

The effects of fantasy outlets on sexual offending against children

Executive summary

Prostasia Foundation will be developing a detailed research proposal on the topic of whether fantasy outlets such as fiction, art, and role play are correlated with offending against children, if so whether this correlation is positive or negative, and in either case whether any causal relationship can be established. In simple terms, this question can be expressed as follows: do fantasy outlets increase overall levels of child sexual abuse by stimulating unhealthy attitudes towards offending within the general population, or do they have a preventative effect by acting as a safe outlet for those who already have sexual feelings towards minors? Laws and policies that are being promoted to ban such fantasy outlets rely on the former assumption being correct, but there is scant evidence to back this up.

Objectives

Censorship has long been the preferred policy tool for addressing child sexual exploitation online. Prostasia Foundation strongly supports the censorship of content that is defined as child pornography under United States law, which depicts real children undergoing sexual abuse. Such depictions are a record of a crime being committed against those children, and the ongoing availability of such depictions revictimizes those children.

However, pressure is building for the internationally accepted definition of child pornography (or child sexual abuse/exploitation material) to be expanded to include artistic and creative works, the production of which does not cause direct harm to children. For example, in February 2019 the United Nations Committee on the Rights of the Child released a draft set of Guidelines for the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which would criminalize the possession of sexual depictions of minors in the forms of:

drawings and cartoons; audio representations; any digital media representation; live performances; written materials in print or online; and physical objects such as sculptures, toys, or ornaments.

In Prostasia Foundation's submission in response to the Committee, we pointed out that existing research suggests that sexual representations of non-existing children are not associated with greater social acceptability of sexual interaction with children (Paul & Linz, 2008), and may actually decrease rates of actual sexual offending against children (Diamond, Jozifkova, & Weiss, 2011). Furthermore there were significant concerns, expressed by over 17,000 signatories to a petition that we circulated, that expanding the definition of child pornography would place a shadow of doubt over the legality of much legitimate art and fiction.

By clarifying the effects of such a ban on rates of sexual offending against minors, this project will provide policymakers with a more robust evidence based to justify the measures that they seek to impose. Alternatively if the research should demonstrate that bans on "virtual child pornography" are not empirically justified, it will enable a better informed public debate around whether the censorship of such depictions are still necessary derogations from the right to freedom of expression under international law, due to broader moral considerations.

Activities and outputs

This concept note is for the funding of a pilot phase of the project which will include the development of a full research proposal for the investigation of the question, does "virtual child pornography" increase sexual abuse of real minors, does it decrease it, or does it make no difference?

The funding sought for this pilot phase will cover the time investment for the literature review, methodology development, collaborator agreements, and external peer-review. The expected outcome from this agreement is a formal, written, completed, peer-reviewed, professional quality scientific research proposal.

The reason why we are dividing the research into a pilot phase and a subsequent full research project is that due to the novelty of this research, there is no way to ascertain the costs involved in the full research project without expending significant professional time and resources. This pilot phase will fully fund that preparatory work.

Justification

The depiction of minors in a sexual context has a long history in both “high” and “low” art, from works of literature such as *Lolita*, through to “barely legal” pornography—and it has always been controversial, as it is widely regarded as morally wrong. This research will not address the moral questions about whether such depictions should be allowed in society, which lie beyond the realm of scientific investigation.

However, decisions to ban or restrict such depictions are often justified by reference to arguments that assume that they are not merely immoral, but are also harmful to children. For example, ECPAT (2012, pp. 19–20) has asserted of “virtual child pornography” images that “even if a real child was not harmed in the process of creating the virtual image, these images are important contributors to a broader child pornography market that harms thousands of children every year,” while immediately going on to acknowledge that “despite the intuitive plausibility of this claim, there is no hard evidence establishing such a link.”

And in the preamble to a (lapsed) United States law to criminalize the possession of sex dolls that resemble minors, the Curbing Realistic Exploitative Electronic Pedophilic Robots (CREEPER) Act of 2017, the Congress recited that “dolls and robots are intrinsically related to abuse of minors, and they cause the exploitation, objectification, abuse, and rape of minors”—despite, once again, there being absolutely no evidence to establish this claim.

Internet companies, also, have justified their bans on suggestive cartoon images depicting minors not just on the basis of moral concerns, but on the assumption that a link exists between such images and actual child sex offending. For example Reddit’s terms and conditions, which were updated in February 2019, assert that “fantasy content (e.g. stories, “loli”/anime cartoons)... encourages or promotes pedophilia [and] child sexual exploitation.”

Although these claims may be being made merely for rhetorical effect, on their face they are making a claim that can be empirically tested. On the face of the evidence that we have, that claim is overstated, and it may turn out to be entirely false. If so, the best case is that such misleading claims may cause policymakers to ban or restrict such depictions without achieving the desired effect of reducing child sexual abuse. In the worst case, such bans and restrictions may actually *increase* child sexual abuse.

If our society’s moral objection to the sexual depiction of minors is sufficiently strong that the actual harms of such depictions are irrelevant, then a case for banning or restricting

such content should be made on that basis. But when such bans are justified on the basis of claims about the effects of these depictions, it is appropriate for such claims to be scientifically investigated so that they can be affirmed or invalidated. It is towards this narrow question that this research project is directed.

About Prostasia Foundation

Prostasia Foundation is the first and only child protection organization that focuses on working with stigmatized groups as allies in our mission of child sexual abuse prevention. Many of the laws and policies designed for child protection infringe the rights of others such as sex workers, LGBTQ+ people, people seeking help to avoid offending or reoffending, and even children themselves... but most other child protection groups tend not to be very mindful of such impacts. Even many other nonprofits and companies are also hesitant to speak out about flaws in proposed child protection measures, because of the stigma around child sexual abuse and its prevention. We are unique in taking a human rights focused and sex-positive approach. We prioritize the prevention of child sexual abuse through research, public outreach, and advocacy, and we do this in cooperation with Internet platforms, and with minorities whom other groups exclude and stigmatize.

Our mission is to ensure that the elimination of child sexual abuse (CSA) is achieved consistently with the highest values of the society that we would like our children to grow up in. We do this in four ways:

1. **Helping to fund sound scientific research on CSA prevention.** There is a gaping hole in current research about whether fictional outlets, dolls, or robots could help reduce CSA by providing a victimless outlet for the sexual interests of those who might otherwise offend against real children—or whether these would only such compound the problem. Although this gap was acknowledged at the Moore Center Symposium on Child Sexual Abuse prevention held in April 2019, we remain the only group promoting and seeking to raise funds for such research, and opposing new state and federal laws that would impede this vital research.
2. **Engaging with diverse stakeholders whose voices are not normally heard.** In May and June 2019 we held a Multi-Stakeholder Dialogue on Internet Platforms, Sexual Content, & Child Protection that brought together Internet platform and stakeholder representatives in a private expert-led seminar and open discussion about best practices to protect children without infringing the human rights of children or others. By facilitating a dialogue with experts and stakeholders who are

normally excluded from the development of child protection policies by Internet platforms, industry participants learned how to make these policies more evidence-informed, and more compliant with human rights standards. The result will be improved accuracy in the moderation of sexual content: removing more material that is harmful to children and has no protected expressive value, and less material such as lawful, accurate information on child sexual abuse prevention.

3. **Addressing the human rights impacts of child protection laws and policies.**

Prostasia Foundation was formed in April 2018 one week after FOSTA was signed into law. In February 2019, we filed an amicus curiae brief in the pending federal litigation to have the law FOSTA declared unconstitutional. As our brief points out, FOSTA has failed in protecting children and has in fact done the opposite: resulting in the censorship of legitimate information about sex, including sex education information, and online communities involved in child sexual abuse prevention. We are the only child protection organization that has actively exposed the human rights impacts of this law.

4. **Communicating the results of our research and engagement to policymakers, platforms, and the public.** We have met with major Internet companies to discuss our concerns, both one-on-one and at major industry events. We have also engaged in advocacy with lawmakers including all 100 U.S. Senators. Our engagement with professionals and the general public includes our blog (to which we have posted 20 articles in the past year), and our monthly podcast/vodcast series, featuring half-hour interviews with experts in sexuality and child sexual abuse prevention.

Personnel

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Budget

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References

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