

# Internet Child Pornography and 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.

**Keywords:** Child Pornography, Internet, Cybercrime, Minor, Criminilization

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## **Introduction:**

There's no doubt that child pornography has been one of the most controversial topics arising from the use of the Internet in recent years - which has already taken dangerous dimensions and it is continuing to spread very quickly. Thus, by late 1990, international and supranational legislator<sup>1</sup> (UN, Council of Europe and European Union), realizing the urgent need to regulate legally child pornography, established "legal instruments" that were designed to prevent and suppress the broader phenomenon of pedophilia and pederasty. The main reason leading to this effect was, of course, the staggering spread of the Internet<sup>2</sup>, through which pornographic material is trafficking extremely easily. Moreover, due to the fact that child pornography belongs to the cybercrimes<sup>3</sup>, it has a series of features extremely "fearful" such as: its speed, the convenience of committing, the fact that it does not require specialized knowledge as well as it can take place without offender's removal and free of charge and last but not least the fact that its investigation is extremely difficult<sup>4</sup>. All the above<sup>5</sup>, in combination with the transnational organized way of the pedophile crime<sup>6</sup>, heightened the need for cooperation between states and recognition of harmonized legislative standards in order to come up against child pornography by taking preventive and repressive measures. Consequently, the phenomenon has been a field of special interest for both national and supranational legislator.

## **1. Necessity of separate criminilization:**

The significance of specific standardization of digital child pornography can be explained both at a social and at a legal level. First and foremost, the social phenomenon of child pornography in the digital environment<sup>7</sup> has already been on a disturbingly large scale. For instance,

- the websites which contain child pornography –even with infants- have increased by 345% over the last decade,
- the turnover of internet child pornography is estimated to range from 200,000,000 to 1 billion U.S. dollars per year,
- while in Greece the last 10 years these sites increase by 150% per year<sup>8</sup>.

Furthermore, the importance of specific standardization of digital child pornography in the modern era is obvious after a comparison to the pre-Internet era, when pornographic material was real and corporeal. In the pre-Internet era, pornography was obviously limited and it was distributed in restricted groups of pedophiles, who had to be careful of their privacy as far as their identity was concerned and risk through personal contact.

## **2. Victim and Offender:**

In addition to this, different characteristics represent both the victim and the offender of child pornography in cyberspace. On the one hand, the minor Internet user is often targeted. Besides, his poor judgement due to his young age can easily turn him into a victim<sup>9</sup>. On the other hand, the offenders of digital child pornography have not common forensic characteristics and that's why there are many types of Internet offenders with various psychological approaches to their profile<sup>10</sup>.

## **3. National Law:**

The involvement of information systems in the perpetration of child pornography has created a number of new implications to the crime<sup>11</sup>, as it is clearly reflected in Law 3625/2007 –by which digital child pornography was formalized in the Greek Penal Code. As a consequence, today, in the second paragraph of article 348A’ we meet the crime of child pornography which is committed through a computer system or Internet -an aggravated offense which is punishable more severely than “conventional” child pornography. In particular, the previous article of Penal Code provides that “*Any person who produces, provides, sells or otherwise makes available, distributes, transmits, buys, procures or possesses child pornography, or spreads information about the commission of these offenses through a computer system or using the internet, is punished with imprisonment for at least two years and with a penalty of fifty thousand to three hundred thousand Euro*”.

### **3.1. Child Pornographic Material:**

Before defining the mere crime of internet child pornography, we should discuss the third paragraph of article 348A’ PC -which describes the pornographic material. So, as pornographic material must be considered:

*“The representation, or actual or virtual recording in electronic or other operator of the child’ s body or part of the body, so that obviously causes sexual stimulation as well as real or virtual lascivious act that is performed by or with a minor”.*

So what is indisputably child pornography material? It is useful to begin by mentioning that the comparison of the definitions given by the instruments of international law, in particular the United Nations Additional Protocol of 2000<sup>12</sup>, the Convention on Cybercrime of the Council of Europe (2001)<sup>13</sup> and the European Union’ s Framework Decision 2004/68<sup>14</sup> present an evolutionary process and a relationship<sup>15</sup>: there is a progressively clearer delimitation of the definition of pedophile material while virtual representations are included in this category as well<sup>16</sup>. For instance, the Cybercrime Convention defines “*child pornography*” to include “*pornographic material*” that visually depicts: a minor engaged in sexually explicit conduct, a person appearing to be a minor engaged in sexually explicit conduct or realistic images representing a minor engaged in sexually explicit conduct<sup>17</sup>.

#### **3.1.1. The definition of “Child Pornographic Material” in greek law:**

Although the precise terminology varies, the definition of child pornography in each jurisdiction is broadly consistent with this provision. In other words, the legal focus is on four specific issues: the definition of “*minor*”, the content of “*sexually explicit conduct*”, the application of the definition to data and “*virtual*” child pornography<sup>18</sup>.

As far as the greek provision is concerned:

1. The term “*electronic or other operator*” of the recording includes: documents, photographs, films, movies video, DVD, floppy disks, hard disks, CD, CD-ROM, e-mails etc.

2. The term “*lascivious act*”<sup>19</sup> -which is used by the legislator- includes not only sexual intercourse, but any substitute, which requires the involvement of the

genital organs of at least one person, between two or more persons, including at least a minor<sup>20</sup>.

3. Thus, problem arises, on the interpretative approach of the phrase "*in a way that obviously cause sexual stimulation*". It could be said that the wording of this village itself is somewhat unclear. That's why, the interpretation of the previous phrase demands, after all, on the interpreter of law. For instance, in cases that parents photograph their child while swimming in the sea or playing naked on the beach and then publish the photographs in a wide web account in a way that they are accessible by friends, relatives and the general public, maybe a morbid brain be sexually excited. However, it would be quite unusual to bring criminal charges against them. Then, it should be noted that the legislator uses the phrase "*obviously cause sexual stimulation*" in an effort to improve the previous legal definition of child pornography and to remove it from subjective elements<sup>21</sup>. For this reason, although the term "*obviously*" is not entirely objective, the above phrase should be interpreted strictly – only in the cases that the material itself clearly causes sexual stimulation, regardless of what exists in the mind of the perpetrator.

4. Furthermore, we see that not only the real but also the virtual<sup>22</sup> recording is penalized. The main question, as far as this problematic is concerned, is: "*if there is not a real child, what, finally, is offended?*". The issue could not of course be analyzed within a few minutes of this presentation. However, it is quite obvious that the legislator understands this criminal behaviour in an extremely wide way<sup>23</sup>.

5. The latter crucial element of the pornographic material's definition is the age of the participant child. International and European texts typically consider as minors all those persons who have not completed 18 years<sup>24</sup>. The same legislative option is followed by the Greek legislator in article 348A' PC. Nevertheless, some contradictions<sup>25</sup> emerge from the particular legislative choice, as far as the crimes against sexual exploitation are concerned in general.

After all, the accurate delimitation of the "*material*" of child pornography - which is necessary for the implementation of this provision- it is still quite complicated despite the recent modification of the legislative framework.

### **3.2. Objective Elements of article 348A' Penal Code – Criminal Behaviours:**

After these necessary introductory observations concerning the social dimension of internet child pornography and the characteristics of pornographic material, we can now review the crime as it described in article 348A' 2<sup>nd</sup> Paragraph PC. As far as the provision is concerned: we observe that the definition of child pornography which is committed through computer system or online is a difficult issue not only in relation to the identification of digital child pornography (as it is defined in the third paragraph of article 348A PC) but also while trying to delimit the individual punishable behaviours that constitute it. Besides, the difficulty in identifying the various behaviours that the crime can take as well as the need for the greatest protection of children has led the Greek legislator to a comprehensive standardization of the behaviours of child pornography. So, the ten different behaviours of the crime are indicative of legislator's intention to criminalize completely every aspect of the crime. Of course, at the same time, he incorporated the requirements of international and european documents but with one great difference: the compliance with international legal instruments was sometimes greater than the required one and in disregard of the provided possibility to exclude of the

criminalization. So, the ten different behaviours of the crime –which have been accrued by the legislator in article 348A Paragraph 2 P. C.- create a fairly wide range of criminality and they are displayed as equivalent, despite the apparently greater demerit of them. Moreover, the Framework Decision 2004/68 of the European Union has classified the crime behaviours in 4 wide categories, indicating thus their different severity. However, the Greek legislator didn't make use of this "*classification*", listing without systematization every possible behaviour of digital child pornography. As a result:

- i) some of the behaviours are included in others and
- ii) there is no grading and, therefore, there is no axiological distinction based on the principle of proportionality as far as the threatened penalties are concerned. So, consequently, the characteristics and different demerit of each act remain to be judged in the context of the proportionate assessment of penalty.

### **3.2.1. Comparison of Criminal Behaviours:**

Moreover, the behaviours of the digital child pornography have some things in common with the behaviours of "*ordinary*" child pornography: for example, the same linguistic terms such as production, provision, distribution, procurement. However, the electronic element gives new dimensions to them. In other words, the "*ordinary*" behaviours of the crime acquire different meaning when it is committed online. Typically, production of pornographic material is for example the creation of pornographic images by any electronic means, especially considering that nowadays the majority of devices can connect to the Internet. For instance, an act of production pornographic material in tangible objects (eg photographs) differs from a production in digital form (eg mapping on a computer screen), both in terms of typology and regarding to the result –in other words the difference lays in the production of the pornographic material and in particular its form and the possibility of its storage and transmission. Likewise, by "*making available*" we mean the posting and dissemination of pornographic images via any internet technology, from simple e-mail to more qualified systems including but not limited to newsgroups, chat-rooms, peer to peer networks<sup>26</sup>, and so-called BBS (Bulletin Board Systems), ie bulletin systems hosting discussions.

In addition, the accurate characterization of some behaviours is highly controversial. For example, is the downloading of child pornography<sup>27</sup> an act of production since it creates a new material<sup>28</sup> –in spite the fact that it's still a copy of the original material?

### **3.3. Possession of digital data – Problematic – An attempt of delimitation:**

The possession of electronic data is one of the most interesting issues related to the digital child pornography. Traditionally, the possession of obscene materials was not an offence, although production and distribution was. In number of jurisdictions this was also reflected in child pornography laws that did not extend to possession per se. Nonetheless, as we have already seen, the advent of digital technology has transformed the way in which child pornography is produced and distributed, and most jurisdictions have responded with a range of prohibitions against all dealings in child pornography<sup>29</sup>. But, how could we define the term of "*possession*"?

Firstly, according to the majority of doctrine and case law, possession -in general- is the actual, lasting and not instant physical dominating of a person on something in such a way that it would be easy for him to determine at any time its existence. However, the limits of physical dominating in the digital world are fluid since the digital data are “*human creations*” but they don’ t have physical substance. As a result, as far as possession of digital material is concerned, we could say that not only must the owner have the potentiality of access to a specific P/C (where the pornographic material is stored) but also he should have real will of dominating this material, as well as, he should have already managed in any way these data.

### **3.3.1. Possession vs Simple Viewing of child pornography:**

Regarding to the mere viewing, now, it would seem implicit to exclude from criminality the cases of a simple following of web sites with child pornography unless it followed by storage. However, there is a problem when the material is automatically saved from the internet on the computer and especially in cases of simple viewing (accidental or not) of child pornography and the consequent automatic temporary storage in RAM, cache memory or temporary files. In other words, visiting the website automatically creates a temporary storage in these media. What usually happens in these cases, is the loss of data that have been loaded into RAM just by switching off the computer.

### **3.3.2. Automated storage in cache disk or temporary files:**

But we couldn’t say the same when data are automatically saved in cache disk or temporary files<sup>30</sup> - of course when the user has not been involved previously in their settings in order to avoid storage even for a limited period until they are replaced with new data. The German case law dealt extensively with this problem, while seeking for maintain a certain degree of dependence as far as possession of digital child pornography is regard, using specific standards such as the stability and duration of the storage<sup>31</sup>. However, the insecurity that lurks even in such terms in combination with the nature of possession has led some authors to restrict the term of possession provided that it is related , at least, with an act of collection or storage of the child pornographic material from “*the owner*”. In other words, the possession of digital material constitutes a condition itself, but the possession of digital pornographic material in terms of penal law should be directly related to an action (such as the collection or storage) or an omission (as when somebody has the knowledge and the potential to delete the temporary files) that create or maintain this situation<sup>32</sup>. Therefore, we could end up in a punishment of the owner of digital pornographic material not only because of his mere possession but also due to his action or omission.

### **3.3.3. The necessity of possession’ s criminilization (Points of view and Arguments):**

Notwithstanding the above, the necessity of possession’ s criminilization is another debatable question. On the one hand it is argued that the criminalization of possession in digital child pornography is required in order to preserve the legitimacy

while on the other hand the criminalization of possession is faced as an inefficient arrangement that eventually leads to over-criminalization.

- According to the first point of view, the widespread use of the Internet and the fact that access in pornographic material became extremely easy justifies totally the criminalization of possession. In fact, this argument is based primarily on the rules of supply and demand of the market<sup>33</sup>. In other words, without demand there is no market, without market there is no offer, without offer there is no production and without production there is no violation of legal property, so we need to criminalize the demand<sup>34</sup>. Thus, the criminalization of possessing child pornography should discourage producers from creating more material, since there will be fewer people willing to risk breaking the law and being caught in possession of such material; so producers will have fewer people to sell their product to<sup>35</sup>.

- However, it is quite difficult to prove whether there is –indeed- causality between possession of child pornography and a forthcoming production of it. Besides, we can get a better grip of this argument if we consider cases of possession virtual child pornography (when it is not participated any minor).

- On the other hand, the supporters of possession' s criminalisation claim that it may initially seems that the owner of child pornography does not do something more harmful in comparison to the producer<sup>36</sup> but the truth is that the more the material is spread, the greater is the psychological trauma of the minor victim. Besides, the danger to other minors who might come into contact with this material through Internet is growing.

-Another very significant parameter in this debate is the profit. For instance, anybody who pays in order to gain and consequently to possess sexual child material, actually provides a motivation for its production. But, is just the same for anybody that downloads online pornographic material from free websites?

- Furthermore, while considering the real purpose of the provision, we remark that another reason which leads to the criminalization of simple possession is based on the practical difficulty of proving the majority of criminal behaviours that the article 348A' PC includes<sup>37</sup>. So, the legislator' s intention is (for example) the demonstration of market or production of child pornography through its possession.

- Although the practical value of such an arrangement (especially in the context of criminal prosecution<sup>38</sup>) is beyond any controversy, however, important questions are raised. Is it, finally, appropriate to punish something that actually would not constitute an offence in order to achieve the punishment of actual criminality?

- In any case, the key argument in favour of the criminalization of possession is the necessity for stronger legal protection of property at stake. The legislator seems to give a stronger ethical and social demerit in all behaviours relating to child pornography in order to provide greater guarantees not only for the minor victims that are presented in pornographic material but also for the minor user of the Internet<sup>39</sup>.

- On the other hand, the arguments against the criminalization of possession are related to the mere definition of possession and especially to the meaning of electronic child pornography' s possession. Thus, the problems of its delimitation, for example in cases of automated storage of hardware in computer, is one of the principal arguments of those who think that criminalizing the mere possession of child pornography is a legislative practice that can lead in excesses. Another related argument is that the mere possession of pornographic material does not cause harm to anybody, in particular when it takes place only for owner' s personal use.

### **3.3.4. Contemporary legal status for Possession of Digital Child Pornography and Comparison:**

From the above, it appears that the choice on examining the specific offense of possession of child pornography is not accidental. What deserves further to be noted is that the current legal status of possession of child pornography in Greece just lists it in the catalogue that concentrates every behaviour of committing it in digital format, in contrast with the international and European legislation which refers to it -either while trying to find the legitimacy of the article or by trying to restrict the criminal offense with an explicit provision of exemptions. For example, the decision framework 2004/68 of the European Union, already mentioned, provided the possibility of exemption -and therefore not criminalizing- in the case of possession of child pornography by someone for his personal use and with the provision of a valid consent from the child participating in the material; that is why the child should have reached the age of sexual consent. Unfortunately, the previous exemption was not adopted by the Greek legislator. As a result, the possession of any digital child pornographic material is now uncritically criminalized, and any attempt to identify and consequently limit this widespread concept of possession relies exclusively on the interpreter of the law or on the judge. After all, the mere meaning of possession, in terms of child pornography, seems to be ultimately inappropriate on the digital world.

### **3.4. Subjective Elements:**

Of course, it should be pointed out that the punishment of digital child pornography requires any degree of intent to cover all the constituent elements, especially the specific behaviour and the elements identifying the object of the crime, in other words the material of child pornography<sup>40</sup>.

### **3.5. Penalty Framework and Justification:**

Last but not least, the endangered penalty context for digital child pornography is stricter in comparison to the “ordinary” child pornography which is described in the first paragraph of article 348A’ P.C. . In particular, between 2 to 5 years imprisonment in combination with a penalty of 50.000 to 300.000 € while the pornography which is not committed through a computer or Internet is punished with imprisonment from 1 to 5 years in combination with a penalty of 10.000 to 100.000 €. This difference in penal treatment emerges from the greater demerit that digital child pornography represents. To be more precise, in child pornography which takes place through a computer system or through Internet we can see an intense insult of legal rights that are protected in article 348A’ P.C. since the electronic media provide the potentiality of easy, rapid, costless and massive worldwide production and distribution of child pornography to everyone. So, the digital media contribute to the extensive exposure of the victim that is shown in pornographic material. This uncontrolled and repetitive procedure results in the perpetuation of child’s (which is represented in the material) degrading treatment as a means of sexual stimulation. That’s why, the digital child pornography is punished more severely.

### **3.6. Greek Legislator' s and European Union' s Choices:**

To sum up, there are two essential components of determining the Internet child pornography in the Greek Penal Code: on the one hand the problematic definition of significant issues related to the crime, and on the other hand the intention of Greek legislator to control the phenomenon in a catholic way. Besides, that' s why we have one of the most severe punishment for internet child pornography –and child pornography in general- in comparison to other European countries. Of course, we should mention that nowadays we find similar response both in the choices that the European Union adopts since in the recent proposal of March 2010 for the abolition of the Framework Decision 2004 / 68 E. U.<sup>41</sup> reveals the intention to criminalize further behaviours that constitute child pornography. In particular, European Union' s intention is resulting from the unquestioned integration of possession in the list of crimes of child pornography without any specific reservation –as it used to be. What is more, it results from the criminalization of knowingly obtaining access to child pornography by means of information and communication technology in order "*to cover cases where viewing child pornography from websites without downloading or storing the images does not amount to "possession of" or "procuring" child pornography*", as it is stated in the explanatory report of the text<sup>42</sup>.

#### **Review:**

Both the national current legal status and the latest european changes show clearly that the legislator' s duty is his careful balance of interests within a society and their proper serving. Although proved the increased danger of Internet child pornography it should be clear that the "*solution*" through the criminalization must not infringe the principle of using criminal law as ultima ratio and the principle of proportionality. After all, it is interesting to wonder if the punishment of behaviours of Internet child pornography en masse with the same penalty shows probably a "*demonization*" of the phenomenon, as well as if it would be a better punishment of possession of pornographic material only when is accompanied by an intention to traffick it.

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<sup>1</sup> For a short analysis of supranational and international approaches: Akdeniz Y. (2008), p. 163 – 224 as well as Dimopoulos C. (2006), p. 45 – 146

<sup>2</sup> Ahmed K. in Spinellis D. (2004), p. 216

<sup>3</sup> Furnell S. (2002), p. 25

<sup>4</sup> Quayle E. and Taylor M. (2002), p. 20 - 21

<sup>5</sup> For the definition and the characteristics of "cybercrime", Clough J. (2010), Yar M., (2006), Williams M. (2006), Speer D. (2000), p. 259 – 273, Strossen N. (2000), p. 11 – 24, Ulrich S. (2004), p. 16, Aggelis I. (2000), p. 678, Zanni An.(2005), p. 63, Lazos G., "Computers and Crime" (2001), p. 211,

<sup>6</sup> Tiefenbrum S. (2006), p. 26

<sup>7</sup> Grabosky P. and Smith R. (1998), p. 119

<sup>8</sup> More Statistics in Kioupis D. (2007), p. 6

<sup>9</sup> Kioupis (2007), p. 26

<sup>10</sup> Supra note 10, p. 19

<sup>11</sup> For Internet Crime and Cybercrime in general, Kaiafa – Gbadi M. (2007), p. 1058, Aggelis I. (2000), p.675

<sup>12</sup> Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

<sup>13</sup> Convention on Cybercrime, Budapest, 23.XI.2001

<sup>14</sup> Council Framework 2004/68/JHA of 22 December 2003

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- <sup>15</sup> Theodoridis K. (2007), p. 673
- <sup>16</sup> Convention on Cybercrime (2001)
- <sup>17</sup> Akdeniz Y. (2003) - revised February 2007 at [http://www.cyber-rights.org/cybercrime/coe\\_handbook\\_crcl.pdf](http://www.cyber-rights.org/cybercrime/coe_handbook_crcl.pdf), <http://www.stop-childpornog.at>, accessed at 18/04/2011
- <sup>18</sup> Clough J. (2010), p. 256
- <sup>19</sup> The “*sexually explicit conduct*” (as it is referred in Convention on Cybercrime) is intended at least to encompass, whether real or simulated: sexual intercourse (including genital-genital, oral-genital, anal-genital or oral-anal) between minors, or between an adult and a minor, of the same or opposite sex; bestiality; masturbation; sadistic or masochistic abuse in a sexual content; or lascivious exhibition of the genitals or the public area of a minor. For the semantic approaches to the accurate meaning of “*lascivious act*” in greek penal law Paraskeuopoulos N. (1979) and (1984) p. 337.
- <sup>20</sup> Taylor M. (1999), p. 2 - 3
- <sup>21</sup> Symeonidou – Kastanidou E. (2003), p. 47
- <sup>22</sup> Williams M. (2007), p. 99
- <sup>23</sup> Levy Neil (2002), p. 321, Cisneros D. (2002), p. 1
- <sup>24</sup> Yar M. (2006), p. 116
- <sup>25</sup> In Cybercrime Convention a “*minor*” is defined as a person under the age of eighteen years. It is, however, accepted that in some jurisdictions the age of consent is less than eighteen years, and that those parties may adopt a lower age limit in defining child pornography, so long as it is no less than sixteen years. Although in each jurisdiction the age of consent is generally at least sixteen, all define a minor for these purposes to be a person under the age of eighteen. This leads to the potential anomaly that while young people may lawfully engage in consensual sexual activity, recording of that activity may be unlawful.
- <sup>26</sup> Taddeo M. and Vaccaro A. (2011), p. 105-112
- <sup>27</sup> Wortley R. and Smallbone S. (2006), p. 12
- <sup>28</sup> Nouskalis G. (2006), p. 908
- <sup>29</sup> Supra note 3, p. 251
- <sup>30</sup> Kahan D. (2009), p. 2211
- <sup>31</sup> Mpourmas G. (2009), p. 324
- <sup>32</sup> Supra note 22, p. 326
- <sup>33</sup> Explanatory Report of the Convention on Cybercrime ([ETS No. 185](#)), par. 94 – 98
- <sup>34</sup> Neumann U. (2011), p. 201
- <sup>35</sup> Ost S. (2009), p. 113, Taylor M. and Quayle E. (2003), p. 161
- <sup>36</sup> Ost S. (2002), p. 452
- <sup>37</sup> Akdeniz Y. (1997), p. 1
- <sup>38</sup> Kioupis D. (2008), p. 14
- <sup>39</sup> Mitchell K., Finkelhor D. and Wolak J. (2003), p. 333
- <sup>40</sup> Symeonidou – Kastanidou E. (2006), p. 251
- <sup>41</sup> Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA
- <sup>42</sup> Explanatory Report on Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA

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- 7) Convention on Cybercrime, Budapest, 23.XI.2001, online at: <http://conventions.coe.int/Treaty/EN/Treaties/html/185.htm>, accessed 18/04/2011
- 8) Council Framework 2004/68/JHA of 22 December 2003 in EE L 13/20.1.2004, online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:013:0044:0048:EN:PDF>, accessed 18/04/2011
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- 10) Explanatory Report of the Convention on Cybercrime ([ETS No. 185](#)), par. 94 – 98, online at: <http://conventions.coe.int/treaty/en/reports/html/185.htm>, accessed 18/04/2011
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