

Committee/Council: Special Conference

Issue: Fighting the sexual exploitation of minors in pornography

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Introduction

Pornography is an industry, which aims to please adults by creating sexual excitement. Since the emergence of technology with computers and the Internet, the human race has always found a way to satisfy itself through electronic devices. In the late 90s, it was nude pictures on the web that satisfied adults and currently it is pornography. As the nature of pornography is about creating sexual excitement, the amount of satisfaction that one gets usually depends on their sexual inclinations.

But then, what if someone has an attraction towards children? The psychological disorder, which is called pedophilia, is experiencing a sexual attraction towards girls and boys that are under 13 years old. Therefore, pedophile people tend to reach satisfaction through child pornography, which creates the demand for it. On the other end, pornography industry supplies the demand for child pornography by sexually exploiting prepubescent children.

However, sexual exploitation of minors is illegal. The Convention on the Rights of the Child calls upon states to prohibit child pornography. Even though it is unlawful, the production and distribution of child pornography have not stopped because of one reason: The Internet. Approximately 20% of all pornographic material on the Internet was child pornography in 2003. In addition, 91% of children are below the age of 12. Pedophilia is actually common, even Michael Jackson was alleged to be possessing photos of naked children.

Child pornography is forbidden because prepubescent children are not supposed to have sexual intercourse. Victims of child pornography describe the experience by explaining the pain around their genitals, their anxiety, fear, and somatic symptoms like headaches and loss of appetite. The victims stated that its effects did not fade away in time but instead developed as despair and worthlessness. Bearing in mind this, the volume of child pornographic material must be zero in order to prevent prepubescent children from this trauma and let them live their childhood.

Definition of Key-Terms

Child Pornography

Child pornography is a type of pornography, which sexually exploits children. Similarly to pornography, child pornography's aim is to create sexual stimulation.

Pedophilia

Pedophilia is a psychological disorder in which an old person is attracted to a prepubescent child. Despite the popular belief, pedophilia is a common disorder, which affects 1% of the total male population, theoretically 35 million males. Also, it should be recognized that being a pedophile is not a crime but a disorder.

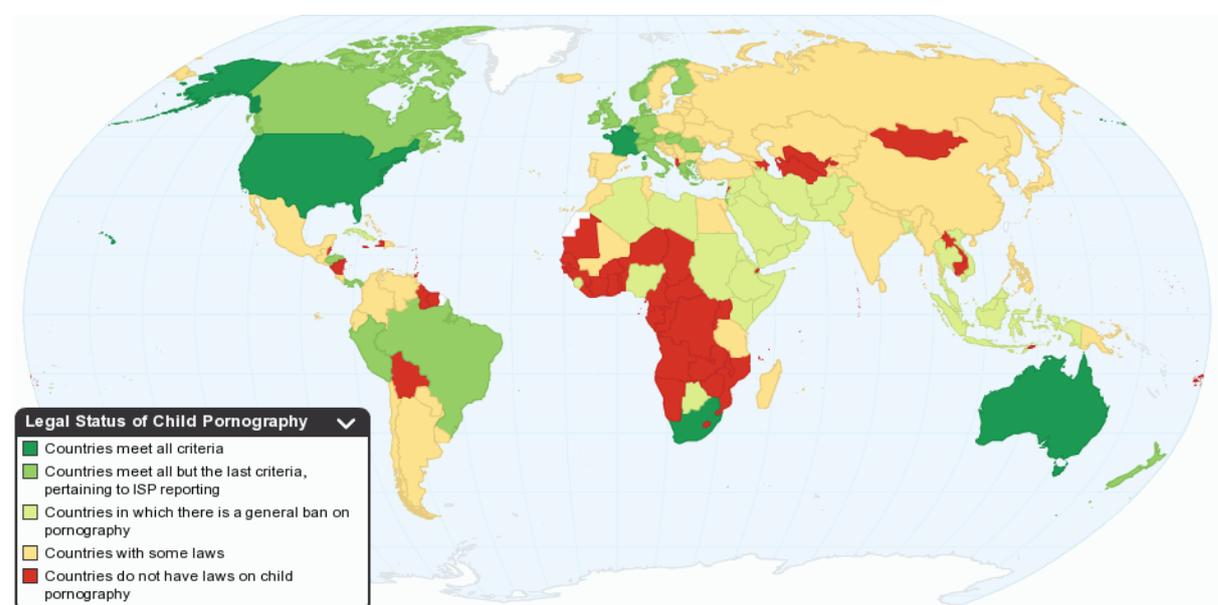
Sexual Exploitation

UN Secretary-General's Bulletin published on 9 October 2003 defines sexual exploitation as, *"any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another."* In other words, sexual exploitation means using vulnerabilities, power difference or trust for sexual purposes for gaining money.

Background Information

Child pornography is punishable for both those, who produce the material and distribute them. The rights of children are protected by the Convention on the Rights of the Child. The Convention aims to allow every child across the globe to enjoy their childhood and protect their innocence in order for them to have a natural transition from childhood to adulthood.

However, its application is often not monitored by the Parties to the Convention. By signing the Convention, states only commit to passing laws against child pornography. As seen on the map below, only 11 countries have completely passed laws that meet all the criteria set by the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography to the Convention on the Rights of the Child. Bearing in mind that 114 countries have either no laws or insufficient laws against child pornography and 173 countries are parties to the Optional Protocol, most of the Member States do not take action and regulate their laws against child



pornography.

The reasons why pornography producers lean to child pornography are quite understandable. In a meeting of the Human Rights Council, the UN Special Rapporteur on the sale of children said, *“There is more and more child pornography on the Internet, becoming what is today a very profitable business, with a worldwide market value estimated at billions of dollars.”* Multiple resources, such as a representative in the US House of Representatives, estimate the market value of child pornography as high as 20 billion US dollars in 2004. Considering that the amount of child pornographic material has been increasing in huge numbers like doubling between 2001 and 2004, the total market value right now might be over 300 billion US dollars. Therefore, the potential huge profit draws pornography producers’ attention.

Commercial sexual exploitation of children is the use of children in pornography in order to earn money. However, this is not the only way to obtain child pornography. Usually, owners of child pornography trade their pornographic materials through a specific networking system called peer to peer networking (P2P). Rüdiger Schollmeier explains P2P networking as:

“Peers make a portion of their resources, such as processing power, disk storage or network bandwidth, directly available to other network participants, without the need for central coordination by servers or stable hosts.”

In P2P networking, there is no need for servers, which are usually monitored by governments so that the traders are not caught and punished. Although, P2P networking can be used for downloading video games, movies and TV series for free, 33% of P2P users, who are caught in 2009, was possessing sexually exploited images of children, some as young as 3 years old.

Moreover, it is nearly impossible to distribute child pornography through non-electronic ways nowadays. Therefore, child pornography is mainly distributed on the Internet. According to the US Department of Justice, the Internet increased the *“availability, accessibility and volume of child pornography”* tremendously. Between 2003 and 2007 the amount of child pornographic images on the Internet quadrupled. The Internet also eased the process of distributing child pornography across national borders. Since the law and order of a country do not apply to the distributing country, even though some nations might track down the distributor, they are unable to try and punish him/her. Generally, it is possible to state that nations are successful in stopping the distribution of child pornography through non-

electronic ways, but the measures are not sufficient in order to halt the distribution through the Internet.

Of course, it is not easy to prevent children from being in this kind of videos. Although sometimes they are forced to play in child pornography, their parents and relatives use their child to make child pornography 80% of the time. In one reported incident, a father sends his unborn child's ultrasound image to a producer, who is an undercover police officer, by pointing out his intention to make child pornography after the baby's birth. Children listen to their parents in their prepubescent time and pedophile parents sometimes abuse their connection between their child and themselves.

At last, the problem's roots are always the victims of sexual exploitation. According to a video that was watched by Sarah Chang, a US federal prosecutor, a father abused his child while recording the intercourse with a camera. The prosecutor said that she expected some crying and screaming coming from that girl because of the painful act for her age. However, there was complete silence, which is common with child pornography victims. Psychiatrists associate the silence with the helplessness that the child experience. Bearing in mind that 80% of the child



abuses are performed by their parents and relative, the feeling of helplessness is a result of the breach of trust that they have gone through. Besides their helplessness, victims suffer from a lot of physical and psychological pains such as:

1. Children are victimized when the recording is published on the Internet. When the sexually exploited children grow up, the fact that stranger's access his/her videos and take pleasure while watching it creates a psychological burden that they will always carry.
2. Children experience severe physical pain around their genitals.
3. Following the intercourse, children experience headaches, sleeplessness, and loss of appetite.
4. The experience forms a psychological distress on children in the forms of emotional isolation, fear, and anxiety for a long time. The psychological distress prevents them from enjoying their childhood like their peers.
5. Even when they grow up, the feelings of anxiety and fear turn into despair, feeling worthless and helpless that will last for their entire life.
6. Most significantly, when abused children become adults, they are unable to establish healthy relationships and build trust with their partners. In addition

to this, they feel uncomfortable about their sexual life and ashamed to share their experience with their partners.

Last but not least, the fact that 80% of child pornography is performed by children's relatives also points out the reason why most of these cases are not reported by the victims. They do not tend to report their parents and relatives, people whom they trust, to the police.

Major Countries and Organizations Involved

Mexico

Mexico is ranking the first in distribution and the second in production of child pornography. After drug trafficking, child pornography is the second largest illegal business in Mexico and many officials believe that this is a result of the well-developed human trafficking industry of the country. Overall, the child pornography industry generates 42 billion US dollars of income in Mexico. The reason behind this is that Mexico is a major destination for people traffickers, who are also concerned with sexual exploitation and child trafficking. Estimates show that there are 85,000 children in Mexico, who are victims of child pornography.

Mexican government passed a law that criminalizes child pornography but the law does not include Internet services, which should provide information about the users that are involved in child pornography. Therefore, distributors are free to publish child pornography through the Internet, which resulted in 1,300 Mexican websites featuring child pornography.

United Nations Children's Fund (UNICEF)

As one of the most committed defenders of the children rights, UNICEF is highly disturbed by this issue. UNICEF is trying to take solid steps by working with several governments worldwide in order to halt the production and distribution of child pornography completely. The organization called for specific governments that lack proper regulation for child pornography to pass laws on this issue. The role of the organization in fighting child pornography is explained on their official website as:

“Child pornography is a complex problem that cannot be addressed by a single agency. It requires the concerted efforts of various agencies, including government, non-governmental organizations, the private sector, faith-based groups, media, communities, and families. UNICEF has extensive experience in working on the issue of commercial sexual exploitation of children and it has created a comprehensive program against abuse, exploitation, and trafficking of children, which covers prevention, protection and rehabilitation and reintegration. UNICEF will help address child pornography in this program.”

Timeline of Events

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| 1896 | The term “pedophilia” was used for the first time in a scientific article. |
| 1969 | A first known erotic movie that displays explicit intercourse was shown in the US theaters. |
| 29 October 1969 | The Internet started to be developed. |
| 20 November 1989 | Convention on the Rights of the Child is signed. (Came into effect on 2 September 1990) |
| 17 June 1999 | The International Labor Organization (ILO) drafted the ILO Convention No.182, defining the worst forms of child labor. (Came into effect on 19 November 2000) |
| 25 May 2000 | Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography is signed. (Came into effect on 18 January 2002) |
| 2005 | UNICEF and a high profile university in the Philippines published a research paper about child pornography in the Philippines |
| 14 June 2016 | A Victorian man is arrested by the Philippines police because he was a child pornography producer, which is referred as the first step towards ending overseas child pornography production. |
| 16 June 2016 | A court sentenced a father that has sent an ultrasound image of his unborn baby to an undercover officer with the intention of making child pornography. The Judge said it was the worst case she has ever seen. |

Relevant UN Treaties, Resolutions, and Events

Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography

This optional protocol is an amendment to the Convention on the Rights of the Child, which means that not all parties to the main convention have to sign this protocol as well. This optional protocol regulates the child pornography issue and obliges parties to prohibit the production of child pornography, which was not included in the original convention.

International Labor Organization Convention (ILO) 182

This convention defines the worst forms of child labor. The convention acknowledges commercial sexual exploitation of children in the form pornography as child labor.

Convention on the Rights of the Child

This is the main convention that outlines the rights of the child. *The Convention defines a child as a person, who is under 18 years old.*

Previous Attempts to solve the Issue

There are not many previous attempts to resolve this issue, which allowed the child pornography industry to grow without any setbacks. Regionally, most governments are trying to track down people, who possess, distribute or produce child pornography and punish them in courts. However, there is a shortage of international resolution attempts. The United Nations initiated the creation of the Convention on the Rights of the Child and its optional protocols years ago but there is no other tangible step than that. In addition, UNICEF calls upon nations to sign and ratify the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography and works together with the Filipino government while conducting research on child pornography in the Philippines.

The UN General Assembly passed a resolution on the Rights of the Child in general, which has a clause that encourages nations to sign the Convention on the Rights of the Child. Also, the Convention establishes a “*Committee on the Rights of the Child*”, which consists 18 independent experts creating a report annually on the child rights. However, these solution alternatives do not target child pornography specifically. They rather aim to address all issues concerning child rights together.

Possible Solutions

Sexual exploitation of minors is an issue that needs to be resolved with a special emphasis. All necessary measures must be taken in order to have a holistic and specific resolution that covers all parts of the issue.

First of all, as the Convention on the Rights of the Child suggests, all nations must pass laws in order to regulate child pornography. Most of the child pornography producers make child pornography in a state, which does not have laws to regulate child pornography and they distribute the material from that state to overseas. Bearing in mind that only 11 nations have enacted laws that completely meet the criteria of the Convention, passing sufficient laws is crucial at this point.

Furthermore, both top 2 producers of child pornography, the Philippines, and Mexico, have a problem with the Internet provider companies. In Mexico, there are over 1,300 websites that are solely focused on child pornography and in the Philippines, the Internet service providers does not share any information on the users, who



perform live shows on the Internet. In order forbid the Internet service providers from not sharing any information regarding their users, an international convention can be drafted that handles any problems regarding some privacy issues.

Additionally, even if the Internet service providers share information about their users with governments, P2P networking will still continue to be a problem. As explained before, P2P networking is sharing of documents between users by using network bandwidths and their computer's hardware without the need for a central coordination by an external server. Therefore, the shared documents are impossible to monitor with regular methods. There are challenges for monitoring P2P networks and a group of experts might be formed in order to monitor P2P networks.

Moreover, recalling the fact that 53 out of 54 Member States of the African Union have insufficient laws regulating child pornography, the AU's collaboration is vital. The AU should start a mass movement within itself to discuss the issue of sexual exploitation of minors and enact laws to be able to punish the abusers. As UNICEF stated on their official website, *"Child pornography is a complex problem that cannot be addressed by a single agency."*

Utmost importantly, sexually exploited children do not report their abusers because they are often people whom they trust. A research that analyzed the effects of sexual exploitation on victims years after their exploitation found out that only 4% of the cases were reported to the officials. The best way to track down the abusers is to gain information from the victims. Therefore, the victims of child pornography and sexual exploitation must be encouraged to report any incident to the police.

Bibliography

Cawley, Marguarite. "Mexico Is World Leader in Child Pornography: Officials." Insight Crime. Insight Crime, 27 Sept. 2013. Web. 19 Aug. 2016.
<<http://www.insightcrime.org/news-briefs/mexico-is-world-leader-in-child-pornography>>.

Chang, Sarah. "I Watch Child Pornography to Prosecute Sex Crimes. The Kids' Silence Is Deafening." Washington Post. The Washington Post, 23 Oct. 2015. Web. 19 Aug. 2016.

<https://www.washingtonpost.com/posteverything/wp/2015/10/23/how-society-silences-sexually-abused-children/?utm_term=.af5e4811d9dc>.

"Child Pornography Flourishes in a World with No Borders." OHCHR. UN, 26 Nov. 2009. Web. 19 Aug. 2016.

<<http://www.ohchr.org/EN/NewsEvents/Pages/ChildPornography.aspx>>.

"Child Pornography." Wikipedia. Wikimedia Foundation, n.d. Web. 19 Aug. 2016.

<https://en.wikipedia.org/wiki/Child_pornography#Proliferation>.

"Mexico—Number Two in Child Pornography." World Prayer. World Prayer Centre, 12 Feb. 2012. Web. 19 Aug. 2016.

<<http://www.worldprayer.org.uk/ipc-connections/item/5317-mexico-number-two-in-child-pornography>>.

"Pedophilia." Wikipedia. Wikimedia Foundation, n.d. Web. 19 Aug. 2016.

<<https://en.wikipedia.org/wiki/Pedophilia#History>>.

"Philippines Is No. 1 Global Source of Child Pornography." The Manila Times Online. The Manila Times, 11 June 2016. Web. 19 Aug. 2016.

<<http://www.manilatimes.net/philippines-is-no-1-global-source-of-child-pornography/267148/>>.

Pulido, Mary L. "Child Pornography: Basic Facts About a Horrific Crime." The Huffington Post. The Huffington Post, 17 Oct. 2013. Web. 19 Aug. 2016.

<http://www.huffingtonpost.com/mary-l-pulido-phd/child-pornography-basic-f_b_4094430.html>.

Rebgetz, Louisa. "Father Traded Ultrasound Image 'to Prove He Was Serious about Making Child Porn'" ABC News. ABC, 16 June 2016. Web. 19 Aug. 2016.

<<http://www.abc.net.au/news/2016-06-16/dad-pleads-guilty-to-child-porn-after-sending-ultrasound-pic/7517336>>.

Rüdiger Schollmeier, *A Definition of Peer-to-Peer Networking for the Classification of Peer-to-Peer Architectures and Applications*, Proceedings of the First International Conference on Peer-to-Peer Computing, IEEE (2002).

Ryan, Patty. "A Victim of Child Pornography Doesn't Get to Forget." Tampa Bay Times. Tampa Bay Times, 13 Dec. 2013. Web. 19 Aug. 2016.
<<http://www.tampabay.com/news/courts/criminal/a-victim-of-child-pornography-doesnt-get-to-forget/2156937>>.

Unicef Philippines - Home Page." Unicef Philippines - Home Page. UNICEF, n.d. Web. 19 Aug. 2016.
<http://www.unicef.org/philippines/children/childporno_4.htm>.

"Victorian Man Jailed for Producing Child Pornography in Philippines." ABC News. ABC, 14 June 2016. Web. 19 Aug. 2016.
<<http://www.abc.net.au/news/2016-06-14/man-jailed-for-production-of-pornography-in-the-philippines/7510540>>.

Wortly, Richard, and Stephen Smallbone. Child Pornography on the Internet. N.p.: U.S. Department of Justice, n.d. PDF.