

# Who Is Bob\_34?

## Investigating Child Cyberpornography

Francis Fortin and Patrice Corriveau  
Translated by Käthe Roth



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## Introduction

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Every day, eye-catching headlines such as “International live-streamed pedophile ring busted by authorities,”<sup>1</sup> “Alarming growth in trafficking of child pornography on the Internet,”<sup>2</sup> and “Vast network of pedophiles dismantled, leading to the arrests of 348 individuals worldwide”<sup>3</sup> explode in the media, giving the impression that the Internet is awash with perverts. It is easy to believe that an ever-growing number of child-pornography collectors and potential rapists are lurking in cyberspace, ready to pounce on victims made accessible through the social proximity facilitated by the virtual universe. Some even wonder if the Internet has somehow created new pedophiles.<sup>4</sup>

Some commentators claim that the Internet has become the prime vector of expansion for the sex industry, especially for child pornography (Legardinier 2002, 22). Statistical observations on the scope of the phenomenon abound. As far back as 1998, only a few years after the Internet boom began, the Canadian Police College estimated that more than a million sexually explicit photographs featuring children had been posted on the Internet.<sup>5</sup> In April 2000, UNICEF declared that a search conducted using Google, one of the most popular search engines on the web, had turned up more than 450,000 child-pornography sites.<sup>6</sup> The previous year, Cyberangels, an online education and security program, listed 30,000 pedophilia sites out of some 4.3 million (Guttman 1999). In 2004, the Reuters news agency, in an article citing data from the Italian association Rainbow

Phone, informed its readers that “the number of pedophilia Web sites grew by 70% in 2003” and noted that “17,016 Web sites whose content included pornographic representations involving children were reported to national and international authorities last year, notably to the FBI and Interpol.”<sup>7</sup> A closer look shows, however, that it was not the number of sites but the number of denunciations of these sites that had grown. In 2009, the United Nations’ Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography noted, “The United Nations Children’s Fund (UNICEF) estimates that there are more than 4 million sites featuring victims who are young minors.”<sup>8</sup> Ethel Quayle and Terry Jones (2011, 11) found that in 2011 the ChildBase of the Child Exploitation and Online Protection Centre in Great Britain had 807,525 unique images. In Canada, research by the Canadian Centre for Child Protection listed 15,662 websites hosting images of child sexual abuse between September 26, 2002, and March 31, 2009 (Bunzeluk 2009).

The only conclusion that we can draw from this mixed bag of statistics is that although the phenomenon is of concern, it is impossible to obtain an accurate and empirically verified picture of its scope, as approximations vary widely. Some rightly point out that these figures, even if not precise, do indicate a trend. However, a closer look shows that these statistics not only are approximations but also conflate adult pornography and child pornography, even though these two subjects are distinct, as pornography featuring adults is legal, but child pornography is not.

A review of the scholarly literature reveals that some researchers indeed conflate child cyberpornography with other issues, such as adult pornography, obscenity, human trafficking, sexual assault, and even prostitution, both adult and child. For instance, Poulin (2004, 184; our translation) notes, in a subsection of his book devoted to child pornography, “According to research conducted at the University of Pennsylvania, between 300,000 and 400,000 children in the United States are forced into prostitution, pornography, or other forms of sexual exploitation each year.” Although these subjects overlap occasionally, it is imprudent to combine them under the pretext that they are simply variants of what is commonly called the sex trade, or to suggest that participation in one of these activities will sooner or later lead the individuals involved to engage in other, even more high-risk practices – for example, that adult pornography will lead to child pornography, which will lead eventually to sexual assault.

What is more, the media (and certain “experts”) too often accentuate the scope of the phenomenon without supplying the necessary details,

notably by omitting to mention the numerous methodological limitations inherent to such assessments, as few empirical studies use first-hand data. The very notion of quantitatively assessing the number of child-pornography images in cyberspace poses a problem in terms of the validity of sources. On the one hand, the means of producing and distributing child pornography are in constant evolution; on the other hand, exchanges of this type of material take place essentially within very clandestine circles, beyond the view of researchers and even the police. Thus, it is impossible to say whether the images listed in official assessments represent the tip of the iceberg or the sum total. Finally, as we will see, there is no real consensus among experts when it comes to determining the exact definition of a child-pornography image (Quayle and Taylor 2002).

Let us take the example of Canada. Section 163.1(1) of the Canadian Criminal Code prohibits all photographic, film, video, or other representation, produced by mechanical or electronic means, of persons younger than eighteen years of age “the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region.” In its *Sharpe* ruling, however, the Supreme Court of Canada specified,

An objective approach must be applied to the terms “dominant characteristic” and “for a sexual purpose.” The question is whether a reasonable viewer, looking at the depiction objectively and in context, would see its “dominant characteristic” as the depiction of the child’s sexual organ or anal region in a manner that is reasonably perceived as intended to cause sexual stimulation to some viewers.<sup>9</sup>

Yet expressions such as “reasonable viewer,” “in context,” “reasonably perceived,” and “some viewers” are themselves open to interpretation. Reactions to the 1999 Calvin Klein ad campaign for children’s underwear illustrate the extent to which judgments concerning what is and is not pornographic are variable and open to debate: many Americans deemed the photograph of two young children playing on a couch in their underwear unacceptable because it might have, in their view, encouraged pedophile impulses, whereas others considered the uproar silly.

Other countries, such as Canada, France, and Switzerland, do not consider portrayals of a naked or undressed child in an appropriate context (swimming pool, beach, bath, etc.) illicit. In Swiss legal doctrine, material that “has the goal of sexual excitement highlighting the genitals of children, provocative poses, or sexually explicit positions” is pedo-pornographic

(Action Innocence 2008; our translation). Once again, there is room for interpretation, which indicates that divergences will appear whenever a determination is to be made about whether a particular photograph should be added to the list of pedo-pornographic images.

There is no doubt, however, that the number of child-pornography images available in cyberspace has risen constantly since the blossoming of the Internet in the mid-1990s. With their accessibility and wide variety of means of communication, information and communications technologies (ICTs) facilitate and accentuate the production, distribution, and exchange of files containing child pornography. Pedo-pornographic materials take many forms – photographs, videos, and text messages, as well as real-time webcam images<sup>10</sup> – and can now transit simultaneously via the web, email, electronic bulletin boards, chat rooms, peer-to-peer technologies, and newsgroup and discussion forums. Each ICT is different: some offer public access, whereas others are private and secret.<sup>11</sup>

The plurality of means of communication forces researchers to formulate research protocols adapted to each of them, with all of the difficulties that this may entail. Legal constraints may also limit, or even dissuade, independent researchers, as section 163.1(4.1) of the Canadian Criminal Code forbids even accessing material containing child pornography. These legal constraints, added to the numerous difficulties inherent to the study of ICTs, have certainly discouraged many, and this is no doubt the reason for which studies based on primary data are still fragmentary and rare.

Fortunately, a provision of the Canadian Criminal Code, section 163.1(3), states, “No person shall be convicted of an offence under this section if the acts that are alleged to constitute the offence serve the public good and do not extend beyond what serves the public good.” The notion of “public good” is interpreted by the Supreme Court of Canada in the *Sharpe* ruling as what is “necessary or advantageous ... to the administration of justice, the pursuit of science.” In other words, “Examples of possession of child pornography which could serve the public good include possession of child pornography by people in the justice system for purposes associated with prosecution, by researchers studying the effects of exposure to child pornography, and by those in possession of works addressing the political or philosophical aspects of child pornography.” In fact, all of our research presented in this volume was conducted on the premises and under the supervision of officers of the Sûreté du Québec’s technological crime squad, and it could not have been undertaken without their support. We would like to thank them, once again, for their trust and open-mindedness.

This book is the result of a number of years of work, during which much of our time was spent reading, thinking about, and conducting research projects on different themes related to child pornography in cyberspace. As our investigations advanced, we became increasingly aware of the complexity of the phenomenon, the limited number of empirical studies on the subject, and, above all, the limits to what we could uncover given the time and the means available to us.

Thus, we make absolutely no claim to having answered all of the questions linked to the multiple facets of this illicit ICT-mediated trade.<sup>12</sup> The more modest objectives of this book are to present a general overview of scholarly knowledge on the complex issue of child pornography, and to add to or enrich this knowledge with our empirical studies using primary data.

We therefore felt the need to paint as fair a portrait as possible of the state of knowledge on the subject, even if this meant challenging certain preconceptions. With this in mind, research protocols were formulated to deal with specific aspects related to this social issue. The themes addressed in this book are quite independent of one another because they refer to specific research areas. Of course, the book has an overall coherence and logical sequence, but a reader may well skip a chapter temporarily to go to another one.

By its very nature, cyberspace is a plural and vast world that can be intimidating to the neophyte. To provide some context, the first three chapters of this book give an overview of the trade in child pornography. In [Chapter 1](#), we explain the role played by the Sûreté du Québec's technological crime squad in hunting down individuals who exchange and collect illicit images, and we clarify certain legal points, including what Canadian law says about child pornography, how the illegality of pornography is established, and why it is so difficult to establish a standard definition of child pornography at the international level. We give a brief history of the evolution of ICTs and how they have impacted the production and distribution of child pornography in [Chapter 2](#). Finally, in [Chapter 3](#), we discuss the nature and quantity of the content found in the computers of collectors and in cyberspace, and we examine who the victims portrayed in these images are.

In [Chapters 4](#) and [5](#), we delve more deeply into the modus operandi of child-pornography collectors in their search for new materials. First, we try to understand why, contrary to popular opinion, websites are not cyberpedophiles' primary source of child-pornography images. More specifically,

we explore the use of the Google and Yahoo search engines to find child pornography on the web. The objective of [Chapter 4](#) thus is not to look at the availability and quantity of illicit images on the Internet, which is a foregone conclusion. Rather, we want to determine whether it is easy for an average user – a web surfer who uses mainly traditional search engines, as the vast majority do – to obtain child pornography on the web.

This leads us, in [Chapter 5](#), to discuss the variety of communications that take place in Usenet newsgroups, which are less well known to the general public. We infiltrated three child-pornography newsgroups to examine the nature of the social connections that are woven within these virtual communities. We discovered, among other things, that virtual identities do not impede the formation of a community based on mutual assistance, cooperation, and the sharing of deviant values. In this regard, we analyze which forms of solidarity (technical, emotional, and so on) are formed. What rules govern the members of this community? Do conflicts break out among these virtual users, as happens in all social groups? How do the members ensure the survival and security of their community? To answer these questions, we analyzed more than sixteen hundred text messages written by child-pornography consumers and collectors.

In our final chapter, we analyze the profile of child-pornography collectors arrested in Quebec, Canada, and the United States. Who are these cyberpedophiles? What are their sociodemographic characteristics? Do they have things in common, and if they do, what are they? Is it possible to paint one or more standard portraits of these people, and do some of them present a higher risk of taking action? Are they different in this from past generations of pedophiles? What is the link between the viewing of child pornography and the sexual abuse of children? In short, how have the emergence of the Internet and the proliferation of ICTs changed the game? We conclude by suggesting some future directions for research on the trade in child pornography in the digital age.