

## Child Pornography

### **Relevant National Laws (Pornography):**

The Constitution of the Islamic Republic of Pakistan, under its principle of policy clause 37 (g), provides that the state shall prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisements.

The PPC Section 292 prohibits the sale of obscene literature and/or books; the punishment is three months imprisonment or a fine or both. Under Section 298 the selling of such obscene literature and/or books to children under 20 year of age is punishable by imprisonment for six months or a fine or both.

Under Section 294 obscene acts and songs are punishable by imprisonment of three months or a fine or both. The term “obscene”, however, is not defined anywhere in the Code. There is no specific law that provides protection to children in the case of being used for pornography or being exposed to the same (from ESCAP’s *Sexually Exploited and Abused Children: a Qualitative Assessment of their Health Needs and Services Available to them in Pakistan*).

**Child Pornography:** It is common knowledge that certain cinema halls, all over the country, screen X-rated films illegally. It is also common knowledge that adults often take children along to such movies for their sexual gratification. Boys at such cinema houses in Peshawar said they knew that some men brought teenage boys with them to watch movies. One of them added that the practice of bringing boys to cinema halls was common in cinemas where pornographic clips were being shown. Boys also said that some children who sold potato chips, candies or were begging in the vicinity were also prostitutes. They said that almost everyone knew that about them and those who wanted to hire their services would negotiate with them in the premises of the cinema halls. “The prostitute boys usually go with their clients after the show.” In 1996 WAR, Lahore discovered a pornographic video made in Pakistan involving a 13-14 year old girl. On inquiry it was suggested that the film had probably been made in Karachi. The film was available in video shops in Islamabad, Lahore and Karachi. It showed explicit scenes of a young girls involved in sexual activity with two adult men. The film had been carefully shot so as to hide the faces of the abusers. The young girl seemed to be intoxicated. There are no estimates currently available of how many such films are being made and rented out. Locally made child pornography is a newly discovered phenomenon in Pakistan and needs further investigation (from *Confronting Reality: Sexual Exploitation and Abuse of Children in Pakistan: a Situational Analysis 2000*, Child Rights and Abuse Committee, PPA, in collaboration with SC-S, Pakistan).

**Child Pornography:** Many Pakistani adults and children, male and female, post stories of their sexual experiences and their nude/semi-nude photographs to porno Indian websites like Desibaba.com, Desimama.com and Desipapa.com. A general impression is that most of these stories and photographs are fake, which might be true considering the fact that almost all the stories have a similar style of narration. But, some stories, whether

trust or fiction, must have been contributed from Pakistan, and probably help the webmaster with names of Pakistani cities, towns, colleges, etc. (?)

**Child Pornography:** There is no data available in this area in Pakistan. But there are a number of cinema halls, mostly visited by the lower classes, where clippings of pornographic films are shown in the middle of regular movies. Many children are thus inadvertently exposed to this pornographic material. Involving children in pornography involves photographing children while having sex. These photographs are used by the perpetrators to blackmail these children to further indulge in sexual acts; and sometimes force them to become prostitutes. The PPC makes it an offense to sell, let to hire, distribute, exhibit or circulate to any child below the age of 21 years any obscene object, including any book, pamphlet, paper drawing, painting, representation or figure. Contravention is punishable with six months imprisonment, or fine, or both;<sup>1</sup> the term “obscene”, however, is not defined any where in the Code (from *Child Rights in Pakistan* by Anees Jillani and Zarina Jillani).

**Child Pornography:** In Peshawar (NWFP) and some other urban centers, there are cinema halls which are notorious for showing pornographic films. It has been reported that most of the men who come to these cinema halls are accompanied by young boys who they ‘keep’ for sexual gratification. There have also, as a result, been incidents where oral sex with boys is performed in these cinema halls. Many working children in urban areas have reported easy access to X-rated films. These films are played at wayside restaurants and also in some cases, at the work place. Young children are enticed into watching pornography with a ‘ticket’ price as low as Re. 1 or Rs. 2. Using the lure of pornographic films, a number of these children are trapped into homosexual relationships. In 1996 WAR, Lahore discovered a pornographic film which used a 14 year old girl in it. However, the area of both pornography and exposure to pornographic material lacks sufficient research, making it difficult to make any conclusive statements. The transmission of mystifying, non-scientific and incorrect sexual information takes place on a large scale through publications, religious sermons, and through hundreds of small mostly illegal sexual health clinics run mainly by quacks, which exist all over the country. This information borders on pornography and is accessible to all age groups of children. A famous publication of this type is “Bahishti Zewar” (Heavenly Ornaments) which is presented to many girls before their marriage. The book is written by a religious leader and not only provides incorrect sexual information but also completely restricts female sexuality to male pleasure (from Sahil’s *Child Sexual Abuse and Exploitation in Pakistan*).

**Child Pornography:** The popularization of Internet by the present Pakistan Government is a welcome step. In a few months Internet would be accessible throughout Pakistan. More than 370 cities, towns, and villages have already been provided with Internet connectivity. The government has also drastically cut the Internet connection to schools, colleges and universities. The setting up of Internet kiosks and cafes for those who cannot afford to buy a personal computer and an Internet connection at home will no doubt help bridge the digital divide to a great extent. But for the younger generation, this path is full

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<sup>1</sup> Sections 292 and 293.

of dangers. Children are now exposed to a flood of information and knowledge, but at the same time they have to browse through junk e-mails luring them to visit pornographic sites. It is very difficult to contain the rain of smut on the Net and protect children from it. "Fearing pornographic surfing by children and employees, parents and businessmen have urged the government to introduce filtering devices on the Internet that deny access to pornographic sites."<sup>2</sup>

While the world is taking advantage of the vast resources made available at their doorsteps by the Internet, the young and not so young surfers in Pakistan waste their time on obscene sites, says Lahore Chamber of Commerce and Industries former President Pervaiz Hanif. He argues that even in advanced countries, the ISPs (Internet Service Providers) have made arrangements to block all pornographic material so that children cannot access it.<sup>3</sup>

A study by *The News* revealed that the complete screening of all pornographic material from the Internet was not possible; however, most of the known pornographic sites could be filtered. An ISP recently announced that it would provide pornography-free sites to users in Pakistan, though its effectiveness has yet to be tested. According to software export's complete elimination of unwanted sites is not possible. Although software can be developed to block all known pornographic sites but these sites may reappear under different URL (universal Resource Locator) or web address and one can also not stop people from sending pornographic images via e-mail.<sup>4</sup>

Using children in pornographic movies and images is another area of grave concern. In Pakistan, this phenomenon may not exist, but some destructive minds may indulge in this practice and spread child pornography on the Net. "Child pornography is one of the media's worst crimes against children; a crime justifying child sex myths and actual child sexual abuse, as well as helping pedophiles to, via the Internet, make appointments with children. Child pornography is, thus, not only an expression of certain individual's sexual fantasies, but also leads to the growing evil spiral of child abuse in practice."<sup>5</sup>

**Source:** *The State of Pakistan's Children 2000*, SPARC.

**Child Pornography:** It is fast becoming the worst kind of child abuse throughout the world. Particularly the children who are exposed to Internet, porn movies and other stuff are vulnerable to abusers. In modern societies where gangs misuse the freedom of speech and civil liberties, porn materials are produce sometimes in the name of sex education or sometime in the name of promoting proper use of contraceptives.

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<sup>2</sup> Ahmed, Mansoor, "Children be barred from wrong use of Internet", **The News** (Daily), July 18, 2000.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Feilitzen, Cecillia von and Calson Ulla, Eds., *Children in the New Media Landscape, Games, Pornography, Perceptions*, the UNESCO International Clearinghouse on Children and violence on the Screen, Nordicom, Gotebog University, 2000, Sweden.

In the United States, Canada, Britain, Japan and some other advanced countries, sex industry is growing horizontally and vertically and it has created big markets not only within their boundaries but, thanks to Internet and globalization around the world.

According to the AFP report released on December 8, 2000 from Rome human trafficking; forced labor and sex slavery are increasingly linked to organized crime, allowing crime syndicates to rake in billions of dollars, revealing one of the downsides of the world's more open borders. Statistics compiled by international organizations paint a bleak picture. Transition a crime groups make between seven and \$13 billion a year from sex industry that largely depends on pornography. And if past trends are any indication, their income can be expected to continue to rise.

The crime syndicates traffic children physically or make them prone to sex industry through Internet messages and images. There are thousands of sex websites on Internet which offer huge sums and other benefits to lure them to this dirty business. Due to digitalization of photography and lucrative offers, these syndicates trap innocent children to release their nude photographs on the Internet.

During last couple of weeks, a local newspaper report indicated that a website Desibaba has put nude pictures and smart interviews of Pakistani girls living in various cities in the country or residing in UK, US and Canada. This website also invites others to contribute their pornos to the net. This website reportedly gives and invites porno stories of what it claims the people of South Asia.

In Pakistan, with the growing use of Internet, Netcafes and Internet Clubs, the pornography is gaining space. Contrary to the West, the Internet Club users in Pakistan largely comprise children below 18-20 because normally majority of them have no access at homes. Teenagers throng Internet Clubs and then they go to video shops to have porno movies. The watching of such material which is now easily accessible, they tend to act as they see in porno material. It is an undeniable fact that these materials always provoke to have a sexual act.

Though there is no data available which can show the gravity of the situation in Pakistan, but circumstantial evidences prove that our children are becoming vulnerable to pornography owing to a variety of reasons. Earlier, only a couple of cinema houses in urban centre were supposed to screen porno shows. Now, the situation is different, the children who have access to Internet can see what they want with a click of mouse. They can download pictures, movies and texts.

The most dangerous trend emerging out of children's access to pornography is the growing cases of incest in middle class in urban areas. Incest cases in our society are not reported in normal circumstances.

A couple of weeks ago, an incest case occurred in an unfortunate middle class family of Islamabad in which a brother, 19, committed incest with his sister, 14, while they were alone at home. The girl became pregnant and the unfortunate family is in a miserable

situation. This happened due to both children's access to Internet and porno movies. They committed this act after repeatedly having access to the porno material suggesting incest between brother and sister, father and daughter, etc.

This painful situation is alarming for us as no doubt, like the US and the West, our children are not exposed to the crime syndicates who can use them as porn star, but they are prone to pornography and they are becoming users of this commodity. This trend, if not checked, can one day make them do what they see in pornography.

Like lack of control over children's use of Internet, easy access of children to porno movies through mushroom growth of video centers, is plunging children into a sex-phobic environment in which they can easily be exploited.

Last year, newspapers unearthed a scam of a video shop owner how used to exploit the innocent children first by showing them porno movies in a "safe corner", of his video shop. Then he provided them facility to see movies in groups to expand his net. He also exploited children's other needs, provided them money and gifts. He used these children to make porno movies and sexually abused them. Most of his victims were boys whom, sometimes, he used to send for other friends and clients as male prostitutes.

Many video shop owners give porno movies to even kids without ascertaining their age in clear violations of the one poorly existing law of the land and all norms of decency. The sections 292 and 293 of the Pakistan Penal Code make it offence to sell, let to hire, distribute, exhibit or circulate to any child below the age of 21 years any obscene object including any book, pamphlet, paper, drawing, painting, representation or figure. The punishment for this crime is just six month imprisonment. The law has not elaborated the term "obscene". The law does not deal with Internet or On-line risks of pornography. It does not anyway restrict porno-data transfer in CDs, Zip or disk or for that matter on-line transmission of such material.

The gangs who lure children for sex industry or pornography claim they do their job with the consent of the children. Their claims seem to be rubbish because of the methods of sexual coercion they use. Their claims are wrong because "right to be let alone" certainly encompasses the right not to be sexually coerced, pressured, or exploited. This right belongs to all, but children – because of their lesser physical strength, because of their lesser sexual knowledge, because of their training to obey adults (especially parents and other relatives, and teachers, members of the clergy, coaches, etc.) — are particularly vulnerable to coercion. Parents have very right to be concerned that no harm sexual or otherwise, come to their children.

In the United States or other Western countries, hardly a day now goes by without a report on television or in the newspaper about someone being arrested being arrested for possessing child pornography.

Child pornography, according to the US Comprehensive Crime Act, is the visual depiction of persons under 18 engaging in sexually explicit conduct, real or simulated, including lustful exhibition of the genitals or pubic areas.

According to a US court ruling in the United States Vs Knox, if any person looks upon a picture of someone under 18 with lust in his or her heart, then that picture is potentially child pornography. Nudity is not necessary, nor is it even necessary that genitals be observable beneath clothing. Child pornography is illegal not because it harms children, but rather because “it might give people ideas”, to misuse innocence of children.

A US scholar Bob Chatelle, Member Steering Committee of The Boston Coalition For Freedom of Expression in his thought provoking article – The Limits to Free Expression and the problem of Child Pornography – said: “The most clear-cut cases would be photos of little boys with creations (which can be as innocent as any nude child photo) and pictures of children masturbating or indulging in sex play with peers. In these cases, no abuse would be taking place if the children were alone. But if the ac is photographed (presumably by an adult), this is no longer the case and it is legitimate to ask if the photographer coerced, pressured or exploited the children.”

Some pornographers use computer software for picture manipulation. They mix pictures so tactfully that they give porno images of those who have never exposed themselves to pornography. In some cases, even pictures not taken with porno images are misused by invading the privacy. One must protect the privacy of the child and his or her parents.

Private Citizens own their own images and it is illegal to use a private person’s image for commercial purposes without the person’s knowledge and consent. Moreover, children cannot sign legal contracts, and consent in these cases would have to be given by the parent or legal guardian. No parent or guardian, of course, can legally give consent for a child to be abused as porn star.

Any subscriber to one of the Internet porn sites can post a digitally-encoded photograph and make it available to millions of people all over the world. Private Citizens’ rights of privacy can thus be invaded in a way never before imaginable.

The problem of child pornography is not properly handled by the law enforcement agencies as they ignore production and sources of child pornography and concentrates on possession alone. Child pornography is evil because it harms them physically or emotionally. The victim children have to go through another trauma when such cases are reported to the police. The police instead of helping these victims try to torture them mentally by hurling threats or abuses suspecting them of willing sex workers. Police behavior needs to be changed.

Our children are our most valuable asset. They are considered to be the future of the nation. They are also the most vulnerable members of our society. Protecting our children against the fear of crime and from becoming victims of crime must be a national priority. Unfortunately the same advances in computer and telecommunication technology that allow our children to reach out to new sources of knowledge and cultural experiences are also leaving them vulnerable to exploitation and harm by computer-sex offenders.

While on-line computer exploration opens a world of possibilities for children, expanding their horizons and exposing them to different cultures and ways of life, they can be exposed to dangers as they hit the road exploring the information highway. There are individuals who attempt to sexually exploit children through the use of on-line services and the Internet. Some of these individuals gradually seduce their targets through the use of attention, affection, kindness, and even gifts. These individuals are often willing to devote considerable amounts of time, money, and energy in this process. They listen to and empathize with the problems of children. They will be aware of the latest music, hobbies, and interests of children. These individuals attempt to gradually lower children's inhibitions by slowly introducing sexual context and content into their conversations.

There are other individuals, however, who immediately engage in sexually explicit conversations with children. Some offenders primarily collect and trade child-pornographic images, while others seek face-to-face meetings with children via on-line contacts. It is important for parents to understand that children can be indirectly victimized through conversation, i.e. "chat," as well as the transfer of, sexually explicit information and material. Computer-sex offenders may also be evaluation children they come in contact with on-line for future face-to-face contact and direct victimization. Parents and children should remember that a computer-sex offender can be any age or sex the person does not have to fit the caricature of a dirty, unkempt, older man wearing a raincoat to be someone who could harm a child.

Internet is a global network that connects computers via telephone lines and/or fiber networks to storehouses of electronic information. With only a computer, a modern, a telephone line and a service provider, people from all over the world can communicate and share information with little more than a few keystrokes. This is a unique facility available but some abusers are misusing this facility. By avoiding misuse of Internet, we can save our children from being exploited into by pornography. There must be some legal provisions which regulate, and not unduly control, the Internet Service Providers (ISPs) and Internet Clubs so that they discourage misuse of Internet by children. There must be a law which can deals with the abusers of children.

Children themselves can save themselves from abusers if they avoid to give their names, home addresses, school names, telephone numbers or email, etc. in chat rooms on the Internet. They should not send to a person their picture without permission of parent or guardian.

The children should always suspect when someone offers them something for nothing, such as gifts and money. Also take care when somebody asks for a meeting at your or his / her place. Never arrange a meeting with unknown or older persons without permission of your parent or guardian. If your parent or guardians agree to the meeting, make sure that you meet in a public place and have a parent or guardian with you. If you receive any signal or information on the Internet that make you uncomfortable, bring it to the notice of your parent or guardian.

The person with which you have a chat room friendship must not be a real one. For example, if someone claims to be of 12 years, may be an older man in real life. Children must ensure that they are dealing with someone that they and their parents know and trust before giving out any personal information about your-self via email.

Keeping in view the complexities of on-line child exploitation, Louis J. Freeh, Director Federal Bureau of Investigation (FBI), has released a pamphlet on the Internet to warn parents against child abusers. According to the FBI safety measures, parents must see how much time their children spend on-line especially at night. Most children that fall victim to computer-sex offenders spend large amounts of time on-line, particularly in chat rooms. They may go on-line after dinner and on the weekends. Most of the offenders spend their evenings on-line trying to locate and lure children or seeking pornography.

Parents should find pornography on child's computer. Sex offenders often supply their potential victims with pornography as a means of opening sexual discussions and for seduction.

Child pornography may be used to show the child victim that sex between child and adults is "normal." Parents should be conscious of the fact that a child may hide the pornographic files on diskettes from them. This may be especially true if the computer is used by other family members. The offender often engages in phone sex" with the children and often seek to set up an actual meeting for real sex. Parents should monitor telephone of children through CLI.

Watch if your child turns the computer monitor off or quickly changes the screen on the monitor when you come into the room. A child looking at pornographic images or having sexually explicit conversations does not want you to see it on the screen.

If you feel that you child is communicating with some suspect on-line, talk openly with your child about your suspicions. Tell them about the dangers of compute-sex offenders. Pornography or any kind of sexual communication can be a warning sign. To minimize the chances of victimization of your child, communicate and talk to him/her about sexual victimization and potential on-line danger. Spend time with your children on-line danger. Spend time with your children on-line. Have them teach you about their favorite on-line destinations. Keep the computer in a common room in the house, not in your child's bedroom. It is much more difficult for a computer-sex offender to communicate with a child when the computer screen is visible to a parent or another member of the household. Utilize parental controls provided by your service provider and or blocking software. Always maintain access to your child's on-line account and randomly check his / her e-mail. Teach your child the responsible use of the resources on-line. There is much more to the on-line experience than chat rooms.

**Source:** From the presentation of Mr. Shafqat Munir, President, JDHR, Islamabad, at the two-day National Workshop Development of Policy and Plan of Action Against Sexual Abuse and Exploitation of Children in Pakistan, held in Islamabad on February 27-28, 2001.

**Laws on Child Pornography:** In Pakistan there is no specific law that provides protection to children from pornography or indecent exposure. The Constitution of Pakistan under its Principle of Policy (Article 37(g), prohibits the printing and display of obscene literature and advertisements. In addition to this, under the Pakistan Penal Code the sale of obscene books and songs to children less than 20 years of age is punishable by imprisonment or fine. However, the term obscene is not defined anywhere in the Code<sup>6</sup> (from SPARC's *The State of Pakistan's Children 2000*).

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ibid.