CHILD PORNOGRAPHY ON THE INTERNET

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La descarga, intercambio y producción de pornografía infantil es una conducta delictiva de importancia creciente. La explotación cruel de menores y su vínculo con otros problemas como el abuso sexual despiertan preocupación social y académica. El presente trabajo aborda la naturaleza del fenómeno, las características de los materiales que se etiquetan como pornografía infantil, los rasgos psicológicos de los usuarios y los programas de tratamiento existentes.
Palabras clave: Pornografía, Niños, Víctimas, Internet.

Downloading, exchanging and producing child pornography is a criminal behaviour of growing relevance. The cruel exploitation of minors and its link with child sexual abuse raise great social and academic concern. The current paper approaches the nature of the phenomenon, the characteristics of the materials labelled as "child pornography", the psychological traits of the users and the existing treatment programs.
Key words: Pornography, Children, Victims, Internet.

In recent years we have witnessed the emergence of a new criminal phenomenon: the consumption of child pornography on the Internet. Thousands of people have been detained for possessing on their personal computers huge amounts of files containing audio-visual material that includes images of varying seriousness, which can reach the severity of the sexual abuse of a minor. Some figures report an average of a thousand images of child pornography per consumer (Wolak, Finkelhor & Mitchell, 2011), while other studies increase the figure to more than 24,000 images (Long, Alison & Mcnamus, 2012).

The consumption of pornographic images of children is not new. In the 1970s there was a great explosion of child pornography produced, mainly in Denmark, the Netherlands and Sweden, which had liberal laws concerning sexuality. In these countries movies, magazines and books containing pornographic images of minors were sold legally (Morales, 2002). At the end of the decade, the media began to draw attention to the impact that the production of these materials had on children –in 1977 more than 2 million young Americans had been victims of child pornography– and the economic benefits it generated: over 5 billion dollars per year. Public opinion demanded a legislative change, so in 1978 the first specific laws against child pornography were approved. Over the following years, access to pornographic material was significantly reduced, forcing those interested in these types of materials to produce them themselves or to contact distributors through classified adverts in pornographic magazines for adults (Jenkins, 2001; Seto, 2013).

The emergence of the Internet in the late 1990s and its remarkable development throughout the decade of the 2000s changed this criminal phenomenon drastically. The Internet has opened up unimagined possibilities for the development of communications and access to information, but it has also added a new dimension to the problem of sexual interest in children. The Internet, in fact, is not merely a means for the transmission of images and videos, but rather it is a key element in the phenomenon of child pornography, facilitating its production, distribution and consumption. Specifically, the Internet allows *easy access* to pornographic material, the *availability* of a wide variety of materials free of charge and the obtaining and use of images with total *anonymity* (more perceived than real) (Seto, 2013). The increasing child pornography on the Internet is a reality that is difficult to control. According to the United States Department of Justice (2010), more than 20 million IP addresses have been identified dedicated to the peer-to-peer (P2P) distribution of files containing child pornography.

In short, it is a problem with a media and social impact of the first order which is especially troubling due to the involvement of minors, the cruelty of the materials produced and exchanged, and the diversity of the social profiles of those involved.

The aim of this article is to review the most relevant aspects of this phenomenon which, as it will be shown throughout this work, is multi-causal, complex, and is full of angles and question marks. We summarize the most important aspects of the legal regulation of the problem, the nature of the materials categorized as child pornography, the psychological characteristics of the users and the existing treatment programs.

LEGISLATIVE EVOLUTION
The fight against this type of crime, as joint action by different states, has its origin in the United Nations Convention on the Rights of the Child, where child pornography was described as a genuine violation of children's rights, and member nations were

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demanded to adopt precise measures to prevent the exploitation of children in pornographic materials (Article 34 of the UNCNC, 1989).

Currently Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011, on combating the sexual abuse and sexual exploitation of children and child pornography, sets out the European actions in this area. This directive, together with the Budapest Convention (Convention on Cybercrime of 23 November 2001) and the Lanzarote Convention (Convention of the Council of Europe for the protection of children against sexual exploitation and abuse, Oct. 25 2007) have been the basis of the recent reforms implemented in Spanish criminal law in combating this type of crime.

In Spanish law, there have been several amendments to the Criminal Code that have defined and detailed this criminal phenomenon. The reform of the Penal Code by Organic Law 11/1999 of 30 April, was the first punitive approach to this offence, covering behaviour that had been non-criminal until that time, such as the possession of pornographic material of minors for the production, sale, distribution, exhibition or facilitation of these activities. The reform of 2003 went a step further, and was the first time that the mere possession of child pornography was criminalized. In 2010, the new criminal law involved the punishment of a broad spectrum of behaviours related to child pornography, regulated exhaustively from the possession of such material to the production, sale, distribution, exhibition or facilitating of any of the above behaviours.

The current Criminal Code, recently approved by Organic Law 1/2015, of March 30, aggravates the punitive response and increases the number of criminal conducts related to child pornography[1]. As highlighted in Circular 2/2015 of the Public Prosecutor's Office on charges of child pornography, the new legislation extends the concept of child pornography, to include not only material made with real children but also *virtual pornography* (where the image of the child is an artificial but realistic creation, developed by computer or other means) and *technical pornography* (images in which people presented as minors appear in a sexual context).

The inclusion of virtual pornography responds to the need to punish conducts relating to pornographic material in which real children have not been used, but which consists of virtually produced images that represent children in a realistic way. Images of children that do not seek to resemble reality (for example, manga drawings), will not be considered child pornography. In addition, the high number of cases where it is impossible to determine the actual age of the person that appears in the abusive images has led to the inclusion of the concept of technical pornography, such that if the people in the pictures are presented as minors, the material will be considered child pornography.

Pseudo-child pornography or *morphing* –pornographic material in which minors or people with disabilities have not been used directly but their voice or image has been used or altered– was punished in the previous Penal Code through article 189.7. The current regulation has removed this type of pseudo-child pornography but now it can be punished as virtual or technical child pornography.

Another important change in the current Criminal Code is the inclusion of new punishable offences related to child pornography. Maintained as criminal behaviours are the use of children for pornographic purposes, the production and dissemination of child pornography and the possession of child pornography, with three new behaviours being added: *acquiring* child pornography, *knowingly accessing* child pornography and *attendance at* (exhibitionist or pornographic) *shows* involving minors. The inclusion of knowingly accessing child pornography is especially relevant. In the previous Penal Code only possession was penalized, which necessarily meant that the user had downloaded the material on the PC. And therefore, the simple display of this material, for example, via *streaming* remained unpunished. Knowingly accessing this material is incorporated by the current Penal Code in the same article that penalizes acquisition and possession, with the same punitive response being applied to the three behaviours.

STATISTICAL DATA

As a result of this progressive toughening of the Penal Code, a large number of people have been arrested and convicted for these types of crime in recent years in Spain. According to the Ministry of Interior in Spain around 400 arrests are made and charges brought per year for crimes related to child pornography.

These actions of the Forces of State Security often translate into concrete convictions. Specifically, The Alternative Sentences and Measures units of the General State Administration have received, from 2011 to the present, more than 200 cases of people who have to fulfil an alternative penal measure for this type of crime. Most of those convicted have to carry out a psychoeducational program in the community, as part of their sentence. It is estimated that this figure will increase exponentially over the coming years.

IMAGE TYPES

When describing this criminal phenomenon one of the key elements is the nature of the images that are consumed. What images can be considered criminal? Where is the boundary between an image that is allowed and one that is considered illegal?

The legal definitions of what is considered child pornography vary between countries and jurisdictions. Specifically, in Spain for material to be considered child pornography it must meet a number of premises. On the one hand, audio material is

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[1] The current Penal Code, in its articles concerning crimes of child pornography, always refers to *child pornography or pornographic material with individuals with disabilities in need of special protection*. For simplicity, and because the majority are cases involving minors, including those who have a disability in need of special protection, the term "child pornography" is used generically.

excluded because child pornography must necessarily include visual representations. On the other hand, simple images featuring naked children are not considered child pornography, as the requirement must be met that the images represent the minor engaging in a real or simulated sexually explicit conduct; or the images show the sexual organs of the child for primarily sexual purposes[2].

The use of the term child pornography has been questioned by several authors, since it implies a parallel with adult pornography. Although the use of other definitions such as "abusive images" is more suited to the reality of the contents, the term "child pornography" is still used, especially in the legal context (Quayle, Erooga, Wright, Taylor & Harbinson, 2006).

In addition to criminal criteria, the correct classification of child pornography images serves therapeutic and research purposes. The type of images preferred by a consumer of child pornography is relevant information for their psychological profile and ultimate treatment. While the *legal classifications* are objective and distinguish the material that is allowed and that which is forbidden, based solely on its content, the *psychological classifications* analyse not only the content and severity of the images but also take into account the relationship between the user and the audio-visual material, the amount of images stored and how these images are used and organized.

Table 1 shows the COPINE[3] classification created in Ireland and used in the UK to categorize the severity of child pornography images.

According to the empirical data, the tendency to consume more serious images (classified as levels of 5 to 10) is high. Long *et al.* (2012) found that 56.64% of the images consumed by a sample of individuals convicted of possession of such material were Level 5, and 20.19% were Level 9, while the data from Aslan and Edelmann (2014) indicated that 52% of their sample had images of level 10.
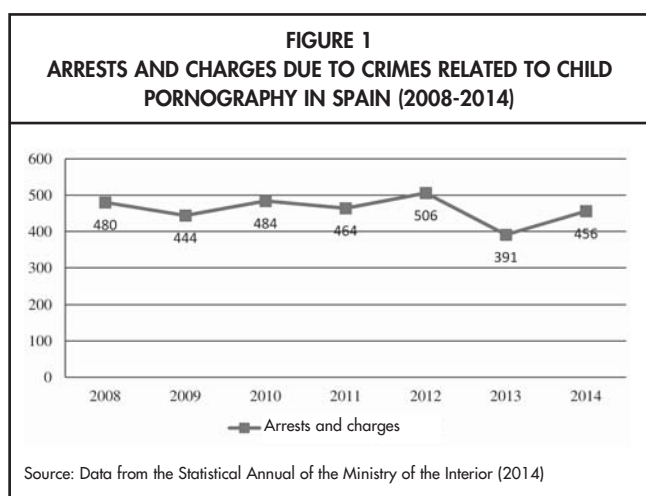
The analysis of the images stored by users of child pornography may not only be indicative of their paedophile interests but it also sometimes provides information about a compulsive component in the accessing, storage and collecting of such images. The size and organization of a collection of child pornography materials indicates the level of user involvement in the criminal behaviour.
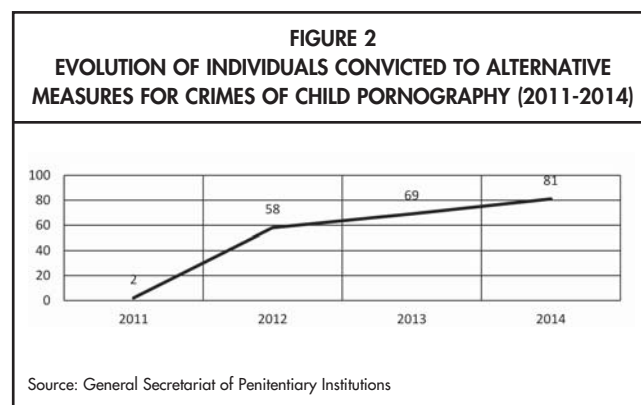
Consumers may organize their files based on the theme (oral sex, sex between children, for example) or in terms of the narrative (images spread over a continuum of severity, from simple naked pictures to involvement in sexual behaviour). Both dimensions are relevant to the user, to maintain and generate fantasies as well as to personalize the victim and to become psychologically involved with him/her. They are also important in facilitating the sharing of files with other users on the Internet. In the collections of these offenders separate files are often also found where the newest or private materials is stored (Taylor & Quayle, 2003).

CHARACTERISTICS OF THE PHENOMENON

The crime of child pornography is complex because it involves a chain of behaviours and a variety of actors.

The producers. The first link in the chain is the creation of the images. Both new images and old images from photographs and magazines circulate on the Internet. There are several criminal profiles. There are professional criminals who create the images for financial gain and have no sexual interest in children. There are other criminals who carry out abuse because they are paedophiles and feel sexually stimulated by children. Normally they record the images themselves or take photographs for their own personal consumption. Often such types of abuse are carried out in the context of what is known as "sexual tourism" (Sotoca, 2010; Wortley & Smallbone, 2006).

The victims. The minors who are victims of sexual abuse that occurs within the production of pornographic material are usually from countries where there is lax or nonexistent

FIGURE 1
ARRESTS AND CHARGES DUE TO CRIMES RELATED TO CHILD PORNOGRAPHY IN SPAIN (2008-2014)

Source: Data from the Statistical Annual of the Ministry of the Interior (2014)

FIGURE 2
EVOLUTION OF INDIVIDUALS CONVICTED TO ALTERNATIVE MEASURES FOR CRIMES OF CHILD PORNOGRAPHY (2011-2014)

Source: General Secretariat of Penitentiary Institutions

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[2] Criteria established in Circular 2/2015 of the State Attorney General.
[3] Project COPINE (Combating Paedophile Information Networks in Europe) was founded in 1997 in the Department of Applied Psychology of University College Cork in Ireland.

legislation in this area. They are also countries with high rates of poverty, which facilitates the access to the victims, which is often facilitated by the parents themselves. Russia, Ukraine, countries of the former Soviet Union, Southeast Asia and countries of Central and South America are usually the most frequent targets. However, domestic production can occur in any country (Sotoca, 2010).

The distributors. The images can be stored on servers located practically anywhere in the world. The distributors may be professionalized criminals who belong to organized criminal groups and who benefit financially from this activity. They may also be individuals who share the information without seeking profit, but they can use the images in exchange for images that are difficult to find or to improve their social status in the virtual communities that exist on the Internet. Child pornography may be located on web pages, exchanged by email or in e-groups, shared in real time via webcam, distributed through newsgroups where users talk about their shared interests and upload audio-visual materials, or it can be exchanged in chat rooms and through P2P networks (Wortley & Smallbone, 2006).

The consumers. The last link in the chain are the consumers of this type of material, most of whom are from Europe and North America.

As is the case with other sex offenders, heterogeneity is a defining characteristic of this population. Although there are a number of psychological and social vulnerabilities that appear frequently in this population, it cannot be established that there is a single profile of the child pornography user, in the same way that one cannot speak of a profile of a sex offender or child molester. This heterogeneity in terms of the characteristics of the aggressors and the reasons for their behaviour has resulted in

theoretical models that explicitly recognize it as the *pathways model* (Ward & Siegert, 2002). This model suggests that the etiological pathways that can lead to sexual crime are deficits in intimacy and social skills, deviant sexual scripts, emotional dysregulation and antisocial cognition. Middleton, Beech and Mandeville-Norden (2005) classified a sample of 194 users of child pornography in each of these etiological pathways. Of all participants, 77% could be assigned to one of these pathways. Most of those who could be classified fit the paths of intimacy deficit (35%) and emotional dysregulation (33%). The proportion of participants assigned to the other groups was lower (5% to distorted sexual scripts and 2% to antisocial cognition). Although there are two groups of factors that appear to be the most common, the sample seems to be distributed among all the categories that define the model, and in fact 33% of the individuals could not be classified.

Thus, the various aspects that are described in this section may appear in varying degrees in an individual case, they may be combined in different ways, or they may not appear at all.

The specialized literature on sexual assault has traditionally focused on the autobiography, or the *personal learning history*, but recently it has been placed within attachment theory. From this perspective, the negative life events during childhood result in a failure to establish normal emotional ties (Craissati, 2009). This starting disadvantage marks the development of the child, who fails in his/her subsequent socialization and begins to develop negative coping strategies (such as alcohol, drugs, deviant sexual fantasies) to deal with his/her daily frustrations (Maniglio, 2012). In the case of users of child pornography there is evidence of the presence of negative or even traumatic life events during childhood. Webb, Craissati and Keen (2007)

TABLA 1
TAXONOMÍA DE DISTINTOS TIPOS DE PORNOGRAFÍA INFANTIL (ESCALA COPINE; TAYLOR, HOLLAND Y QUAYLE, 2001)

Level	Name	Characteristics of the images
1	Indicative	Non-erotic and non-sexualised pictures showing children in their underwear, swimming costumes from either commercial sources or family albums. Pictures of children playing in normal settings, in which the context or organisation of pictures by the collector indicates inappropriateness.
2	Nudist	Pictures of naked or semi-naked children in appropriate nudist settings, and from legitimate sources.
3	Ero	Surreptitiously taken photographs of children in play areas or other safe environments showing either underwear or varying degrees of nakedness.
4	Posing	Deliberately posed pictures of children fully clothed, partially clothed or naked (where the amount, context and organisation suggests sexual interest).
5	Erotic Posing	Deliberately posed pictures of fully, partially clothed or naked children in sexualised or provocative poses.
6	Explicit Erotic Posing	Pictures emphasising genital areas, where the child is either naked, partially clothed or fully clothed.
7	Explicit Sexual Activity	Pictures that depict touching, mutual and self-masturbation, oral sex and intercourse by a child, not involving an adult.
8	Assault	Pictures of children being subject to a sexual assault, involving digital touching, involving an adult.
9	Gross Assault	Grossly obscene pictures of sexual assault, involving penetrative sex, masturbation or oral sex, involving an adult.
10	Sadistic/Bestiality	Grossly obscene pictures of sexual assault, involving penetrative sex, masturbation or oral sex, involving an adult.

studied two samples of individuals convicted of crimes relating to child pornography and child abusers. In the group of child pornography, 18% reported a history of neglectful parenting practices in childhood, 12% claimed to have suffered physical abuse and 26% sexual abuse. Babchishim, Hanson and Hermann (2011) conducted a meta-analysis of studies examining the psychological characteristics of users of child pornography. Compared with the general population, they had higher rates of physical and sexual abuse.

An *early initiation of sexual activity* is also detected in this population. Elliott and Beech (2009) point out that the users of child pornography are more likely to have been involved in heterosexual sexual conduct with other children before puberty compared with samples of child molesters. The authors hypothesize that this early exposure to sexual behaviours can result in the development of distorted expectations about sexuality.

In the field of emotions, users of child pornography tend to *cope with their negative emotional states through behaviours such as using abusive material on the Internet and masturbation* (Quayle, Vaugham & Taylor, 2006). In a qualitative study, Quayle and Taylor (2002) found that aggressors admitted taking more risks when experiencing negative emotional states. Moreover, they were more likely to convince themselves that the images they were looking at had nothing to do with the actual abuse of children.

In the field of cognition, child pornography users develop *thoughts that exclude them from responsibility* and that allow them to establish a complex psychological relationship with the children portrayed in the images. On the one hand, they reduce the severity of these materials to simple pictures or videos for which they are not responsible. The signals of distress that may appear in the children are suppressed or distorted (Quayle & Taylor, 2002). For example, Babchishin et al. (2011) note in their meta-analysis of the characteristics of this population that they tend to show greater empathy than child molesters. But at the same time, the users of pornography seem to generate a fantasy of pseudo-intimacy with the minors in the images, which allows them to develop a fictitious emotional relationship with them. Elliott, Beech, Mandeville-Norden and Hayes (2009) compared two samples of users of child pornography and child molesters with respect to different psychological variables. Abusers tend to be less empathic on three of the four subscales of the Interpersonal Reactivity Index (IRI), a self-report on empathy. Users of pornography however obtained higher scores on the scale of Fantasy, which assesses the ability to identify with fictional characters. Middleton, Mandeville-Norden and Hayes (2009) found that a sample of users of pornography was unchanged on the Fantasy subscale after completing a specific treatment program. They did however find changes on other subscales of the IRI and a scale regarding distortions associated with empathy with the victim.

This links to difficulties in the field of social relations. Within the heterogeneity that characterizes this population, at least one segment of users of child pornography on the Internet has *difficulty creating intimate relationships*, which encourages the use of abusive material on the Internet as a substitute for unsatisfying social relationships (Seto, Reeves & Jung, 2010).

A controversial issue is the existence of *a deviant sexual interest* in these people. The research has analysed whether consumers have higher levels of sexual arousal to children than those who commit sexual abuse. The meta-analysis by Babchishin et al. (2011) included three studies examining this issue. A total of 435 offenders were assessed, including consumers of pornography, child molesters, sex offenders and adult patients with paraphiliac problems but no criminal behaviour. The authors found that as a group, online consumers of child pornography showed a significantly higher pattern of sexual arousal towards children than other groups. In these three studies, the methodology used to assess sexual interest was penis plethysmography (Seto, Cantor & Blanchard, 2006), the Questionnaire of Sexual Fantasies by Wilson (Sheldon & Howitt, 2008) and a clinical estimate of sexual deviance (Wood Seto, Flynn, Wilson-Cotton & Dedmon, 2009). Therefore, these data are from different sources and are inevitably subject to limitations (see Kalmus & Beech, 2005, for a thorough review of these techniques). These results have psychological coherence *a priori*. Child molesters are a heterogeneous population and only some of them have a paraphilic interest in children. Other abusers are individuals with antisocial tendencies or serious psychosocial problems (such as an alcohol use disorder) who abuse a minor opportunistically (Seto, 2008). However, as Seto (2013) states, collecting child pornography, looking at it numerous times and using it with masturbatory purposes is, at least, indicative of a sexual interest in children. However, this issue is still under heated academic discussion.

TREATMENT PROGRAMS

What can psychology offer in the treatment of this population? Concern about this phenomenon together with its legal repercussions have led to various institutions involved in the treatment of offenders developing specific intervention programs. Table 2 summarizes the main features of such programs.

Fuera de la Red [Off the Internet] (SGIP, Herrero, Negredo, Lila, García, Pedrón & Terreros, 2015)

Fuera de la Red is a program of cognitive behavioural intervention implemented in the Alternative Sentences and Measures units dependent on the Spanish General Secretariat of Penitentiary Institutions. From a theoretical point of view, the program is based on the model of relapse prevention and the good lives model. It includes a phase of motivation to change developed in collaboration with the University of Valencia which is developed transversally throughout the program. The treatment phase includes thirty-two group sessions.

The intervention attempts to adapt to the heterogeneity of the population to be treated. Although it is a standardized treatment package, the motivation-to-change phase seeks to link the personal interests and goals of each user. Additionally, during the program each user develops a personal functional analysis of their improper conduct on the Internet. Finally, the manual offers the professionals dynamic and optional exercises that may or may not be used depending on the characteristics of the users.

Internet Sex Offender Treatment Program (i-SOTP; Middleton & Hayes, 2010)

The British National Offender Management Service carries out in its probation services a group treatment program for people convicted of offences relating to the distribution of child pornography. The program objectives are to reduce both the probability of future Internet-related crimes and the likelihood of real sexual abuse occurring. The i-SOTP is essentially a cognitive behavioural program aimed at modifying the risk factors. From a theoretical point of view it is also influenced by the Good Lives Model (Ward & Stewart, 2003). The treatment process includes a pre-program meeting as an introduction, six modules (35 sessions of two hours) and a review meeting.

Berlin Dissexuality Therapy (Institute for Sexology and Sexual Medicine, 2013)

The BEDIT program is aimed at the group treatment of men with a sexual interest in prepubescent or pubescent children. It is based on cognitive behavioural intervention, sex education and pharmacological support. The program was developed within the *Dunkelfeld* Prevention Project, which seeks the community prevention of child abuse and child pornography use. The treatment is aimed at people living in the community who are (a) worried about their sexual interest in or behaviour toward minors and who seek help to deal with their sexuality and/or (b) they fear they may have sexual contact with a child (or do so again), and (c) they are not currently involved in legal proceedings for the sexual abuse of minors.

Only Pictures? (Quayle, Erooga, Wright, Taylor & Harbinson, 2006).

In their book *Only Pictures?,* Quayle et al. (2006) propose a number of areas of intervention, largely derived from the explanatory model of problematic Internet use by Taylor and Quayle (2003). For each area they review the existing literature at the time and propose a series of therapeutic exercises to work through with the users.

In parallel with this project, the same team has developed a web resource, the website www.croga.org. This site adapts the contents and exercises of *Only Pictures?* to a self-help format. Each unit includes a brief psychoeducational reflection and a series of exercises. One can also register as a professional and provide feedback to the project managers. The page is available in Spanish.

CONCLUSIONS

The problem of child pornography is novel, complex and changing. It has grown hand-in-hand with the technological revolution of recent years, which as we see daily is in a constant state of change. The people involved in its use are heterogeneous in their personal characteristics and in the nature of their motivations. There is a clear need for further research in this field. Despite the many questions that remain, the professionals involved in legal and penitentiary psychology must evaluate these offenders, treat them and report on them to the administrative and legal authorities. The urgency to provide practical answers exceeds the speed of the research and the profound reflection on the phenomenon. The police action, and the development and implementation of specific treatment programs seek to put a stop to a problem which, apart from other issues, raises worrying questions about the nature of human beings and our tolerance for cruelty.

TABLE 2
INTERVENTION PROGRAMS FOR USERS OF CHILD PORGNOGRAPHY

Program	Institution Responsible	Modules
i-SOTP	NOMS	✔ Motivation to change. ✔ What needs does the criminal conduct cover? ✔ Victim awareness and assuming responsibility. ✔ Emotional self-regulation. ✔ Community, collection and compulsivity. ✔ Prevention of relapse and new life goals.
BEDIT	Institute for Sexology and Sexual medicine	✔ Psychoeducation. ✔ Acceptance and motivation. ✔ Perception. ✔ Emotions. ✔ Sexual conduct and fantasy. ✔ Empathy and perspective taking. ✔ Curriculum and plans. ✔ Coping and problem-solving. ✔ Social relationships. ✔ Intimacy and trust. ✔ Planning for the future. ✔ Protective measures.
Fuera de la Red [Off the Internet]	SGIP	✔ My personal history. ✔ Positive emotions. ✔ Understanding my behaviour. ✔ My relationship with images. ✔ The images are real children. ✔ A new intimacy. ✔ Positive sexuality. ✔ Off the Internet
Only Pictures?	Project COPINE	✔ The process of committing crimes on the Internet. ✔ Victim awareness. ✔ Fantasy and its escalation. ✔ Emotional avoidance. ✔ Social activity and images on the Internet. ✔ The process of collecting. ✔ Maintaining the changes.

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