

# Exploring the Role of Narrative Child Pornography: The Legal Implications

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# Overview

- \* Terminology
- \* Background
  - \* What is Narrative Child Pornography?
  - \* Current laws and policies in the UK.
  - \* Research aims.
- \* Method
  - \* Who participated in this research and what we did.
- \* Findings
- \* Conclusion and summary

# Terminology

- \* Child Pornography implies an element of consent (Gillespie, 2008).
- \* Child Sexual Exploitation Material (CSEM), or child abusive material, more appropriate (Taylor & Quayle, 2003).
- \* Most literature and international instruments still use the term 'child pornography' (Akendiz, 2008).

# Background

- \* New category of sex offender- the Internet Sex Offender.
- \* **Possession** Section 160 of the *Criminal Justice Act (1988)*.
- \* **Distribution** Section 1 of the *Protection of Children Act (1978)*.
- \* Laws strengthened by the *Criminal Justice and Public Order Act, 1994*.
- \* Law is still developing- Sentencing Guidelines Council.
- \* Research investigating child pornography (CP) is fruitful (Davidson, 2007; Seto, 2013; Taylor & Quayle, 2003).

# Background

- \* Research has mainly focused on *visual* CP.
- \* What about non-visual material?
- \* Narrative Child pornography (NCP; Merdian, 2012)
  - \* “includes written stories or poems, sometimes recorded as audiotapes or depicted as cartoons, describing sexual encounters involving minors”.
- \* NCP not considered a sexual offence. Can be regulated under the *Obscene Publications Act (1959)*.

# Background

- \* Merdian (2012)
  - \* High popularity of NCP amongst CP users; nearly half the sample (54.5%) had possessed NCP.
- \* Free availability.
- \* Difficulties in prosecution.
  - \* Obscene vs Art? For example, *Lolita* by Nabokov (1955)
  - \* NCP a “low-risk” material
- \* Potential harmfulness of NCP is closely linked to public perception.
  - \* Church, Wakeman, Miller, Clements and Sun (2008)

# Current Study

- \* Overall, this study was aimed at identifying community knowledge and attitudes towards NCP and its usage.
- \* Filling the gap in the existing research body on CP and conceptualising NCP as a topic of forensic salience.
- \* Clarifying the position of NCP within art and freedom of expression on one side and sexual and censorship offending on the other side.

# Method

## \* Sample

% unless otherwise indicated		Total	English	German	Greek
Gender	Male	39.1	43.1	34.6	31.5
	Female	60.9	56.9	65.4	63.5
Age (M; sd)		35.8 (sd = 14.23)	36.6 (sd = 15)	36.1 (sd = 14.4)	34.1 (sd = 11.89)
Education	School leaver	11.2	7.8	1.6	31.5
	GCSE	18.4	20.9	14.8	18
	A-levels	31.8	24.5	30.5	49.4
	Degree	36.6	43.6	51.4	1.1
Relationship	Married	36.3	38.6	31.7	37.6
	Long-term	31.7	30.5	35.8	28.7
	Single	31.5	30.8	31.7	32.6
Own children		41.8	49.5	35.4	34.3



# Method

- \* Procedure
  - \* Both high street (in various UK cities) and online recruitment.
  - \* High commitment rates.
- \* Two measures were administered
  - \* A questionnaire
  - \* Attitudes Toward Sexual Offenders Scale (ATS; Hogue, 1993).

# Questionnaire

13. How concerned are you about:

	not at all concerned	not very concerned	somewhat unconcerned	somewhat concerned	quite concerned
Crime in general?	1	2	3	4	5
Sexual crimes?	1	2	3	4	5

# Questionnaire

<b>It is illegal to:</b>	very strongly disagree	disagree	somewhat disagree	somewhat agree	agree	very strongly agree
to use someone else's credit card when purchasing something online with their consent.	1	2	3	4	5	6
to use someone else's credit card when purchasing something online without their consent.	1	2	3	4	5	6
to post photos of your family on the internet.	1	2	3	4	5	6
to look at someone else's family photos that you find online.	1	2	3	4	5	6
to watch copyrighted TV from a website without a broadcasting license.	1	2	3	4	5	6

# Questionnaire

In the UK: the legal age of consent for sexual activities is ..... years.  
child pornography refers to material depicting children between birth and the age of ..... years.

<b>In my opinion:</b>	very strongly disagree	disagree	somewhat disagree	somewhat agree	agree	very strongly agree
In general, the internet is regulated by UK laws.	1	2	3	4	5	6
For internet users located in the UK, the internet is regulated by UK laws.	1	2	3	4	5	6
An image of a child is illegal depending on the level of sexual indecency of the picture.	1	2	3	4	5	6
A story of a child is illegal depending on the level of sexual obscenity in the story.	1	2	3	4	5	6
There are different copyright laws valid on the internet than there are regarding CDs and DVDs.	1	2	3	4	5	6

# Findings

- \* Kendall's coefficient of concordance (Kendall's  $W$ ) measure of interrater reliability.
- \* Kendall's  $W$  is recommended as an agreement measure for rank data (Field, 2009).
- \* Moderate interrater agreement of  $W = .6$  between the countries, but improved to  $W = .95$  when the German sample was removed.

# Findings

%		Total	English	German	Greek
<b>Is it illegal...</b>					
to distribute or transmit sexual images of children to someone else on the internet.	correct	91.2	94.8	88.5	87.1
	incorrect	8.1	4.4	10.3	12.9
	<i>missing</i>	<i>0.7</i>	<i>0.8</i>	<i>1.2</i>	
to use someone else's credit card when purchasing something online without their consent.	correct	90.5	94.5	88.9	84.3
	incorrect	9.1	5.0	10.7	15.7
	<i>missing</i>	<i>0.4</i>	<i>0.5</i>	<i>0.4</i>	
to download sexual images of children on the internet.	correct	90.2	95.0	86.0	85.4
	incorrect	9.3	4.4	13.2	14.6
	<i>missing</i>	<i>0.5</i>	<i>0.5</i>	<i>0.8</i>	
to view sexual images of children on the internet.	correct	89.6	95.0	84.4	84.8
	incorrect	10.1	4.7	14.8	15.2
	<i>missing</i>	<i>0.4</i>	<i>0.3</i>	<i>0.8</i>	

# Findings

%		Total	English	German	Greek
In general, the internet is regulated by [country] laws.	correct	43.0	39.7	47.7	43.8
	incorrect	51.5	55.4	43.2	54.5
	<i>missing</i>	5.5	5.0	9.1	1.7
For internet users located in the [country], the internet is regulated by [country] laws.	correct	64.9	69.2	49.4	77.0
	incorrect	29.2	25.3	41.6	20.8
	<i>missing</i>	5.8	5.5	9.1	2.2
An image of a child is illegal depending on the level of sexual indecency of the picture.	correct	67.7	74.7	62.1	60.1
	incorrect	26.9	20.4	28.8	38.2
	<i>missing</i>	5.5	5.0	9.1	1.7
A story of a child is illegal depending on the level of sexual obscenity in the story.	correct	62.8	68.9	56.8	57.9
	incorrect	32.5	25.6	34.2	40.4
	<i>missing</i>	5.7	5.5	9.1	1.7
There are different copyright laws valid on the internet than there are regarding CDs and DVDs.	correct	29.6	38.6	12.3	33.7
	incorrect	64.4	56.1	78.6	62.9
	<i>missing</i>	6.0	5.2	9.1	3.4

# Findings

Agreement (%)	Total	English	German	Greek
<b>Is it illegal...</b>				
to read stories about children with a sexual theme.	71.8	77.5	55.1	82.0
to write stories about children with a sexual theme.	75.7	79.9	63.8	83.1



# Conclusion

- \* The presented data is rich.
- \* More detailed analysis will be conducted exploring the depth of information from this study.
- \* Preliminary analysis here will guide follow-up analysis as research hypotheses.
- \* Public knowledge of online crime and sex crimes is limited.
- \* Future research.

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Any questions?