


Chapter 6

Cyber Child Pornography: A Socio–Legal Review

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ABSTRACT

Child pornography on the internet is becoming a more noticeable concern in today's culture. Child pornographers have found an easy arena for spreading terrifying photographs of children being sexually assaulted with the development in home personal computer (PC) usage and more widely available access to the world wide web over the last decade. Detecting and prosecuting cyber child pornographers has also become a difficult task for police and attorneys throughout the world, with a high failure rate of putting culprits behind bars. Law enforcement agents' existing approaches for combating online child pornography might be regarded as archaic and ineffective. In this chapter, the authors will look at the key social and legal difficulties that people, legislators, and police officers face when it comes to online child pornography. This chapter will further focus on providing a solution and suggest innovative approaches to combat online child pornography.

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INTRODUCTION

The absence of tangible borders on the Internet has heightened the societal apprehension surrounding child pornography, transcending geographical and legal boundaries. Understandably, discussions on this subject are frequently sidestepped in both social and academic spheres, given the distressing ordeals that young victims endure, often enduring prolonged suffering without intervention. A recent case reported by the Pimpri Chinchwad police exemplifies this issue, involving the filing of charges against seven internet users for uploading child pornography content online (Express News Service, 2022). Moreover, the state of Kerala has witnessed a sharp rise in the number of child pornography cases in the year 2022. According to the recently released report, in 2022, there were a total of 1,823 cases of children falling victim to cybercrimes, indicating a 32 per cent rise compared to the previous year's figure of 1,376. The cybercrimes against children encompassed various types, such as cyber pornography involving the hosting or publication of explicit materials featuring minors (1,171 cases), cyberstalking or bullying (158 cases), and other cybercrimes targeting children (416 cases) (Bose, 2023).

There is undeniable evidence that the Internet has led to an unprecedented surge in the development of child pornography, with one contributing factor being the significant reduction of entry barriers due to advancements in technology. The increased accessibility and user-friendliness of advanced editing software and cameras have simplified the creation and distribution of child pornography. In Indian Law, the term "Child Pornography" is explicitly defined under the Protection of Children from Sexual Offences Act. According to Section 2(da) of the Act, Child Pornography is characterized as a visual display depicting explicit sexual activity involving a child. (*The Protection of Children from Sexual Offences Act 2012*, 2012). It may be a video or a computer-generated picture that cannot be distinguished from a real child. It includes any image that depicts a youngster participating in such activities, whether generated, adapted, or modified. However, the internet has given child porn a clean slate, due to the ease of transmission from one paedophile to many other paedophiles and from one nation to many other nations. According to psychiatrists Kimberly Young and Alvin Cooper, two specialists who have examined online sexual behaviour, cybersex (whether it includes minors or not) is a kind of psychopathology and a manifestation of neurotic, obsessive behaviour. No doubt, it is a form of addiction. Cyber child pornography, in particular, is viewed as a sort of socio- and psychopathology, as an aspect of unhealthy power relations in which an adult exploits kids for his pleasures. Adults having unhealthy sexual desires for kids frequently initiate these acts of real-world abuse. The majority of cyber-supported sexual fantasy fulfilment with kids is found in ritualised rituals and fixations, typically of a sadistic kind (Uebel, 1999).

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