



THE KING IS NAKED, OFF WITH HIS HEAD:

The Internet should serve us all,
or else.

As currently structured the Internet facilitates the spread of ideas connecting millions around the world to unprecedented opportunity. It also offers an environment full of risks and potential for disaster.

At the top of the risk list is the alarming availability and even unwanted intrusion of Internet pornography to anyone, of any age, at any time. Children have instant access to pornographic content that years ago was reserved for back alleys.

For years the debate about pornography has been strictly a moral and philosophical question. Opponents of pornography call it evil. Supporters respond that it is their right to produce and use pornographic material. However, the Internet has forced the issue into entirely pragmatic terms. Because Internet pornography is instantly available to everyone, regardless of age, mental condition, or desire to view or not to view specific images, stakeholders including citizens, pro-family groups, pornographers, nations, and Internet governing bodies must responsibly examine the spread and effects of Internet pornography.

Acknowledging We Have a Problem

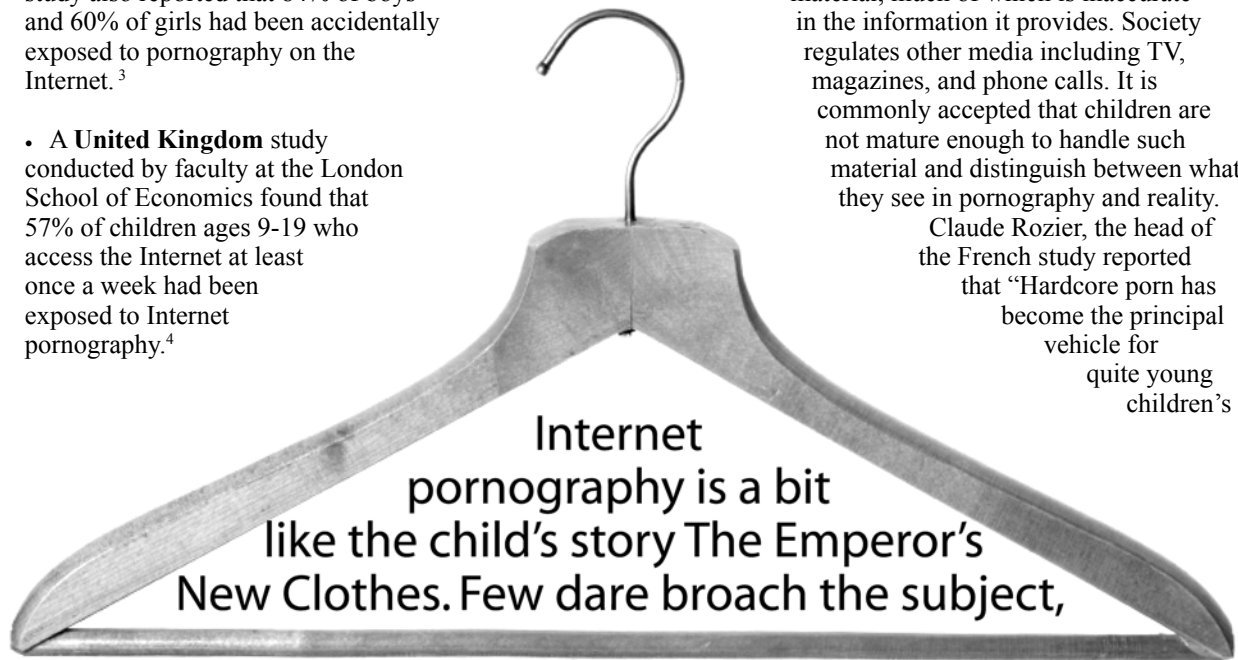
Internet pornography is a bit like the child's story *The Emperor's New Clothes*. Few dare broach the subject, call the emperor naked, and admit that children's access to Internet pornography is a large problem.

Nonetheless, the invasiveness of Internet pornography is forcing an admission. Governments and individuals can no longer ignore the obvious – the emperor is naked and is exposing himself to our children at an alarming rate. Since the year 2000, various entities including non-profit organizations, think-tanks, and governments from around the world have issued studies outlining the number of children who are being exposed to Internet pornography.

- A University of New Hampshire in the **United States** study published in the February 2007 edition of *Pediatrics* found that 42% of 10-17 year olds surveyed had been exposed to Internet pornography.¹
- A survey sponsored by the **French**-government found that nearly half of French children had seen an adult film by the time they reached 11 years old. The same study found that 89% of boys and 81% of girls ages 16 and 17 had seen at least one porn film.²
- The **Australia** Institute, a progressive think tank, found that 73% of Australian young men had watched an x-rated video. The study also reported that 84% of boys and 60% of girls had been accidentally exposed to pornography on the Internet.³
- A **United Kingdom** study conducted by faculty at the London School of Economics found that 57% of children ages 9-19 who access the Internet at least once a week had been exposed to Internet pornography.⁴

forum where children are accidentally exposed to or can search out pornographic material without fear of getting caught.

It has been suggested that children have legitimate reasons for seeking out pornographic material. “Adolescents go to these sites for many of the same reasons adults do,” stated the findings of “Youth, Pornography, and the Internet” a book published by the United States National Research Council, “Human beings are sexual. Sexuality is a part of identity and a facet of identity that is a focus during adolescence. . . .”⁷ While this is true, society has already decided that despite being sexual just like adults, children should not access sexually explicit material, much of which is inaccurate in the information it provides. Society regulates other media including TV, magazines, and phone calls. It is commonly accepted that children are not mature enough to handle such material and distinguish between what they see in pornography and reality. Claude Rozier, the head of the French study reported that “Hardcore porn has become the principal vehicle for quite young children’s



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- SAFT (Safety, Awareness, Facts and Tools) a project supported by the European Commission surveyed 4,700 9-16 year olds in **Norway, Sweden, Denmark, Iceland, and Ireland** and found that 44% of children using the Internet had accessed pornographic content by accident or on purpose.⁵
- According to a government survey, 64% of **South African** youth have been exposed to Internet pornography. 81% of those participating in the survey said they knew of friends who had pornographic images on their cell phones.⁶

understanding of everything to do with love and sexuality, sometimes their only point of reference.”⁸

Debunking the “Untouchable Internet” Myth

“The often-heard argument that the very nature of the Internet as a *global and borderless medium of communication* makes the Internet “unregulable” is not relevant where the aim is not the regulation of the Internet but the *regulation of children’s access to objectionable materials* by adopting strategies and measures that would minimize the risks of unwanted exposure (emphasis in the original).⁹

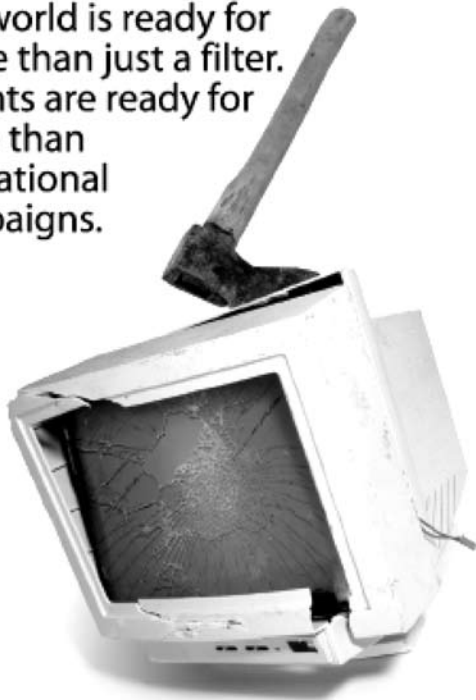
That is the thought of Iyavar Chetty, the Senior Executive for South Africa’s Film and Publications Board. There are two important paradigm shifts in this

The Internet provides unfettered access to all types of pornography, facilitating an anonymous and “safe”

statement and both must be accepted in order to crack the myth that the Internet is not and cannot be regulated to effectively protect children.

First, the notion that the Internet is beyond regulation and control has only served to exacerbate the Internet pornography problem. This argument has prevented any sort of solution for protecting children to take root, thereby leaving more children open to be exposed.

The world is ready for more than just a filter. Parents are ready for more than educational campaigns.



The second shift involves the notion of regulating not the whole Internet, but what is accessible to children. One of the policy recommendations to come out of the study done by the London School of Economics suggested “target[ing] guidance and regulation more carefully at different groups of children.”¹⁰ A report issued by the National Research Council in the United States mandated that “as a matter of law, sexually explicit material that is “obscene with respect to minors” must be made available to adults without restriction, though it can be restricted for minors”¹¹ It is critical that any solution be framed this way – children can and must be protected, while allowing adults to access, unhindered, legal material they want.

Critics also state that regulation will stifle innovation. Unfortunately, this view overlooks the fact that free access to pornography is stifling the development and lives of our children. As nations and leaders begin to learn about the inherent danger of unfettered access to all Internet content by all audiences they show a willingness to take new measures to regulate content.

Brazil

In 2006, a Brazilian court ordered Google to disclose information on users of Orkut – a social networking

site owned by Google that has several million users in Brazil. Brazilian prosecutors indicated that Orkut contained material promoting child pornography and other criminal activity, and was requesting the information to assist in criminal prosecutions. Google complied with the request in September.¹²

In January 2007 a Brazilian judge ordered YouTube (also owned by Google) to block access to a sex video of Brazilian model Daniela Cicarelli and her boyfriend, Renato Malzoni Filho. Ultimately the ruling temporarily blocked Brazilian access to YouTube.¹³

These examples do not specifically involve Internet pornography but they do represent noteworthy developments for Internet regulation. Brazil’s pursuit of Google and Orkut may serve as a precedent for other nations seeking to manage both domestically and internationally hosted content. Although the Cicarelli case involves the boyfriend’s right to privacy and not necessarily the content of the video, it does indicate a willingness to block access to specific Internet websites and content.

France

In 2000 a French court ruled in favor of Ligue contre le racisme et l’antisemitisme (LICRA) in a suit against Yahoo. LICRA contended that Yahoo facilitated the sale of Nazi memorabilia which is illegal under French law. Yahoo! Inc. was ordered to make every effort to prevent French citizens from accessing auctions of Nazi material. Yahoo maintained that this was impossible and appealed the decision before the United States District Court in California, which found that the French court decision was inconsistent with the U.S. First Amendment. LICRA appealed that decision to the United States Court of Appeals, which reversed the ruling, finding that transactions conducted in France were a part of Yahoo as an international business and Yahoo was therefore subject to French law.¹⁴

This case continues to feed a firestorm of controversy and questions concerning international Internet law. However, like the Brazil case, it shows a movement toward allowing nations the ability to regulate what content is available in their country.

What Does this Mean?

These do not represent total victories in terms of lasting regulation of Internet content. They are, however, strong precedents demonstrating the desire and ability of nations to control what content is viewable within their borders. These cases, among others, forcefully assert the notion that the Internet is touchable and that despite its international reach it can be regulated.

Some point to these and other examples as aberrations. They are seen as outside the mainstream of developing Internet policies. They are not. These examples represent a growing international revolution of nations and citizens demanding that the Internet serve them, rather than the other way around.

Proactive Solution Search

Nations, working individually and collectively, have shown an increasing willingness to initiate proactive measures to protect Internet consumers, specifically children, from unwanted and harmful content. Here we briefly examine two examples.

Australia

Australia is the global leader in protecting children from Internet pornography. In January of 2000 illegal and offensive Internet pornography became subject to a regulatory scheme that is administered by the Australian Communication and Media Authority (ACMA). The ACMA coordinates the scheme in cooperation with government, industry, and community stakeholders. Additionally, ISPs must supply consumers with approved filtering software, and may offer ISP-level filtering. The ISP can decide if the cost will be passed to the consumer.

In March 2006, Kim Beazley, then Leader of the Labor Party and Leader of the Opposition in the House of Representatives, said that a Labor led government would require ISPs to employ filters and offer pornography free Internet to all Internet access points used by children.¹⁵ This started a heated public debate about the merits of ISP-level filtering. Opponents of mandatory ISP-filtering say that it would cost too much and slow down the Internet. As a counter option in June 2006 Senator Helen Coonan, Minister of Communication and Information Technology, announced a \$116 million government initiative to provide every Australian family with a free Internet filter.¹⁶ That represents a significant investment and decision on the part of the government to protect children.

European Union

In the summer of 2006 the European Commission issued a call “under the multiannual Community Programme on promoting safer use of the Internet and new online technologies” The call contained four specific categories including “Tackling Unwanted and Harmful Content” as well as “Promoting a Safer Environment.” User empowerment was specifically cited, asking for technologies and ideas that will allow users to better control the content they receive. The call also sought solutions that would utilize existing technology.

The call is part of a larger Safer Internet plus program launched in 2005 after the successful, but incomplete work of Safer Internet program, which ran from 1999-2004. The new program has four stated goals: fighting illegal content, raising awareness of safer Internet practices, limiting the amount of unwanted and harmful content that users receive, and promoting a safer environment, specifically for children.

The deadline for the call was in September 2006, and the results have not yet been released. Proposals that are selected are eligible to receive funding from the European Union to assist in implementation. In

2005 59 proposals were received, requesting €20.13 million in contribution from the European Commission. Contracts are to be signed with 33 of these projects, amounting to over €10.8 million. These projects include several hotline reporting mechanisms and awareness campaigns.¹⁷

The European Commission has issued similar calls each year since 1999. These calls demonstrate a consistent and very persistent effort by soliciting the ideas and help of the general public, to create a safer Internet.

What are we looking for?

These examples represent significant investments in terms of time and money to formulate a better solution than those that are currently on the table. They also indicate an ongoing search for a more effective and efficient solution for protecting children from Internet pornography.

The world is ready for more than just a filter. Parents are ready for more than educational campaigns. These are helpful tools – but not complete solutions. A complete solution would involve limiting or blocking access to harmful content by minors while allowing adults to use the Internet as they see fit. This is a decision that should be made by the parents, not strong-armed censorship by any government.

Currently, parents and schools who allow access to the Internet must accept pornography as part of their environment. This is unprecedented in other forms of media as well as other child safety issues like drugs and guns.

Conclusions: Protecting Our Children

Ours is a world awash in problems, enough so that parents and children should not need to defend themselves within the walls of their own home. The



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home, of any place on earth, should be the one place where we can decide for ourselves what is acceptable and accessible.

Many Internet safety plans and initiatives point to parents as the single most important entity to helping children have safe experience online. This is true.

However, pornographers also have a responsibility in the distribution of a product that is now known to have significant medical and social impacts. Governments are obligated to provide parents with effective policies and the best available tools and options for protecting their families. It is in society's best interest if children are not assailed with brain-numbing, life-altering material at home.

This essay attempted to demonstrate not only that the world is *ready* for a solution, but that the world *needs* an effective solution to protect our children from Internet pornography. The availability of pornography is cause for concern, especially when one considers the potential for addiction and subsequent social impacts. The Internet, despite its global reach, is not and should not be untouchable to regulation in order to protect children. Nations have already shown a propensity to address the problem.

Hopefully some questions have been answered but more importantly some have been raised. Most societies are concerned with protecting their children from other habit and addiction forming substances like drugs and alcohol. Many nations regulate what types of programming can be shown on television at certain hours to protect children from undesirable material. Pornographic establishments do not permit minors to enter.

These truths beg several questions: Why is distribution over the Internet a law unto itself? Why do real world rules and laws not apply to the Internet? Why are parents and children forced to expose themselves to pornography while using the greatest research tool in human history? To answer these and similar questions lies in remembering that technology was created to serve mankind. We control computers, networks, content, publishing, distribution and reception. We can, indeed we must, structure these powerful tools to protect our children.

The evolution of the Internet will involve representatives from citizens, governments, Internet-governing bodies, and the technology and pornography industries. Each must responsibly examine the evidence and commit to protect the world's children.

Each must also take accountability for its stake in the problem; if they will not willingly contribute to a successful outcome, then appropriate measures must be taken. Only then can we have an effective solution.

Footnotes

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