

Internet Child Pornography and the problems in relation to its criminalization

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Abstract

The present paper discusses the problem of internet child pornography and some specific questions that arise from its criminalization.

Child pornography has been one of the most controversial topics arising from the use of the Internet in recent years. No other cybercrime issue has elicited the degree of anxiety as that over the circulation of sexual images of minors on the Internet. Despite the efforts that have already been taken from the different states and world – wide organizations during the last two decades, there are still many difficult definitional (and implicitly moral) questions related to child pornography.

Firstly, there is no settled definition of the phenomenon in a multi national environment such as the Internet since legal and moral variations all around the world make it difficult to define pornographic content. Moreover, the different behaviours of child pornography should be distinguished and differently confronted depending to the harm that they cause. For example, the production and distribution of child pornography differs considerably from mere possession of this material. The latter warrants especial consideration because not only may the traditional notions of possession prove problematic in the digital environment but also it is questionable whether such behavior is, in itself, harmful. Last but not least, the digital technology has provided offenders with increasingly sophisticated means to create “virtual” child pornography; nonetheless states must consider seriously whether punishing behaviours related to sexual child pseudo – images is justified on the basis of the harm principle, which is supposed to govern criminal law.

The above issues will be discussed and criticized with reference to the contemporary greek legal order, so as to interpret some particularly difficult points.