line sometimes showed concern

⁷⁵ Salas, J.M. & Campos, A. (2004). Commercial Sexual Exploitation and Masculinity: A qualitative regional study of males from the general population. Summary of results. ILO-IPEC. Retrieved from http://www.ilo.org/public/english/standards/ipec/publ/download/2004_csec_masc.pdf

⁷⁶ Forthcoming research from Peru, led by Doris Wolcott, to be published by ECPAT International in late 2005, elaborates on how the use of 'adult materials' as a sex education tool for boys and young men contributes to and drives further demand for children for sexual purposes.

See also Leth, I. (2005). Child Sexual Exploitation From a Global Perspective. In Cooper, S. et al. Medical and Legal Aspects of Child Sexual Exploitation. Saint Louis: GW Medical Publishing. Vol. I. pp.71-72.

⁷⁷ Finkelhor, D., Mitchell, K., & Wolak, J. (2000, June). Online Victimization: A Report on the Nation's Youth. US: National Center for Missing and Exploited Children.

The US states of Michigan and Utah have set up a Child Protection Registry. Legal action will be taken against email senders/spammers who send any material to children whose email addresses have been registered in a state-administered database. Wagner, J. (2005, July 18). States Tackle Unsavory E-Mails. Internetnews.com. Retrieved from <http://www.Internetnews.com/xSP/article.php/3520906>

⁷⁸ Korea Times, The. (2005, June 8). Adult Content Spreads Fast Over Internet. Republic of Korea. Retrieved from <http://www.mic.go.kr/index.jsp>.

about their own use of online pornography, or their parents' use of pornography.⁷⁹

SITES OF ACCESS

Children and young people may access inappropriate and harmful materials while they are at home, perhaps with parents or guardians nearby. It seems, however, that as connectivity expands across the world, in the short to medium term very many children will enter into virtual space from public venues such as an Internet cafe or club (aside from the very many who will do so through their mobile phones). In these situations, children may be interested in looking at pornography, as well as playing games and interacting with others online.

Concerns have been raised in various locations about children's potential exposure to sexually explicit and harmful materials while in public places. In Pakistan, a survey found that 80 per cent of children (mostly boys) who visited Internet clubs used pornographic material at the club, either downloading images and videos from the Internet or playing rented pornographic CD-ROMs (which are illegal).

The study raised concerns for the extra risks posed to young people by adults present at the clubs, some of which contained private lockable booths.⁸⁰ Similar concerns are raised in Lima, Peru, where local groups have lobbied for restriction on the use of such booths. Meanwhile, it is reported that China's central government cited concerns for protecting children from harmful materials in its order to local governments to bar Internet cafes within 200 metres of a school and to deny children under 16 entry into all such cafes.⁸¹

OTHER VIRTUAL SETTINGS

Other materials of potential harm to children and young people may be contained within platforms such as games. There is much debate about the objectification of violence within online and offline games, and whether playing such games initiates aggression in players. A comprehensive review of the literature on this topic concludes there are indications that violence in games may promote violent behaviour. But a correlation is not confirmed.⁸²

The debate will intensify as businesses compete

⁷⁹ ChildLine. (2005, June). Children talking to ChildLine about the Internet. Briefing paper. UK: ChildLine.

⁸⁰ Muhammad, T. (2004, July). Danger for children at Pakistan's cafes. ECPAT Newsletter, p.5. Citing Pakistan Paediatric Association and Save the Children Sweden. (2001). Exposure of children to pornography at Internet cafes of Pakistan.

⁸¹ UNICEF. (2004). The State of the World's Children 2005: Childhood Under Threat. UNICEF, pp.94-95.

to expand further the rapidly growing market for all forms of computer games, notably 'massively multiplayer' online games. Many games require players to adopt a persona, or an avatar, and indeed the appeal of many games lies in fantasy role-playing. These roles may be in the context of scenarios depicting any kind of day-to-day activity, but also sometimes involve the enactment of extreme violence.

There has been more time to research the impacts on children of exposure to violence in other media such as television and film. Amid similar debate, indications are that prolonged exposure to media violence may lead to aggressive behaviour in children in the long term.⁸³ Increased hostility and the imitation of violence have been reported in cases where children have been exposed to violence and sexually violent content in offline media. The child may also show fear and anxiety responses. Children who view violent media content have also been found to become desensitised to actual violence, whereby they may show less sympathy for a victim of violence.⁸⁴

PROTECTIVE MECHANISMS

Many materials, websites and education curricula contain information on how to implement blocks or filters on home computers or computer networks so that children and young people do not receive and cannot access sexually explicit materials and other items deemed harmful. It is also possible to implement blocks on materials at the national level of a backbone provider (a key entry route through which all Internet traffic must pass in and out of a country, before it disseminates through lower-level ISPs). This kind of blocking may be most effective, but concerns arise with regard to the potential authoritarian use of such mechanisms.

Alternatively, parents and others may use filter software on computers at home, school or an Internet cafe to prevent children and young people accessing particular sites; to allow access only to approved sites; and/or to restrict access upon analysis of content such as keywords or graphics. It is the case, however, that many

⁸² S. Egenfeldt-Nielsen & J. Heide Smith. (2004). Playing With Fire: How do computer games influence the player? Sweden: The International Clearing House on Children, Youth and Media.

⁸³ Stanley, J. (2001). Child abuse and the Internet. Child Abuse Prevention Issues. No. 15. Summer. Retrieved from <http://www.aifs.gov.au/nch/issues/issues15.html>. Citing Sanson, A. et al. (2000). Medial representations and responsibilities: Psychological perspectives. Melbourne: The Australian Psychological Society. Also citing Wartella, E., et al. (1998). Children and television violence in the United States. In Carlsson, U. and von Feilitzen, C. (Ed.s). Children and media violence. Göteborg: UNESCO International Clearinghouse on Children and Violence on the Screen.

⁸⁴ Stanley, J. (2001). Child abuse and the Internet. Child Abuse Prevention Issues. No. 15. Summer. Retrieved from <http://www.aifs.gov.au/nch/issues/issues15.html>. Citing Iannotta, J.G. (Ed.) (2001) Nontechnical strategies to reduce children's exposure to inappropriate material on the internet: Summary of a workshop. Washington DC: National Academy Press.

adults responsible for the care of a child or young person are not skilled in implementing such measures. They may also not be prepared or able to pay the cost of the software. In addition, filtering software at this level is not fully foolproof.⁸⁵ Filtering may therefore be more effective when it is administered to a network of computers (including ISPs) and at the backbone level. For example, British Telecom (BT) has developed and implemented

software, known as Cleanfeed, which enables it to stop child abuse images being accessed through its service. The impact of the BT decision is wide-reaching in the UK because BT is a backbone provider, through which all other UK-based ISPs operate.

Meanwhile, child rights advocates in Sweden are lobbying for backbone providers there to implement similar measures.⁸⁶

⁸⁵ Deibert, R.J. & Villeneuve, N. (2003). *Firewalls and Power: An Overview of Global State Censorship of the Internet*. In Klang, M. & Murray, A. (Ed.s). *Human Rights in the Digital Age*. Glasshouse Press.

⁸⁶ See Carr, J. (2004, July). Internet safety must be a priority. *ECPAT Newsletter*. Bangkok: ECPAT International. No. 48.

CYBER BULLYING

Intense pressure

Bullying and harassment by virtual means fast became a widespread phenomenon among diverse groups of children and young people. Cyber bullying may be conducted by sending phone text messages, images and emails, as well as through online discussion groups and personal web pages. Initial observations conclude that bullying by virtual means intensifies the experience of harm for a targeted child.

In some parts of the world, children and young people are using virtual techniques to take bullying and harassment among peers to new depths, as a culture of cyber bullying has emerged with the rise of the Internet and mobile phones. In the US, a 2004 survey of 1500 students in grades 4 to 8 found that 42 per cent had been bullied online and 21

per cent had received 'mean or threatening' emails or other messages.⁸⁷ In the UK, a quarter of children in one study reported being bullied by mobile phone or on the Internet,⁸⁸ while children who contacted a counselling help line referred to being bullied via new technologies.⁸⁹ Bullying in this way is conducted by transmission of phone text messages and phone-cam images; emails, for which free, false-identity accounts may be created; online discussion groups; and web pages dedicated to the victimisation of a peer.

DISTINCT EFFECTS

The consequences of this abuse can be devastating, and have led to suicide.⁹⁰ It seems that virtual facilitation of bullying intensifies the experience of abuse from the victim's perspective. Distinct aspects of virtual

spaces may also be promoting more young people's participation in bullying. While this phenomenon is relatively new, reports indicate that cyber bullies may be propelled not only by the encouragement of others but also by a perception that they are anonymous. At the same time, transmitting harm via phone or the Internet gives a sense of distance from the victim, so that the instigator/s of harm may not physically witness the impacts of their actions on their target.

The victim may feel they have no refuge. A text message, for example, may reach them anywhere. They may also suffer anxiety that their humiliation can be witnessed by a large audience in cyberspace or as a result of mass phone texting among their peers and beyond. Aside from anxiety, victims of cyber bullying, as with traditional bullying, may experience depression and psychosomatic symptoms, they

may feel socially awkward, and they may have interpersonal difficulties and avoid school.⁹¹ For some, being bullied may be a precursor to inciting the bullying of others, though this correlation is not clear.

Many young victims of bullying, however, will commonly not report the abuse. Young people reported to researchers in Australia that adults did not understand their online life, with one student suggesting teachers could not appreciate the situation because she thought they did not have mobile phones.⁹² In general, bullied young people may refrain from reporting the problem because they are worried that a protective measure might be to deny them access to their phones or computers,⁹³ which despite the bullying remain an important link to social life.

Distinctive aspects of virtual spaces fuel not

⁸⁷ I-Safe. Cyberbullying Statistics. I-Safe. US Government. Retrieved from <http://www.isafe.org/>

⁸⁸ NCH. (2002). 1 in 4 children are the victims of 'on-line bullying'. UK: NCH.

⁸⁹ ChildLine. (2005, June). Children talking to ChildLine about the Internet. Briefing paper. UK: ChildLine.

⁹⁰ Stokes, P. (2000, August 18). Teenage victim of phone bullies died clutching mobile. *The Telegraph*. UK. Retrieved from <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2000/08/19/ndani19.xml>

⁹¹ Campbell, M.A. (2005). Cyber bullying: An old problem in a new guise? *Australian Journal of Guidance and Counselling*. No. 15. pp.68-76.

See also Reid, P., Monsen, J., & Rivers, I. (2004). Psychology's contribution to understanding and managing bullying within schools. *Educational Psychology in Practice*. No. 20. pp.241-258.

⁹² Campbell, M.A. (2005). Cyber bullying: An old problem in a new guise? *Australian Journal of Guidance and Counselling*. No. 15. pp.68-76.

⁹³ NCH. (2002). 1 in 4 children are the victims of 'on-line bullying'. UK: NCH.

only bullying but also unusually intense arguments and interactions. Such arguments are now so familiar they have a name: ‘flaming’. As with other harmful situations in virtual environments, the sense of an interaction being ‘virtual’ and not real leads people sometimes to say and do things online or via mobile phone that they might not say or do otherwise. It seems that the absence of voice tone and non-verbal cues such as facial expressions can lead quickly to misunderstandings which may in turn become a heated argument. This was apparently the case when an 11-year-old girl in Japan, upset by an online exchange with a classmate, reportedly fatally stabbed her classmate at school. The case led to calls for curricula to include training in online etiquette and rules of civil behaviour.⁹⁴

ACCOUNTABILITY

It is understood that many of the children and young people who bully others have their own difficulties, and a child is not to be held responsible in the same way as an adult or an entity (be it a school, a business, a government). In cases of cyber bullying and other virtually instigated harassment, however, children and young people do possess the power to be accountable, as victims, observers, friends and siblings. In this sense, the peers of children who are bullied online or offline, even where they are not participating directly in the harassment, can serve as the front line for sounding a warning and stepping in to protect others when they are being harmed or appear at risk of harm. Bullying stops more

quickly when young people themselves express empathy and intervene. As such, awareness and education programmes to counter all forms of bullying require provision of assistance to the wider peer group for developing tactics to protect one another against this form of harm, including through peer and buddy support programmes.⁹⁵

PROTECTION

Particular difficulties impede policing of cyber bullying. Adults may be less aware of the potential and therefore less attuned to this form of bullying than to other more familiar forms. There may be no immediate witnesses to the abuse. Memory limitations in phones mean instant and text messages may be lost quickly unless a child consciously tries to save them, so that the only evidence of bullying may be the word of the victim. Bullied children, as noted, may avoid reporting their victimisation. And virtual techniques may allow a bully to be anonymous to the targeted child.

Where these difficulties can be overcome and a child or parent decides to pursue the matter legally, they will confront the greatest challenge. No jurisdiction anywhere has specifically criminalised cyber bullying. In most countries, bullying is not a crime. A case in Canada illustrates the dilemma. A teenage boy was bullied at school before his tormentors created a website to humiliate him. Police told the boy’s parents that it was difficult to take action unless the bullying constituted death threats or other more ‘traditional’ criminal

offences. Without evidence to support a criminal charge, police cannot obtain records from an ISP to identify the website creator and to remove the site.⁹⁶

Nevertheless, many programmes, services and dedicated websites are available to assist victims, families and educators to deal with bullying in general and bullying specifically by virtual means. An initial investigation indicates, though, that such programmes and services are most likely to be based in (or to be accessible in) a limited number of countries

where Internet and phone connectivity is high. Children and young people in the UK, for example, can send a phone text to a new 24-hour service if they are being bullied by mobile phone, and receive advice in return.⁹⁷

In places where this kind of awareness or service does not yet exist, and especially as mobile phone and Internet usage and access expands rapidly, comprehensive programmes are required to forewarn parents, guardians, teachers and others of the need to take early actions to prevent cyber bullying taking hold in their communities.

⁹⁴ Nakamura, A. (2004, June 5). Killing stokes fears over impact of Net. *The Japan Times*. Retrieved from <http://202.221.217.59/print/news/nn06-2004/nn20040605a5.htm>

⁹⁵ ECPAT International. (2005, June). ECPAT International Roundtable Meeting on Violence against Children in Cyberspace. Discussion. Bangkok, Thailand. June 12-13.

⁹⁶ Leishman, J. (2002, Oct. 10). Cyberbullying. CBC News. Retrieved from http://www.cbc.ca/news/background/bullying/cyber_bullying.html

⁹⁷ Tesco Mobile & NCH. (2005). Putting U in the picture: Mobile bullying survey 2005. UK: Tesco Mobile & NCH.

RECOMMENDATIONS

Agenda for action

- 1) Policy-making
- 2) Private sector cooperation
- 3) Educational initiatives
- 4) Care and welfare
- 5) Law and legal reform
- 6) Law enforcement
- 7) Research

agencies, industry members, young people, parents and other interested parties to devise and implement specific strategies to protect children and young people in relation to ICTs. Strategies will be most effective if built into existing protection plans and programmes. They need to specify actions on research, welfare and rehabilitation services, legal reform, law enforcement, industry accountability and education measures. A budgeted commitment is required, supported by business.

A multidisciplinary agenda for action to protect children in cyberspace follows.

POLICY-MAKING

National Plans of Action

Governments are urged to lead a consultation process with law enforcement, child-protection

Regulatory regimes

Various models exist for policy-making around the issue of child protection in virtual settings. Each model has its advantages and disadvantages. Ultimately, governments must use a combination of the models available to them in designing a strategy to meet the specific requirements of their population. It is recommended, however, that all entities

in the telecommunications sector (private and public) adopt child protection standards and mechanisms for self or co-regulation. Private sector commitment is essential to support regulatory models coordinated and administered by industry associations in partnership with businesses, civil society, governments and law enforcement agencies.⁹⁸ Coordination of regulation or at least monitoring across borders would be an ideal aim. Such models must be seen to be truly effective in reducing or eliminating harms against children and young people in relation to the use of ICTs. In the absence of prompt and convincing evidence of the success of self or co-regulation, demands for State-sponsored interventions may become unstoppable.

Government regulation

Where industry-led models do not function adequately, governments will need to take the lead to devise and implement regulations and monitoring measures for child protection in relation to relevant industry actors, including ISPs, software makers, phone companies, credit card companies and financial transaction service centres, among others.

International mechanisms

The ICT industry is urged to work towards devising and implementing global industry

standards for child protection. To this end, it is recommended that an international mechanism be established to set and monitor these standards, to research safety technologies, and to fund worldwide education campaigns in all the major languages on safe ICT use. An international multi-stakeholder working group on e-child protection could be set up through the ongoing processes of the World Summit on the Information Society (WSIS), and incorporated into the WSIS Plan of Action.

National development planning

International and regional lending institutions such as the International Monetary Fund and the World Bank are urged, in their country assessments, to investigate the situation of children and young people in relation to the estimated impacts of technological development. Such provision could be implemented through Poverty Reduction Strategy Papers (PRSPs), by which regular assessments of a country's macroeconomic, structural and social policies and programmes are conducted to inform policy-making and loan approval.

Regional economic and political forums

Regional forums are urged to put the protection of children in relation to new technologies on

⁹⁸ For a thorough discussion of private sector self-regulation, see: International Council on Human Rights. (2002). *Beyond Voluntarism: Human rights and the developing international obligations of companies*. Geneva: International Council on Human Rights.

their agendas, particularly with regard to the development of cross-border preventive and protective actions (including joint research, harmonisation of legal definitions and laws, law enforcement partnerships, mutual support for training across various sectors, etc). It is also urged that regional commitments on telecommunications issues in particular include specific provision for child protection measures.

PRIVATE SECTOR COOPERATION

Responsibility

The ICT industry, and all its components, is encouraged to participate in ensuring that the rights of children are internalised and accounted for in the development and deployment of their products and services. This is especially so where products are targeted at children and young people as priority consumers.

Research and development

Private (and public) enterprises are urged to develop and implement policies whereby child protection is a specific category for early assessment within research and development projects. Development of an assessment formula for this purpose requires a multi-

disciplinary consultation to address potential physical and psychological issues affecting children and young people. The findings of such research are to be made available to concerned civil society groups.

Software production

Businesses are urged to share resources for the protection of children, including in the creation of affordable software for filtering and blocking abusive and violent content.

Financial transactions

Governments are urged to implement policies and laws requiring mandatory reporting to police by credit-card companies and financial transaction agencies of suspicious financial transactions. It is recommended that financial services agencies be made liable for the provision and monitoring of their merchant numbers that allow illegal businesses to process transactions with ease. These agencies are urged not to process payment for abuse images and to find ways not to allow payments through 'e-gold'. Governments and the private sector are urged to work together to ensure online payments can be traced to their source.⁹⁹

Hotlines and ISPs

ISPs are urged to cooperate with hotlines reporting abusive and illegal content. Private

⁹⁹ Petit, J.M. (2004, December 23). Rights of the Child. Report submitted by Mr Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography. Advance Edited Version. E/CN.4/2005/78. United Nations Commission on Human Rights. Sixty-first session. Item 13 of the provisional agenda.

sector provision of funds and resources to support hotlines is also advised, as is the development of a set of guidelines and protocols for international application. All hotlines must be required (through regulation) to adhere to these guidelines and protocols (designed to protect child victims, discourage vigilantes and to assure hotline staff of psychosocial support).

Codes of conduct

Businesses involved in the ICT sector are urged to develop and implement codes for ethical conduct within their internal structures and in their business operations, built on recognition of children's rights. Businesses identified include phone and Internet companies, ISPs, software makers, computer dealerships, credit card companies and financial transaction service centres, media enterprises, and Internet cafes. ISPs in particular are urged to adopt an international perspective by recognising appropriate laws beyond the jurisdiction in which they are located.

Products and services

Businesses that profit from young people's engagement with new ICTs are urged to provide technical and financial resources to assure safe use of their products. For example, education and awareness information for parents and children should be provided upon purchase of a PC or mobile phone, with safety software packages pre-installed. Verification of identity should be required upon opening phone or other accounts.

Media

Media enterprises are urged to participate actively in raising awareness about child protection in relation to new technologies while also training and sensitising journalists and others not to re-exploit children and young people through media reportage.

EDUCATION INITIATIVES

Focus on demand

Specially designed education and awareness-raising campaigns and programmes are urged to address the demand for children for sexual abuse and exploitation, as manifested in the heightened demand for images of child abuse disseminated through cyberspace.

Comprehensive programmes

It is recommended that education and awareness programmes to protect children encompass cross-sector advice and support for their development and implementation. Programmes should build in flexibility for updating information, in view of rapid shifts in technological development and usage trends. These programmes are to target children, parents, teachers, Internet cafe operators and the wider community on various matters, including the range of potential harms, tactics for safe interactions, and technical precautions (filters, blocks, etc).

Child and youth participation

Materials targeting children and young people

need to be credible to them and recognise their capacity to adopt self-protection strategies. Youth leadership provided through youth parliaments and ICT committees and national youth forums is important to raise understanding among parents and carers, as well as teachers, social workers and police, about online interactions. Strategies are urged to promote among young people critical reasoning for online communications. While locally based services and support are to be encouraged, guides could be developed to map out recommended sites and services available online.

The generational divide

It is advised that computer literacy programmes be targeted at parents and other adults so they are better informed about young people's use of new ICTs. Even as young people's technical proficiency may surpass that of their elders, they nevertheless require support for safe decision-making.

Internet cafes

National strategies are urged to account for children and young people who may not be in a position to receive adequate or any support through schools or families. In particular, recognition is required that children may access virtual settings not from home or school but from public locations such as Internet cafes and clubs. It is advised that safety supervision be provided at these sites, and that filtering and blocking softwares be installed. Safety advice and support should be provided to children at these sites.

Languages

Education and awareness materials are often made available only in English or in a limited number of languages. Acknowledging that many industry-related businesses have already invested heavily in such initiatives, they are to be encouraged further to support development of multi-language materials.

CARE AND WELFARE

Standards

Develop common standards for the treatment and care of children and the rehabilitation of offenders.

Investigations

Standard protocols for investigating child sexual abuse should include, as a matter of course, the investigation of potential pornography-making.

Evidence

The child's best interests and rights must take priority, even though in some cases this may extend the time for achieving prosecution of offenders. Evidence-gathering techniques should take into account not only a child's rights but also the different impacts of different kinds of sexual crimes. For example, psychosocial practitioners are increasingly concerned that taking video evidence from a child already forced to make abuse imagery could further the harm done to the child. Existing images could be considered as sufficient evidence of the child's abuse.

Images

Research is urgently required to better understand the therapeutic needs of children subjected to pornography-making, noting a need to address the impact on their well-being of image-making and knowledge of an image's long-term circulation in cyberspace.

Compensation and rehabilitation

It is advised that mechanisms be developed to provide a child violated in pornography-making with the option of seeking criminal compensation from their abuser/s. Investigation is required to assess this process as a potentially therapeutic measure to assist survivors to deal with their abuse.

LAW AND LEGAL REFORM

Domestic criminal law

National governments are urged to devise and implement legislation and to harmonise laws to protect children from all cyber crimes including online grooming, luring or stalking, exposure to illegal or inappropriate materials and all actions related to child pornography (including creation, dissemination, accessing, downloading, possession and incitement).

Governments must ensure that legislation on child pornography protects all children under the age of 18, regardless of the age of consent to sexual activity. A child under 18 should not be considered as able to consent to engagement in pornography, prostitution or trafficking.

National laws must mirror or surpass existing international legislation. Internal and cross-border harmonisation of laws needs action to define child pornography explicitly within the law and to define and outlaw images of abuse created through virtual techniques.

Governments that have yet to do so are encouraged to ratify and implement the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and to adopt its definition of child pornography as a minimum requirement.¹⁰⁰ Similarly, governments that have not yet adopted and fully implemented the Agenda for Action against the Commercial Sexual Exploitation of Children are urged to do so.¹⁰¹

Where applicable, governments are also encouraged to adopt and ratify other relevant international instruments, including

¹⁰⁰ See recommendations of the Special Rapporteur: Petit, J.M. (2004, December 23). *Rights of the Child*. Report submitted by Mr Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography. Advance Edited Version. E/CN.4/2005/78. United Nations Commission on Human Rights. Sixty-first session. Item 13 of the provisional agenda.

¹⁰¹ Stockholm Declaration and Agenda for Action against the Commercial Sexual Exploitation of Children, The. (1996). Adopted at the First World Congress against Commercial Sexual Exploitation of Children. Stockholm, Sweden. 27-31 August.

the Council of Europe's Convention on Cybercrime and its position on 'virtual' child pornography.¹⁰²

Domestic administrative law

Recognising that ISPs offer a different service than traditional telecommunications businesses, governments are advised to formulate and implement laws and regulations specific to ISPs. In particular, laws are required to ensure ISPs remove or prevent accessibility to illegal material of which they have knowledge. Further, laws should require a minimum monitoring obligation on behalf of ISPs to prevent all actions associated with online child pornography.

Domestic civil law

In the absence of any legislation, either internationally or domestically, which holds the private sector accountable for violence committed against children, it is very difficult for law enforcement to pressure businesses to cooperate fully in their investigations.¹⁰³

As such, governments are urged to ensure laws exist, whether criminal or civil, to hold those accountable for acts of commission and omission responsible for harm committed against children as a result of their negligence. The money collected through fines or recovery or both may be used to assist survivors.

International law

With the creation of the International Criminal Court, governments have access to another tribunal for trying crimes against children where particular offences have international

implications. As such, governments are urged to classify the crime of being involved (in any way) with child pornography as a crime against humanity, thereby falling under the principle of universal jurisdiction.

Cross-border cooperation

Cross-border jurisdictional issues remain a barrier for achieving comprehensive solutions. For example, ISPs are subject only to the laws of the locale in which they are physically based. In the absence of local regulation and/or laws criminalising possession of child pornography and its dissemination online, ISPs may circulate such material without sanction, even as the material may be actionable in a receiving jurisdiction. Governments are urged to devise mechanisms for dealing with the cross-border jurisdictional matters.

LAW ENFORCEMENT

A review of policing practice regarding crimes against children in relation to new ICTs is recommended so that the welfare of the child is always prioritised. It is important that law enforcement agencies not only target perpetrators but that they also actively seek to identify and locate a child subjected to the making of abuse images. The following components are encouraged to be included in any law enforcement strategy.

Put the victim first

The child survivor's welfare must be the priority in investigations. A child's protection must outweigh the prosecution of the offender.

Similarly, resources (human and financial) are required to ensure more effective coordination systems are in place for identifying and locating victims of abuse and exploitation, and then providing them with assistance and compensation.

In taking evidence, it should not be necessary for a court to examine every image in a collection of abuse materials to determine the guilt or innocence of a person accused in connection with the collection.

Cooperation

Cooperation is required to facilitate the sharing of experience, lessons learned and good practices and to assist countries to adopt targeted legislation and law enforcement actions to better protect children in relation to new ICTs. Greater efforts need to be made by law enforcement agencies to share investigation techniques and identification methods.¹⁰⁴

An example to be emulated is the partnership between Interpol and police forces in Australia, Canada, the UK and the US to set up the Virtual Global Taskforce (VGTF) to prevent and deter child abuse and exploitation of any kind via the Internet.

Prosecutions: Protect the child

In pursuing prosecutions of abusers, great care must be given to the manner in which children are interviewed in order to gather evidence. Specialists are beginning to gain a better understanding of the differential impact on children when images are made of their abuse. The most outstanding issue is the way in which the use of the digital camera and the Internet together act as silencing agents in a way that is over and above the silencing process that occurs when a child is sexually abused without images being made. There is a need to rethink practice and to address the following questions:

- How are children informed that images of their abuse have been seen by other people and are in the hands of, say, the police?
- Is it always necessary to interview a child for evidential purposes when there is already irrefutable proof of what has happened (as depicted in the images)?
- In what circumstances might it not be necessary?
- Is there a need to interview the child for other purposes? For example, if other unidentified children are believed to have been involved.
- If so, when would this be done and how?
- How do current practices need to be changed in order to accommodate the special needs of children who have been made subjects of abuse images and to help them tell what has happened to them?

Source: Palmer, T. (2005, January). Abusive images: The impact on the child. ECPAT Newsletter. No. 49. Bangkok, Thailand: ECPAT International. pp.2-3.

¹⁰² Council of Europe. (2001). Convention on Cybercrime. Article 9. Budapest, 23. XI. 2001.

¹⁰³ See Redmond, P. (2003). Transnational Enterprise and Human Rights: Options for standard setting and compliance. 37 International Lawyer 69.

¹⁰⁴ Save the Children Europe Group. (2004). Position paper on child pornography and Internet-related sexual exploitation of children. Brussels & Denmark: Save the Children Europe Group.

Encourage specialisation

Specialist police units charged with combating cyber-related crimes need to be equipped with technological means and expertise, as well as personnel conversant with children's rights.¹⁰⁵ Law-enforcement agencies are urged to seek collaboration with reporting hotlines and ISPs in investigating cases and identifying future challenges. In this context, police units that hold databases of abuse images must establish and adhere to strict protocols and guidelines for their access and management.

RESEARCH

Comprehensive agenda

A multidisciplinary research agenda is required as a priority to inform the urgent development of comprehensive prevention and protection strategies addressing all areas affecting the safety and welfare of children in relation to new ICTs. Targeted investigations require financial and other resources committed by key actors, namely business and government. This research programme would work best by drawing together regional networks (including universities and research centres) to share information and experiences.

The child's perspective

It is recommended that research objectives focus on the perspective and experience of children and young people in diverse contexts, investigating the factors that see some children develop and implement astute self-protective measures when they engage in or are otherwise

affected by virtual settings while other children do not.

As such, the aim is to prioritise the perspective of the child even as work continues to understand offenders and potential offenders (who increasingly may be young people themselves).

Longitudinal studies

Provision is urged to establish support and commitment for longitudinal research on the impact of virtual interactions on the personal development of children and young people.¹⁰⁶

Harmful materials

There is a need to investigate more comprehensively the relationship between harm to children and young people and their own access and exposure to illegal and age-inappropriate materials in cyberspace. Such materials include child and adult pornography, 'virtual' or 'pseudo' pornography, and other exploitative and violent material.

Pornography use

Investigate systematically the use of pornography (adult) by adults, and their perceptions of pornography, in relation to the sexual abuse and exploitation of children.

Media influence

Investigate the links between sexual violence against children (in all locations) and the portrayal in mainstream media and advertising of children and young people as sexual objects.

¹⁰⁵ See recommendations of the Special Rapporteur: Petit, J.M. (2004, December 23). Rights of the Child. Report submitted by Mr Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography. Advance Edited Version. E/CN.4/2005/78. United Nations Commission on Human Rights. Sixty-first session. Item 13 of the provisional agenda.

¹⁰⁶ The COPINE Project (Combating Online Paedophile Networks in Europe) is one example of a regionally based research collaboration, with multi-sector backing. Its successes can be seen in the advances led by Europe to address cyber crimes affecting children and young people.

See also the UK Children Go Online project. Livingstone, S., Bober, M. & Helsper, E. (2005, April). Inequalities and the Digital Divide in Children and Young People's Internet Use. UK: London School of Economics. Department of Media and Communications.

CONCLUSION

The harms done to children and young people within and via virtual settings constitute acts of very real violence and have physical world consequences. This violence, ranging from involvement with online materials depicting sexual abuse of children to cyber bullying, emerges as a result of or is influenced by new forms of social interaction occurring within a wholly new environment, commonly known as cyberspace.

As governments, business entities and civil society plan and pursue the development of a global information society, cyberspace will be in reach of very many more people very soon. More children and young people will be at risk, therefore, unless action is taken to provide greater protection in all quarters. Preventing violence against children and young people in cyberspace requires acknowledging the violence being done now, acting against it, and

taking responsibility to develop more than ad hoc responses.

A range of actors has responsibility and a duty to act to safeguard children and young people: Governments, private sector entities, international agencies, civil society, parents and families, and young people themselves. Many people and organisations acknowledge this responsibility and are working on positive actions to address the issue. But the approach is fragmented and often territorial, and risks permitting an exponential increase in technology-facilitated violence against children in all parts of the world. Strong collaboration and cooperation across local, national and international levels is urgently required.

Effective actions need to be implemented across all the physical settings in which children operate – in families, schools, institutions and

other settings – while taking note of a child’s own agency in relation to cyberspace and other new ICTs. In addition, the character of the virtual environment, as outlined in this report, means that children and young people may be better informed on several issues, including topics with which adults may prefer they did not engage.

Of course, new ICTs are not inherently harmful. But they may be used in ways and for purposes not considered in their initial development. Foresight and decisive planning and strategising on the part of decision and policy-makers in all sectors will help to address

this. These individuals and entities indeed have a responsibility to factor in the welfare of children, not as consumers but as holders of rights entitled to protection. The World Summit on the Information Society (WSIS), for example, has an important role to play in centralising the safety and rights of children and young people as its participants work to bridge the digital divide between societies.

The incorporation of a child-rights mindset into the structures of decision and policy-making would then provide greater assurance of seeing children and young people enjoy only the benefits of new ICTs and cyberspace.

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APPENDIX I

GLOSSARY

avatar

A representation (an image, icon or a character) often adopted by a computer user for their interactions with others online. Taking on the identity of an avatar as a character is common in role-playing online games.

backbone

The infrastructure through which large amounts of data are transmitted within and among networks. Numerous backbones support global cyberspace.

blog

A web log (blog) is a page on the World Wide Web that contains publicly accessible information contributed by an individual, usually in the form of a personal journal (or log). Even online newspapers now carry blogs to which readers contribute. Blog is also used as a verb. See **World Wide Web**.

broadband

A high-capacity digital connection that facilitates faster Internet connections. It allows for a more rapid exchange of larger files such as videos and other data.

browser

Browsers are software programs used to locate and display pages on the World Wide Web (web pages). Microsoft Internet Explorer is the dominant browser. Others include Netscape Navigator, Mozilla Firefox and Opera. See **World Wide Web**.

bulletin board (BBS)

Bulletin boards, often called newsgroups or discussion groups, are electronic communications forums that host messages and articles connected to a common subject or theme. They work in a similar way to electronic mail (see **email**) but messages are

posted on a news server for all participants to see. Users participate by reading the messages and responding to them.

chat room

‘Virtual’ meeting rooms where people can communicate by typing in messages to each other (or ‘chat’) in real time. Most chat rooms focus on a particular topic but some are more general and are created to provide a forum for individuals to meet other people.

Some chat rooms are designed as three-dimensional environments where a visitor can choose an avatar (see **avatar**) that represents them. Originally all chat rooms were on Internet Relay Chat (see **IRC**). Many channels still exist on IRC, although most chat rooms are now found on a site on the World Wide Web.

cyberspace

The ‘virtual’ shared universe of the world’s computer networks. The term was created by William Gibson in his 1984 novel *Neuromancer* and is now used to refer to the global information space. Arguably, telephone conversations, chat room and other online discussions, and computer communications in general take place in cyberspace. See **virtual reality**.

email

Short for electronic mail, email is a tool that allows someone to send a message (an email) over a communications network such as the Internet to the electronic mailbox of another user.

encryption

A process by which data is converted into a format or code that may not be read or accessed or read by a human or a computer without the proper key to decode it.

filter

A mechanism to sift out and block access to certain material. Most child-safety software packages, such as CyberPatrol and Net Nanny, use a filtering component. The program may be designed to operate on an individual personal computer or it may be applied to a network of computers.

gamer, gaming

Someone who plays online or electronic games. Gaming is the verb.

games console

A device used to play electronic games, especially video games. The player interacts with the game through a hand-held device. Newer handheld consoles allow the user to connect to the Internet directly.

instant messaging (IM)

A text-based communications service similar to a chat room. The key difference is that chat rooms are usually public spaces where anyone can turn up, while IM systems generally rely on a ‘buddy list’ or some other list of people predetermined by the user. Only people on the list can communicate with the user, so the user has control over with whom she or he communicates. Communication through IM software is also possible with sound (or voice) and images. See **VoIP**.

Internet (the net)

A worldwide network of hundreds of thousands of interconnected computer networks. It uses a common set of communications protocols and shares a common addressing scheme among participating networks. The net facilitates the transmission of email, files and other information between computers. It was originally developed by the US Department of Defense for the US military in the 1960s (ARPANET).

Internet Relay Chat (IRC)

A form of instant communication over the Internet, similar to instant messaging. It is designed mainly for group communication in discussion forums called channels. It also allows one-to-one communication. Supervision of IRC discussion can be very difficult. See **chat room**.

Internet service provider (ISP)

A commercial enterprise that provides access to the Internet, usually for a fee, or a business that provides Internet services such as websites or website development.

IP address (Internet Protocol address)

A string of 32 binary digits used to represent a computer on the Internet. The format of the address is specified by the Internet Protocol and often appears as numerals, separated by full stops (for example, 111.22.3.444). When a computer accesses the Internet through an ISP, it normally receives a temporary or dynamic IP address although many machines have a fixed or static address. A new IP format is being implemented in some places.

MUD

Multi-User Dimensions or Dungeons (MUD) is a computer program that allows multiple players to connect simultaneously through an Internet server to engage in a shared game or activity. Some MUD programs allow for discussions in chat forums while others involve role-playing in fantasy games.

newsgroups

An online forum or discussion group. There are thousands of newsgroups on the Internet, covering a huge variety of topics. See **bulletin board** and **Usenet**.

online

The term 'online' is used when a computer or other device is logged in to a network, such as the Internet. Online is the opposite of offline.

peer-to-peer (P2P)

Peer-to-peer software allows the transmission of data directly from one computer to another without needing to involve a third party. (Historically, if an individual wanted to make material available for others to download, she or he would have to place it on a third-party server and the other person would have to go to that server to get it.) Peer-to-peer software became popular as a means of allowing computer users to share music files and other materials, normally without paying royalties to the owners of the intellectual property rights.

steganography

The means of hiding messages within other data. On a web page, for example, a steganographic message could be concealed

within a photograph. A special program or key would be needed to unlock or find the hidden content.

telnet

A technology allowing remote access to a computer. Telnet allows a user to call up any files or programs on the remote computer, and to issue commands as though they were sitting at it. Telnet can enhance the functioning of MUD systems. See **MUD**.

third-generation (3G) networks

The next generation of mobile phone networks. Because the capacity of 3G networks is closer to broadband, it will allow users to share a much wider range of information and materials (including videos, pictures and music) than would previously have been considered practical over the older mobile phone networks.

virtual reality

An immersive and interactive simulation of either reality-based or imaginary images and scenes. Some computer programs, especially games, create a special space that resembles physical reality in some ways but defies it

in others. Some such spaces can feel very real, hence the term 'virtual reality'. See **cyberspace**.

Usenet

That part of the Internet where newsgroups are located.

VoIP (Voice over Internet Protocol)

VoIP technology allows people to make telephone calls using a broadband connection instead of a regular phone line. Depending on the service, the user can contact anyone, or only people who use the same service.

World Wide Web (the web, or www)

A hyper-text-based system for finding and accessing data on the Internet. The system was created by researchers at the European Laboratory for Particle Physics (CERN). The web hosts documents, called web pages, which may be linked with other documents or information systems. Items on the web are identified by their URLs (Uniform Resource Locators) and are found using a browser program (see **browser**). The web is a portion of the Internet, and not all servers on the Internet are part of the web.

For more explanations of terms related to new technologies, see: www.netdictionary.com, www.webopedia.com, www.unesco.org/education/educprog/lwf/doc/portfolio/definitions.htm and www2.fhs.usyd.edu.au/arow/isd/Resources/Dictionary.htm

APPENDIX II

MEETING OF SPECIALISTS

This report builds on discussions held among a multidisciplinary and international group of people brought together by ECPAT International to focus on issues related to violence against children in the context of new technologies. The two-day ECPAT International Roundtable Meeting on Violence against Children in Cyberspace was held in Bangkok, Thailand, on 12-13 June 2005, with the generous support of the Oak Foundation.

The meeting backed ECPAT International's initiative to ensure that the wider United Nations global Study on Violence against Children highlighted the growing significance and potential expansion of violence against children in relation to virtual settings, or cyberspace. Points of discussion that especially

helped to shape the structure of this report centred on the question of what is distinctive about cyberspace interactions, the resulting harms to children and young people, and preventive measures and solutions.

Other common themes included: The overall lack of information and research; accountability and responsibility; educational gaps and needs; differences in knowledge between adults and young people; social values and change arising through economic change; commoditisation of sex and aspects of socialisation; young people's own capacity to cause harm; legislative gaps and inconsistent laws and definitions; and law enforcement and jurisdictional difficulties. The need to understand the perspective of children was especially emphasised throughout discussion.

Participants included:

Dolores Alforte: ECPAT Philippines,
Executive Director

Bill Belsey: bullying.org, Canada,
President

Cormac Callanan: INHOPE,
Secretary-General

John Carr: NCH, UK,
Head of the Children and Technology Unit

Ting-Fang Chin: ECPAT Taiwan,
Internet hotline researcher

Will Gardner: Childnet International, UK,
Research and Policy Manager

Lars Lööf: Baltic Sea States Council, Sweden,
Head of the Children's Unit

Hamish McCulloch: Interpol, France,
Assistant Director, Trafficking in People

Poramate Minsiri: Thai Webmaster
Association, Thailand, Vice-Chairman

Junko Miyamoto: ECPAT / STOP Japan,
Director

Eileen Munro: London School of Economics,
UK, Reader in Social Policy

Elizabeth Protacio-de Castro: University of
the Philippines, Centre for Integrative and
Development Studies, Former Head of the
Psychosocial Trauma and Human Rights
Programme

Ethel Quayle: COPINE Project, Ireland,
Project Director and Researcher

Fabio Reis: CEDECA-BA, Brazil,
hotline specialist

Stuart Trail: National Crime Squad, UK,
Paedophile On-Line Investigation Team

Arto Tsunano: ECPAT / STOP Japan,
Researcher and Youth Representative

Janis Wolak: University of New Hampshire,
US, Research Assistant Professor, Crimes
Against Children Research Center

Glenn Woodard: Australian Federal Police,
Projects and Training Officer, Online Child
Sex Exploitation Team

**Unable to attend the meeting but
contributing from a distance:**

Tink Palmer: Stop it Now! UK & Ireland,
Central Coordinator

Representing ECPAT International:

Carmen Madriñán, Executive Director

Deborah Muir, Coordinator, Violence against
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Mark Hecht, Senior Legal Counsel, Beyond
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