

VICTIMIZED CHILDREN IN CYBERSPACE THROUGH PORNOGRAPHY

by

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Protection of children as a vulnerable and clean stratum has always been a global concern. Today, in addition to the classic crimes such as child abuse, involving children in panhandling by adults etc. in the actual space the attention should be concentrated on similar activities in the virtual space called 'cyberspace'. Children's curiosity, lack of proper supervision by the parents and lack of efficient website filters has provided a good chance for the moral criminals for hunting children through websites, chatrooms and emails. One of the most important crimes, which is committed against children in cyberspace, is child pornography. In fact, any kind of sound or picture or movie which shows people or children being raped or sexually abused and exposing sexual organs is used for arousal and promotion of sexual activity in children. To investigate the aspects of moral and physical child abuse through pornography in cyberspace and offering solutions for preventing this inhuman action and protecting these innocent angels.

KEYWORDS

Child, crime watch, cyberspace, pornography, sexual abuse.

INTRODUCTION

The increase Internet user in the recent decade in Iran and the promotion of crimes committed through it has caught the attention of the lawyers, while

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the victimized has been ignored. Knowing the victims of this crime type in the world has earned a new look especially after 1970 and has turned the issue into a debatable topic among the criminologists. Paying attention to victimization and conducting studies in the field of victimization on criminology are effective and notable in editing and modifying criminal policies that have to materialize the prevention, identification of the factors that relate to this type of crime and protection of the victim. Victims of the subject of this article are children who have always been in the center of attention to because of their physical conditions and sensitive souls. But they are trapped in a strange and unknown virtual mental zone that has increased their vulnerability increases drastically. The Internet and cyberspace have both advantages and disadvantages for children just like the real world. Children are future makers of precious Iran by becoming aware and promoting their knowledge through websites of course this path is not without its risks that can divert the positive to negative. Therefore, increasing the parents, and legislators' knowledge regarding better protection of children against the evil of the Internet, and training children and familiarizing them with problems and possible social damages are of great concern.

THE CONCEPTION OF CRIME WATCHING

The term "victimized" is derived from the English word "victim" and refers to a person who is hurt or bothered after a crime is committed. The word "victim" in Persian texts refers to "prey". The victim is "the one who is in trouble because of being in a difficult situation and an unsuitable environment involuntarily and undesirably or because of someone else's act". This is the terminology of the term "victim" in Criminal Sciences' articles, whenever the damage and harm or hardships are derived from the criminal behavior of human; the affected person is called the "crime victim" or victimized¹. Being victimized requires imbalance in physical behavior and power; in this concept, the victimizer is strong and the victimized is weak. According to Ezat Fattah, being victimized is being subject to an occurrence, where one side overcomes and harms the other². According to the United Nations Organization (UNO), the victimized are those who are harmed individually or in groups. This harm is inflicted on the whole body or soul, together with mental suffering, material damage and great harm to people's

¹ Raijian Asli, 2005, p. 15

² Najafi, Abrand Abadi, 1994, p. 232

fundamental rights³. According to the most scientific definition of “victim” which was proposed by Mandelson in 1967,⁴ victim is someone who undergoes pain as a consequence of his/her physical, psychological, economical, political, social, natural origins, being a member of certain clan, gang or group⁴. In a general view, a victim is someone who undergoes physical, psychological and even material damage after a crime is committed on him/her. In victimology, victims are studied based on different criteria such as childhood, and gender. One of these categories, which is based on weakness and inability due to the victims’ low age, is called “children victimology”. Children, as a vulnerable stratum and age and feature differences with the adults, are the victimize of some specific⁵. What follows is the concept of child abuse in general.

THE LITERAL AND IDIOMATIC MEANING OF CHILD

Literally, child means small, minor and underage. An immature boy or girl not in puberty is assumed as being a child⁶. Determining the age range for defining a child, teenager and young is a key tool. Childhood begins from the time a sperm is conceived and ends in adulthood⁷. In the Criminal terminology of Islamic law,⁸ a person is called child as long as his body is soft. In Aghrab, it is described as everything which is small is called child. In Na-haie, child means not adult which includes boys and girls. Prior to 1982, according to the law, in Iran the legal age was 18 years which was reduced to 15 in the same year and for girls the 9 years did not change. So in the laws of Islamic Republic of Iran, a child is someone who has not reached puberty and this notion is from religious jurisprudential sources.

According to scholars of law, a child is someone who is not grown enough physically and mentally to enter the society.⁹

The international law, has determined the criterion of age for childhood. According to article 1 of Children’s Rights Convention approved in 1989, child means a person who is under 18 unless the legal age is determined lower based on the domestic imposed laws.

³ Liz -Filizoula, 2000, p. 96

⁴ Abachi, 1380, p. 45

⁵ Beigi, 2005, p. 51

⁶ Moein, 2001, p. 905

⁷ Abachi, 2001, p. 29

⁸ Arjomand Danesh, 1378, p. 246

⁹ Beigi, 2005, p. 52

In the Convention on Cyber Crime which was approved by the Council of Europe in September 2001, the term “child” includes all the people under 18. According to the article 9 of this convention which deals with the crimes that are related to children pornography, the Member State can determine a lower age limitation which must not be under 16.¹⁰ The age of child protecting children against pornography varies depending on the country. Most countries still believe in an internal relationship between sexual exploitation and the age of sexual satisfaction. In other words, they follow this view that because of the national law, a child can be considered to have satisfaction from sexual activity and that the satisfaction age in a number of countries fluctuates between 12 and 16. However, from the view point of child protection from sexual exploitation, it is recommended that the sexual satisfaction factor not be effective. When child abuse is committed by adults, this is completely different from when the child in puberty discovers sexual sensations which is related to the sexual satisfaction age.

In this article, child means people under 18; although, as mentioned earlier, child includes a person less than 9 years for girls and less than 15 years for boys but for protecting children and allowing them to benefit from all international protection advantages, all the people under 18 are the subjects of our discussion.

WHAT IS CYBERSPACE?

Literally, in different cultures, Cyber means not real, intangible and is synonymous with the English word “Virtual”.¹¹ The word “Cyber” is derived from the Greek word “Keybermetes” which means steersman or guide and the expression cybernetic was first used by a mathematician named Norbert Wiener in a book, titled “Cybernetic and control in the relationship between animal and machine” in 1984¹². In fact, the word “Cyber” refers to the environments, where the activities are based on processing function of zero and one system¹³.

Regarding cyber space, some believe that the word “Cyber space” was first used in 1984 by William Gibson, the writer the science-fiction story writer, in the book “Norbert Wiener”. Cyber space means sets of human in-

¹⁰ Pakzad, 2005, p. 107

¹¹ Bastani, 1383, p. 54

¹² Zandi, 1389, p. 38

¹³ Fazli, 2005, p. 164

ternal communications via computers and telecommunication devices without considering physical geographical aspect¹⁴.

The creation of the expression "Cyber", which is the topic of many discussions today, goes back to 90s and since 1994 it has gained more ...? Of course before that the term "Cybernetic" was proposed (as mentioned earlier), but cyber space and after that, cyber rights and cyber crimes are the advanced and contemporary has of it. Cyber by law means a set of components like computers + modems + telecommunication systems equipped with simulation and virtualization features¹⁵. In the public language, this complex is called "the Internet" while the Internet is a vast international computer network,¹⁶. Bastani¹⁷ describes cyber space as: Cyber space is a virtual and intangible environment in the international networks (these networks are connected together with the information superhighways) where, all the information about people, cultures, nations, countries and in general, every physical and tangible thing that exists on earth (in text, picture, sound or document form) is presented in a virtual space in a digital cell form and is useable and accessible for the users by computers.

But there are different opinions about naming the cyber space in Persian: Zarrokh¹⁸ believes that the best title, which considers both universality and in compatibility as a mixture titled since both include pure cybercrime and covers network and technology related crimes.

But it must be stated that most researchers here believe that the word "Cyber" must be used in Persian.

Fazli¹⁹ states: although the cyber world is an abstract world, it cannot be titled virtual as the information obtained from something is not virtual.

With regards to the vast definition of the term cyberspace, its application in international networks and having countless number of instances, finding a synonym for or translating it to another language is not allowed as the scientists and experts recommend. According to them, the concept of this term at the international level has become an institutionalized term and therefore, finding a synonym for it or translating it might limit its concept and inclusion. The term telephone is the same in the international level and

¹⁴ Zandi, 1389, p. 38

¹⁵ Zandi, 2010, p. 48

¹⁶ Zandi, 2010, p. 42

¹⁷ Bastani 2004, p. 56

¹⁸ Zarrokh 2010, p. 32

¹⁹ Fazli 2005, p. 164

used all over the word in the same context and with the same meaning, the word "Cyber" must be used in the same context the same and with the same international meaning²⁰.

At last, a thorough definition can be given about the cyberspace as follows:

Cyberspace is an electronic ally created integrity through the global communication systems in order to create, store, process and transfer electronic data with the features of simulation and virtualization²¹. Accordingly, the word "cyberspace" will be used in this article without translation.

THE TYPES OF CHILD VICTIMIZATION IN THE CYBERSPACE

The most important features which have promoted the interest in the new generation of victimizationology in computer crimes, especially the new generation of new computer crimes through (cyberspace) include: the high level of the Dark Number victimization of countless number of people through a crime, especially in the cyberspace and the easy victimization of children and teenagers in the internet environment network environments (the Internet)²².

The types of children victimization in cyberspace are the violence exhibited in movies and computer games, child sexual tourism through the Internet, child abuse in the cyberspace, electronic child trafficking, invitation, stimulation or encouragement that threaten the children to commit a crime online and finally the child pornography.

As we investigate the victimization of children through pornography in the cyberspace in this article as the most important form of victimization, it would suffice to mention how some other electronic crimes are committed for a better understanding of the contents.

VIOLENCE IN MEDIA AGAINST CHILDREN

Violence in media against children features child victimization. Watching the films propagating violence through the Internet and TV has its significant negative and harmful effect of children's soul. Researchers conducted in most countries are based on the fact that because of the decrease in the obscenity act, sympathy on of victims violence and new violence teachings or

²⁰ Bastani, 1383, p. 54

²¹ Zandi, 2010, p. 42

²² Bastani, 1383, p. 124

imitation of violence methods, the children, who are in such conditions, start to assault and even murder at the same time or at later life stages, they turn into aggressive and invasive people by following violence teachings. They may become depressed, reclusive and scared²³. These behaviors are victimization and become, the significant criteria in determining the amount of influence inflicted on children by being exposed to computer games in the Internet, with violence in the movies etc. According to the statistics given by the Mental Health Community of the U.S, every child in American watches the 28 hours of TV per week and at about age 18, the child would have watched 16,000 cases of mock -murder and 200,000 acts of violence. Many children and teenagers are being exposed to the Media Violence more than ever. Violence has the most impact on children's progress²⁴.

SEXUAL TOURISM THROUGH THE INTERNET CHILDREN

Sexual tourism, as another means for child abuse, has been spread around recently. In fact, child prostitution is a part of the sexual tourism industry in some parts of the world.

'Sexual tourism' generally refers to sexual abuse by foreign passengers; businessmen or tourists, inside or outside the region of the tour are²⁵.

According to the information from the UNISEF, in 1990, sexual abuse, even of 10 year old children, is increasing in the way that in industrial countries, certain outfits are directly involved in sexual tourism and, use children as sex trading sources in different ways²⁶. Currently, the Internet is considered the most important tool in making children enjoy sexual tourism; which means that it results not only in child abuse but also in taking and broadcasting the pictures to the countries that do not have strict or any rules about sexual contents of the transmitted material²⁷.

CHILD TRAFFICKING THROUGH INTERNET

Child trafficking through the Internet and in cyberspace is a profitable illegal business that is gaining interest. Today, in practice, exploitation of people, especially children and women, is not only less than the period of slavery but also has been developed in forms of human trafficking, topic

²³ Najafi Tavana, 2003, p. 45

²⁴ Di Spheski, 1384, p. 72

²⁵ Abachi, 1380, p. 89

²⁶ Beigi, 2005, p. 252

²⁷ Beigi, 1384, p. 254

and geographical domain²⁸. Although four centuries of slavery resulted displacement of 11.5 million African people, only in the last decade, more than 30 million women and children from Southeast Asia have become the proxy of sexual abuse and difficult work through human trafficking²⁹.

Human trafficking means human displacement through deception, threat or things alike for exploiting the person especially sexual exploitation³⁰. Today, human trafficking is closely related to the world of information. Creation and expansion of Information and Communication Technology contributes to illegal exploitation. Studies show that cyberspace and the Internet is applied as a tool and paves the way for committing organized crimes³¹. Now that we got familiar with some types of child victimizations in cyberspace briefly, we will investigate child victimization through pornography.

ABOUT CHILD PORNOGRAPHY DEFINITIONS

Pornography literally means: any type of text, audio-visual, photo that contain sexual affairs which lacks any kind of literal, artistic, political or scientific value³².

According to the section C of the article 1 of "Optional protocol of Children's Rights Convention regarding selling children, prostitution and pornography approved in 2000", having texts and vulgar photos of children (pornography) means any kind of show by children who are involved in real or artificial sexual act, or any demonstration of children's sexual organs with a main sexual purpose³³. Also, it must be considered that this type of child abuse must be in the direction of sexual activities and not every picture of children can be considered pornography.

Children's photos while bathing are not considered topics of child pornography, but the laws only contain ((Obscene)) demonstration of a child's sexual organs during a sexual act³⁴.

The motaged and manipulated, imaginative photos of pornography produced by photo shop techniques and computer programs expose people, es-

²⁸ Habibzade et al, 1388, p. 101

²⁹ Moazemi, 1384, p. 100

³⁰ Habibzade et al, 1388, p. 104

³¹ Zandi, 1389, p. 165

³² Bastani, 2007, p. 50

³³ Beigi, 2005, p. 237

³⁴ Rahimi moghadam, 2009, p. 23

pecially children, to irrecoverable damage. According to Mohammad Hassan Daziani's article³⁵ some national laws do not contain measures against artificial pornography of children or have no clear resolution about it. This pornography usually contains the embodiment of the child even if the child is not involved in the physical scene. These simulated photos of children are simulated by computers showing parts of the child's body are in touch with an adult's. Although some countries, like the Great Britain, have changed their laws in the way that they contain artificial and pseudo-child pornography. Other countries such as France and articles regarding, are still waiting for the needed reforms and regulative modifications.

In fact, it must be stated that what is proposed about pornography, is tempting others to adopt photo activity no matter if the subject/audience is and on adult or a child, and finally the photo, real or simulated, will result in child victimization, so what is important is that tempting children or their sexual abuse will lead to misuse through different measures and in this case, real or simulated is not of significant.

VARIOUS TYPES OF CHILD PORNOGRAPHY

- 1 - **Child visual pornography:** this type of pornography is encouraging the child to perform real or simulated sexual act or to show sexual organs hideously³⁶.
- 2 - **Child audio pornography:** it contains any voice interface representing a child voice- real or simulated - in order to sexually motivate the user³⁷.

THE MOST THOROUGH DEFINITION OF CHILD PORNOGRAPHY

Any visual demonstration which shows a child or a person as the object or the subject involved in sexual activity who seems to be a child regardless of circumstances that show the demonstration of female sexual organs or baby's anus for sexual pleasure and any audio presentation reflects, offers, motivates or consults the illegal sexual activity with children, regardless of the way or the quality of the interface indicating illegal conduct, without

³⁵ Daziani 1385, p. 56

³⁶ Alipoor, 2005, p. 242

³⁷ Alipoor, 2005, p. 242

bias toward the results, such as demonstration of the cases of computer graphics or through mechanical or electronic tools³⁸.

JUDICIAL PRECEDENT OF SEXUAL ABUSE AND CHILDREN PORNOGRAPHY PROTECTION

At the international level, one year after the end of the First World War in 1919, the National Society formed a committee for protecting the children, especially those who were orphaned or displaced during the war³⁹. Although, different conventions and agreements have been approved by international organizations and different countries with the purpose children's protection, the most important issue being the sexual abuse in children as follows:

Article 34 of the Child's Rights convention approved by the UN General Assembly on November the 20,, 1989 stipulates that: the Member States promise to protect children against all forms of sexual exploitation and abuse and thus, the Member States must observe the entire national, bilateral and multilateral measures to prevent the following cases:

- A) Seduction or enticing the child into any kind of illegal sexual activity
- B) Exploitative use of children in prostitution or other illegal sexual activities
- C) Exploitative use of children in the shows movies of vulgar nature and contents (pornographic)

Provisions with similar nature were established by the ILO on June 17, 1999 about the prohibition of children's working in harsh conditions and eliminating it and categorized them in the following 4 sections:

- a) All forms of slavery
- b) Selling and trafficking
- c) Using children for prostitution
- d) Making them to perform striptease shows⁴⁰.

The technical knowledge and scientific developments are expanding, today we are exposed to a new range of crimes with the Generic Name of Electronic Crimes and among them, the crimes related to the children. For fighting against the children's sexual abuse through exposing their photos

³⁸ Daziani, 1385, p. 56

³⁹ Abed Khorasani, 2010, p. 24

⁴⁰ Abed Khorasani, 2010, p. 216

on the Internet, an international conference titled of "The conference of fight against child nudity on the Internet" was held in Vienna from September 20 to October 1, 1999. The final resolution of the conference had results such as the definite and non-negligible fight against child nudity on the Internet and considered it as a crime at global level⁴¹. In 2000, "The optional protocol of Child's Rights Convention about selling, prostitution and children pornography" was approved. Based on this protocol, the member States of the Convention will ban the preparation of vulgar texts and photos of children (Pornography)⁴².

Finally, the Cybercrime Convention was approved by the Council of Europe in Budapest on September 23, 2001. Here ((Article 9)) states the crimes related to children pornography and also contain deliberate and lawless acts as follows:

- 1 - Producing children pornography available through computer systems
- 2 - Mass production of pornography with the purpose of distribution through internet.
- 3 - Distributing or transferring children pornography through computer systems
- 4 - Providing children pornography through the computer system for oneself or others
- 5 - Having children pornography on computer system or on a medial depository for saving media⁴³.

EVALUATING THE PARAMETERS OF CHILDREN PORNOGRAPHY ASPECTS IN THE CYBERSPACE

Criminal activity in pornography is when a person sells, distributes or shows multimedia devices containing vulgar photos or motivates and tempts children and adults to attend such a show. These criminal activities which exist in classical crimes naturally have entered the public media with the development of computer and Internet technology and are unique in their expansion and distribution⁴⁴. As it is clear, in cyberspace, sexual crime is not actualized but the criminal titles related to distribution or broadcast of

⁴¹ Abed Khorasani, 2010, p. 188

⁴² Beigi, 1384, p. 239

⁴³ Pakzad, 2005, p. 106

⁴⁴ Bastani, 2004, p. 50

the contents related to sexual crime or sexual act which come true in cyberspace⁴⁵.

In fact, the most recent form of child abuse in criminal sexual activities is using the modern technology in broadcasting the obscene children photos. This kind of abuse has undergone double global growth which means that broadcasting obscene children photos are not only possible through the books and magazines but also through computer CDs and the Internet⁴⁶.

Internet as an international network has brought people closer around the world and also, with the least of expenses and highest of speeds has transfers different information needed by the users in cyberspace.

In fact, the Internet is nothing more than a mass media in its essence, a media which is able to connect people, groups, organizations etc ... easily through making a vast data junction⁴⁷.

The Internet technology has contributed to hiding place of children pornography as well as the secret physical exchange of photos of the unknown and virtual transfer of millions of high quality photos of 2 year old children and above⁴⁸. The photos related to the innocent children on the net are in horrible positions. In 1996, the members of the group Cat – in the U.S- took some photos from a small girl in sexual positions. These photos were sent to other members and Internet audience and they asked the child to have some other gestures⁴⁹.

The person's personality forms in childhood and adolescence and in this sensitive period which the sexual instinct is the most turbulent among others, can divert him or her in any form; thus, an irrecoverable an inevitable damage to the person and the society. The children's world must be clean and organized to provide for their prosperity and the society. Apparently, the world of the Internet or cyberspace is destroying children's personality and behavior⁵⁰.

Today, the existence of excessive freedom and prevalence of the decadent and non - saturated culture of sexual instincts has attracted some groups in the world and especially in western countries to "rape" the children and benefit from selling the photos and movies of their inhuman. Thus, the

⁴⁵ Alipoor, 1384, p. 229

⁴⁶ Beigi, 2005, p. 235

⁴⁷ Pishgamifard et al, 2010, p. 195

⁴⁸ Rahimi Moghadam. 2009, p. 20

⁴⁹ Beigi, 2005, p. 235

⁵⁰ Alipoor, 2005, p. 244

problem of vulgar contents of children sexual attraction is more severe than that of the problem of a simple photo, since they show vulgarism at its most⁵¹.

The enormous amount of money collected from producing, distributing and selling audio visual materials of sexual activities attracts the attention of cyberspace child criminals. The personality and simplicity of children provides the grounds for their victimization and the benefit of children abusers, the sick.

According to the International Organization for Migration report, children trade mostly for sexual purposes has an annual income of 8 billion dollars⁵².

In the book *Selective cybercrime news*⁵³, refers to the cybersex has turned into a 1 billion dollar underground industry in Philippines. The director of the *Orgasmic Ventures Inc* in Las Pinas has at least an income of 100000 dollars a day.

Now that the significance and the aspects of child victimization in cyberspace are clarified, it is necessary to investigate the manners of child victimization is specific and then discuss the reasons and preventive measures.

CHILDREN'S VULNERABILITY AGAINST PORNOGRAPHERS

The availability and public use of the Internet, allows people who previously had sexual and moral deviation toward the child-sex in the society, to find the courage to reach their targets in a virtual environment with other hunters and colleagues in the forms of children pornography and pedophilia (child loving)⁵⁴.

While the world online opens a world for the children to escape, it exposes them to different, cultures and various life styles, Their phenomenon is not without its dangers for them on the information superhighway. There exist people who seek the sexual exploitation of children through the Internet and online services. Some of these people attract and seduce their victims by gaining their attention, friendship, kindness or by giving presents and gifts. These people usually use a considerable amount of time and money to do their dirty work. They listen to children's problems and show

⁵¹ Beigi, 2005, p. 237

⁵² Moazemi, 2009, p. 121

⁵³ Rahimimoghadam, 2009, p. 17

⁵⁴ Bastani, 2004, p. 126

interest in them. These criminals are aware, very up to date and know the latest music styles, jokes and childrens' favorites in entertainment. These people gain children's attention by talking about sexual themes and showing them sexual photos while chatting with them gradually. Of course, there are other people who start to talk about sexual topics immediately and directly. Some of these criminals collect and trade pornographic photos at first, while others use online calls to see the children face to face⁵⁵. So the ways that help the sexual criminals reach their targets can be summarized in three basic approaches:

- 1 - Chat rooms
- 2 - E – mail
- 3 - Web sites

CHAT ROOMS

In the chat rooms, sexual criminals look for a simple, free and attractive prey and what a prey better than a simple but curious child!

For child rapists, who use the online chat rooms to visit the potential victims, the vulgar photos are suitable tools for the deception ((preparation)) and reduction of children's sensitivity psychologically and change them into easy preys⁵⁶. In fact, showing vulgar photos and conducting sexual activity especially by other children to the victim, might be very strange and horrible for the child at first and undermines the child's feelings, but through a continuous show of the vulgar photos from the sexual hunter, child's sensitivity reduces to some point and in fact, sexual hunters convert the innocent children into people without feelings.

In these online chat rooms, you face rapists who pretend to be a 12 or 13 year old boy or girl who communicate with other children. As a part of meeting children process (preparation), they start to send vulgar photos which usually belong to children. As soon as their sensitivity to this issue is diminished, they become easy to be hunted because they think that this activity might not be wrong and thus, they become vulnerable⁵⁷. In fact, child victimization through chat rooms is a direct victimization.

For parents, this point is important to know that the children can be victimized both through indirect ways such as information transfer of obvious sexual topics and also through the chat rooms. The network sexual crimin-

⁵⁵ Daziani, 2005 B, p. 54

⁵⁶ Rahimi Moghadam, 2009, p. 21

⁵⁷ Rahimi moghadam, 2009, p. 21

als might evaluate the children to understand whether they can ask them to see each other face to face after the online contact or not. Face to face meeting is the first step of a child towards direct victimization⁵⁸.

In pedophiles' called pederasts in slang, on online dates are capable of contacting with potential victims and luring them to have physical visits and they can attack the children sexually or kidnap them for sexual trade. The Internet provides the pedophiles with an escape route for distributing pornography which is a desirable way for their hidden essence of activities⁵⁹.

E-MAIL

It must be noted that children victimization in cyberspace is not limited to forcing or encouraging them to do sexual activities, but as Lieutenant Kenneth Newcomb of the computer crimes branch of Vermont State Police says: "Anytime that a person receives or sends a victimized child, he or she victimizes the child again"⁶⁰.

E-mail is an easy and popular way for communicating on the Internet and is a way for child victimization through sending and revealing texts, audio, vulgar photos and videos to adults or even other children.

With the existence of email, the communication world has undergone a great change and classical post and message is obsolete now. Today, you can send any type of letter or message to any real or legal entity person anywhere in the world in less than a minute via email⁶¹.

One of the most prevalent uses of E-mail is for pornography specifically sexual crimes in general. Vulgar photos are usually sent this way, whether among the main criminals or from the producers to the customers of such photos etc. Email is used for harassment of others especially women and children and many people get annoyed by seeing such photos and we must remember that the presentation of the concept of pornography in cyberspace is the opposite of the classic pornography containing vulgar audio, photo or text. E-mail is used for deceiving and tempting others for sexual purposes. They usually encourage children or young people to see or produce such photos of them or their friends and they even offer some rewards

⁵⁸ Daziani, 2005 B, p. 54

⁵⁹ Bastani, 2004, p. 126

⁶⁰ Rahimi Moghadam, 1388, p. 21

⁶¹ Bastani, 2004, p. 35

for this act. They sometimes recruit pornography groups for criminal purposes or tempt people to record movies containing such scenes⁶².

WEB SITE

The global Internet network that began to work in 1993 is the simplest section of the Internet in use. This network contains many web sites and every user can visit them by entering the web site address as his designated destination⁶³.

Today, from 3/4 million available web sites on the Internet, 3000 of them are related to vulgar sexual contents. In other words, vulgar sexual contents contain 70 percent of about 40000 contents sent on the network⁶⁴.

In the selective news about cyber crimes,⁶⁵ it is stated that:

It is estimated that 5 million photos and movies about 400000 teenagers are put on the global network daily.

In fact, web sites provide a good chance for sexual criminals to put pornography photos, videos and information on the public view and thus, hurt people's feelings and perhaps they try to gain the users attention to these photos and as a result, to the children being shown on the web sites.

Among the examples discussed, here is an actual one: A family from Thunder Bay got scared when understood that their daughter – a sixth grade student – had given her picture for installation on the peers' web site. It is said that the girl did not know that the picture of her school was installed and when she understood that her age and school were both mentioned under the photo, she became so upset. The family are scared of this issue that the web site was probably an invitation by the pedophiles with the purpose of hunting the children⁶⁶.

The harm that sexual abuse causes the children is extremely and somewhat irrecoverable; especially when the abuse adopts pornography. Even this kind of child photo use in pornography can be a background for her to be raped in the outside world; because the sexual criminal and the person who has gained the child's photo can threaten the child and the child grants their wishes as he or she is scared of his/her parents about knowing or seeing his or her nude photos. Therefore, becoming aware of the reasons of

⁶² Daziani, 2005 A, p. 59

⁶³ Cary – Sanders, 2007, p. 276

⁶⁴ Beigi, 2005, p. 235

⁶⁵ Rahimi Moghadam, 1388, p. 19

⁶⁶ Rahimi Moghadam, 2009, p. 26

children victimization through the Internet and cyberspace and knowing the prevention of this ominous phenomenon can be a serious step in protecting the children more.

Although these topics have not been proposed in Iran yet, the daily increase of the Internet users especially the children logging on to the Internet for online games and their familiarity with different web sites, can lead to the possibility of their being hunted by sexually deviated people. Here the significance of being concerned about to this topic is clarified.

THE EFFECTIVE FACTORS ON CHILDREN VICTIMIZATION THROUGH PORNOGRAPHY IN CYBERSPACE

1 – CHILDISH CURIOSITY

Childhood is always accompanied by an inquisitive and persistent mind. Children seek to reveal the unknown and vague attractions that are fresh to them. Because of their adventurous personality, they go after the forbidden fruit. These youngsters are in danger as they have weak thoughts and are at a stage of life moving from adolescence to adulthood and also are in a sensitive period of life which has stimulated adventurous thoughts in them⁶⁷. Children, especially the teenage boys, are curious about and interested in sexual topics and explicit sexual contents. They might be out of their parents' full control and seek for making new relationships out of the family. They might sometimes use the online access to look for the activities and people who are involved in sexual activities. Sexual criminals target children by these characteristics and needs⁶⁸.

2 – INSECURE FAMILIES AND LACK OF CORRECT SUPERVISION BY THE PARENTS

Family is the smallest human society and the origin of collective behavior. The bigger this core becomes, the less effective the social impact. Therefore, social impacts of the school, friendship, peer groups, premature knowledge about sex and learning abnormalities occur when the person does not have a balanced family or his or her behavior is less supervised by the family. With the family breakdown as a society or its conversion to the grounds for family conflicts that ends in violence, the hope for institutionalizing the

⁶⁷ Zarrokh, 2010, p. 134

⁶⁸ Daziani, 2005 B, p. 54

norms through the family decrease. Worst of all, family can be a secure nest and free place for learning sexual deviation through the Internet⁶⁹.

Most of the children who become computer sexual crime victims spend a lot of time online especially in the chat rooms. They might have online connections after lunch time or on weekends. They might be the types of children who are asked by parents to stay home after coming back from school. They start to chat with new friends, spend the time and sometimes obtain explicit sexual information. Although science and knowledge are valuable for children but, parents must pay attention to the supervision and evaluation of the child's time spent online. Parents must be aware of the fact that a child might save pornography files on a disk secretly⁷⁰.

3 – LACK OF COMPUTER KNOWLEDGE AND AWARENESS

Children cannot get enough awareness or experience about various contents and issues because of their age. No matter how much they are taught, there are still suitable grounds against them for becoming preys. In fact, it can be stated that there is a correlation between the amount of children's information about computer and cyber space and their victimization, its intensity and form. The less the amount of information and awareness, the higher the possibility of victimization.

Virtual users, who do not have a lot of experience in online interactions, are more trustworthy for those who meet in chat rooms. They might have the idea that everybody is as honest as shows online. Virtual criminals are faced with a large number of new Internet users every year and each of them can be a potential valuable victim for them. Because of this, the custodians of internet users' education must pay special attention to the new users⁷¹.

4 – LACK OF CORRECT SUPERVISION ON THE INTERNET NETWORK IN CYBERSPACE

The new world (Cyberspace) has provided a chance for people to face the Internet without supervision and in their privacy and they can easily enter a libertine space where there are no signs of government agents or freedom limitative authority⁷².

⁶⁹ Elsan, 2006, p. 148 and 149

⁷⁰ Daziani, 2005, p. 55

⁷¹ Zarrokh, 2010, p. 117

⁷² Alipoor, 2005, p. 223

Vulgar children photos and child abuse are really horrible problems and the Internet has increased the chance to watch such disasters in humanity. Anyway, it is naïve to believe that if we ban watching all the evidences of such problems on the Internet, they will be vanished easily. Instead, the governments must pay attention to the fact that how they can manage the Internet use in a more productive way with regard to these problems⁷³.

A significant source of frustration in facing the supervision problem on the Internet has been the collision of the two conflicting viewpoints. Governments consider the Internet a kind of technology which facilitates the general distribution of sources, so it is affiliated to the radio and TV broadcasting systems. On the other hand, people tend to consider the Internet a vast media like the telephone, which is under insufficient supervision. None of these viewpoints in its kind is useful or satisfactory⁷⁴.

5 – THE ABUSE OF SOME CYBERSPACE FEATURES AND THE OPPORTUNITY FOR VICTIMIZATION

The Internet has not only provided ideal conditions for the circulation of beneficial information, but also for the transfer of illegal contents such as terrorist propaganda, child pornography, disgusting statements character assassination etc.⁷⁵.

The Internet – as a superhighway which connects the available networks on the cyberspace – is a multimedia phenomenon and by applying special software will allow the users to use photo, sound and text simultounesly. In addition, unlike the other media, the Internet is a mutual and interactive media and has a great difference with the previous media. Regarding this issue, the Internet is suitable for transferring any kind of message, something that is hard for the government to control and can be used by all classes and groups with various ideologies, traits and viewpoints⁷⁶.

There are a few people who are against protecting the children from sexual and vulgar issues but the nature of the Internet as a system that knows no geographical boundaries and no national laws will make Legal Challenges beyond what has existed so far⁷⁷.

⁷³ Slovin, 2001, p. 209

⁷⁴ Slovin, 2001, p. 198

⁷⁵ Zarrokh, 2010, p. 44

⁷⁶ Department of National Security Study Group, 2009, p. 100

⁷⁷ Carry – Sanderz, 2007, p. 271

In the cyberspace, due to the curiosity, lust, instinct desire or the sense of greediness and wickedness, a person may commit some acts which are criminal or against the law or morality. Public reference to the illegal web sites, vulgar photos and sexy contents show that human's instinct seeks this way naturally and the government or social violent coercion control or the fear of scandal near people are the main factors of human instinct deviation from their natural path in the real space⁷⁸.

PREVENTION OF CHILDREN VICTIMIZATION THROUGH PORNOGRAPHY

After knowing and investigating the effective factors on children victimization in the cyberspace, it will be easier to determine the preventive measures for children victimization.

1 – THE TASKS AND THE SUPERVISING ROLE OF FAMILY ON CHILDREN'S INTERNET USE

In order to accomplish this important task, just asking parents for more supervision on children and convincing them to investigate the child's exact behavior while using the computer are not enough; but there must be practical solutions, therefore the following are being proposed:

1-1 Parents must supervise their children's access to the live electronic communications (like chat rooms, instant messages, instant calls and ...) and also check their children's E-mail. These people (Sexual criminals) continue their relationship with children through E-mail after they meet children online⁷⁹.

1 – 2 In most parts of the world, the Internet use is growing and the users spend a lot of time on the net and the increase of children users is considerable. The presence of children in chat rooms and web sites provides the grounds for sexual abuse hunters, but there is not enough concern dedicated to the important issues of protection and support of children on the Internet in most countries. Lack of parent's awareness of the Internet, how the activities are done in the cyberspace and even not being familiar with the online harm which is awaiting their children would lead to childrens' free use of the Internet with no supervision. Therefore, for increasing the supervision, parents must try to increase their computer information and obtain

⁷⁸ Alipoor, 2005, p. 224

⁷⁹ Daziani, 2005 B, p. 56

up-to-date knowledge on the Internet and cyberspace, how to use E-mail and other computer operations and thus, keep their children safe on the net.

1 – 3 Cyber sexual criminals work hard to create a gap between the child and family. They magnify every insignificant problem in the family to affect the child⁸⁰. Therefore, an attempt must be made to persuade families to pay more attention to their children and support them emotionally. In fact, the more children get far from their families, the more they will try to feel this emotional gap and end up in the lion's mouth.

Those who look for sympathy, friendship and emotional relationships and such in the virtual space, in a sense invite the intruders⁸¹.

1 – 4 Parents must teach their children the correct and proper usage of the Internet. Children must learn that the purpose of Internet is for scientific and educational uses and not just for entertainment, and they must also learn that talking to strangers and telling their secrets to them in the virtual space and especially in chat rooms is really dangerous just like the real space in the actual life.

2 – DUTIES OF REGULATORY AGENCIES AND LEGISLATORS

2 – 1 Censorship regulatory practice: the law usually pays special attention to children. The issue of censorship is also a kind of protection for children most of the times⁸².

Since 90s as the Internet started to grow and began its role as a public communication system, National Governments paid more attention to it. Probably the most obvious form of supervision on it has been direct censorship which has been increasing with regards to the significant number of child pornographic photos which were sent and received though the Internet⁸³. But it must be noted that censorship cannot be accepted by the public as a supervision method in all the cases, because Internet is supported by great wishes of its users who consider it as a ((free)) technology⁸⁴, and censorship would create conflict with public freedom on the Internet. Anyway, it is a useful solution for protecting children and of course, the proper and useful way of using censorship is in the hands of authorities and is the custodian's responsibility.

⁸⁰ Daziani, 2005 B, p. 55

⁸¹ Rawdrad, 2005, p.88

⁸² Carry – Sanderz, 1386, p. 203

⁸³ Slovin, 2010, p. 199

⁸⁴ Slovin, 2010, p. 199

2 -2 supervision through the legitimacy of the Internet: the Internet works as a communication system. So far, various opinions have been proposed on the optimum way of legalizing the Internet. Some believe that the Internet is non-governmental and the belief on the effectiveness of government policy is faded out. They put their ideas based on the free and anti-authoritarian essence of the Internet. This group claims that trying to restrict the Internet is of no use as the virtual space (Cyberspace) is global and flexible per se, in a way that it allows people and organizations not to follow the powers anonymously and by acting through their own jurisdictions. Another group, who believes in the legitimacy of the Internet, is of the opinion that the idea of government policy, just like old traditions, is not that improper and non-effective. Even the freedom of speech, culture variation and plurality fans also believe that people must not be free in doing actions like inciting racial differences or distributing vulgar photos of children⁸⁵. By comparing the above-mentioned two ideas, it is clear that the second idea based on the Internet supervision seems more rational, because lack of supervision is in conflict with people's rights and for more user protection, especially children, this supervision seems to be necessary. As Prof. Alipoor⁸⁶ states in his article titled "The Black Content of the Information Technology": "Lack of an owner for the cyberspace or lack of the possessor of this space possession is not synonymous with lack of its supervision and control, while this world, just like the real one, must be controlled and supervised to be protected from enemies' harm". Therefore, legislation on supervision must be of concern more than before and must be applied practically.

2 - 3 Using software and filtering programs: the danger of children's access to vulgar contents on the Internet is a considerable danger,⁸⁷ because this matter will lead the child to think that sexual relationship and such photos are common and normal and the vulgarity of the action for the child will disappear. Currently, there is no trustworthy solution for determining the age of people who have access to the mentioned contents on the Internet. But the number of programs that sift the show of such contents is increasing day by day. Instances which can be expressed in this case are "Net Nanny" and "Cyber Patrol" which block the access to the web sites which

⁸⁵ Slovin, 2001, p. 194-195

⁸⁶ Alipoor 2005, p. 222

⁸⁷ Carry - Sanderz, 2007, p. 302

contain certain words, sentences or photos⁸⁸. Such software can be useful for the prevention of children from accessing the forbidden and sexual photos and contents. On the other hand, some / can be created in order to prevent children pornography hunters etc. Microsoft has started to design a software program to help the police all around the world in order to catch the involved persons in children pornography and trafficking; thus, it provides the competent authorities with the ability to have access to information like buying credit card, chat rooms messages and arrest records for the first time. The child Exploitation Tracking system is the first software which is designed especially for entrapping the pornographers who hunt children on the Internet. This software will let the police offices all over the world to receive and follow the information on the investigations and catch the suspects who were not accessible before⁸⁹.

CONCLUSION

The increase of the Internet use and introduction of cyberspace emphasizes on the interests and protection of the users of this technology. Cyberspace with features like non-disclosure of the user's identity and its ease of use, which is explained in this article in details, is a complex environment that allows for criminal acts and curious and vulnerable children are inevitably the most easy preys and victims in this endeavor. The amount of harm which sexual abuse has inflicted on children involved is of significance and irrecoverable. Pornography or showing and distributing vulgar photos and contents is one of the most important aspects of violating children's rights. The spread of pornography has a close relation with the increase of other crimes against children like sexual tourism and children prostitution and trafficking. In the past, pornography was spread through magazines and x-rated movies, but today, with the improvement of Information Technology and the advent of computer and the Internet, the amount of vulgar photos transfer has increased considerably and the use of such photos has become easier and faster and there are more dangers awaiting our children. By identifying the environments where children might face potential dangers as they enter, and by decreasing the crime causing grounds, through software filtering systems and using computer programs for identifying pornography criminals, and also applying censorship methods for preventing the

⁸⁸ Carry – Sanderz, 2007, p. 303

⁸⁹ Rahimi Moghadam, 1388, p. 37

distribution of vulgar photos and children's access to these photos, we can decrease the amount and intensity of children pornography in this virtual that effect the actual emotion of the victims space. Increasing parents' awareness and knowledge and familiarizing them with the dangers and problems which might happen to their children while using the Internet, and also trying to increase the families, school authorities and at a higher level; authorities and legislators' supervision is of significance and must be followed seriously.

Finally, with regard to the mentioned issues and the conclusion thereafter, the following are offered as suggestions for protecting the defenseless and innocent children more and more:

- 1 - Parents must talk about the probable sexual criminals who face children in this space clearly and easily and must accompany their children in using the Internet.
- 2 - We must teach our children not to put their photos in chat rooms and not to use their webcams for strangers.
- 3 - Government executive agencies must adopt measures to prevent the show and distribution of vulgar photos by filtering the pornographic sites.
- 4 - Parents have a very significant and special supervising role in leading their children and must supervise them through manners like putting the computer in a non-secluded place where it can be monitored by all the family members, and having their children's E-mail-coded by password.

REFERENCES

Arjmand Danesh, Jaafar, 1378(1999), *Terminology of Islamic Penal Code*, first edition, Bonab, Bonab Aazam publications.

Sloan, James, 1380(2001), *Society and Internet*, translators: Abbas Gilouri- Ali Radbaveh, first edition, Tehran, Ketabdar publications.

Elsan, Mostafa, 1385(2006), *Criminology of Sexual Violence against Women, social welfare and scientific research quarterly, fifth period, #21*, pages 141-164

Bastani, Boroumand, 1383(2004), *Computer and Internet Oriented Crimes; A modern Display of Delinquency*, first edition, Tehran, Behnami publications.

Beigi, Jamal, 1384(2005), *Iranian Rights for Child Misdemeanor*, first edition, Tehran, Mizan publication.

Pakzad, Batoul, 1384(2005), *A Collection of Articles on Conferences for Discussion on Legal Aspects of Information Technology*, first edition, Tehran, Selsebil publications

Pishgamifard, Zahra and colleagues, 1389(2010), *Interaction in Cyber Space and its Effects on*, 8th period, #2, pages 108-209.

Habibzadeh, Mohammad Jafar and colleagues, 1388(2009), *Human Trafficking in the Iranian Criminal Law*, comparative legal research magazine, 13th period, #4, pages 99-123.

Deziani, Mohammad Hasan, 1384(2005), *Analytical Points of E-mail from the Criminal Angle*, Judgment magazine, #31, pages 57-59.

Deziani, Mohammad Hasan, 1384(2005), *Security in Internet – A Guide for Parents*, Judgment magazine, #34, pages 54-56.

Deziani, Mohammad Hasan, 1385(2006), *Child Pornography on Internet*, Judgment magazine, #37, pages 55-57.

De Esfesy, Joy, 1384(2005), *Legal Approach on Psychology of Domestic Violence Against Children*, translated by Mohammad Gholipour, first edition, Mashhad, Marandiz publication.

Ravdarad, Aazam, 1384(2005), *Social Issues of Women on Internet*, scientific research magazine on cultural studies and communications, first period, volume 3, pages 73-92.

Rayjian Asli, Mehrdad, 1384(2005), *Protective Sociology of Victims*, first edition, Tehran, Dadgostar publications.

Rahimi Moghadam, Ahmad, 1388(2009), *News Excerpts on Cyber Crimes*, first edition, Tehran, official newspaper of the I.R.Iran.

Zarrokh, Ehsan, 1389(2010), *Cyber Space Criminology*, thesis for the master's degree on penal code and criminology, Shahid Ashrafi Esfahani Institute of Higher Education, Isfahan.

Zandi, Mohammad Reza, 1389(2010), *Preliminary Research on Cyber Crimes*, first edition, Tehran, Jangal and Javdane publications.

Sanders, Joe and Cray- Peter, 1386(2007), *Mass Media Law*, translated by Hamidreza Malek Mohammadi, first edition, Tehran, Mizan publications.

Abed Khorasani, Mahmood Reza, 1389(2010), *Incomes on Child Rights*, first edition, Tehran, Mizan publication.

Aali Pour, Hasan, 1384(2005), *A Collection of Articles on Conferences for Discussion on Legal Aspects of Information and Technology*, first edition, Tehran, Selsebil publications.

Fazli, Mehdi, 1384(2005), *A Collection of Articles on Conferences for Discussion on Legal Aspects of Information and Technology*, first edition, Tehran, Selsebil publications.

Philizola, Jhina and Lopez- Jeraj, 1379(2000), *Victim and Sociology of Victim*, first edition, Tehran, Majd publications.

Research group of the National Security Department, 1388(2009), *Media Threats and Coping Strategies*, first edition, Tehran, The supreme National Defense University publications.

Moazami, Shahla, 1384(2005), *Organized Crime and Global Confrontation Solutions*, first edition, Tehran, Dadgostar publications.

Moazami, Shahla, 1388(2009), *Juvenile Delinquency*, first edition, Tehran, Dadgostar publications.

Najafi Abrand Abadi, Ali Hosein, 1373(1994), *Criminology Course Exposition (Sociology of Victim)*, preparation and arrangement; Fatemeh Ghanad, Shahid Beheshti University; Department of Law, 1373-74(1994-95) academic year.

Najafi Tavana, Ali, 1372(1993), *Juvenile Delinquency and Disorder*, first edition, Tehran, Rahe Tarbiat publications.