

## **EXPOSURE TO PORNOGRAPHY AND HARMFUL MATERIALS AGAINST CHILDREN: AN ANALYSIS**

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### **Abstract**

Children and young people are exposed to a far greater range of age-inappropriate, harmful, and hazardous content in cyberspace, including daily reality in the physical or virtual worlds and other types of mass media such as television, cinema, radio, and print. It might not be easy to quantify and establish the socializing effects of these variables. However, the advertising industry is well aware of the power of pictures to influence individuals. Even though children and teenagers are capable of critical thinking, many behave in line with the mainstream media's portrayals of the world advertising, music videos, film, etc. Children and teenagers often misunderstand this as a kind of play-acting. They do not always know the difference between role-playing and reality. Though research is sparse, the effects on children and young people viewing violence and pornography, detached from emotional engagement with the issue, may be recognized when a kid is harmed or damaged. Pornography robs a developing youngster of the warmth of loving family life, which is a natural social vitamin. In India, sex is seen as a bad concept (something which should be hidden). There is no healthy sex discussion in the family. It causes the youngster to learn this from the outside, which leads to a pornographic addiction. The current study provides a global perspective on pornography and harmful materials and a spotlight on numerous challenges, repercussions, and consequences for children and young people. The Indian legislative framework for protecting children from harmful content was also discussed in this study.

Keywords: Harmful Materials, Pornography, Children, Sex, Violence

### **Introduction**

The Internet has made it easier for people to access sexually explicit content of various kinds. In recent years, violent sexual violence and humiliation have been more overtly present in these "adult" publications, which are often exposed to children and young people. Unwanted access to such information, such as by unsolicited email, may cause distress and anxiety in certain children and teenagers. On the other hand, other people are more likely to look for what is readily accessible. An individual's understanding of sex and violence may be built on this out-of-context information.

A broader range of age-inappropriate, damaging, and dangerous things are exposed to children and young people in the virtual and physical worlds and other kinds of mass media such as television, cinema, and radio. As a result of these impacts, it is difficult to determine the socializing effects. Advertising and other industries are well aware of pictures' impact on influencing people. Even while children and adolescents may have a critical perspective, they often act out in conformity with popular media portrayals of the world (advertising, music videos, film, etc.). Children and teenagers may see this as a kind of role-playing. They do not always know the difference between performing a character and being genuine. Observing violence and pornography may have long-term effects on children and adolescents, even if they do not connect with the issue emotionally. However, research is few on this topic.

### **Objectives of Research:**

To study the worldwide overview on violence and pornography.

To study the exposure to pornography and harmful materials against children.

To study the Indian legal perspective on pornography and harmful materials against children.

### **Research methodology:**

The research methodology used in this study will include doctrinal and analytical research. For the purposes of this research, data will be gathered via various books and reports of authorities. Other relevant information will be collected from both legal and non-legal sources. The researchers have also taken the help of secondary sources. The secondary sources include articles, books, journals, newspapers, and websites.

### **Worldwide Overview**

According to reports, two preteen boys in Cambodia allegedly raped a seven-year-old girl after being inspired by a pornographic film they saw at a video bar. At a hospital child at-risk evaluation facility for "sexually abusive behavior," 90% of 101 youngsters under the age of 10 were stated to have admitted to frequently viewing sexual pictures online. Young individuals worldwide publish sexually provocative photographs of themselves on internet dating services. Of course, abusers know that pornographic materials may decrease a child's inhibitions and disarm them. When it comes to incidents of child sex abuse, a Philippines-based child welfare organization reports that pornography is nearly always used in the process of grooming and "sexualizing" the victim. Even in certain countries where violence, sexuality, and sex are not illegal, some portrayals of these subjects may have the effect of objectifying them. They make it appear like it has no bearing on the actual world. Prescriptions may be circumvented in virtual environments, whether they apply to everyone in society or solely to those under the age of 18.

According to a magazine article in the United States, teenage males who were asked about their views on sex and relationships said they started frequently viewing online pornography between the ages of 12 and 14. "Who needs the effort of dating when I have internet porn?" One billion dollars worth of it, or \$US2.6-\$3.9 billion, is attributed to Internet-related businesses in the United States. According to another estimate, online adult pornography accounts for \$US2.5 billion of the worldwide adult pornography business. Addiction, escalating use, desensitization, and acting out are all possible outcomes of exposure to pornography. Since the late 1980s, at least in the context of North America, the 'adult entertainment market is said to have passed through the first three phases. Societies have their own standards for what constitutes acceptable sexual behavior and how it should be represented. Even though there are local laws and prohibitions against it, men's sexual enjoyment via the use of pornographic media is often seen as "natural" (with particular reference to socially dominant perceptions of masculinity). A socialization process reinforces the stereotyping of the persons shown in the pornographic materials as sexual objects when they are introduced and shared among men. According to a current study in Central America, Panama, and the Dominican Republic, the link between the use of pornography and male desire for sex that drives the sexual exploitation of minors is substantial. Using pornography, older men (brothers, dads, uncles, cousins, etc.) educate boys and young men about sex and indoctrinate them into the practice of purchasing sex and exploiting women and girls. This is a complimentary process.

While at home with their parents or guardians, children and teenagers may have access to dangerous and inappropriate things. In the short to medium term, it seems that many youngsters will join virtual spaces through public locations such as an Internet café or club (aside from the very many who will do so through their mobile phones). Playing online games and chatting with other people may be popular pastimes for youngsters in these circumstances. Many people are worried that youngsters in public areas might be exposed to sexually explicit and hazardous information. 80 percent of the minors (mainly males) who frequented Internet clubs in Pakistan utilized pornographic material within the club, either downloading photographs and movies from the Internet or playing leased pornographic CD-ROMs, according to a poll there (which are illegal). Some of the clubs studied included individual lockable booths, which prompted worries about the dangers presented to young people by adults present. 80 Local organizations in Lima, Peru, have fought for restrictions on the usage of these booths due to similar concerns. According to media reports, China's central government has instructed local governments to prohibit Internet cafes within 200 meters of schools and forbid minors under the age of 16 from entering any such cafes out of concern for children's safety.

Platforms like games may include other things that might be harmful to children and adolescents. It is a hot-button issue: whether playing violent games online or offline causes gamers to become more aggressive. According to a thorough study of the literature on the subject, there are signs that violence in video games may encourage players to act violently. However, there is no proof that the two are connected. As companies fight to increase the fast-rising market for all types of computer games, particularly massively multiplayer online games, the dispute will escalate further. One of the most appealing aspects of many video games is the opportunity to immerse yourself in a fantasy world. Scenes representing any form of everyday activities may be used to play out these roles, but they can also be used to depict terrible violence. As a result, there has been more opportunity to study the effects of media exposure to violence on children, such as television and cinema. According to recent studies, children who are constantly exposed to media violence may become more violent in the long run. In situations when children have been exposed to violent and sexually aggressive material in offline media, increased animosity and imitation of violence have been documented. The youngster may also show fear and worry. Desensitization to genuine violence has been seen in children who watch violent media; thus, they may have less empathy for others who have been victimized as a result.

### **UNICEF on harmful content**

#### **PORNOGRAPHY HARMS CHILDREN**

Early exposure to pornography may lead to poor mental health, misogyny and objectification, and sexual violence. Children who watch pornography depicting violent and sexist activities may learn to see such behavior as normal and acceptable.

UNICEF is concerned about the abundance of internet pornography, particularly graphic and severe material freely accessible to children of all ages. Restrictions on children's access to pornography have not kept pace with technological advances that have changed the environment for pornography use. The attempts to limit children's access to pornography in non-digital media have been successful in many countries but not in digital surroundings.

UNICEF assists countries in protecting children from harmful material in conformity with the Convention on the Rights of the Child and the Committee on the Rights of the Child's authoritative recommendations. Also, UNICEF acknowledges the immense potential that the digital world presents for children's learning. Children should be allowed to use the internet without fear of being exposed to pornography. Protecting children from dangerous material must not infringe on other rights guaranteed by the Convention.

UNICEF urges comprehensive measures to internet kid protection. Governments should establish and implement legitimate, required, and appropriate content moderation regulations and restrictions for digital service providers. Regulatory and technical measures are necessary but not sufficient. We must also educate and equip youngsters to navigate the digital world with critical thinking, media literacy, and healthy relationship information. Everyone involved with children's lives should be trained and supported in this effort. Children's viewpoints should be considered in topics affecting them, including creating and executing programs promoting online safety.

UNICEF supports children's internet safety globally. Assisting governments in strengthening legal and regulatory frameworks, criminal justice response, and victim care are essential. It also includes assistance for school-based projects, peer-to-peer networks, specific internet platforms, and media campaigns for children and parents, caregivers, teachers, and other professionals who deal with children.

### **Effects on Children**

A parent's use of pornography on a young kid may have a wide range of unpleasant effects on the youngster's well-being. Pornography takes away a child's natural social nutrition, which is the warmth of loving family life. As a result of a child's exposure to pornography, they may suffer the following losses and trauma: encountering pornographic material a parent has acquired;

- encountering a parent masturbating;
- overhearing a parent engaged in “phone sex”;
- witnessing and experiencing stress in the home caused by online sexual activities;
- increased risk of the children becoming consumers of pornography themselves;
- witnessing and being involved in the parental conflict;
- exposure to the commodification of human beings, especially women, as “sex objects”;
- increased risk of parental job loss and financial strain;
- increased risk of parental separation and divorce;
- decreased parental time and attention—both from the pornography-addicted parent and from the parent preoccupied with the addicted spouse

### **Impact on children**

#### *A. Early Sexual Intercourse*

Sexual or pornographic material exposure may have a significant impact on the sexual development of young individuals. There are numerous diverse ways pornography portrays sexual behavior (casual, consequence-free, aggressive, etc.). Many of them are not socially acceptable or expected in any manner (and potentially not legal). A viewer of this sort of information is likely to seek out more of the same.

#### *B. Sex Addiction*

Intimacy disorders and/or sex addiction are more prone to develop in children exposed to sexual or pornographic information at a young age. Trauma and social and interpersonal difficulties may result from the young person's exposure. A child's moral compass may be damaged by early exposure to pornography, which may drive them to perpetrate acts of rape, molestation, or sexual assault.

#### *C. Sexual Aggression*

Lockdowns on Covid-19 and other new habits have significantly impacted how much time kids spend in front of screens in 2020/21. An increasing number of young people are exposed to sexually aggressive material due to increased screen time and internet time. Viewers may demonstrate a variety of sexual violence against future partners due to this exposure. Pornography and other sexually explicit material often depict distorted pictures of people of both sexes. In most cases, one gender serves as a subordinate to the other. Men are often shown as violent and heartless, whereas women are typically depicted as helpless, naive, and subservient.

#### *D. Objectification*

This objectification raises the danger of normalizing this conduct in an adolescent. Addiction to pornography at a young age might lead to the viewer violating standard norms of establishing an intimate connection. Porn often depicts the male as being from a higher level in the hierarchy (e.g., a business executive, a teacher, a wealthy guy, etc.). The female is from a lower level (e.g., secretary, student, wannabe actress.).

#### *E. Encourages Violence*

Young children can perceive the world differently if they are exposed to adult material that depicts violence. According to several research, violent material at a young age has been linked to violent conduct. Bullying,

attacking or fighting another youngster, or acting out against someone in a sexual and physically destructive manner later in life are all examples.

#### *F. Internet Addiction Disorder*

A young person's psyche may be affected by excessive internet usage to see adult material, leading to troubles and disorders such as poor self-esteem, terrible sleeping patterns, and suicidal thoughts. An internet-addicted child's brain wiring may be rewired into an obsession with sexual stimuli and an addiction to the internet's availability due to frequent exposure to violent or sexually explicit material.

### **Challenges**

When comparing children from lower socioeconomic classes to children from higher socioeconomic classes, the impact of pornography is much different. A single strategy will not be sufficient to deal with the problem successfully. There are no sex education classes or seminars included in the school curriculum. In India, sex is considered to be a terrible thing (something which should be hidden). There is no reasonable family discourse about sex in the household. It causes the youngster to learn this from an outside source, which results in an addiction to pornographic material. It is challenging for law enforcement authorities to discover and successfully monitor the actions of child pornographers. With the proliferation of obscene material available on conventional websites and OTT (over the top) services such as Amazon Prime, Netflix, Hotstar, and others, it has become more challenging to distinguish between non-vulgar content and offensive content.

### **Indian Legal framework**

The House's Chairman recently established Rajya Sabha's Ad-hoc Committee on Child Pornography to investigate and report on the subject of child pornography and the prevalence of its heinous effects. The Committee, which was presided over by Jai Ram Ramesh, came up with 40 suggestions to prevent sexual abuse of children and restrict access to and transmission of child pornographic information on social media. The recommendations were made in response to the Committee's findings. A number of significant amendments to the Protection of Children From Sexual Offences (POCSO) Act, 2012 and the Information Technology Act, 2000 have been recommended by the Committee, as well as the implementation of changes at various levels of government, including the technological, institutional, social, educational, and state-level initiatives.

#### Protection of Children from Sexual Offences (Amendment) Bill, 2019

Definition of Child Pornography: "Any visual depiction of sexually explicit conduct involving a child which includes a photograph, video, digital or computer-generated image indistinguishable from an actual child."

Storage of Pornographic Material: The Act made storing pornographic content for commercial reasons punishable by up to three years in prison, a fine, or both. The measure, however, extends it to 3-5 years. Furthermore, the Bill adds two new offenses for storing pornographic material involving children: failing to destroy, delete, or report pornographic material involving a child and transmitting, exhibiting, or distributing such material for the sole purpose of reporting it.

#### The Information Technology (IT) Act, 2000

### **Section 66E – Punishment for violation of privacy**

This clause addresses the transmission of photographs of "any person's intimate region without his or her permission." The penalty is three years in jail or a fine of up to two lakh rupees or both. This part is critical because in the historic decision in Justice K. S. Puttaswamy (Retd.) and Anr. v. Union of India and Ors., the right to privacy was recently ruled to be guaranteed as a fundamental right and protected under the Right to Life

in Part III of the Indian Constitution. Sharing any material that violates a person's privacy would therefore constitute a violation of Article 21 of the Indian Constitution.

**Section 67 - Punishment for publishing or transmitting obscene material in electronic form**

This section addresses the publication or transmission of obscene content (described as "lascivious material or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons"). The penalty for the first conviction is imprisonment for up to three years and a fine of five lakh rupees, with subsequent convictions punishable by imprisonment for up to five years and a fine of up to 10 lakh rupees.

**Section 67A - Punishment for publishing or transmitting of material containing the sexually explicit act, etc., in electronic form**

The provision criminalizes the publication or transmission of material containing sexually explicit acts or behavior. On a first conviction, the penalty is imprisonment for up to five years and a fine of up to 10 lakh rupees. Because the Bois Locker Room event involves the exchange of modified photographs of females, the following clause applies.

**Section 67B - Punishment for publishing or transmitting of material depicting children in the sexually explicit act, etc., in electronic form**

On a first conviction, the current clause imposes a sentence of up to five years in jail and a fine of up to 10 lakhs.

This clause prohibits the portrayal of minors in sexual activities or behavior and the production or dissemination of any digital text or picture depicting children "in an obscene, indecent, or sexually explicit way."

It is worth noting that the current problem includes the sharing of indecent or private photos of young females. As a result, the following section may also serve as a reference. Additionally, a number of the comments and conversations may come within the scope of this section.

Protection of Children from Sexual Offences (POCSO) Act, 2012

**Section 14 and 15 – Child pornography**

Children's use for pornographic purposes is punished under section 14(1) by up to five years in jail and a fine. Additionally, under section 15, storing pornographic material involving a child to distribute it is punishable by up to three years in jail or a fine of up to Rs 10,000, or both.

**Result and Discussion**

It is necessary to distinguish between child porn and pornographic material involving minors. While child porn and pornography depicting sexual violence should be outlawed immediately, other forms of pornography need oversight and control. Most of the time, a child's initial exposure to porn is unintentional, such as when they see an advertisement while searching for anything else on the internet. The government should make every effort to develop technical solutions to prevent inadvertent exposure. Consciousness-raising and sex education are essential, and they should be made mandatory in schools. Parents and instructors must be well-versed in dealing with children in today's technologically advanced world. Parents and teachers must be able to engage in open discussions about their children's internet experiences with their children. In order to be aware of the current online hazards and possibilities that their children are exposed to, parents and caregivers are advised to educate themselves about the internet and social media platforms. Reformation should be carried out in addition to

punishment, if possible. Providing support for children and young people who have been exposed to internet pornography is vitally essential and should be prioritized.

### **Conclusion**

Many educational resources, websites, and curricula include instructions on blocking or filtering hazardous content from children's and young people's computers and networks so that they do not get or access it. It is also feasible for a backbone provider to impose blocks on materials at the national level (a key entry route through which all Internet traffic must pass in and out of a country before it disseminates through lower-level ISPs). However, the effectiveness of this kind of blocking is debatable because of worries about the authoritarian potential of such techniques. Parents and others may also use filtering software to prevent children and young people from accessing specific sites, enable access only to authorized sites, and/or limit access based on content such as keywords or visuals. However, many individuals who are in charge of the care of a child or adolescent are ill-equipped to apply these procedures. They may also be unable to afford the software's price tag.

Additionally, filtering software at this level is not entirely infallible at this point. This means that network-wide filtering, including ISP-level filtering, may be more successful than backbone-level filtering. Lewd behavior is defined as the display of anything objectionable to modesty or decency, expressing unchaste or carnal sentiments, or being indecent or vulgar. Porn sites should be entirely banned, in my view, in order to combat child pornography. If this severe measure is taken, the issue can be solved to a greater degree. Some new ideas for eradicating child pornography might be developed at this period. Indian legislation should prohibit the depiction of youngsters in electronic child pornography, whether they are actual or virtual, and adults who seem to be minors. Such horrific assault necessitates immediate action.

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