Dimensions of Child Pornography Victimization

THE NATIONAL JUDICIAL COLLEGE

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Child Sexual Exploitation

- Child pornography – child sexual abuse images, or child abuse images
- Intrafamilial prostitution – exploitation of children by family members for money, shelter, contraband, or influence
- Commercial sexual exploitation of children-domestic minor sexual trafficking
- Cyberenticement – luring and grooming of children for the purpose of sexual abuse and exploitation
- Child Sex Tourism- travel to or from a country to access children for sexual exploitation
- Self-exploitation – self-made production of child pornography as a high risk sexual behavior

The Role of Child Pornography

- In each of these types of crimes against children – child pornography has become or is becoming a common theme
- Child pornography production has become universally available because of 3G technology
- In multivictim child sexual abuse cases child pornography production is also an increasing phenomenon
CSA Versus CSE

- We have decades of research regarding the many aspects of victimization of CSA
- Internet and communication exploitation of children has grown to be an immense problem for the last 12 years and treatment professionals are far less knowledgeable in these cases
- There is increasing amount of clinical research that reveals that CSE is associated with a greater degree of guilt, self-blame and shame

The Difference

- Child sexual abuse is the basis of victimization in sexual exploitation
- However, child sexual abuse (CSA) is very different in many ways
  - Most victims do not disclose CSA in childhood, but if they chose to do so, it is for specific reasons
  - CSA is a victim’s secret and often a child gives an unconvincing disclosure with a high risk for recantation
  - CSA in boys is often seen as a betrayal, not abuse

The Difference

- Child sexual exploitation is the insult to the injury of child sexual abuse
- CSE is one of the few forms of abuse in which discovery of the victimization is by a third party—not an eye witness and not by the child’s disclosure (the most common means of discovery)
- Law enforcement (not CPS) is usually the first discoverer
- In this form of maltreatment, victimization is often no longer a child’s secret and confrontation regarding the abuse is often met with denial
Denial As a Victim Defense

- Denial is common in CSE involving sexual abuse images
- This aspect of victimization has relevance in the discovery process, the prosecution component and at the level of mental health treatment
- Guilt, self blame and shame form the basis of such denial but children tell us more

UK STUDY (BARNARDOS)

80 cases of victims of sexual abuse images

Why Not Tell?

- They appeared to “let it happen”
- They may have been smiling as they were directed to do
- Index children may have been coerced to recruit other victims (schools etc.) and were therefore “responsible bystanders” (e.g. Kindergarten series)
- Children were encouraged to be proactive in their own exploitation (masturbation) or with others (mutual)
- Children were shown their own images and threatened exposure to non-offending parents that they cooperated and did not stop the abuse
### Relationship of Abuser to Child in Sexual Abuse Images

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online Enticement</td>
<td>9.7%</td>
</tr>
<tr>
<td>Unknown to Child</td>
<td>5.4%</td>
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<td>Note: See last page of materials for larger graphic</td>
<td></td>
</tr>
</tbody>
</table>

1. Abuser data based upon victim info submitted to NMCEC by law enforcement
2. "Unknown to Child" includes un-established relationships, i.e., photographers, child sex tourism, runaways, etc.
3. "Online enticement" includes either (1) victims who met a perpetrator online and transmitted self-produced images or (2) victims and offenders who met online and then met offline, producing images.
4. "Self-Produced" includes those victims who have produced and distributed images of themselves.

### Child Sexual Abuse Images

- These images are often part of a series (with as many as 50 images)
- Producers will make videos and then offer to select groups parts of the videos often in exchange for other new materials
- The images range from coerced autoerotic masturbation by a child, to sadistic imagery

### The Abuse of Children

- Physical impact: childhood abuse leads to lifelong increased incidence of medical disorders particularly associated with immune problems
- Emotional impact: relationship difficulties, depression, PTSD, anxiety, substance abuse, bipolar disorder, revictimization, and others
- Spiritual impact: a wounding that sometimes hinders faith and spiritual belief; Once these feelings become engrained, victims may lose hope and forgiveness
### Child Pornography

- Victims are eroticized by parents under the guise of modeling, and then have images sold online as “solo pornography”
- Victims are photographed by cell phone cameras and images are saved or transmitted as an “advertisement” for intrafamilial or commercial sexual exploitation through prostitution
- Victims are groomed to transmit self-made explicit images through online contact e.g. videogames

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### Child Pornography

- Victims have normal photos digitally manipulated by an offender such that their head and face might be placed on an adult body or the adolescent body of another person (“morphed images”)
- Victims are posed in lascivious and lewd positions and sexually assaulted after being given date rape drugs, and then photographed with images placed online

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### Child Pornography

- Victims are photographed in a consensual sexual relationship, but then as an act of revenge, the images are placed and transmitted online to others who are known to the victim – often using cell phone technology
- Multiple victims are covertly videotaped while being sexually abused by a person in authority
### Pornography
- Victims are shown adult, adolescent or child pornography as a “tutorial” for what the offender wants the child to do with him.
- Nearly pubescent or adolescent boys are shown adult pornography to encourage sexual excitation and then videotaped as they are encouraged to masturbate or participate in mutual sexual behaviors with a peer or the offender.

### Compliant Victimization Versus Self-exploitation

**Adult Offender Based Exploitation**

**Versus**

**Peer Based Exploitation**

### Compliant Victimization
- This type of victim is gradually groomed over weeks and months by adult offenders to behave in a sexually explicit manner online.
- Rewards are often provided and the degree of sexual victimization escalates at times to include multiple offenders who appoint themselves as the “audience” for a victim who becomes more and more explicit.
- Sometimes, these victims leave their home to meet the offenders who have groomed them online for a sexual encounter offline.
Compliant Victimization

- At times a victim is exploited by a person whom they believe to be a peer – and because they feel that they are on an equal level with the offender, they come to believe that they have control over the outcome
- The offender is however in this scenario impersonating a peer and the victim may have willingly provided images in a “false exchange”

Compliant Victim and CSEC

- Victims report being trafficked to perpetrators who demand that they allow photography of sex acts (fellatio, anal sodomy etc.)
- Online marketing of adolescent victims may include pornographic images posted onto online classified ads such as www.Craigslist.com
- Traffickers may produce child pornography of a runaway youth to attempt to assure that they will follow whatever rules they implement

Self-Exploitation

- Self-exploitation is often an action that occurs through the grooming, goading, and encouragement of a peer or peers
- Once images have been made and transmitted there is often a continued demand for more explicit and more volume of images
- Victims are often depressed and highly regretful regarding the presence of the images
- Peer offenders may begin to extort a victim to obtain further images
The Rights of Victim Privacy

- When child pornography is to be introduced into evidence, it is important to protect the identity of the child victim.
- Decisions to limit access to the images continue to become the rule more so than the exception in these types of cases.
- The existence of images is often a deterrent to testimony by victims – they are unwilling because of guilt, shame and self-blame.

Later On..........

- CSE through sexual abuse images don’t go away; Victims ask why their images cannot be eradicated from the Internet but this is not a technologically easy feat.
- Recent federal cases are focusing on restitution for known victims whose images continue to be “collector’s items”.
- The concept of proximate harm is debated in numerous courts throughout the US.

A New Definition of Revictimization

- Because images continue to be shared, victims continue to be revictimized in knowing that others are gaining sexual gratification from their abuse.
- One 13-year-old victim cited over and over that her privacy is being invaded – and though she would never testify, she will never feel safe.
- An analogy is seen in a voyeur (peeping Tom) case.
In Essence

- In CSA there is typically one victim and one offender
- When the abuse stops, it is over
- In CSE there is often one victim and many offenders – who are in essence, looking in the window watching the victim being abused....
- Not to rescue her, but to masturbate as they watch her being defiled and to call others to come and see

Justice for All Act

- As part of the Adam Walsh Act, victims of child sexual abuse images are entitled to be notified when someone has been convicted of possessing their specific images
- Parents have the option to opt in or opt out in these circumstances – but regardless, once the victim reaches 18 years of age, they must make the decision regarding continued notification
- Some families receive several notices each month that someone else has watched their child’s abuse – thus hindering the healing process

Newer Concepts

- The Death of Child Erotica is a compelling treatise regarding the significance of images which are not quite at the level of sexual abuse images (Leary, 2009)
- Likening these types of images to drug paraphernalia is more of a descriptive normative – child exploitation paraphernalia
Newer Concepts

- The reasons to cease misuse of the term are threefold:
  1. Linguistically, the term is misleading
  2. The misleading label is also validating
  3. These problems are compounded when courts incorporate and over generalize the misleading and validating label

CSE Victimization

- This discussion has focused on the role of child pornography with respect to victims
- The continued ubiquitous spread of information and communication technology predicts that these types of crimes will become even more mainstream than ever
- Victim considerations will require well informed jurists to assure that justice prevails

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- Other Relative
  - (10.1%)